Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

James E. Hartl AICP
Director of Planning

February 22, 2006

Honorable Board of Supervisors
County of Los Angeles
Kenneth Hahn Hall of Administration, Room 383
500 West Temple Street
Los Angeles, California 90012

PROJECT NO. 03-147-(5)
ZONE CHANGE CASE NO. 03-147-(5)
CONDITIONAL USE PERMIT CASE NO. 03-147-(5)
PETITIONER: J. FOLEY ENTERPRISES AND
THE WALLIS M. CLEARMAN TRUST
EAST PASADENA ZONED DISTRICT
FIFTH SUPERVISORIAL DISTRICT (3-VOTE)

Dear Supervisors:

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING:

1. Consider the Environmental Impact Report for Zone Change No. 03-147-(5) and Conditional Use Permit No. 03-147-(5) together with any comments received during the public review process, and find that on the basis of the whole record before the Board that, except for construction noise and operational noise, there is no substantial evidence the project will have a significant effect on the environment, and find that the substantial benefits resulting from implementation of the project outweigh its unavoidable adverse effects on construction and operational noise levels, and find that the Environmental Impact Report reflects the independent judgment and analysis of the Board, and adopt the Environmental Impact Report and a Statement of Overriding Conditions for construction noise and operational noise.

2. Instruct County Counsel to prepare the ordinance map reflecting the change of zones within the East Pasadena Zoned District as recommended by the Regional Planning Commission (Zone Change No. 03-147-(5)).

3. Instruct County Counsel to prepare the necessary findings to affirm the Regional Planning Commission's approval of Conditional Use Permit No. 03-147-(5).

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Update the zoning on the subject property located on the west side of Rosemead Boulevard between Huntington Drive and Fairview Avenue, Pasadena, to allow the property owner to develop the property with a commercial development program, and to establish development standards that ensure future development on the subject property will be compatible with the goals and policies of the General Plan and surrounding uses.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

This zone change and conditional use permit promotes the County's Strategic Plan goal of Service Excellence. The project components (zone change, conditional use permit) were carefully researched and analyzed to ensure that quality information regarding the subject property is available.

This zone change and conditional use permit also promotes the County's vision for improving the quality of life in Los Angeles County. The approval of this zone change and conditional use permit will allow the development of a department store and restaurant facilities and continued use of an existing restaurant providing said sales and services for residents and businesses.

FISCAL IMPACT/FINANCING

Adoption and implementation of the proposed zone change should not result in any new significant costs to the County or to the Department of Regional Planning; no request for financing is being made.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Regional Planning Commission conducted concurrent public hearings on Zone Change No. 03-147-(5) and Conditional Use Permit No. 03-147-(5) on January 19, 2005, March 9, 2005, July 20, 2005, and September 28, 2005. The zoning requests before the Commission were: 1) a change in zoning from C-1 (Restricted Business), C-2 (Neighborhood Business), C-H-DP (Commercial Highway-Development Program) and R-3 (Limited Multiple Residence) zones to C-2-DP (Neighborhood Business-Development Program) zone, and 2) a conditional use permit to authorize a new development program for the entire 8.13-acre site including a department store, existing restaurant with the existing sales of a full line of alcoholic beverages, and a new restaurant with the sales of a full line of alcoholic beverages for on-site consumption in the proposed C-2-DP zone. The Regional Planning Commission voted (4-0) to recommend adoption of the requested zone change and approve the conditional use permit at its February 8, 2006 meeting.

Pursuant to Subsection B.2 of Section 22.60.230 of the County Code, the conditional use permit is deemed to be called for review by your Board and shall be considered concurrently with the recommended zone change. A public hearing is required pursuant to Section 22.16.200 of the County Code and Sections 65335 and 65856 of the Government Code. Notice of the hearing must be given pursuant to the procedures set forth in Section 22.60.174 of the County Code. These procedures exceed the minimum standards of Government Code Sections 6061, 65090, 65355 and 65856 relating to notice of public hearing.

ENVIRONMENTAL DOCUMENTATION

The proposed zone change and conditional use permit, except for construction noise and operational noise, will not have a significant effect on the environment. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (CEQA) and the environmental guidelines and reporting procedures of the County of Los Angeles.

The proposed zone change and conditional use permit will have a significant effect on the environment. The Initial Study prepared for the project identified potential impacts in the following six (6) areas: air quality, solid waste, traffic, environmental safety, construction noise, and operational noise. An Environmental Impact Report (EIR) was prepared for the project in accordance with the California Environmental Quality Act (Code Section 21000). The EIR concludes that, except for construction noise and operational noise impacts, all of the potentially significant environmental impacts can be mitigated to a less than significant level through implementation of the mitigation measures identified in the EIR. The approval of this project requires adoption of a Statement of Overriding Considerations, including a finding that the benefits of the project outweigh the potential unavoidable adverse impacts from construction noise and operational noise.

IMPACT ON CURRENT SERVICES OR (OR PROJECTS)

Action on the zone change is not anticipated to have a negative impact on current services.

Respectfully Submitted,

DEPARTMENT OF REGIONAL PLANNING
James E. Hartl, AICP, Director of Planning

Frank Meneses, Administrator
Current Planning Division

FM:SD:KKS

Attachments: Commission Resolution, Draft Zone Change Ordinance Map, Zone Change Final Letter to Applicant, Findings & Conditions, Staff Report & Attachments, Factual

C: Chief Administrative Officer
County Counsel
Assessor
Director, Department of Public Works
Courtesy List

RESOLUTION OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
RELATING TO ZONE CHANGE CASE NO. 03-147-(5)

WHEREAS, the Regional Planning Commission of the County of Los Angeles has conducted a public hearing in the matter of Zone Change Case No. 03-147-(5) on January 19, 2005, March 9, 2005, July 20, 2005, and September 28, 2005; and

WHEREAS, the Regional Planning Commission finds as follows:

1. The applicant is requesting a change of zone from C-1 (Restricted Business), C-2 (Neighborhood Business), C-H-DP (Commercial Highway-Development Program) and R-3 (Limited Multiple Residence) to C-2-DP (Neighborhood Business-Development Program) on an 8.13-acre site.

2. The subject property consists of 8.13 acres located on Rosemead Boulevard between Huntington Drive and Fairview Avenue, in an unincorporated area of Los Angeles County near the cities of San Gabriel and Arcadia, in the East Pasadena and South Santa Anita – Temple City Zoned Districts.

3. The zone change request was heard concurrently with Conditional Use Permit Case No. 03-147-(5) at January 19, 2005, March 9, 2005, July 20, 2005, and September 28, 2005 public hearings.

4. Conditional Use Permit Case No. 03-147-(5) is a related request to authorize a new development program for the entire 8.13-acre site including a department store, existing restaurant with the existing sales of a full line of alcoholic beverages, and a new restaurant with the sales of a full line of alcoholic beverages for on-site consumption in the proposed C-2-DP zone.

5. The applicant's site plan, marked Exhibit "A", depicts the proposed one-story (30 feet in height) Kohl's department store (88,407 square feet) located on the northern portion of the site, west and north of the existing Northwood's Inn restaurant (14,060 square feet). The proposed relocated and expanded Galley restaurant (8,500 square feet), similar in design to the former restaurant, is depicted south of and adjacent to the existing fire station. The site plan shows a total building floor area of 110,967 square feet. The remainder of the site is depicted as parking (502 spaces) and landscaping (10% of site).

6. The C-2-DP zone will assure that development occurring after rezoning will conform to the approved plans and will ensure compatibility with the surrounding area. As applied in this case, the conditional use permit will restrict the development of the re-zoned site to one existing and one proposed restaurant, a new department store, parking, and landscaping. No other development is permitted on the property unless a new conditional use permit is obtained.

7. The subject properties are currently zoned C-1 (Restricted Business), C-2 (Neighborhood Business), C-H-DP (Commercial Highway-Development Program) and R-3 (Limited Multiple Residence). The proposed department store is inconsistent with the current zoning of the subject property. A need exists for the proposed Zone Change from C-1, C-2, C-H-DP and R-3 to C-2-DP to allow the property owner to establish a comprehensive neighborhood and community serving development program for the site as the existing development has been in decline and existing zoning would restrict new development opportunities.

8. Surrounding properties are zoned as follows:

   North: C-2 (Neighborhood Business), R-1-20,000 (Single-Family Residence, 20,000 square foot minimum lot size), R-1-40,000 (Single-Family Residence, 40,000 square foot minimum lot size), R-3 (Limited Multiple Residence)

   South: R-3 (Limited Multiple Residence), R-2 (Two-Family Residence)

   East: C-2 (Neighborhood Business), C-1 (Restricted Business), CPD (Commercial Planned Development), R-3-25U (Limited Multiple Residence, 25 units per acre maximum), R-1 (Single-Family Residence), R-3 (Limited Multiple Residence)

   West: R-3 (Limited Multiple Residence), R-1 (Single Family Residence), R-A (Residential Agriculture)

9. Surrounding properties contain the following uses:

   North: Medical offices, commercial uses, single-family residences

   South: Single and multi-family residences

   East: Commercial uses, office building, single and multi-family residences

   West: Single and multi-family residences

10. The subject property is a proper location for the proposed C-2-DP zoning classification and placement of the proposed zone at such location will be in the interest of public health, safety and general welfare, and in conformity with good zoning practice because the proposed development is compatible with the surrounding zoning and land uses. The project is surrounded by commercial and residential uses and is located at the junction of two major thoroughfares. The site is appropriate for neighborhood and community serving commercial uses.

11. The proposed Zone Change to C-2-DP is consistent with the goals and objectives of the Countywide General Plan.

12. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (CEQA) and the environmental guidelines and reporting procedures of the County of Los Angeles. The Initial Study showed that there is substantial evidence that the project may have a significant effect on the environment. Based on the Initial Study, the Department of Regional Planning has prepared an Environmental Impact Report for this project.

13. The Environmental Impact Report (EIR) prepared for this project concluded that, except for construction noise and operational noise, no significant environmental effects which cannot be avoided or mitigated have been identified. The following potentially significant environmental impacts can be mitigated to a less than significant level through implementation of the mitigation measures identified in the EIR:

AIR QUALITY	SOLID WASTE
TRAFFIC	ENVIRONMENTAL SAFETY

14. The Mitigation Monitoring Plan contained in the Final Environmental Impact Report identifies in detail the manner in which the measures adopted to mitigate or avoid potential adverse impacts to the environment is ensured.

15. The Environmental Impact Report concludes that potential construction and operational noise impacts cannot be reduced to levels of insignificance through the implementation of mitigation measures. The EIR concludes that short-term construction noise and operational noise would exceed established County of Los Angeles Noise Ordinance thresholds of significance. Impacts on construction and operational noise resulting from the proposed project are considered unavoidable. The operational ambient noise level remains four decibels above the threshold of significance. Said impacts cannot be reduced to acceptable levels through implementation of the mitigation measures identified in the Environmental Impact Report.

16. The Commission finds that the substantial benefits resulting from implementation of the project outweigh its unavoidable adverse effects on noise levels.

17. After consideration of the attached Environmental Impact Report and Statement of Overriding Considerations for construction noise and operational noise, together with any comments received during the public review process, the Commission finds on the basis of the whole record before the Commission that there is no substantial evidence the proposed change of zone will have a significant effect on the environment, finds that the Environmental Impact Report and Statement of Overriding Considerations reflects the independent judgment and analysis of the Commission, and adopts the Environmental Impact Report and Statement of Overriding Considerations for construction noise and operational noise.

NOW THEREFORE BE IT RESOLVED, That the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles as follows:

1. That the Board of Supervisors hold a public hearing to consider the recommended change of zone from C-1 (Restricted Business), C-2 (Neighborhood Business), C-H-DP (Commercial Highway-Development Program) and R-3 (Limited Multiple Residence) to C-2-DP (Neighborhood Business-Development Program) with development restrictions as provided in the related Conditional Use Permit Case No. 03-147-(5) on the subject property;

2. That the Board of Supervisors certify that the Final Environmental Impact Report has been completed in compliance with the California Environmental Quality Act and the State and County guidelines related thereto and reflects the independent judgment of the Board of Supervisors, and determine that Zone Change and Conditional Use Permit Case No. 03-147-(5) will not have a significant impact upon the environment;

3. That the Board of Supervisors review and consider the information contained in the Final Environmental Impact Report prior to approving the conditional use permit and proposed zone change;

4. That the Board of Supervisors find that the recommended zoning is consistent with the Countywide General Plan;

5. That the Board of Supervisors find that the significant adverse effects of the project, as described in the Final Environmental Impact Report, have either been reduced to an acceptable level or are outweighed by specific social, economic, legal, technological or other considerations of the project as stated in the attached Findings of Fact and Statement of Overriding Considerations for the project, which findings and statement are incorporated herein by reference;

6. That the Board of Supervisors find that the public convenience, the general welfare and good zoning practice justify the recommended change of zone;

7. That the Board of Supervisors approve and adopt the Mitigation Monitoring Program for the project, incorporated in the Final EIR, and pursuant to Section 21081.6 of the Public Resources Code, find that the Mitigation Monitoring Program is adequately designed to ensure compliance with the mitigation measures during project implementation; and

8. That the Board of Supervisors adopt the recommended Zone Change Case No. 03-147-(5) changing the zoning classification on the property as depicted on the attached Exhibit and described herein above.

I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission in the County of Los Angeles on February 8, 2006.

Rosie O. Ruiz, Secretary
County of Los Angeles
Regional Planning Commission

CHANGE OF PRECISE PLAN

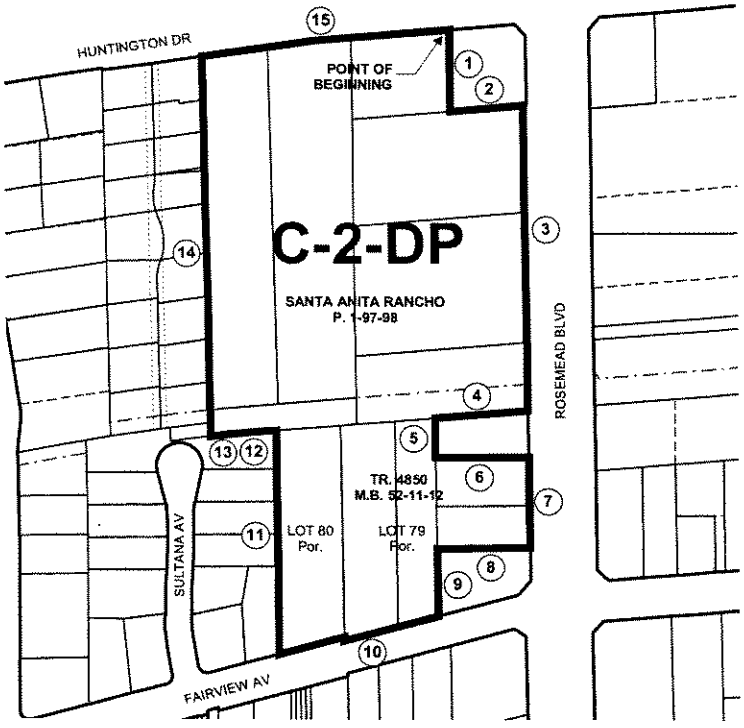
EAST SAN GABRIEL ZONED DISTRICT

ADOPTED BY ORDINANCE:_____

ON:_____

ZONING CASE: ZC 03-147-(5)

AMENDING SECTION: 22.16.230 OF THE COUNTY CODE



LEGAL DESCRIPTION:

POR. OF RANCHO SANTA ANITA AS RECORDED IN BOOK 1, PAGES 97 AND 98 OF PATENTS, AND THOSE POR. OF LOTS 79 AND 80 OF TRACT 4850 AS RECORDED IN BOOK 52, PAGES 12 AND 13 OF MAPS RECORDED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

N

0 75 150 FEET

COUNTY ZONING MAP
159H265
156H265

LEGEND:

- PARCELS
- STREET / RIGHT OF WAY
- SUBDIVISION LINE
- LOT LINE
- CUT/DEED LINE
- EASEMENT LINE
- ZONE CHANGE AREA

(1) BEGINNING AT A POINT ON THE S'LY LINE OF HUNTINGTON DR, DISTANT THEREON S.85-33-00W. 130 FEET FROM THE WEST LINE OF ROSEMEAD BLVD, AS SHOWN ON MAP OF TRACT 3707, AS RECORDED IN M.B. 40-51; THENCE, S.00-13-20E. PARALLEL WITH SAID WEST LINE OF ROSEMEAD BLVD, 125 FEET

(2) THENCE, N.85-33-00E. 109.95 FEET TO A POINT 20 FEET W'LY, MEASURED AT RIGHT ANGLES, FROM SAID W'LY LINE OF ROSEMEAD BLVD

(3) THENCE S.00-13-20E. ALONG A LINE PARALLEL WITH SAID W'LY LINE OF ROSEMEAD BLVD, 468.57 FEET TO A POINT ON THE N'LY LINE OF SAID LOT 79

(4) THENCE S.85-38-10W. ALONG SAID N'LY LINE, 139.95 FEET

(5) THENCE, S.00-13-20E. 61.10 FEET

(6) THENCE, S.88-21-43E. 139.95 FEET TO A POINT 20 FEET W'LY, MEASURED AT RIGHT ANGLES FROM SAID W'LY LINE OF ROSEMEAD BLVD

(7) THENCE, S.00-13-20E. ALONG A LINE PARALLEL WITH SAID W'LY LINE OF ROSEMEAD BLVD, 140.24 FEET

(8) THENCE, S.88-21-43W. 138.99 FEET

(9) THENCE, S.00-13-20E. 100 FEET TO THE N'LY LINE OF FAIRVIEW AVE

(10) THENCE, S.75-13-10W. ALONG SAID N'LY LINE OF FAIRVIEW AVE, 244.64 FEET TO THE W'LY LINE OF THE EAST 96.69 FEET OF SAID LOT 80, SAID DISTANCE OF 96.69 FEET MEASURED ALONG OR PARALLEL WITH THE N'LY LINE OF SAID LOT 80

(11) THENCE, N.00-13-20W. ALONG SAID W'LY LINE OF THE EAST 96.69 FEET, 349.11 FEET TO THE S'LY LINE OF PARCEL 2(b) AS DESCRIBED IN THAT CERTAIN DEED RECORDED IN BOOK D-2417, PAGE 544, RECORDS OF SAID COUNTY

(12) THENCE, S.85-38-10W. ALONG SAID S'LY LINE, 19.98 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE S'LY AND HAVING A RADIUS OF 2844.93 FEET

(13) THENCE, W'LY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 01-33-46 AND AN ARC LENGTH OF 77.60 FEET TO THE E'LY LINE OF THAT CERTAIN DEED RECORDED AS INSTRUMENT NO. 3227, RECORDS OF SAID COUNTY, SAID E'LY LINE ALSO BEING THE S'LY PROLONGATION OF THE W'LY LINE OF THAT CERTAIN DEED RECORDED AS INSTRUMENT NO. 03-0306779, RECORDS OF SAID COUNTY

(14) THENCE, N.00-45-00W. ALONG SAID W'LY LINE OF INSTRUMENT NO. 03-0306779, A DISTANCE OF 583.28 FEET TO SAID S'LY LINE OF HUNTINGTON DR

(15) THENCE, ALONG SAID S'LY LINE OF HUNTINGTON DR, THE FOLLOWING COURSES: N.82-05-50E. 170 FEET; N.85-33-00E. 200.76 FEET TO THE POINT OF BEGINNING

DIGITAL DESCRIPTION: \ZCO\ZD_EAST_SAN_GABRIEL\

THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PAT MODUGNO, CHAIR
JAMES E. HARTL, PLANNING DIRECTOR

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

James E. Hartl AICP
Director of Planning

February 22, 2006

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

J. Foley Enterprises and
Wallis M. Clearman Trust
20 E. Foothill Boulevard, Suite 200
Arcadia, CA 91006-2335

RE: ZONE CHANGE AND CONDITIONAL USE PERMIT CASE NO. 03-147-(5)
A request for a change in zoning from C-1 (Restricted Business), C-2 (Neighborhood Business), C-H-DP (Commercial Highway, Development Program) and R-3 (Limited Multiple Residence) to the C-2-DP (Neighborhood Business-Development Program) zone, and a conditional use permit to authorize a new development program for an 8.13-acre site including a department store, existing restaurant with the sales of a full line of alcoholic beverages, and a new restaurant with the sales of a full line of alcoholic beverages for on-site consumption in the proposed C-2-DP zone.

Dear Applicant:

PLEASE NOTE: This document contains the Regional Planning Commission's findings and conditions relating to **APPROVAL** of the above referenced Conditional Use Permit as well as their recommendation for **ADOPTION** to the Board of Supervisors of the related Zone Change.

Your attention is called to condition number 3 of the Conditional Use Permit which states that this grant shall not become effective until the Board of Supervisors has adopted the zone change submitted concurrently with this application.

Pursuant to Section 22.60.230, subsection B.2, when the Regional Planning Commission makes a recommendation on a legislative action concurrently with approval of a nonlegislative land use application, the Board of Supervisors shall call the nonlegislative application up for concurrent review. Please be advised that this may result in modification of the findings and/or conditions attached hereto.

Payment of fees required by the conditions of approval will not be accepted until the Board of Supervisors has approved the zone change.

Zone Change and Conditional Use Permit Case No. 03-147-(5)

Very truly yours,

Department of Regional Planning
James E. Hartl, AICP
Director of Planning

Samuel Dea, Acting Section Head
Zoning Permits I Section

SD:KKS

Enclosures: Findings and Conditions

c: Board of Supervisors; Department of Public Works (Building and Safety); Department of Public Works (Subdivision Mapping); Fire Department (Planning Division); Zoning Enforcement

PROJECT NO. 03-147-(5)
ZONE CHANGE NO. 03-147-(5)
CONDITIONAL USE PERMIT NO. 03-147-(5)
FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES

REGIONAL PLANNING COMMISSION HEARING DATES: January 19, 2005, March 9, 2005, July 20, 2005, and September 28, 2005

SYNOPSIS: The applicants, J. Foley Enterprises, Inc. & Wallis M. Clearman Trust, are requesting a Zone Change to authorize a change in the zoning of the 8.13-acre subject property from C-1 (Restricted Business), C-2 (Neighborhood Business), C-H-DP (Commercial Highway, Development Program) and R-3 (Limited Multiple Residence) to C-2-DP (Neighborhood Business-Development Program); a Conditional Use Permit to authorize establishment of a one-story department store currently planned as a Kohl's; relocation and expansion of the existing Galley restaurant, similar in design to the former restaurant; the sale of a full line of alcoholic beverages for on-site consumption in the expanded restaurant; and continued operation and maintenance of the Northwoods Inn restaurant with the onsite sales of a full line of alcoholic beverages.

Existing uses on the site, with the exception of the Northwoods Inn restaurant and Galley Boat portion of the Galley restaurant, will be demolished. Total floor area proposed for the site will be 110,967 square feet.

Public improvements pertaining to the project include creating a four-way signal at Fairview Avenue and Rosemead Boulevard, double left turn lanes on North and South Rosemead Boulevard at Huntington Drive, and other traffic flow improving measures. The applicant is offering a commitment of $300,000 to a proposed community improvement fund, to help finance community improvements in proximity to the project. The applicant is offering up to $150,000 of conditional funds for traffic calming measures, should they be necessary in the future, to specific neighborhoods in proximity to the project site. The funds established by these offerings are to be administered by the County.

PROCEEDINGS BEFORE THE COMMISSION:

January 19, 2005 Public Hearing

A duly noticed public hearing was held on January 19, 2005 before the Regional Planning Commission. Commissioners Bellamy, Rew, Helsley, Valadez and Modugno were present. Three persons testified representing the applicant and 18 persons testified expressing concerns regarding the project.

The Commission expressed concerns about issues raised by the community including general plan consistency, traffic impacts, incompatibility with the community, elimination of existing shops, excessive noise, hours of operation, insufficient parking, excessive height of the two-story design, questioning the need for the project, and the unresolved jurisdictional transfer of Rosemead Boulevard from the State to the County.

The Commission unanimously voted to continue the public hearing to March 9, 2005 with the stipulation that the applicant and staff would be adequately prepared to address the issues discussed. In the event that the March 9, 2005 date would be continued, no further notification would be made.

March 9, 2005 Public Hearing
At the March 9, 2005 meeting of the Regional Planning Commission, the public hearing was continued to July 20, 2005. The applicant required additional time to address the issues previously discussed.

July 20, 2005 Public Hearing
At the July 20, 2005 public hearing Commissioners Rew, Helsley, and Modugno were present. Commissioners Bellamy and Valadez were absent. Eleven persons testified in favor of the project and 13 persons testified expressing concerns about the project. At the conclusion of the hearing, the Commission made recommendations and continued the hearing to September 28, 2005; time for additional public testimony was required and certain pending issues remained to be addressed. The Commission directed staff and the applicant to further investigate the following: future "cut-through" traffic issues for the Fairview Avenue, Chapman Woods, and Michillinda Park neighborhoods; evaluation of Chapman Woods Association's independent traffic study review; public noticing parameters of community outreach and additional voluntary outreach by the applicant; use and structuring of the proposed $300,000 community improvement fund; greater detail about the community benefits of the zone change; truck circulation plans; and alternate locations for the loading dock. The applicant responded to the issues raised by the community and reduced the height of the proposed department store to one-story, shifted the location of the building to the north of the site, and addressed each of the issues directed by the Commission. The Commission unanimously voted to continue the public hearing to September 28, 2005. Since the July 20, 2005 hearing would be continued to a date certain, no further notification would be made.

September 28, 2005 Public Hearing
At the September 28, 2005 continued hearing, Commissioners Rew, Modugno, and Bellamy were present. Commissioners Helsley and Valadez were absent. Two of the applicant's representatives testified in favor of the project and 25 persons testified expressing concerns about the project. At the conclusion of the September 28, 2005 hearing, the Commission unanimously indicated its intent to approve the Conditional Use Permit and recommend to the Board of Supervisors adoption of the Zone Change. The Commission directed staff and the applicant to meet with community representatives to "fine-tune" draft conditions of approval pertaining to the $300,000 Community Improvement Fund, neighborhood cut-through traffic concerns with details related to traffic monitoring and traffic calming funds offered by the applicant, and any other significant issues not fully addressed in the draft conditions. Staff, the applicant, and community representatives agreed to meet prior to staff's preparation of final conditions for the Commission's final action and setting of the consent calendar date.

Findings

1. The applicant is requesting a Zone Change from C-1 (Restricted Business), C-2 (Neighborhood Business), C-H-DP (Commercial Highway, Development Program) and R-3 (Limited Multiple Residence) to C-2-DP (Neighborhood Business-Development Program), a Conditional Use Permit to authorize a new development program for the entire 8.13 acre site including a department store, existing restaurant with the sales of a full line of alcoholic beverages, and a new restaurant with the sales of a full line of alcoholic beverages for on-site consumption in the proposed C-2-DP zone.

2. The subject property is located on Rosemead Boulevard between Huntington Drive and Fairview Avenue, San Gabriel, in the East Pasadena and South Santa Anita – Temple City Zoned Districts.

3. The subject property is 8.13 acres in size, consists of 11 Assessor's parcels and is currently developed with commercial, office and residential uses. The site is rectangular in shape (with three parcels not a part of the project), bounded by Rosemead Boulevard, Huntington Drive, Fairview Avenue, and residences, and located in an urban area devoid of natural habitat.

4. The site plan depicts the proposed one-story (30 feet in height) Kohl's department store (88,407 square feet) located on the northern portion of the site, west and north of the existing Northwood's Inn restaurant (14,060 square feet). The proposed relocated and expanded Galley restaurant (8,500 square feet), similar in design to the former restaurant, is depicted south of and adjacent to the existing fire station. The site plan shows a total building floor area of 110,967 square feet. The remainder of the site is depicted as parking and landscaping.

5. The properties at the southeast and northeast corners of the block encompassing the site, and the fire station located between the Northwoods Inn and proposed Galley restaurant, are not a part of the project site.

6. Access to the property is proposed from all three streets on which the site has frontage:

   A. Huntington Drive to the north in one location – right-turn ingress and right-turn egress;

   B. Rosemead Boulevard to the east in two locations:

      i. Primary access just north of the fire station - right and left turn ingress and right-turn egress;

      ii. Access to an employee-only parking lot just north of the Northwoods Inn – right-turn ingress and right-turn egress; and

C. Fairview Avenue to the south – right-turn ingress and left-turn egress.

7. The subject property is zoned C-1 (Restricted Business), C-2 (Neighborhood Business), C-H-DP (Commercial Highway, Development Program) and R-3 (Limited Multiple Residence).

8. Surrounding properties are zoned as follows:

North: C-2 (Neighborhood Business), R-1-20,000 (Single-Family Residence, 20,000 square foot minimum lot size), R-1-40,000 (Single-Family Residence, 40,000 square foot minimum lot size), R-3 (Limited Multiple Residence)

South: R-3 (Limited Multiple Residence), R-2 (Two Family Residence)

East: C-2 (Neighborhood Business), C-1 (Restricted Business), CPD (Commercial Planned Development), R-3-25U (Limited Multiple Residence, 25 units per acre maximum), R-1 (Single-Family Residence), R-3 (Limited Multiple Residence)

West: R-3 (Limited Multiple Residence), R-1 (Single-Family Residence), R-A (Residential-Agricultural)

9. The subject property is currently developed with three restaurants, 11 retail uses, a dental office, general office uses, and five single-family residences with a combined total floor area of 65,372 square feet.

10. Surrounding properties contain the following uses:

North: Medical offices, commercial uses, single-family residences

South: Single and multi-family residences

East: Commercial uses, office building, single and multi-family residences

West: Single and multi-family residences

11. Previous cases on the subject property and other property history include the following:

A. ZEC 6400 was denied in June of 1962; this Zone Exception Case was filed to authorize development of a 20-unit apartment building on the property located at 8961 Fairview Avenue (currently developed as parking).

B. PP14801 appears to have originally authorized establishment of the Northwood's Inn restaurant, with sales of a full line of alcoholic beverages, on the property in 1965 (although the original plot plan is missing from the file).

C. PP15173 was filed in March of 1966 to determine whether the Director could potentially approve a transitional parking lot at the western end of the property in R-3 zone. The Director determined that such a parking lot could be approved upon submittal of a specific development plan for such use. In April of 1967 such a plan was submitted and subsequently approved. In June of 1967, the Director approved a new garage for the single-family residence at the western end of property.

D. PP19102 was filed in October of 1970 to authorize establishment of an antique shop at the southeast corner of the site adjacent to an existing single family residence and detached garage. This would later become the dry cleaners establishment and professional office depicted on the site plan of existing uses in Figure 5 of the DEIR.

E. PP19175 was approved in October 1970 for a lease-only subdivision for the existing shops and restaurants on the site.

F. CUP 640/VAR 317 was filed in October of 1974; this Conditional Use Permit and Variance were filed to authorize the sale of beer and wine at The Galley Restaurant and to modify development standards related to parking lot landscaping and walls. The request was approved in April of 1975 with an expiration date of April 2, 2000.

G. ZC/CUP 86-187-(5) was filed to change the zoning of the southerly 1.8-acre portion of the property along Fairview Avenue from R-A (Residential Agricultural) to C-H-DP to accommodate a development program consisting of three two-story office buildings with a maximum of 10,800 square feet each. The project was approved in 1987. The development program was not implemented; therefore, the CUP expired in 1989; however, the C-H-DP zoning remained in place.

H. In addition to the above cases, staff researched the historic zoning of the subject properties and found that the majority of the property was originally zoned R-1 and R-3, with the exception of an approximately 22,000 square foot area at the southwest corner of Rosemead Boulevard and Huntington Drive which was zoned C-2. This zoning was adopted in 1930. In 1930, the C-2 zoned portion at this corner was expanded to approximately 76,000 square feet, with the remainder being changed to R-3. In 1954, the area extending from the existing C-2 zone to Fairview Avenue was changed from R-3 to C-1. In 1965, the properties adjacent to the existing C-2 and C-1 zones between Huntington Drive and the former Southern Pacific Railroad right-of-way were changed from R-3 to C-2 and C-1. In 1987, the C-H-DP zoning was established between the Southern Pacific Railroad right-of-way and Fairway Avenue. As staff was unable to locate the file for this zoning case, the development program that was approved for this property is unknown.

12. The revised project description and project analysis correctly states a General Plan designation of "3" (Medium Density Residential). The original DEIR incorrectly indicated "C" Major Commercial designation for the project site.

The DRAFT General Plan Update proposes "C" (Major Commercial) for this area. The application of the Medium Density Residential designation of the Plan to this project is determined through guiding references in the Plan to neighborhood and community serving uses.

13. The following table summarizes how the project performs in relationship to development guidelines provided in the General Plan, pages III-34 to III-37:

PROJECT COMPONENT	PLAN GUIDELINES: NEIGHBORHOOD AND COMMUNITY SERVING	PROJECT PERFORMANCE
Location: Access	Major Intersections	• Located at Major Intersection
Location: Medium Density Residential Plan Designation (22/ac)	Non- Residential Neighborhood/Community Serving Uses Allowed	• Neighborhood/Community Uses Proposed • Neighborhood Business Zoning Proposed
Design: Building Architecture and Scale	• Neighborhood Compatible and Enhancing • Not to Exceed 10 Acres • Not to Exceed Adjacent Development in Height	• Neighborhood Compatible Architecture • Borderline Neighborhood Enhancing • Less than 10 Acres (8.13 Ac) • One-Story in Height
Design: Landscaping	Neighborhood Compatible and Enhancing	• Compatible and Enhancing Norfolk Pines, Other Trees & Plants per Landscape Plan
Design: Noise Impacts	Noise Impacts Buffered in Part	• Sound Walls Provided for Sound Buffering • Truck Prohibition for Western Access and Driveways • Construction and Marginal Operational Noise Impacts Remain on the West Side
Design: Visual Impacts	Visual Impacts Buffered	• Wall-Screening Trees Proposed, and Equipment Screening Required
Construction Air Quality	Air Quality Mitigation Measures	• No Significant Air Quality Impacts from Revised Project Design
Access and Circulation	Maximize Safety and Convenience	• Add Deceleration Lanes • Add Fairview Street and Rosemead Blvd. Signal • Add Employee-Only Parking Area • Reduce Huntington Drive Access from Two to One Driveway • Add Left Turn Access into Site from Northbound Rosemead Blvd. • Restrict Fairview Avenue Access to Right-In, Left-Out Turns • Add Double Left Turn Lanes to Northbound and Southbound Rosemead Blvd. at Huntington Dr

The project is consistent with General Plan development guidelines.

14. The following two tables summarize how the project meets all industry guidelines for neighborhood serving facilities and guidelines for additional population served for community serving facilities. The tables referenced for the public hearing were taken from industry standards for neighborhood and community serving facilities published by the Urban Land Institute as cited by Edward J. Kaiser, Godschalk, David R. and Chapin, F. Stuart Urban Land Use Planning, Fourth Edition, 1995, Urbana, IL, University of Illinois Press, p. 322. The Shopping Center Handbook, 3rd Edition, 1999, Urban Land Institute, pp. 8-13, verify industry standards previously referenced, remaining the same in this latest edition available.

PROJECT COMPONENT	INDUSTRY GUIDELINES: NEIGHBORHOOD SERVING	PROJECT PERFORMANCE
Scale: Site Area	Less than 10 Acres	8.13 Acres – Within Neighborhood Serving Parameter
Scale: Building Sales Area	30,000 to 100,000 s.f.	88,407 s.f. – Within Neighborhood Serving Parameter
Population Served: Distance – Radius of Market Area	Within 1.5 Mile Radius	• Inside 1.5 Mile Radius: No Other Similar Stores • Likely to Serve Broader Community Also

PROJECT COMPONENT	INDUSTRY GUIDELINES: COMMUNITY SERVING	PROJECT PERFORMANCE
Scale: Site Area	10-30 Acres	8.13 Acres – Less than Community Serving
Scale: Building Sales Area	100,000 to 300,000 s.f.	88,407 s.f. – Less than Community Serving
Population Served: Distance – Radius of Market Area	Within 3-5 Mile Radius	Other Similar Stores Within This Radius / Project serves this population

Project conformance with industry guidelines for neighborhood serving and community serving facilities support the consistency requirements of this project with the General Plan designation.

15. Section 22.44.135 of the County Code lists the development standards for properties within the boundaries of the East Pasadena-San Gabriel Community Standards District. The project complies with these standards as follows:

    A. The maximum height of all structures, except chimneys and rooftop antennas, shall be 35 feet. The elevation drawings depict the building at a height of 30 feet. The project complies with height requirements.

    B. For structures that exceed 17 feet in height and are located on a lot or parcel of land adjacent to a residential zone, the maximum height of the structure at five feet from the property line adjacent to the residential zone shall be 10 feet and any portion of the structure that exceeds 10 feet in height shall be set back an additional foot for every additional foot in height. The building proposed is 30 feet in height. The setback calculation requires a setback of 25 feet (20' X 1' + 5'=25'). The project provides 32' of setback area from the west side adjacent residential area (previously provided a setback of 40 feet). The project complies with setback requirements.

C. Prohibited signs are as follows: outdoor advertising signs; freestanding signs that exceed 30 feet in height, or are located within 100 feet of a residential use or zone, or extend into the public right-of-way; roof signs; flashing, animated, audible, rotating and/or moving signs; business signs that project or extend more than 18 inches from the building face. Signage plans conforming to this standard and the standards in Chapter 22.52, Part 10 of the County Code will be required. Additional signage measures are required as a condition of this grant as indicated in the conditions of approval.

D. The maximum floor area shall be 100 percent of the net lot area. Floor area shall include all enclosed buildings. A total of 110,967 square feet of floor area is depicted on the site plan, which does not exceed the net lot area of 354,143 square feet.

E. The maximum lot coverage shall be 75 percent of the net lot area. Lot coverage shall include all enclosed buildings. The area of the lot proposed to be covered by structures is 110,967 square feet which does not exceed the 265,607 square foot lot coverage limitation.

F. Exterior lighting shall be of top-shielded or hooded design intended to direct light away from adjacent parcels and prevent off-site illumination. Street lighting shall be consistent with the neighborhood pattern except where the department of public works determines that a different street lighting configuration is required for the protection of public health and safety. Lighting shall comply with this requirement.

16. Pursuant to Section 22.28.170 of the County Code, premises in Zone C-2 shall be subject to the following development standards:

A. That not to exceed 90 percent of the net area be occupied by buildings with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition. Incidental walkways, if needed, may be developed in the landscaped area. Lot coverage requirements of the zone are superseded by lot coverage requirements of the East Pasadena-San Gabriel Community Standards District. The applicant's response to the Burden of Proof indicates that 35,424 square feet of the 354,143 site, approximately 10%, will be landscaped, in compliance with this requirement.

B. That there be parking facilities as required by Part 11 of Chapter 22.52. Section 22.52.1100 of the County Code requires parking for commercial uses at a ratio of 1 space per 250 square feet of floor area. Pursuant to Section 22.52.1110 of the County Code, parking for restaurants is required at a ratio of 1 space per 3 occupants based on the occupant load as determined by the Department of Public Works. A total of 353 spaces are required for the proposed 88,407 square foot department store and 114 spaces are required for the relocated Galley Restaurant (occupant load of 342).

As the Northwood's Inn Restaurant is an existing use and is not proposed to be modified, Section 22.56.1510(E) of the County Code specifies that the use is subject to parking requirements that were in effect at the time the use was established on the property. Based on the approved Plot Plan 14801, the parking requirement at the time the use was originally established was 1 space per 400 square feet of floor area; for a parking requirement of 35 spaces (14,060/400).

Based on these calculations, the total parking requirement for the site is 502 spaces, 8 of which must be handicapped spaces (1 van accessible) and up to 200 of which may be compact spaces (40 percent). The site plan depicts provision of 502 total parking spaces, 11 of which are depicted as handicapped spaces; therefore, the parking requirements have been met.

C. According to Section 22.52.1070(B), handicapped spaces for a particular use must be located "as near as practical to a primary entrance." The site plan depicts two handicapped parking spaces being located adjacent to each of the two restaurants, meeting this requirement.

D. Except for parking lots and other uses not requested in this application, all display in Zone C-2 shall be located entirely within an enclosed building unless otherwise authorized by a temporary use permit. Outdoor display is not proposed, with the exception of the parking lot, which is permitted.

E. No outside storage shall be permitted in Zone C-2. Outdoor storage is not proposed.

17. An Initial Study and environmental analysis was conducted for the subject site. Based upon this analysis, the Department of Regional Planning has determined that an Environmental Impact Report is required. A Draft Environmental Impact Report (DEIR) has been prepared for this project. Potential significant impacts that were analyzed in the DEIR include air quality, traffic, environmental safety, solid waste, and noise, and the document concludes that all but construction noise and operational noise impacts can be mitigated to a level of no significance.

18. Construction noise and operational noise, impacting the residences adjacent to the western boundary line, are considered significant. The ambient noise level for the area is currently above the significant threshold of 65 decibels for residential uses. With the revised project's implementation, the ambient operational noise level will increase by seven decibels, remaining a significant impact. Projects that contribute more than three decibels to an existing high noise environment are considered to have significant impacts. Mitigations proposed by the project, including an eight-foot western perimeter wall, 12-foot sound barrier at the loading dock, prohibition of use of forklifts or other noisy machinery for unloading trucks at the loading dock, and prohibited use by trucks of the northwestern and southwestern access and driveways, are unable to reduce these noise impacts to a level of less than significant.

A Statement of Overriding Condsiderations will be required. Due to the reduced scale of the project, there are no remaining significant impacts to air quality as indicated in the DEIR.

19. The Commission finds that the substantial benefits resulting from implementation of the project outweigh its unavoidable adverse effects on construction noise and operational noise levels.

20. The DEIR contains a list of mitigation measures to be utilized in the Mitigation Monitoring Program (MMP). The MMP will ensure proper implementation of the proposed mitigation measures and compliance with this program is required. A copy of the DEIR was submitted to the Planning Commission for review on December 2, 2004.

21. A revised project description dated June 2, 2005 was voluntarily sent out for public circulation by the applicant prior to the July 20, 2005 continued public hearing using the same project notification mailing list as the original project.

22. An amended revised project description dated July 12, 2005 includes minor corrections and informational amendments to the June 2, 2005 revised project description and site plan. The amended revision was not recirculated as the changes were insubstantial refinements.

23. Staff determined that DEIR recirculation was not required as the revised project created no new impacts. The revised project description was voluntarily circulated prior to the continued July 20, 2005 hearing.

24. In their letter dated July 13, 2005, the Fire Department required the ingress and egress driveways at Rosemead Boulevard and Fairview Avenue each be modified to 20 feet and indicate hydrant locations. The revised site plan submitted depicts a 28-foot northwestern driveway at Huntington Drive and a 30-foot driveway at Rosemead Blvd. Street access from Rosemead Blvd. is 40 feet in width, including a 22-foot ingress and 18-foot egress separated by a narrow island. The site plan depicts a 32-foot driveway at Fairview Avenue with street access comprised of a 14-foot ingress and 14-foot egress with a narrow island four feet in width.

25. The Department of Public Works (DPW) submitted letters of recommended conditions dated July 15, 2003, June 10, 2004, July 14, 2005, and February 7, 2006. Subsequent to the issuance of the July 15, 2003 letter, a traffic study was submitted to and approved by DPW; therefore, item number 9 of this letter has already been completed. Item number 3 includes a request that the applicant willingly agree to complete the sidewalk link to Rosemead Boulevard. Pending a determination of sufficient right-of-way, DPW has indicated that they would be agreeable to this offer. In its letter dated February 7, 2006, DPW superseded the requirements and comments of the July 15, 2003 letter. In its letter dated July 14, 2005, the Department of Public Works, Traffic and Lighting Division required certain additional traffic conditions be included in the project.

Said department also required payment of $250,000 by the applicant for installation of the proposed signal at Rosemead Boulevard and $25,000 in a secured agreement for traffic calming measures, if deemed necessary in the future, for mitigation of impacts to Fairview Avenue and Lotus Street.

26. In its letter dated December 7, 2004, the Department of Public Works reported the State of California's approval of SB 1375 to be effective January 1, 2005 pertaining to the State's relinquishment of Rosemead Boulevard to the County of Los Angeles. Since funding commitments of the County and the State have yet to be determined, final relinquishment of Rosemead has not taken place.

27. The California Department of Transportation (Caltrans) submitted a letter dated June 8, 2005 providing comments for making revisions to the traffic study.

28. The California Department of Alcoholic Beverage Control indicated in its report dated January 12, 2005, that five licenses for the sales of alcoholic beverages was allowed in the subject census tract, and that four existed. An undue concentration of alcoholic beverages was not present in the vicinity of the subject site.

29. A total of 471 public hearing notices were mailed on November 17, 2004 including the Chapman Woods Homeowner's Association, the Michillinda Park Association, the Northeast San Gabriel Residents Committee, the Northeast San Gabriel Property Owners Association, the City of Temple City and several other individuals. A legal advertisement was published on November 19, 2004 in the San Gabriel Valley Tribune and La Opinion. Case materials were available for public review at the San Gabriel and Temple City County libraries and the City of San Marino library beginning on November 22, 2004. The Notice of Public Hearing was posted on the site on December 20, 2004.

30. No additional legal notification was required following the January 19, 2005 public hearing, as the hearings were continued to March 9, 2005, July 20, 2005, and September 28, 2005 with no new impacts proposed.

31. A total of 555 citizens indicated support for the project. Cards signed by 534 citizens and collected by the applicant between March 1, 2005 and July 20, 2005, a letter representing 20 Cortile Verde condominium homeowners, and another letter from the public comprise the 555 supporters. Support included responses in favor of retaining the Northwoods Inn restaurant, eliminating blight, and constructing department store or similar uses providing convenient services for the community.

32. A total of 442 citizens indicated concerns and/or opposition to the project. Included in this number are individual letters and signatures collected on petitions and form letters provided by concerned community groups. Concerns and/or opposition included responses concerned or opposed to large-scale retail development and perceived negative impacts on traffic, noise, property values, and general neighborhood quality of life. Challenges to the Draft Environmental Impact Report were also provided in writing.

33. Citizens with concerns about the project, but not outright opposed, made suggested conditions for mitigating traffic concerns including gating and controlling egress from of Fairview Avenue access, provision of deceleration lanes at site entrances on Rosemead Boulevard and Huntington Drive, and a right-turn-only restriction at the southern access point on Rosemead Boulevard. The conditions of approval incorporate these recommendations.

34. Comments from the Chapman Woods Association on behalf of the Chapman Woods, Michillinda Park, and Fairview Avenue neighborhoods included a list of conditions requested to be incorporated into draft conditions for the project. The list includes guidelines for the formation of a Community Improvement Committee and establishment of a Community Improvement Fund, guidelines for monitoring potential cut-through traffic and the provision of traffic calming measures in the subject communities, architectural and landscaping guidelines, and other project design details. The conditions of approval incorporate these recommendations with modifications.

35. Letters were received from the counsel for the Chapman Woods Association including comments on the Draft Environmental Impact Report in a letter dated July 20, 2005 and comments on the applicant's traffic study in a letter dated August 19, 2005.

    A. Comments pertaining to the DEIR are addressed in the Final EIR.

    B. The Chapman Woods Association acquired the services of Jones Engineers to review the traffic study supplied by the applicant and previously reviewed by the Department of Public Works, Traffic and Lighting Division. The Commission directed the applicant and staff to respond to the engineers' report. The applicant's traffic consultant provided a response indicating that the engineers' report was primarily a critique of the County's traffic study requirements rather than Kohl's compliance with the County's requirements. Detailed responses by the traffic consultant are provided in a memo dated September 12, 2005. The traffic consultant's responses were forwarded to the County Traffic and Lighting Division for review. Said Division has reviewed the applicant's traffic consultant responses and have no additional comments at this time.

    C. The conditions of approval incorporate the applicant's voluntary offer to provide traffic monitoring on six designated streets within the Chapman Woods community.

36. Comments from the Michillinda Park Association included a request to reduce the number of lanes on East California Boulevard from four lanes to two lanes with left turn "cut-outs"; the stated purpose being to reduce the speed of traffic on this thoroughfare for the sake of community member safety. This request will require future evaluation by the Department of Public Works, Traffic and Lighting Division. Also requested was traffic monitoring of two streets. The conditions of approval reflect the applicant's voluntary offer to provide traffic monitoring of the designated streets for three years from occupancy of the approved project.

37. Comments from a representative of those living on or near Fairview Avenue included a specific request for closure, or partial closure, of Fairview Avenue west of the project access at Fairview Avenue. The conditions of approval incorporate a left-turn only egress with traffic control barriers and closure of the Fairview Avenue ingress/egress access gate after 9:00 p.m. daily. The street closure request will require future evaluation by County Traffic and Lighting Division.

38. Comments from the Cortile Verde Home Owners Association, representing 20 condominium owners located near the project, expressed concern about continued blight at the subject site if no project is approved, and the representative expressed interest in a well-designed retail venue providing services needed by the community.

39. The applicant was directed by the Commission to perform additional community outreach following the July 20, 2005 and September 28, 2005 public hearings. The applicant provided an outreach summary dated September 15, 2005 including 15 outreach activities performed following the July 20, 2005 public hearing through the September 28, 2005 hearing, and a summary dated January 19, 2005 including 19 outreach activities performed following the September 28, 2005 public hearing through January 16, 2005. Outreach activities included meetings with neighborhood and homeowner association representatives, specific topical e-mail and phone communications with said representatives, and meetings with County agency representatives.

40. Staff attended and participated in community meetings hosted by the applicant on Wednesday, June 15, 2005 and September 8, 2005. The former meeting was an "Open House" format encouraging community understanding of proposed project components, and for gaining community input on remaining concerns. The latter meeting was designed to gain community input regarding additional traffic concerns, use of the Community Improvement Fund, and other issues affecting the neighborhoods surrounding the project.

41. Staff participated in a meeting with community representatives hosted by the Fifth Supervisorial District on November 22, 2005 pertaining to community concerns about the project area.

42. Staff hosted a meeting with the applicant's team, two community representatives, and a representative from Public Works on January 9, 2006 to finalize negotiations on certain conditions of approval pertaining to the project.

43. The Burden of Proof for a Conditional Use Permit is met by the project as the project is consistent with the General Plan for the area, meets all required development standards, and all environmental impacts of the project are proposed to be mitigated to a level of no significance with a Statement of Overriding Considerations for construction noise and operational noise.

The condition and decline of the existing commercial uses on the property can potentially be improved by redevelopment of the site. An entirely different product using a national retail provider is proposed as an anchor in contrast to previous uses facing decline. The proposed development may generate economic benefits for the area such as creation of an additional 150 jobs and added tax revenues contributing to the funding of needed public services.

44. The Burden of Proof for a Zone Change is met by the project as the project seeks to meet changing neighborhood and community needs using adaptive reuse and redevelopment of this particular site which requires new zoning for the uses proposed. Existing variable zoning including mixed residential and commercial designations, would make redevelopment of the site much more difficult to accomplish than the combination of new and reused facilities proposed requiring the single development program zone change for the entire site. Redevelopment of a site as a whole is generally more effective than piecemeal development. The project further justifies that it fulfills community trends and needs as the project is 1.5 miles or more from other neighborhood and community-serving department stores of a similar type. The project provides needed services for neighbors located within the 1.5 mile radius in addition to passersby from Rosemead Boulevard and Huntington Drive thoroughfares.

45. The additional findings for the sales of alcoholic beverages are met by the proposed project since the expanded and relocated restaurant will not detrimentally affect the nearby community. There is one liquor store within 500 feet of the site and no sensitive uses (churches, schools or parks) within 600 feet of the site. The Department of Alcoholic Beverage Control indicated that the census tract area is not over-concentrated with establishments selling alcoholic beverages.

46. For the purposes of this grant, the term "cut-through traffic" shall be defined as traffic normally using thoroughfares such as Rosemead Blvd. and Huntington Drive in which drivers choose to use alternative neighborhood side streets to circumvent congestion or other delays on the arterials.

47. Future cut-through traffic impacts at Fairview Avenue, due to the proposed installation of a four-way signal at Rosemead required by Caltrans, are indeterminate at this time. Future cut-through traffic impacts within the Chapman Woods Association and Michillinda Park neighborhoods are indeterminate at this time. The applicant is required to include baseline traffic counts in a traffic study supplement for future evaluation of Fairview Avenue and Lotus Street, six locations within Chapman Woods, and two locations within Michillinda Park neighborhoods.

48. The applicant offers to make payment for traffic monitoring costs and up to $150,000 for future traffic calming measures in defined neighborhood areas should such measures be necessary as outlined in the conditions of approval.

49. The applicant offers to contribute $300,000 to a County-managed Community Improvement Fund to assist in beautification efforts, traffic calming, or other community improvements as recommended by a Community Improvement Committee and as outlined in the conditions of approval.

50. The Commission requested information about alternative locations for the loading dock. One alternative suggested by the applicant would be to locate the dock at the southeast corner of the proposed department store building, behind the employee parking lot and diagonal to the existing Northwoods Inn. The alternate design would retain a 13-foot rear-yard set back which would eliminate the Huntington Drive access at the northwest corner of the site and cause a potential "dead space" to the rear of the proposed building, or, a further reduction in the scale of the building, which would be deemed financially problematic by the applicant as the applicant has already reduced the project by 10,000 square feet.

    The alternate location suggested is considered aesthetically unfavorable due to its proximity to the Northwoods Inn pedestrian access. The alternate location would reduce truck noises associated with the proposed loading dock for adjacent neighbors while also eliminating the Huntington Drive access to the project. The alternate location would create a less desirable and less aesthetic delivery truck circulation and docking location for the users of the project. Impact Analysis and Traffic and Lighting staff would have to review whether new impacts would be created by the potential loss of the Huntington Drive access. No additional alternatives were provided by the applicant or staff.

51. Recordation of a Lot Line Adjustment concurrent with recordation of a Certificate of Compliance for all parcels on the site is required prior to issuance of building permits enabling three separate parcels for each of the three primary uses; a department store and two restaurants.

52. In the event parking is insufficient for any use established in any of the three subject lots created within the boundaries of the subject site, recordation of a Covenant to Hold Parcels as One is required prior to issuance of building permits.

53. The portion of the property identified by Assessor's Parcel No. 5379006016 located west of Donnelly Avenue at the northern end of the cul de sac on Sultana Avenue remains in the R-1 zone and is not included in the zone change to C-2-DP. This portion is to remain an open space buffer area in the residential zone.

54. The following fees/deposits apply:

A. Processing fees of $875.00 related to filing and posting of a Notice of Determination with the County Clerk in compliance with Section 21152 of the Public Resources Code and Fish and Game fees in compliance with Section 711.4 of the Fish and Game Code. The fees will be required within five (5) business days of the final approval date of the permit.

B. Inspection deposit of $2,250 to cover the costs of zoning enforcement inspections every other year for 30 years.

C. Mitigation monitoring fee of $3,000 to cover the costs for review and evaluation of the required mitigation monitoring program.

D. Zoning enforcement liaison fee of $3,000 in order to defray the cost of attendance by the Zoning Enforcement Officer at the Community Improvement Committee meetings, not to exceed $1,000 per year for three years. Any balance remaining at the end of three years from the date of acceptance of this grant shall be returned to the permittee.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES REGARDING THE CONDITIONAL USE PERMIT BURDEN OF PROOF REQUIREMENTS:

A. That the proposed use is consistent with the adopted general plan for the area;

B. That the requested use at the location proposed: will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare;

C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area;

D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; and

E. That the proposed site is adequately served by other public or private service facilities as are required.

AND, REGARDING THE ZONE CHANGE BURDEN OF PROOF REQUIREMENTS:

F. That modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration;

G. That a need for the proposed zone classification exists within such area or district;

H. That the particular property under consideration is a proper location for said zone classification within such area or district; and

I. That placement of the proposed zone at such location will be in the interest of public health, safety and general welfare, and in conformity with good zoning practice.

AND, REGARDING THE ADDITIONAL FINDINGS REQUIRED FOR THE SALES OF ALCOHOLIC BEVERAGES:

J. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius;

K. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area;

L. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment;

M. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and

N. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

AND, THEREFORE, the information submitted by the applicant and presented at the hearing substantiates the required burden of proof and findings for a conditional use permit and zone change, and additional findings for the sales of alcoholic beverages as set forth in Sections 22.56.090, 22.16.110, and 22.56.195 Title 22, of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

1. After review and consideration of the Final Environmental Impact Report, the Regional Planning Commission certifies that the Final Environmental Impact Report has been completed in compliance with the California Environmental Quality Act and the State and County guidelines related thereto, and that the document reflects the independent judgment and analysis of the Commission, and determines that the significant adverse effects of the project, as described in the Final Environmental Impact Report, have either been reduced to an acceptable level or are outweighed by specific social, economic, legal, technological or other considerations of the project as stated in the attached Findings of Fact and Statement of Overriding Considerations for the project, which findings and statement are incorporated herein by reference.

2. The Mitigation Monitoring Program for the proposed project incorporated in the Final EIR, is approved and adopted and, pursuant to Section 21081.6 of the Public Resources Code, the Commission finds that the Mitigation Monitoring Program is adequately designed to ensure compliance with the mitigation measures during project implementation.

3. In view of the findings of fact and conclusions presented above, Zone Change Case No. 03-147-(5) is **RECOMMENDED TO THE BOARD OF SUPERVISORS FOR ADOPTION**. Conditional Use Permit Case No. 03-147-(5) is **APPROVED** subject to the conditions of approval, and further subject to adoption by the Board of Supervisors of Zone Change Case No. 03-147-(5).

VOTE: **4-0**

Concurring: **Modugno, Valadez, Rew, Bellamy**

Dissenting:

Abstaining:

Absent: **Helsley**

Action Date: **February 8, 2006**

SD:KKS
2/21/06

FINDING 35
CHAPMAN WOODS ASSOCIATION
DEIR LETTER REFERENCED
JULY 20, 2005

John A. Henning, Jr.
ATTORNEY AT LAW

July 20, 2005

VIA HAND DELIVERY

Los Angeles County Regional Planning Commission
320 West Temple Street
Los Angeles, CA 90012

Re: Comments on *Draft Environmental Impact Report / Clearman's Village Project (County Project No. 03-147)*

Honorable Commissioners:

As counsel for Chapman Woods Association ("CWA"), I submit the following comments on the *Draft Environmental Impact Report / Clearman's Village Project*, dated November 2004 ("DEIR"), and on the proposed approval of the Project. The revised project description dated June 2, 2005, the Amended Revised Project Description dated July 12, 2005 and supporting traffic, noise and air quality studies; and the July 14, 2005 Staff Analysis presented to the Commission have also been taken into consideration.

1. Land Use

1.1. Page 11, par. 1. Land use impacts were improperly evaluated in the Initial Study prepared for the project, and thus omitted from analysis in the EIR. The Initial Study failed to recognize several significant land use impacts, including (1) the project's inconsistency with the General Plan; (2) the need for a rezone; and (3) the need for a conditional use permit; (4) an increase in air quality, noise, and light and glare emissions; an increase in public hazards, an increase in traffic congestion and (5) the exposure of previously buffered residences to new impacts. The revised project (June 2, 2005) does not reduce significant land use related impacts that are not directly related to project traffic. The revised project description acknowledges that there will still be a need for a rezone and a conditional use permit, but there is still no analysis of the potential land use impacts. The latest project description also acknowledges that the EIR prepared for the project incorrectly indentified the land use designation for the project site as "commercial". The new project description goes on to note that the "proposed use could be found to be consistent with the designation if the County concludes that the proposed use is local-serving commercial." Again, there is no discussion of potential land use related impacts. When is the County going to make the

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consistency determination? This should have been done as part of the environmental analysis. Land use impacts related to noise are not significantly reduced by the revised project. Impacts are simply shifted from one single family area to another.

1.2. The initial study list of potentially significant impacts should have included potential impacts related to land use, and such impacts should have been evaluated in the DEIR. There are five reasons for this:

a. The project is inconsistent with the Los Angeles County General Plan ("General Plan"), and yet no General Plan amendment is being sought. This constitutes a per se significant impact on land use. The entire project site is designated "medium density residential" in the General Plan. Although the General Plan notes that "local commercial and industrial services" may be developed within areas designated as residential (see General Plan, pg. III-22), it is apparent that the proposed Kohl's department store does not qualify as such a use. "Local Commercial and Industrial Services" are defined in the General Plan as "individual enterprises, or small scale multi-use centers, serving the needs of the local community." (See General Plan, pg. III-34.) These include "(1) Facilities providing neighborhood or community convenience goods and services; (2) Highway or roadside facilities and services of a minor nature (i.e., gas stations, cafes, motels, etc.); (3) Local community/neighborhood-serving office and professional services; and (4) Light industrial uses of a minor nature..." (See General Plan, pp. 34-35.) Further, the General Plan provides guidelines for the scale and design of such uses that emphasize their neighborhood-serving character. For example, floor area "should be limited to that which can be justified by local community and neighborhood needs"; "[t]he height of proposed facilities should not exceed the general profile established by existing uses, and should in no event exceed that of neighboring residential development" (See General Plan, pp. 35-36.)

b. The proposed Kohl's department store cannot conceivably qualify as a neighborhood-serving facility under the foregoing definition. Rather, it is manifestly a region-serving facility. Kohl's has a substantial presence in Southern California, and yet the nearest Kohl's store to the south is approximately 5 miles away, and to the north, west and east the distance is greater than 10 miles. Hence, this store is scaled to draw customers from at least a five-mile radius. A recent research report from Lehman Brothers confirms that "Kohl's penetration is typically one store per 550,000 people." [SEE EXHIBIT A hereto] Within 1.5 miles of the site, which is the distance coinciding with industry guidelines for "neighborhood serving" facilities (see Staff Report at page 3), there are only 53,356 people. [SEE EXHIBIT B hereto]. Indeed, one must go more than five miles from the project site to reach a population of 550,000. [SEE EXHIBIT C hereto.]

c. The scale of the store is consistent with such a regional use. At over 88,000 square feet, the store is more than three times larger than any other commercial use in the

unincorporated area of the County surrounding the project. [SEE EXHIBIT D hereto.]

d. Furthermore, the Draft Los Angeles County General Plan Update Land Use Plan for East Pasadena-East San Gabriel and San Pasqual clearly designates the proposed project site as Regional Commercial. [SEE EXHIBIT E hereto.] If the proposed Kohls is indeed a local serving facility providing "neighborhood or community convenience goods and services" Why then, would the County planners consider allowing it on a site that they have clearly targeted for Regional Commercial land uses? The proposed project is either a local commercial use or a regional commercial use. If the proposed Kohls is truly a local commercial land use, then it will not be consistent with the proposed General Plan update. If the proposed Kohls is truly a regional serving land use, then a General Plan Amendment should be included as part of the project.
e. The Urban Land Institute has published a document called "Ten Principles for Rebuilding Neighborhood Retail". (Beyard, Michael D., Michael Pawlukiewicz, and Alex Bond, Washington, D.C.: ULI–the Urban Land Institute, 2003.) If indeed it is the intent of the proposed project to be consistent with the existing general plan designation, the proposed Kohls facility fails dismally to meet the objectives of the "Ten Principles". As stated on page 8, "The era when anything developed in an urban neighborhood was considered to be better than nothing is over. Desperation has driven many communities to accept developments that are inappropriate for an urban street and antithetical to an enjoyable pedestrian experience." The Commission should ask itself: Will the proposed project enhance the neighborhood's character and livibility? Will it provide a safe pedestrian environment? The proposed project is precisely what is not recommended in the ULI principles by proposing "pedestrian-deficient retailing with blank walls facing the sidewalk, parking lots that disrupt retail continuity, throw-away architectural quality, inappropriate building design and scale, and lack of pedestrian amenities." The "Ten Principles" document identifies these as "some of the most egregious mistakes that made many urban streets mean and decidedly unfriendly to shoppers. Neighborhood retailing that is rebuilt in these ways has proved to be unsustainable, failed to generate ongoing improvements in retail quality or spin-off activity, and fallen short of attracting the level of customer loyalty from the neighborhood or beyond that is necessary for long-term growth."
f. The project proposes a rezoning. Hence, there is a significant impact to land use resulting from inconsistency with existing zoning.
g. With the removal of the five single family homes closest to the project site, other nearby residences will be adjacent to and exposed to new land uses. This is a significant impact to land use.
h. Under the County's own General Plan, the Building Architecture and Scale for a neighborhood and community serving use is "Not to Exceed Adjacent Development in height." [See July 14 staff report, page 4.] The 30-foot height of the project would be substantially higher than the single story, single family residents on adjacent parcels to

the west, east and north.

i. Also under the General Plan, neighborhood and community-serving projects should have "Noise Impacts Buffered." [See July 14 staff report, page 4.] Here, there is no "buffer," i.e., an intermediate land use between the commercial development and the single family residents. Rather, the western edge of the proposed Kohl s store is only 20 feet from the backyard of single family residences, and access driveways and parking are directly adjoining such residences. Sound walls provided to mitigate this impact are inadequate even to reduce operational and construction impacts below a level of significance under CEQA. This is not "buffering." It is merely trying to make the best of a bad situation – a situation that is not contemplated in the first instance by the standards set forth in the General Plan.

j. Similarly, the General Plan provides that neighborhood and community-serving projects should have "Visual Impacts Buffered. [See July 14, staff report, page 4.] Again, there is no "buffer," only a nonspecific proposal by the developer to use trees to screen the "big box" 30 foot by 200 foot structure. Directly west and north of the site, there are residential uses that will have dramatic visual impacts, as a massive structure towers above them and stretches across their view from one side to the other. Moreover, persons using roadways such as Rosemead, Huntington, Madre and Fairview will face visual impacts typical of a big-box retail store.

1.3. Page 12, Discretionary Actions Requested. As stated in greater detail elsewhere in this letter, a General Plan Amendment should have been included as a discretionary action necessary for the project. A CalTrans encroachment permit (not just their approval) should also be listed as a necessary discretionary permit, as the project proponent will be required to get one in order to implement the proposed mitigation measures. Encroachment permits will also be required from each of the other jurisdictions that will be affected by improvements required for the project. The environmental document should clarify that encroachment permits will be required to gain each agency's approval.

1.4. Page 12, Discretionary Actions Requested. The text refers to a 4,000 square foot increase in the size of an existing restaurant that was formerly 4,500 square feet in size. Given that this is doubling in size, and the subject restaurant is proposed to serve full alcohol, a doubling in nuisance activities that are typically associated with facilities that serve alcohol can be expected i.e. noise from patrons exiting late at night, **litter and vagrancy** None of these impacts were analyzed in the EIR. Such impacts could be mitigated by (1) restrictions on the sale of alcohol to be incidental to food service and not in excess of 20% of total sales; and (2) a limitation on the hours of the restaurant to close at 10:00 p.m.

1.5. Page 153, par. 3, Land Use. The text states that there are no significant impacts to land use, and in particular that "the required discretionary actions do not conflict with any local or regional policies." However, as discussed in greater detail elsewhere in this letter, there are

several significant land use impacts from the project, including (1) the project's inconsistency with the General Plan; (2) the need for a rezone; (3) the need for a conditional use permit; an increase in air quality, noise, and light and glare emissions; an increase in public hazards, an increase in traffic congestion and (4) the exposure of previously buffered residences to new impacts The revised project description dated June 2, 2005 merely shifts impacts related to noise from the single family homes located south and southwest of the project site to single family homes located west of the project site. In particular:

a. The proposed driveway at the northwest corner of the site and the proposed loading dock adjacent to the western project boundary will result in significant unmitigable noise impacts to the single family homes located adjacent to the project's western boundary. There is an existing five to six foot wall separating the driveway and the homes. This is now proposed to be an 8 foot wall. However, even with this mitigation there is a significant impact for operational and construction noise. Indeed, walls will only mitigate some of the tire noise generated by trucks and vehicles. It most definitely will not mitigate any of the noise generated by truck exhast, which emanates at approximately 11.5 feet above street level. Further, noise that would normally travel towards the existing homes will be increased up to 3 dBA due to reflection off of the proposed building. As stated in the Caltrans technical noise supplement (1998) "A smooth hard barrier surface such as masonry or concrete is considered to be almost perfectly reflective, i.e.almost all the sound striking the barrier is reflected back toward the source and beyond.

b. The proposed concentration of truck traffic to occur adjacent to existing single family homes surely warrants a "hot spot" air quality analysis to analyze the project's potential to create unhealthy concentrations of carbon dioxide. The truck concentration will also warrant an environmental analysis of odor. With truck exhaust at approximately 11.5 feet, there is a likely to be significant changes in odor in the backyards of the adjacent single family homes.

2. Noise

2.1. Page x. Operational: On-site Activities. There appears to be no basis for the "acceptable mean noise level of 70dBA between the hours of 10:00pm and 7:00am." The text of the EIR noise analysis shows no such level, either by County noise ordinance or otherwise.

2.2. Page x. Operational: On-site Activities. There is no mention of the acceptable mean level from 7am to 10pm days. This should have been stated here.

2.3. Page x. Operational: On-site Activities. The stated mitigation measures address noise only at night. However, because there are significant operational impacts on noise during the daytime, there should be mitigation proposed for these impacts as well. For example, the proposed eight foot wall may reduce the operational noise, and if so, should be analyzed

and listed as a mitigation measure for operational noise. The revised project dated June 2 does not reduce or offer mitigation for daytime operational noise that will exceed County thresholds.

a. The noise study and/or the County of Los Angeles needs to define what is meant by the existing ambient L_0 and $L_{1.7}$ are. Surely, the County cannot assume that since there are one or two violations of the L_0, a relaxation in the standard is appropriate. The revised noise study (May 12, 2005) assumes exactly that. This is not an appropriate threshold. Just because the garbage truck comes by or a loud motorcycle passes on occasion, it doesn't make relaxation of single noise events appropriate. The project is proposing a driveway that will be, regardless of any regulation to the contrary, a primary entrance to the site for delivery trucks directly adjacent to an existing single family residential area. This driveway will significantly increase the number of exceedences of noise ordinance standards. As pointed out in the revised noise study, heavy trucks idle at 78 dB_{max}.

2.4. Page x. Operational: On-site Activities. Measure 12 precludes refuse/recycled cardboard trucks "before 7am" etc. but doesn't define how late at night they cannot operate, e.g., 10pm. Hence, under this measure they could presumably operate until midnight, or even later.

2.5. Page xi. Operational – On-site Activities. The text in the table reflects an "established operational noise threshold of 5dB". Yet, in page 41 of the text, the noise study defines 3 dB as the commonly used threshold for a "substantial increase," as that phrase is used in Appendix G of the CEQA Guidelines, and states that this threshold will be used. The lower threshold should have been used here and impacts assessed accordingly.

2.6. Page xix, Operational Noise. The proposed mitigation for significant noise impacts includes prohibiting "heavy trucks" and various other activities between the hours of 10pm and 7 am. However, other, smaller, delivery trucks and delivery operations generally could still be a source of significant impacts. This impact should have been analyzed and mitigated.

2.7. Page 36-53 Sensitive Receptors.

a. The Noise Section of the DEIR does not clearly identify all sensitive receptors that may be affected by project construction noise, project generated traffic noise and project operational noise. There are existing homes immediately adjacent to the project's western and southern property boundaries. The homes west of the site are not mentioned in the EIR nor in the Technical Noise Study. Potential construction and operational noise impacts to these existing homes must be evaluated and mitigation measures must be identified.

b. The revised project description dated June 2, 2005 merely shifts impacts related to noise from the single family homes located south and southwest of the project site to single family homes located west of the project site. [See Comment 1.5, above.]
The revised project dated June 2 does not reduce or offer mitigation for daytime operational noise that will exceed County thresholds. [See Comment 2.3(a), above.]

2.8. Page 37-38. Table 9: Los Angeles County Noise Standards. The narrative on page 37 does not track the thresholds set forth in Table 9 on page 38. This is extremely confusing to the reader and undermines adequate public review of the conclusions of the noise analysis.

2.9. Page 37-38. Table 9: Los Angeles County Noise Standards. Some of the thresholds in Table 9 seem to be exceeded, indicating a significant impact for operational noise. For instance, the /e/ level (last column) is 70 at residential properties in the daytime. That number is exceeded by "loading dock" and "backup alarms" (Table 17, page 48.)

2.10. Page 37, par. 3. The text states, "As shown in Table 10: Ambient Noise Measurements, maximum daytime noise levels at Site 1 are currently measured at 53 dB." This statement is incorrect. 53 represents the average noise level at site 1, not the maximum noise level.

2.11. Page 37, paragraph 4. The text states, "As shown in Table 10: Ambient Noise Measurements, maximum daytime noise levels at Site 2 are currently measured at 54 dB." This statement is incorrect. 54 represents the average noise level at site 2, not the maximum noise level.

2.12. Page 38, Table 10. Ambient noise levels should have been measured for all of the time dependent standards listed in Table 9 and the likelihood of project's consistency should have been evaluated for each standard. However, ambient noise measurements were not presented for day and night for the L_{15}, the $L_{8.3}$, and the $L_{1.7}$. They were also not presented for night for the L_0. It is impossible to determine from the DEIR what these standards are and whether or not they may be exceeded by the project. The noise study and/or the County of Los Angeles needs to define what is meant by the existing ambient L_0 and $L_{1.7}$ are. Surely, the County cannot assume that since there are one or two violations of the L_0, a relaxation in the standard is appropriate. The revised noise study (May 12, 2005) assumes exactly that.

2.13. Page 38, Table 10. According to the second table shown on page 6 of the noise study contained in the Appendix, from which Table 10 and Table 13 of the EIR were derived, existing noise events at site 1 were measured as high as 83 dB max during the day and 70 db max during the night. Existing measured noise maximum noise events at site 2 were 83 dB Lmax during the day and 82 dB Lmax during the night. Given these high ambient readings,

the report should have discussed why the existing maximum noise events were so high and how frequently these events are expected to occur.

2.14. Page 41, Table 13. No source is given for the acceptable mean Lmax of 75 from 7:00 a.m. to 10:00 p.m. There is no such standard in the County ordinance.

2.15. Page 41, Table 13. The nighttime thresholds utilized in the EIR are not acceptable because the analysis does not present the frequency of existing noise events that are exceedingly loud. Other thresholds should be considered, with the governing principle being that where noise conditions are already adverse, the addition of more effects will be cumulatively significant. The analysis should take into account the following facts:

a. The Environmental Protection Agency defines sleep disturbance as a major effect of environmental noise. It may cause primary effects during sleep, and secondary effects that can be assessed the day after night-time noise exposure. Uninterrupted sleep is a prerequisite for good physiological and mental functioning, and the primary effects of sleep disturbance are: difficulty in falling asleep; awakenings and alterations of sleep stages or depth; increased blood pressure, heart rate and finger pulse amplitude; vasoconstriction; changes in respiration; cardiac arrhythmia; and increased body movements.
b. The difference between the sound levels of a noise event and background sound levels, rather than the absolute noise level, may determine the reaction probability.
c. The probability of being awakened increases with the number of noise events per night.
d. The secondary, or after-effects, the following morning or day(s) are: reduced perceived sleep quality; increased fatigue; depressed mood or well-being; and decreased performance.
e. For a good night's sleep, the equivalent sound level should not exceed 30 dB(A) for continuous background noise, and individual noise events exceeding 45 dB(A) should be avoided.
f. In setting limits for single night-time noise exposures, the intermittent character of the noise has to be taken into account. This can be achieved, for example, by measuring the number of noise events, as well as the difference between the maximum sound level and the background sound level.
g. Special attention should also be given to: noise sources in an environment with low background sound levels; combinations of noise and vibrations; and to noise sources with low-frequency components.

2.16. Page 42, Construction Noise Impacts. The noise analysis did not utilize all of the standards in Table 9, but instead utilized only the single event noise level (Lmax) as a threshold. This raises the question whether construction activities violate the L_{50}, L_{15}, the $L_{8.3}$, or $L_{1.7}$ standards established in the County Code. Indeed, by focusing on the maximum (L_0) noise

events, the discussion seems to intentionally ignore the project's ability to achieve compliance with the other standards.

2.17. Page 42, Environmental Impacts. The analysis of the project's compliance with the L_0 standard should have been far more rigorous. The County Noise ordinance establishes what maximum (L_0, not to exceed) noise standards are for each land use. The applicable noise level refers to "Exterior Noise Levels" for several types of land uses. Thresholds of 45dB and 50dB are listed for nighttime and daytime noise levels for residential properties. By adding 20 dB as the ordinance instructs, the maximum noise levels that should occur at a residential property should be 65 nighttime and 70 daytime. However, the ordinance states that if the ambient single noise event is higher than these levels, it becomes the exterior noise standard for single events. The second table on page 6 of the Noise Technical Study shows that maximum measured on-site noise events near existing residences were 83dBLmax and 70 dB Lmax for Site 1 and 83 dB Lmax and 82 dB Lmax for Site 2. Therefore, according the Noise Ordinance, presented on Table 9, the single event threshold should be a mean between the maximum measured noise levels near the existing residences. Since no other noise levels were taken on site away from the residences, the commercial standards established in Table 9 (80 d dB Lmax during the day and 75 dB Lmax during the night) should be used. The required averaging would result in Lmax thresholds of 72.5 during the night and 81.5 during the day near Site 1 and Lmax thresholds of 78.5 during the night and 81.5 during the day for noise events near Site 2.

2.18. Page 42, Environmental Impacts. If indeed the County Noise Ordinance standards are appropriate here, a new analysis should be conducted for each standard in Table 9 (page 38) using roughly the method shown above for the L_0 standard.

2.19. Page 45-51. Operational Noise Impacts. The operational noise analyses in both the EIR and the supporting noise study in the Appendix are inadequate. Although the noise study lists some operational noises that may exceed thresholds, the impact analysis fails to consider noise sources from medium trucks, delivery activities, back-up alarms etc. It is inappropriate to base a noise threshold on a single noise event or to assume that this one event represents the only kind of noise that may occur during project operations. The revised noise study does not disclose how many trucks will be entering and exiting the site via the Huntington Drive driveway. This driveway will be directly adjacent to existing single family residences. The study should discuss how these existing homes will be affected by these truck trips during daytime hours.

2.20. Page 45-51. Operational Noise Impacts. There is no reference in the noise analysis to the hours of the proposed Kohl's department store, and the relationship between those hours and operational noise impacts. Advertisements in the newspaper and on television during the holidays show that Kohl's is open chain-wide from 7am to midnight during the pre-

Christmas season, and there is no statement in the EIR that the store's hours would be limited in any way, at that time of year or otherwise. Mitigation for such impacts could include a limitation on hours to between 9:00 a.m. and 9:00 p.m.

The revised project description dated June 2, 2005 merely shifts impacts related to trucks and operational noise from the single family homes located south and southwest of the project site to single family homes located west of the project site. [See comment 1.5, above.]

2.21. Page 46, par. 2. The text sets forth a methodology for analyzing off-site project traffic noise. However, neither the DEIR nor the noise report in the Appendix sufficiently discuss the fact that noise levels at homes adjacent to the affected roadways are already exceeding thresholds, and that accordingly any addition to this already adverse condition would be a significant cumulative impact. In particular, the noise report does not consider whether project traffic would result in noise levels that exceed Land Use Compatibility standards shown in Figure 2 of the noise report.

2.22. Page 48-50, On-Site Activities. The revised project description (June 2, 2005) does not discuss potential noise impacts to residential uses located adjacent to the proposed driveways located on Huntington Drive and Fairview Avenue.

2.23. Page 48, Table 17. In light of Table 17, the DEIR and corresponding noise report fail to thoroughly analyze project operations and whether or not they will be consistent with County Code section 12.08.390. As listed in Table 17 there are several activities that could generate noise levels that exceed standards listed in Section 12.08.390. Whether or not they could result in significant impacts would depend on the amount of time that each sound lasts. However, neither the DEIR nor the noise report provides this information.

2.24. Page 48,. Table 17. It is not clear what is meant by the entry for "loading dock" in Table 17, given that Table 17 generally purports to set forth various types of noise at a loading dock.

2.25. Page 48, Table 17. It is not clear from the text that there are backup alarms in this project. However, that would seem to be inevitable for loading dock activities; hence this component of operational noise should be fully evaluated in the noise analysis.

2.26. Page 49, par. 1. The text refers to "the mean of 75dB acceptable from 7:00am to 10:00pm" and the "mean of 70dB acceptable from 10:00pm to 7:00am." Given that the issue here is maximum (peaking) noise levels, it appears from the text that the analysis has averaged single-event noise levels between neighboring commercial and residentially zoned uses to arrive at an exterior standard for the residential receptors. However, it is not appropriate to

apply the averaging concept to single event noise levels, as the purpose of preventing single event noise is to prevent general disturbance to residents and to prevent sleep disturbance.

2.27. Page 50, par. 1. The text states that an 11-foot tall wall would be a nuisance, and aesthetically unpleasing, and that thus "additional mitigation was incorporated to achieve the same noise attenuating effects." However, there is no evidence that the additional mitigation – i.e., restriction of heavy trucks and various other activities between 10pm and 7am – would, in fact, achieve the same noise attenuating effects.

2.28. Page 51, par. 1. The text reflects an "established operational noise threshold of 5dB". Yet, in page 41 of the text, the noise study defines 3 dB as the threshold of "substantial increase" commonly used pursuant to Appendix G of the CEQA Guidelines, and states that this threshold will be used. The lower threshold should have been used here and impacts assessed accordingly.

2.29. Page 51, Mitigation Measures - Construction. A feasible mitigation measure for construction noise not considered in the DEIR is that adjacent residents could be relocated during project construction. Given the ineffectiveness of other mitigation measures, this measure should have been considered.

2.30.
Page 52, par. 1. The text states: "A significant daytime operational noise impact is anticipated at residences along Sultana Avenue during normal operating hours of the project." However, no mitigation measures have been proposed for daytime noise impacts. The Noise Study and EIR fail to recognize that there are existing single family homes adjacent to the proposed project's western boundary on North Donnelly Avenue and existing single family homes all along Fairview Avenue. Assuredly, these homes would also be significantly impacted by construction and operational noise. These impacts must be evaluated and mitigation measures must be implemented.

2.31. Page 52. Mitigation Measures - Operational. The proposed mitigation for significant noise impacts, and specifically for "unusual on-site noise generation at night," includes prohibiting "heavy trucks" and various other activities between the hours of 10pm and 7 am. However, other, smaller, delivery trucks, back-up alarms, and delivery operations generally could still be a source of significant impacts. For example, small/medium delivery trucks generate Lmax 72dB. Yet, these aren't restricted at night. This impact should have been analyzed and mitigated.

2.32. Page 52. Mitigation Measures – Operational. Because the DEIR does not, as discussed elsewhere in this letter, evaluate the off-site traffic noise, and especially additional noise impact on homes adjacent to affected roadways, there has been no mitigation proposed for

such impacts. One mitigation measure that should have been considered are sound walls along major thoroughfares where residential lots abut the road, such as on Rosemead north of Huntington and on Huntington west of Rosemead.

2.33. Page 52, par. 1-2. The finding of significance for operational impacts is limited only to the residences along Sultana Avenue. However, for the reasons stated elsewhere in this letter, there is strong evidence of a significant noise impact for residences all along the western edge of the site, in the vicinity of the loading dock (monitoring location 1- see Figure 9, page 39) and the proposed driveway along the project's western boundary (revised project June 2, 2005). This impact needs to be acknowledged and mitigation proposed.

2.34. Page 52, par. 2. The text states that "compliance with the County of Los Angeles Noise Ordinance Los Angeles County Ordinance" will reduce potentially significant impacts. However, compliance with this code section should not be assumed and should not be considered to be impact avoidance or feasible mitigation. The relevant provision of the County Code, section 12.08.460, states "Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 10:00 p.m. and 6:00 a.m. in such a manner as to cause noise disturbance is prohibited. A noise disturbance, in turn, is described in Section 12.08.230 of County Code as "an alleged intrusive noise which violates an applicable noise standard as set forth in this chapter." Under this ordinance, the burden of enforcing the noise ordinance lies upon the harmed residents. The residents must fill out forms and make phone calls to County code enforcement officers concerning the alleged noise violations. Yet, considering the existing loud noise events that already occur on the site, it is apparent that residents are not aware of, and/or are not equipped to enforce the noise ordinance. The purpose of the EIR is to avoid or substantially lessen the potential impacts, not to simply state that there is an existing ordinance.

2.35. Page 74, par. 6. The text states: 'The proposed gate for the existing Fairview Avenue driveway would be electronically controlled for occasional use by the Fire Department and property owners." However, as stated above, CalTrans will not allow Access Alternatives 1 or 2, which provide for the gate to be installed, and will only allow Access Alternative 3, which does not provide for such a gate. Thus, the EIR should have acknowledged significant noise impacts from delivery trucks and project traffic generally during both daytime and nighttime hours.

3. Traffic

Numerous comments regarding traffic are supplied by the separate letter of our traffic engineer, dated July 20, 2005. These comments are incorporated herein. Additional comments are as follows:

3.1. Page iv, par. 2. Under Access Alternative 1, the left-turn lane on Rosemead Boulevard requires modification of a portion of the raised median. This raises several questions:

a. There is no mention of a signal at this driveway in the traffic mitigation measures. Is the Fire Department requiring such a signal, or any other mitigation measures (e.g. additional signage and pavement markings) associated with the proposed median modification? If so, this implies that the project may result in a significant impact to public services if not mitigated. This impact is not addressed in the EIR and the mitigation is only mentioned in the EIR summary as being conditions of approval for a median modification.
b. Has CalTrans reviewed these plans? CalTrans will require an encroachment permit for these improvements and is, therefore, a responsible agency.
c. Has mitigation for this access point been assumed into the traffic modeling? Unless CalTrans has at least tentatively approved their proposed plans, it should not be.
d. Northbound traffic on Rosemead Boulevard backs up to the fire station and beyond, during heavy traffic periods. The fire department crew regularly travels north opposing traffic in the southbound lanes on Rosemead Boulevard, to avoid the congestion and quickly leave the area. Furthermore, it is necessary for the fire crew to close at least one southbound lane on Rosemead Boulevard to back their truck into the fire station garage. The station garage has no rear entry. These activities are dangerous and will continue to be dangerous regardless of which alternative is implemented. Impacts have not been evaluated. As this happens several times a day, the impacts of opposing and closing a lane should be considered in the intersection analysis and in a public safety analysis. An increase of traffic going into and out of the driveway adjacent to the Fire Station will certainly aggravate already unsafe conditions. Certainly, the EIR should have at least, evaluated public safety and public service impacts related to these activities.

3.2. Page iv, par. 3. The text states "All traffic mitigation is contingent upon the approval of each jurisdiction potentially impacted by individual mitigation measures." Without first having each affected agency review the proposed improvements in each of their jurisdictions, how can the County assume that these measures are feasible? CEQA Guidelines Section 15364 defines "feasible" as: "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The County does not have an agreement with CalTrans regarding improvements that are necessary to mitigate project impacts. In fact, it is reasonable to state that any road improvements needed to mitigate direct project impacts in the State Highway (Rosemead Boulevard) will not be accomplished in a reasonable period of time. There is substantial evidence that 1) CalTrans does not approve of the mitigation measures proposed in their right-of-way and 2) relinquishment of Rosemead Boulevard from CalTrans to L.A. County will not occur prior to or any time soon after project development. Therefore, it is erroneous to assume that the mitigation measures

proposed in the Rosemead Boulevard right-of-way can be implemented in a successful manner within a reasonable period of time. According to Table 23 on Page 73 and the text on page 74, significant traffic impacts are anticipated with the development of the proposed project at Rosemead Boulevard and California Boulevard and Rosemead Boulevard and Huntington Drive. Impacts to these intersections must be mitigated by means of implementation of the proposed mitigation prior to project occupancy.

a. The County of Los Angeles has also received a letter from the City of Pasadena regarding the proposed project, dated October 16, 2003. City Planning Manager, John Poindexter, states "The City is concerned with the feasibility of the proposed mitigation measures within the available right-of-way, the consensus among stakeholders (i.e. CalTrans, LA County and City of Pasadena) regarding mitigation, and the timing for implementing these measures." "In addition, to these capacity issues, the mitigation measures proposed for this intersection (Foothill/Rosemead) are contrary to the measures recommended through the City's East Pasadena Specific Plan. The traffic portion of the East Pasadena Specific Plan was also prepared by LLG..." The City planner finishes his letter by stating that "The responsible divisions of all stakeholders (i.e. CalTrans, LA County and City of Pasadena) should meet and agree on the overall mitigation at this location prior to the issuance of permits for this project." The importance of gaining the approval of responsible agencies prior to certification of the EIR or adoption of the proposed project cannot be understated. Certification of the EIR or adoption of the project by the County of Los Angeles, does not assure or guarantee in any way that CalTrans and the City of Pasadena will issue encroachment permits to the developer when it is time to construct the required mitigation measures. The traffic study and the EIR fail to identify funding mechanisms or the actual project contribution for implementation of all of the proposed traffic mitigation measures/improvements. CEQA Guidelines Section 15364 defines "feasible" as: "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The County cannot assume that the proposed traffic mitigation measures will be implemented in several different jurisdictions, without establishing or identifying the cost of the proposed improvements, the project's fair share of the cost and the identification of or establishment of a funding mechanism for each of the proposed improvements.

3.3. Page iv, par. 3. Each jurisdiction will have opportunity to review the measures when the County or project proponent requests right-of-way and encroachment permits from each agency, but it should not be assumed for purposes of the EIR that each agency will approve the proposed mitigation measures. Therefore, project alternatives that avoid or reduce project generated traffic impacts should have been presented and evaluated in the EIR. The EIR does not present or evaluate any alternatives that avoid or significantly reduce traffic impacts and meet most of the project objectives.

3.4. Page xii, Traffic. The proposed project will result in significant traffic impacts. The proposed mitigation, however, may be infeasible because the proposed mitigation measures have not all been considered and approved by the corresponding Responsible Agencies. The EIR should consider alternative projects that avoid or significantly reduce potential traffic impacts.

3.5. Page xii, Traffic. The determination that impacts will be less than significant after mitigation at both Rosemead/California and Rosemead/Huntington are dependent upon CalTrans approving the relevant mitigation measures. Such approval is not certain, or even likely. Therefore, the impact should not be deemed less than significant after mitigation.

3.6. Page xii, Traffic. Given the existence of significant traffic impacts, the DEIR should have considered alternative projects that would have met the project objectives and would have avoided or significantly reduced potential traffic impacts.

3.7. Pages 54-97. Clearly, the traffic study only analyzes potential impacts to intersections and does not analyze road segments or any other traffic and circulation issues. The California Environmental Quality Act however, does not limit traffic circulation impact analysis to intersection capacity analysis. In fact, if other issues are brought up and are appropriate, they should be evaluated. Appendix G of the CEQA Guidelines is an example and does not necessarily contain all of the appropriate thresholds. In this case several other potential impacts related to traffic and circulation (i.e. pedestrian safety, bypass traffic on residential streets, emergency vehicle ingress/egress and street segment operation have been brought up in writing by the public and other jurisdictions, including CalTrans. The County has not provided substantial evidence that no impacts would occur related to these issues.

3.8. Pages 54-97. There is no discussion of traffic safety in the EIR. The increased trips generated by the project would seem to necessarily have a traffic safety impact, and use of new left turn lanes proposed to avoid or mitigate impacts would create new potential accidents given fast-moving traffic. It should be noted that posted speed limits should not be presumed to be followed in this location, especially on Huntington, where there are four lanes in each direction. Actual speeds can be documented by measuring the speed with a device similar to what the police use, or by observation, i.e., "pacing" a vehicle with traffic.

3.9. Traffic, pages 54-97. As members of the public have been stating for several decades, Rosemead Boulevard, especially between Huntington and Del Mar, is substandard in numerous respects, constituting both a safety hazard and a burden to free traffic flow. These existing adverse conditions would be magnified to a significant level by the increased traffic generated by the project, and yet were not acknowledged in the DEIR, and should be mitigated by means of improvement of the median and placement of a sidewalk on the west

side of Rosemead. The inadequacies of this road facility are as follows:

a. There is an asphalt median that is of substandard height, and having little or no landscaping. This median is thus not sufficiently visible, especially at night, to vehicles seeking to make a left or "U" turn while on Rosemead, or to vehicles turning left from the cross streets, therefore causing confusion and potential collision with the median, and risking conflicts with oncoming traffic.
b. The low level of the median which was measured at 3-inches near the intersection of Rosemead Avenue and Huntington Avenue [SEE EXHIBIT F hereto] and lack of any physical barriers within the median means that vehicles seeking intentionally to cross the median illegally are not sufficiently discouraged from doing so. This, again, risks conflicts with other traffic.
c. There are several left turn lanes in used for "U" turns that are inadequate for this purpose, creating awkward turning movements that risk conflicts with other traffic. [SEE EXHIBIT G hereto.]
d. There are no sidewalks on the west side of Rosemead Boulevard [SEE EXHIBIT H hereto.], even though there are bus stops located on this side of the street. Pedestrians walking on the roadway thus have a higher risk for injury.

3.10. Traffic, pages 54-97. The traffic analysis does not take into account impacts on residential collector streets, which will surely be affected by "cut through" traffic seeking to avoid increased congestion on major arteries near the project, such as Huntington Boulevard and Rosemead Blvd. This activity is especially dangerous on these collector streets with hundreds of single family residential driveways abutting them, due to mature vegetation, width, curving designs and the seemingly uncontrolled speed of vehicles. For example, California Blvd., a two-lane State highway characterized solely by residential uses and lying between Huntington and Del Mar, is already an alternate east-west route and the project will exacerbate the problem. Meanwhile, Madre, which has an exit from the 210 Freeway but passes residential uses and schools in the area closer to the project, is already an alternate north-south access route for vehicles seeking to avoid congestion on Rosemead. Again, implementation of the project will exacerbate this problem. Other collector streets that join these could become affected by cut-through traffic as well. Mitigation measures for such traffic could include the following:

a. NO TURN signs
b. Conversion of Madre to one-way
c. Installation of traffic calming facilities such as speed humps, roundabouts (such as at Madre and San Pasquale) and chokers.

3.11. Page 56, Existing Street System. The DEIR did not study the impacts at the following intersections: (1) California Blvd and Madre Blvd (two blocks west of Rosemead and a signal that frequently backs up traffic), (2) San Pasqual Blvd and Madre Blvd. (also 2 blocks

west of Rosemead) and (3) California Blvd. and Lotus Ave. (one half block west of Rosemead). These intersections should have been studied and were likely left out simply because of their collector status. The project will result add cumulatively considerable traffic to these already unsafe roadways. It is not acceptable that the EIR only analyze intersections. As stated previously, there are several other potential traffic and circulation impacts that were not addressed in the technical traffic study or in the EIR. Typically, other impacts are not addressed by the traffic consultant simply because the EIR consultant did not request that they address other issues. Then, the EIR consultant naively assumes that the traffic consultant would have addressed other relevant impacts and does not discuss them in the EIR, because the traffic study does not mention them.

3.12. Page 56, Existing Street System. Fairview Avenue, immediately adjacent to the project, and with a project driveway, was improperly omitted from the discussion of the existing street system in the original EIR. The fact that this was corrected in the new traffic study dated May 19, 2005 constitutes substantial new information that warrants recirculation to the public.

3.13. Page 58, par. 1. The text states that the project is not expected to increase the number of large trucks parking along the curb of Rosemead Boulevard (see Exhibit 6). However, this is an existing potentially unsafe condition that could be aggravated by the project. Significant impacts on safety are likely in at least two respects:

a. The project will increase traffic trips along Rosemead, further congesting a roadway that is already operating at poor conditions. Several entities including CalTrans and local community groups, have pointed out that unsafe conditions currently exist along Rosemead Boulevard. Given these conditions, and the potential for conflicts between moving traffic and trucks either parking, seeking to park, or leaving parking spaces, the project's impact on safety should have been considered. A suburban style parking lot at this location would further encourage the use of the site as a truck stop.

b. The initial EIR for the project also proposed removal of a portion of the median in Rosemead Boulevard, to allow for left turns exiting the project site. If trucks park near the exit from the site, this could significantly affect the ability of drivers exiting the project to adequately see in both directions, without inching out into the traffic lane. This issue was not discussed in the DEIR. CalTrans has made it abundantly clear in correspondence to the County that alteration of the existing median to accommodate a left hand turn lane would be unacceptable. The elimination of this access configuration in the new traffic study and project description is substantial new information warranting recirculation of the EIR.

3.14. Page 58, par. 1. The conclusion that truck parking would not be substantially worsened by the project is not justified. The project calls for substantially more truck trips than the existing development. More truck trips presumably means more truck parking, and the EIR provides no rationale for why this would not be so. The noise impacts of increased truck parking, especially from idling and startup, are not evaluated. Further, mitigation of truck

noise in Table 17 consists merely of restricting hours of operation behind the Kohl's facility, and would not address the problem of noise from idling and startup in front of the facility during all hours of the day and night.

3.15. Pages 69-71, Figures 13-15. In the original EIR, these figures, which show Project Trip Distribution and project traffic volumes for the AM and PM periods, were incorrect because no trips are shown on Fairview Avenue. The revised traffic study (May 19, 2005) proposes several right-turn only driveways and an exit to Fairview, with a new traffic signal at Fairview and Rosemead. The traffic study should evaluate how drivers will compensate to achieve their original direction. In particular, this analysis should evaluate how traffic on Fairview Avenue would be affected and whether or not the right turn only driveways from the project will result in unsafe driving maneuvers (i.e. u-turns) on Rosemead Boulevard.

3.16. Page 74, par. 2. The text states that all project driveways will remain un-signalized. This is inconsistent with Page iv, paragraph 2, which states "The County of Los Angeles Fire Department has reviewed and approved this median modification with the incorporation of additional, recommended safety features (including Fire Station traffic signals, additional signage and additional pavement markings)." The DEIR does not state what is meant by Fire Station traffic signals, and does not include them in the traffic mitigation.

3.17. Page 86-87. According to Table 23 on Page 73 and the text on page 74, significant traffic impacts are anticipated with the development of the proposed project at the following intersections: Rosemead Boulevard and California Boulevard and Rosemead Boulevard and Huntington Drive. Impacts to these intersections must be mitigated by means of implementation of the proposed mitigation prior to project occupancy. The proposed mitigation measures are described as though they would be implemented before construction, and would result in a less than significant impact. However, the Proposed Mitigation Monitoring Reporting Program (DEIR pages xix-xx) states that the required action is merely "Contribution to the project fair share of the cost of the improvement." This discrepancy between the text and the Mitigation Monitoring Plan is extremely misleading. Further, because there is no assurance that a "fair share contribution" would actually mitigate the impact of the project, it should not be allowed as mitigation, nor should it be deemed sufficient to justify a finding of insignificance after mitigation.

3.18. Page 86, Rosemead Blvd. and California Blvd. The mitigation proposed requires approval by CalTrans, and, specifically, an encroachment permit. It is inappropriate to assume approval by CalTrans absent a statement that they would approve the proposed indication. Without that approval, the impact is significant. Further, the EIR should not be certified and the project should not be approved until the applicant can demonstrate that they have come to an agreement with CalTrans regarding the proposed mitigation.

3.19. Page 87. Rosemead Boulevard and Huntington Drive. The mitigation proposed requires approval by CalTrans, and, specifically, an encroachment permit. It is inappropriate to assume approval by CalTrans absent a statement that they would approve the proposed indication. Without that approval, the impact is significant. Further, the EIR should not be certified and the project should not be approved until the applicant can demonstrate that they have come to an agreement with CalTrans regarding the proposed mitigation.

3.20. Page 93-97. CEQA Guidelines Section 15364 defines "feasible" as: "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The County cannot assume that the proposed traffic mitigation measures will be implemented without establishing or identifying the cost of the proposed improvements, the project's fair share of the cost and the funding mechanism. Is the project proponent going to contribute to the City of Pasadena to pay their fair share of the cost of intersection improvements at Rosemead Boulevard and Foothill Boulevard? Page 95 states that the project will contribute its proportionate share of the cost for mitigation measures needed at Rosemead Boulevard and Colorado Boulevard to the satisfaction of the County of Los Angeles. Please explain how this is appropriate if the City of Pasadena has been identified as the implementing agency with the established funding mechanism. The County of Los Angeles is identified as the responsible agency for implementation of improvements necessary at the Rosemead Boulevard and Duarte Road intersection, yet they have not identified a funding mechanism. What is the project's fair share? How will the project pay and to who will they pay the fair share to? On page 97, the City of Arcadia is identified as the implementing/responsible agency for necessary improvements to the California Boulevard/Sunset Boulevard and Huntington Drive intersection. No funding mechanism is identified.

3.21. Page 87, par. 1. The text says that parking demand on Huntington "will be reduced" because the restaurant called "The Boat" will be relocated to Rosemead. However, the EIR does not evaluate whether there would be correspondingly more parking impacts on Rosemead.

3.22. Page 87, par. 1. "The Boat" is being expanded from 4,500 to 8,500 square feet as part of the project. This necessarily implies there would be commensurately more on-street parking resulting from the expansion. Yet, this is not evaluated in the traffic study in the Appendix, specifically on page 43 and Table 8 of such study. Indeed, there is no mention in the traffic study at all concerning existing parking conditions on Rosemead Boulevard.

3.23. Page 91, Table 29. The cumulative impacts analysis at the studied intersections in this table are dependent initially on the status of the studied intersections presuming that mitigation proposed for the project itself is implemented. In particular, Rosemead/California and Rosemead/Huntington are shown as "YES" in the "mitigated" column for Year 2005 w/Project & Project Mitigation. However, given that the project mitigation is in question because of the uncertainty of CalTrans approval, the presumption corrupts the cumulative impact analysis. At Rosemead/California, in particular, no mitigation is shown as necessary for cumulative impacts. However, mitigation of cumulative impacts would be necessary if the mitigation for the project weren't approved by CalTrans. Therefore, possible mitigation measures for these cumulative impacts should have been studied. Similarly, at Rosemead/Huntington, mitigation is shown for the project during the PM hour, which leads to no requirement of mitigation for the cumulative impacts during PM hour. Again, such mitigation is necessary if the project mitigation isn't approved by CalTrans.

3.24. Page 93, Cumulative Impact Mitigation Measures. The mitigation measures set forth here require approval by CalTrans, as well as in some cases other local agencies other than the County (e.g., City of Pasadena, City of Arcadia). There is insufficient basis to assume that CalTrans, and possibly some of the other agencies, will approve the mitigation. Thus, the conclusion of no significant impact after mitigation is unwarranted.

3.25. Page 97, Level of Significance After Cumulative Impact Mitigation Measures. This summary discussion is very vague and avoids the fact that the proposed mitigation measures require approval of CalTrans and/or other agencies, as discussed elsewhere in this letter.

3.26. Page 151, par. 3. The statement "Although traffic was not identified as a significant project impact" is incorrect. As discussed elsewhere in this letter, the project will result in significant project and cumulative impacts on traffic.

4. **Air Quality**

4.1 As discussed above, the new traffic study (May 19, 2005) prepared for the revised project significantly understated trip generation. The revised (2005) air quality study utilized this understated project trip generation to calculate operational impacts. Therefore, the air quality impacts are also significantly understated.

4.2 Please see the letter dated January 5, 2005, from the South Coast Air Quality Management District (SCAQMD). The following comments are related to the County's (lead agency) efforts to comply with SCAQMDs requirements/comments.

1-3. The revised air quality study uses more typical methodology in the URBEMIS

analysis. However, not all of the on-road vehicle trips were included in the analysis (see 5-6 below).

4. The lead agency clarified that the 50 trucks were both for concrete and sand and does not specify how many of each. It should also be noted that the 300-350 concrete trucks that were assumed in the original technical study (see the construction emission table on page 15) were dropped in the revised technical study with no explanation.

5-6. It does not appear that the lead agency has added 50 concrete and sand trucks into the Urbemis model or separately calculated them and added them to the Urbemis construction phase emissions.

7. Architectual coatings were analyzed in the revised revised air quality URBEMIS output. However, it is unclear why the standard assumption of 1.0 for the thickness of architectural coatings was changed to 0.4. This change would result in lower VOC emissions. The revised air quality study shows that the project will result in an exceedence of VOC. (VOC, ROG and ROC all represent the same pollutant.). Mitigation for VOC emissions is proposed in the revised Air Study in the form of high efficiency spray transfer equipment during painting activities. There is however, no finding of impact and there is no information presented to show that impacts will be mitigated to below significance with the implementation of proposed mitigation measures.

8. There is not enough information in the revised air quality study to determine whether or not the lead agency utilized Emfac 2000 to conduct a CO Hotspot Analysis. This analysis is certainly not clear or written in plain language.

9. This typo was not repeated in the Revised Air Quality Impact Study.

10. The suggested mitigation measures were incorporated into the Revised Air Quality Study.

11. The Revised Air Technical Study uses the same trip generation rate presented in the Revised Traffic Technical Study (3,164 ADT). It should be noted however, that the new traffic significantly understated trip generation. Therefore, the air quality impacts are also significantly understated. The previously missing unmitigated operational emissions information is presented in the Appendix of the Revised Air Quality Study.

4.3 Page vi. The air quality impact analysis is inadequate and inaccurate in several respects. The air quality study prepared for the project should be redone correctly and impacts should be re-evaluated. The EIR should then be re-circulated. The inadequacies are as follows:

a. With regard to short-term construction impacts, the findings on Air Quality Impacts within the Draft EIR are based upon an Air Quality Analysis prepared by Giroux and Associates dated July 28, 2004. The air quality analysis used the URBEMIS 2002 computer model to predict project generated emissions. The URBEMIS 2002 model divides construction into three phases (demolition, grading, and building) and predicts

emissions for each phase. The Air Quality Analysis of construction emissions did multiple model runs; however, the emissions totals in the tables do not match the URBEMIS model output reports. In particular, the tables in the Air Quality Analysis indicates that demolition activities would require the use of 2 loaders, 1 excavator with breaker, 1 main lift, 1 bobtail truck, 1 forklift, 1 A.C grinder, 1 water truck, and 2 service trucks. However the URBEMIS Model Output Reports show zero demolition phase emissions in each of the model runs. The revised air quality study URBEMIS Output present a separate analysis for demolition. However, it is unclear as to why the consultant assumed that the total building volume was 130,000 cubic square feet with a demolition rate of 26,000 cubic square feet per day when page 14 paragraph 3 of the original air quality study states "Prior to project development, a total of 47,000 square feet of commercial/office space and four residences will be demolished." and that the existing buildings would be demolished at a "rate of approximately 50,000 cubic square feet per day ..." The revised air quality URBEMIS Output demonstrates that several revisions were made to air quality assumptions not related to the downsizing of the project. It is not appropriate for the County to not circulate a revised air quality technical study for public review.

b. The URBEMIS Model Output reports in the appendix of the Air Quality Analysis indicates grading emissions in one of the model outputs was estimated for the following equipment: 2 loaders, 1 excavator, 1 surfacing equipment, 1 tractor. Is this the URBEMIS model run that estimated demolition emissions? If so, it underestimated demolition emissions as not all of the equipment listed in the Air Quality Analysis was used in the model run. If it is not the model run used to estimate demolition emissions, then how were emissions for demolition activities estimated in the Air Quality Analysis? The revised Air Quality report URBEMIS Output assumes that 2 excavators, 1"other equipment" and on rubber tired loader would be used during demolition. Why is this not consistent with the assumptions made in the original reports? What has changed regarding demolition? Why do the revised Urbemis Output sheets show that the standard assumption of 30 miles for demolition/truck hauling was changed to 20 miles? Where is the recycling facility or waste disposal site that will handle project waste? Where are the mileage calculations showing truck trip routes and mileage?

c. What supporting evidence is there that these (demolition) emissions were correctly calculated? The revised air quality study calculates demolition emissions utilizing the Urbemis model.

d. The tables in the Air Quality Analysis indicate that grading activities would require 4 scrapers, 1 dozer, 2 loaders, 1 blade, 2 water trucks, 1 sheep's foot tamper, 2 service trucks, and 4 bobtail trucks would be used during grading activities. However the URBEMIS Model Output Reports show that 1 grader, 1 other equipment, 1 dozer, 2 loaders, and 4 scrapers were evaluated in the model. The URBEMIS model did not account for the 4 bobtail trucks, 2 water trucks, or 2 service trucks, and therefore, underestimated emissions. The revised air quality URBEMIS Output is inconsistent with

the original Air Quality Report assumption that grading activities would require 4 scrapers, 1 dozer, 2 loaders, 1 blade, 2 water trucks, 1 sheep's foot tamper, 2 service trucks, and 4 bobtail trucks would be used during grading activities. Why did the assumptions for grading change?

e. The tables in the Air Quality Analysis indicate that construction activities would require the use of 1 crane, 3 boom-type concrete pumps, 330 to 350 concrete trucks, 50 sand trucks, 2 screeds, 2 man lifts, 2 generators, 1 backhoe, and I scissors lift. However the URBEMIS Model Output Reports show zero construction phase emissions in each of the model runs. The revised Urbemis Output sheets are still inconsistent with the Air Quality Report assumption that construction activities would require the use of 1 crane, 3 boom-type concrete pumps, 330 to 350 concrete trucks, 50 sand trucks, 2 screeds, 2 man lifts, 2 generators, 1 backhoe, and I scissors lift. Furthermore, the square footage for construction is understated. According to the new project description, the proposed Khol's building will be 88,407 square feet and the proposed new Galley Restaurant will be 8,500 square feet for a total of 96,907. Therefore, all of the findings based on the square footage of 96,050 (square feet) need to be revised.

f. Under "grading phase" in one of the URBEMIS model runs the following equipment was used: 1 crane, 5 other equipment. Since cranes are not used for grading, can we assume that the grading phase emissions in this model run are in fact the emissions estimates for construction phase emissions? If this is true, then the model underestimated emissions as it did not model for all of the equipment used during this phase. This error was not repeated in the revised Air Quality Technical Study.

g. Construction of the building will require paint applications. One of the URBEMIS model runs shows 180.42 pounds per day of ROC emissions from paint applications during the construction phase but does not include any of the construction equipment listed above. Nor does the text or tables of the Air Quality Analysis include ROC emissions from painting. The revised Air Quality Study addressed the above concern. It does raise another concern though; why did the revised Urbemis Output sheets change standard paint thickness assumptions from 1.0 to 0.4?

h. The threshold for ROC emissions is 75 pounds, but no mitigation was offered to lower the ROC emissions. The revised Air Quality URBEMIS Output also shows that the project will result in a significant unmitigated impact due to ROC emissions. Although mitigation measures are recommended, there is no analysis of what the impact would be with mitigation. Therefore, how can a finding of significance be made?

i. It is evident that painting applications as well as other building activities (emissions from cement trucks) will be above the thresholds of significance. The EIR needs to accurately depict these emissions and make comprehensive findings regarding their significance.

j. Peak emissions activities for criteria pollutants during construction and asphalt paving need to be estimated in order to fully assess construction impacts. The revised Air Quality Study evaluates maximum single day emissions. ROG emissions will exceed SCAQMD thresholds.

fully disclose potentially significant air quality impacts. The revised air quality study references another EIR as evidence that the project will have no significant health risks associated with diesel emissions. The report does not, however, summarize the analysis or the findings at all; nor is the EIR attached to the air quality study. This does not adequately disclose the analysis and is unacceptable. The revised project (June 2, 2005) will result in a concentration of truck traffic adjacent to existing single family homes adjacent to the project's western boundary. Considering the conditions that will be created by a truck driveway that leads to a loading dock that is closed in on one side by the proposed 30-foot building and on the other side by a proposed eight foot wall with single family homes on the other side this analysis is certainly warranted. Diesel emissions can emitted as high and higher than 11.5 feet on a heavy truck.

p. The Microscale CO Impact Analysis only predicted 1-hour CO concentrations. However, the "CEQA Air Quality Handbook (1993)" published by the SCAQMD requires estimates of both 1-hour and 8-hour concentrations in order to compare the results with the 1-hour and 8-hour ambient air quality standards. The methodology used in the handbook uses a "persistence factor" that the 1-hour estimates are multiplied by in order to estimate 8-hour average concentrations. Using the persistence factor that best fits the project area, 8-hour average concentrations of CO will be above the State Ambient Air Quality Standard. This is a significant impact that should have been mitigated and disclosed in the Draft EIR.

4.4. Page 14. The Environmental Setting section lacks a discussion of the regional air quality environment.

4.5. Page 27 – Impact Section. Recent judicial review (Bakersfield Citizens for local control v. City of Bakersfield (12/13/04) necessitates that EIRs include a discussion that describes the potential health effects of air pollutants. The EIR does not present a discussion of potential "Health Effects" associated with the violation of pollutant thresholds. The revised Air Quality Study presents a Table that summarizes "Health Effects" for criteria pollutants but does not discuss the potential health effects associated with asbestos or demolition generated lead from paint.

4.6. Page 29, Last paragraph. The statement "the project will not result in a significant construction air quality impact due to substantial amounts of painting or architectural coatings." is not consistent with the Urbemis Output in the Original Urbemis Appendix. The Urbemis Output shows that the project will result in 180.42 lbs per day of ROG emissions during the third 2004 Phase - Building Construction. This significantly exceeds the 75 lb per day SCAQMD threshold.

4.7. Page 30, Construction Emissions. It is inaccurate to state that "All other critieria pollutants will not exceed established thresholds" The original project will result in an exceedence of the SCAQMD PM10 threshold without mitigation.

4.8. Page 30, Operational Impacts. The California Air Resources Board (CARB) has designated particulates within diesel exhaust as a toxic air contaminant (TAC). The CARB's Scientific Review Panel has established 3.0 X 10-4 per □g/m3 as a unit risk value for diesel exhaust particulates. The unit risk value is a theoretical value of contracting cancer over a 70-year life span of exposure. SCAQMD uses a significance standard of 10 in one million as the maximum acceptable health risk. Since large retail projects such as this require the use of heavy-duty diesel trucks, and residential land uses are adjacent to the proposed project, the air quality evaluation should have included a health risk assessment for diesel particulates, to fully disclose potentially significant air quality impacts.

The revised project (June 2, 2005) will result in a concentration of truck traffic adjacent to existing single family homes adjacent to the project's western boundary making diesel emissions even more of a concern. Considering the conditions that will be created by a truck driveway that leads to a loading dock that is closed in on one side by the proposed 30-foot building and on the other side by a proposed eight foot wall and single family homes, a hot spot analysis to analyze the project's potential to create unhealthy concentrations of pollutants is certainly warranted. The truck concentration will also warrant an environmental analysis of odor. With truck exhaust at approximately 11.5 feet, there is a likely to be significant changes in odor in the backyards of the adjacent single family homes.

The revised air quality study references another EIR as evidence that the project will have no significant health risks associated with diesel emissions. The report does not, however, summarize the analysis or the findings at all; nor is the EIR attached to the air quality study. This does not adequately disclose the analysis and is unacceptable.

4.9. Page 31, Table 6. ROC emissions from painting are not included. The threshold for ROC emissions is 75 pounds, but no mitigation was offered to lower the ROC emissions. It is evident that painting applications as well as other building activities (emissions from cement trucks) will be above the thresholds of significance. The EIR should have accurately depicted these emissions. The revised air quality study presents ROC emissions and proposes mitigation but does not evaluate whether impacts will be below significance with mitigation.

4.10. Page 31, Table 6. Peak emissions activities for criteria pollutants during construction and asphalt paving should have been estimated in order to fully assess construction impacts.

4.11. Page 31, Table 6. The South Coast Air Quality Management District (SCAQMD) has primary and secondary thresholds for construction. All construction emissions need to be compared with both thresholds as shown in Section 6, page 6-4 of the "CEQA Air Quality Handbook (1993)" published by the South Coast Air Quality Management District (SCAQMD). The Primary construction thresholds are as follows: 2.5 tons per quarter-year (tons/qtr) of ROG or NOx, 24.75 tons/qtr of CO, and 6.75 tons/qtr for PM-10 or Oxides of Sulfur (Sox). The secondary construction thresholds are in pounds per day, as described in the Air Quality Analysis. However, the Air Quality Analysis failed to compare project generated construction emissions with the Primary thresholds.

4.12. Page 32, Table 7. The Microscale CO Impact Analysis only predicted 1-hour CO concentrations. However, the "CEQA Air Quality Handbook (1993)" published by the SCAQMD requires estimates of both 1-hour and 8-hour concentrations in order to compare the results with the 1-hour and 8-hour ambient air quality standards. The methodology used in the handbook uses a "persistence factor" that the 1-hour estimates are multiplied by in order to estimate 8-hour average concentrations. Using the persistence factor that best fits the project area, 8-hour average concentrations of CO will be above the State Ambient Air Quality Standard. This is a significant impact that should have been mitigated and disclosed in the Draft EIR.

4.13. Page 33, Table 8. The Air Quality study did not utilize the correct vehicle fleet for the proposed project. Nox emission findings are inaccurate. The URBEMIS 2002 computer model to predict project generated emissions did not have a vehicle fleet consistent with the proposed project (large retail store). In particular, the vehicle fleet used in the URBEMIS model indicates school buses within the fleet of vehicle trips generated by the proposed project and greatly underestimates the use of heavy-duty diesel trucks (only 3.1 percent of the total fleet). The vehicle feet used in the URBEMIS model underestimates emissions, particularly NOx emissions associated with heavy-duty diesel trucks. The analysis should have used the Institute of Traffic Engineers (ITE) publication "Trip Generation" in estimating the vehicle fleet for this project (large retail store) and evaluate to predict all emissions generated during operation of the proposed project.

4.14. Page 34, Level of Significance After Mitigation. Because the air quality technical study is deficient, all statements concerning the level of significance of the project's impacts to air quality need to re-evaluated and the DEIR re-circulated for public comment.

5. **Aesthetics, Light and Glare**

5.4. Page 152, Effects Not Found to be Significant. The conclusion that there will be no significant impact on "Visual Qualities" is not justified. The project provides for a ten-foot exceedance of the height limit for this area, consisting of a parapet-type sign high above the roof line. The 2-story Kohl's building will be a massive structure, with nothing proposed to break up the massing. Yet, there is no landscape plan whatsoever for the project. The DEIR should have analyzed this as a potentially significant impact. Possible mitigation for the aesthetic impact for the proposed project and the revised project dated June 2, 2005, would include:

a. Design features that would break up the massing, e.g., tower features, trellises, plantings against the building, screening of all HVAC, fire protection, refuse collection, and electrical equipment.

b. Significant landscaping on the project site, including (1) planting and maintenance of trees that will grow to a height that will be as tall as the 2 story building; (2) foliage that will obscure the majority of the mass of the building, particularly from Huntington Blvd.; (3) bermed, grassy landscape setbacks along Huntington, which would compliment the existing lush landscaping in the median of Huntington Blvd. and the landscaping in front of the office building on the northwest corner of Rosemead and Huntington; and (4) planters, landscaped areas and trees in the parking lot.

c. Prohibition of any signage for the project or tenants other than small (no taller that 5 feet and with sign panels no larger than 30-40 square feet) monument signs, one each on Huntington and Rosemead.

5.5. Page 11, par 1. Light and Glare issues were deemed in the Initial Study to be insignificant. There is no basis for such a conclusion, especially given that the proposal calls for a lighted sign 45 feet tall, reaching above existing development in the area. Impacts from parking lot lighting could also be significant with implementation of the

proposed project or the revised project dated June 2, 2005. There are several homes adjacent to the project's southern and western boundaries that will be significantly impacted by parking lot lighting and glare. The County does not present substantial evidence that the project will not result in significant light and glare impacts. The configuration of the parking lot and parking lot lighting will indeed change from what is existing.

6. **Public Services**

6.4. Page 152, Effects Not Found to be Significant. The conclusion regarding Public Services that the project "will not substantially increase the need for community services" is inconsistent with the County sheriff's letter referenced on Page 11, fn. 2, discussed elsewhere in these comments.

a. Northbound traffic on Rosemead Boulevard backs up to the fire station and beyond, during heavy traffic periods. Exhibit 9 is a photograph taken of the fire station driveway, looking north at 12:15 p.m. on a weekday. Clearly, negotiation of traffic is difficult to say the least and conditions are significantly more congested during the a.m. and p.m. peak hours. The fire department crew regularly travels north opposing traffic in the southbound lanes on Rosemead Boulevard, to avoid the congestion and quickly leave the area. Furthermore, it is necessary for the fire crew to close at least one southbound lane on Rosemead Boulevard to back their truck into the fire station garage. The station garage has no rear entry. Certainly, the EIR should have at least, evaluated public safety and public service impacts related to these activities.

6.5. Page 11, Project Impacts. Footnote 1 notes that County DPW submitted a comment letter saying a sewer area study should be prepared. However, such a study was not done. It should have been.

6.6. Page 11, Project Impacts. Footnote 2 notes that the County Sheriff submitted a comment letter (not included in the appendix) stating that the department could require additional staffing. The issue of public services was not even studied in the EIR, but treated as no significant impact in the Initial Study instead. The explanation in the footnote – that "budgetary concerns . . . are handled through the Countywide general fund" – is off-point and not sufficient to justify a finding that there is no significant impact on public services. It seems inconceivable that that additional staffing at the Sheriff station referenced could not be provided as mitigation, but even if it cannot be, an unmitigated significant impact should have been found.

7. Unavoidable Significant Effects

7.4. Page 111, par. 1 . The text states "The Project will also result in three significant effects that cannot be mitigated including adverse effects to local and regional air quality during construction activities; significant noise impact on adjacent residences during a one to two week period of the demolition phase of construction; and noise impact during operational activities." However, as discussed elsewhere in this letter, the project will result in significant impacts to other impact categories, including traffic and circulation and land use. These should have been acknowledged here.

7.5. Page 111, par. 2, The DEIR does not evaluate the "significant irreversible change" to views mentioned in this paragraph.

8. Cumulative Impacts

8.4. Page 114, Cumulative Impacts of Related Projects. The County of Los Angeles is currently updating the General Plan, including the Land Use Map. The proposed General Plan Update is qualifies as a "Project" under CEQA and the proposed land use changes in the project area should be evaluated for cumulative impacts. In particular, the proposed General Plan Update calls for the project site and surrounding parcels on all four corners of Rosemead and Huntington to be redesignated from "Medium Density Residential" to "Major Commercial," resulting in substantial increases in various impacts. These impacts should have been taken into account in the cumulative impacts analysis.

8.5. It is also very clear that the County of Los Angeles is in negotiation with CalTrans to acquire jurisdiction of Rosemead Boulevard. Millions of dollars of improvements to Rosemead Boulevard are being proposed as part of this acquisition. Surely, these improvements qualify as "a reasonably foreseeable project" and the congestion that will surely occur as a result of implementation of any of the proposed improvements, in the near future should be considered in the cumulative analysis. Surely if the County is going to assume that they will soon have jurisdiction of this State Highway, they must also assume the potential traffic impacts associated with the improvements that they are demanding as a part of the negotiation process.

9. Alternatives

9.4. Page xxiv, Alternatives Considered. An obvious omission from the alternatives, one which would have mitigated numerous significant impacts of the project on noise, traffic and air quality, would be a project with less square footage. The omission of this alternative constitutes a failure to include a reasonable range of alternatives. The recently developed "Revised Project" dated June 2, 2005 should be evaluated in the EIR as an alternative project. While this alternative may reduce some project impacts it will also result in significant unmitigable impacts that are different and more intense than the proposed project. Therefore, the County cannot approve it without recirculating the Environmental Impact Report.

9.5. Page xxiv. With respect to the "no project" alternative, the last paragraph reads: "Future development options would likely include projects similar in size and use to the Project, unless a zone change or general plan amendment were adopted to allow more intensive uses of the site." This statement is inaccurate. Since a rezone is proposed as part of the project, and since the project is a regional-serving commercial project inconsistent with the General Plan, there is no basis for assuming that the no project alternative would be similar in size and use to the proposed project.

9.6. Page xxv, par. 4. The Office Alternative would not meet most of the project objectives on page 1 of the DEIR, as the project objectives very specifically identify a commercial project. Therefore, it is infeasible and an alternative that would have met most of the project objectives should have been evaluated in its stead.

9.7. Page xxvi, par. 4. The statement that the "General Plan designation is Major Commercial" is inaccurate. The General Plan designation is Medium Density Residential. Accordingly, the proposed development in this alternative, which would include 73,200 square feet of retail development, would be inconsistent with the General Plan unless it were "local," i.e., neighborhood-serving, in nature.

9.8. Page xxvii, par. 2. This discussion inaccurately assumes that Loading Docks are the only potential operational noise source.

9.9. Pages 74-75, Site Access. The DEIR proposes Access Alternatives 1, 2 and 3. Yet, CalTrans has made it very clear in their letter dated October 12, 2004 letter and in their December 21, 2004 comment letter on the DEIR that Access Alternative 1 (proposing no project access at Fairview Avenue, left-turn ingress allowed from northbound Rosemead, and no traffic signal at the Rosemead Boulevard and Fairview Avenue intersection) is not acceptable and will result in unsafe conditions. They also state that Access Alternative 2

is not acceptable. According to this letter, the only Access Alternative that is acceptable is Alternative 3. Given that Alternatives 1 and 2 are not feasible due to CalTrans' refusal to approve them, they should not have been included in the DEIR and analysis should have proceeded elsewhere on the assumption that Alternative 3, which does not provide for a barrier at the Fairview Avenue project driveway, would be adopted. Cal Trans' approval is essential because an encroachment permit will be required for any improvements to Rosemead. The only way this can be avoided is for the facility to be relinquished to the County – something that is uncertain even in the long term, and highly unlikely in the near future. These facts are confirmed in a letter dated October 27, 2004, from the County Department of Public Works to the project traffic consultant, and by a recent conversation with the CalTrans project engineer, as follows:

a. In the October 27 letter the County states: "The County is currently negotiating with CalTrans for their relinquishment of Rosemead Boulevard. If we are unable to reach an agreement with CalTrans prior to the development of the site, the developer will be required to obtain an encroachment permit from CalTrans. Therefore, the developer shall obtain CalTrans' input on the project site plan. The developer should enter into a secured agreement with Public Works to provide funding should a traffic signal be required along Rosemead Boulevard due to future changes to access requirements. This security shall be enforceable for a minimum of 3 years after occupancy of the project.

b. According to Nerses Yorjanian, the CalTrans Project Engineer (telephone conversation, January 10, 2005), the project will not receive an encroachment permit from CalTrans unless Alternative 3 or some other alternative acceptable to CalTrans is adopted. Furthermore, Mr. Yorjanian was in the most recent meeting with the County to discuss relinquishment of Rosemead Boulevard. Mr. Yorjanian's opinion is that relinquishment is way off in the future because Los Angeles County is requesting extensive improvements prior to relinquishment.

9.10. Page 76, Figure 16. This Site Access graphic shows Access Alternative 1, but there is no corresponding graphic for Alternative 2 or for Alternative 3, which is the only feasible alternative given CalTrans' stated opposition to Alternatives 1 and 2. The alternative analysis seems to be divided, with a bit in the traffic section and a bit in the alternative section. All alternatives that would meet most of the project objectives, while avoiding or significantly reducing significant impacts should be comprehensively and clearly presented in the Section of the EIR identified as "Project Alternatives".

9.11. Page 117, par. 4. The text states that an alternative project site was infeasible, but makes only conclusory statements that a site of sufficient size, under one ownership, and which would "continue to serve the intended community" could not be found. There is no reference to how this determination was made, what criteria were used for the stated factors, or the other sites the County and/or project applicant considered. This is accordingly not an adequate alternative site analysis.

9.12. Page 118, par. 4. With respect to the "no project" alternative, the text reads: "Future development options would likely include projects similar in size and use to the Project, unless a zone change or general plan amendment were adopted to allow more intensive uses of the site." This statement is inaccurate. Since a rezone is proposed as part of the project, and since the project is a regional-serving commercial project inconsistent with the General Plan, there is no basis for assuming that the no project alternative would be similar in size and use to the proposed project. Rather, a more reasonable no-project scenario would leave development at its current level, possibly renovating or replacing existing structures.

9.13. Pages 118-150, Alternatives Considered. The alternatives discussion for each alternative states the impacts of the alternative, but does not consistently compare the impacts of the alternatives to the impacts of the project as proposed. This makes it impossible for the reader to assess the respective advantages and disadvantages of the alternatives versus the project.

9.14. Page 119, par. 6, Noise. Because existing single noise events currently exceed County standards, the No Project Alternative does have significant noise impacts. This should have been acknowledged.

9.15. Page 120, par. 2, Traffic. Because existing traffic congestion is significant, the No Project does have significant traffic impacts. This should have been acknowledged.

9.16. Page 122, par. 1. The Reduced Height Alternative appears to have been designed so as to make itself infeasible. There is no explanation why it was necessary to reduce the height of the facility to a single story in order to move the loading dock, which is the source of significant noise impacts. Alternatively, the building could have remained at its existing height and the loading dock relocated nearer to Huntington Drive.

9.17. Page 122-127. Reduced Height Alternative. Since the stated objective of the reduced height alternative is to reduce operational noise impacts, it is inappropriate for this alternative to include a structure that is just as many square feet (98,500) but with a much larger footprint. This may reduce operational noise, but it magnifies construction noise by putting it closer to residences (see page 126). Indeed, the discussion points out that code parking can only be met if the square footage is reduced to 60,000, so reducing the size of this alternative would seem to be a reasonable way to configure the alternative – and it would allow the building to be moved further from the residences.

9.18. Page 122-127, Reduced Height Alternative. A reduction of square footage from the proposed 98,500 to 60,000 for the Reduced Height Alternative could also reduce the significant NOx impacts below the 150-pound threshold, since at this size they're at 189 lbs/day after mitigation. This would have been a reasonable secondary objective of the alternative. Presumably a 40 percent reduction in square footage would avoid or substantially reduce this significant impact.

9.19. Page 131, par. 1, Office Alternative. This alternative clearly does not meet most of the project objectives. It should not have been considered, and a project alternative that did meet those objectives should have been evaluated in its stead.

9.20. Page 131-139, Office Alternative. The primary advantages of the Office Alternative are reductions in traffic, air quality, and operational noise. Both the traffic and the noise advantages are underappreciated in the analysis, however, because, as discussed elsewhere in this letter, the DEIR doesn't acknowledge the significance of traffic impacts or the significance of the operational noise impact for the project for all of the residences west of the site (only for the Sultana Ave. residences). Thus, the analysis of this alternative is corrupted.

9.21. Page 140, par. 1. The Mixed Use Alternative discussion is preceded by the statement that the alternative was evaluated "[i]n an effort to reduce a County-wide and Los Angeles City-wide housing shortage." However, the EIR did not say that the project had significant impacts related to housing. Thus, the reduction of a pre-existing housing shortage does not constitute the avoidance of reduction of a significant impact. This alternative should not have been analyzed unless it avoided or substantially reduced a significant impact of the project. A project that did accomplish this purpose should have been evaluated in its stead.

9.22. Page 140-150. Mixed Use. This alternative buffers existing residences with a row of multifamily residences. This would reduce noise impacts to the existing residences (see page 145). However, the discussion understates the import of this reduction, because it improperly notes that "Operation of the loading dock was determined to be less than significant under the Project." This is apparently a reference to the conclusion that impacts at Monitoring Location 1 (Figure 9, page 39) are less than significant. However, as stated elsewhere in this letter, this conclusion is incorrect.

9.23. Page 146, par. 2. The text notes that the traffic impacts of the Mixed Use Alternative would be less because it would generate fewer trips than the project as proposed. However, the traffic advantage is underappreciated, since, as stated elsewhere in the letter, the EIR doesn't acknowledge a significant traffic impact for the project.

9.24. Page 151, par. 1. In the discussion of the Environmentally Superior Alternative, the text refers only to significant construction air quality impacts and construction and operational noise impacts. However, as discussed elsewhere in this letter, the project will result in significant impacts to other impact categories, including traffic and circulation and land use.

Thank you for the opportunity to comment on this project.

Very truly yours,

John A. Henning, Jr.

FINDING 35
CHAPMAN WOODS ASSOCIATION
TRAFFIC LETTER REFERENCED
AUGUST 19, 2005

John A. Henning, Jr.
ATTORNEY AT LAW

August 19, 2005

VIA U.S. MAIL

Kim Szalay
Regional Planning Assistant
Department of Regional Planning
320 West Temple St., Rm. 1348
LA CA 90012

Re: Kohl's/Clearmans Village Project (County DRP Project No. 03-147)

Dear Mr. Szalay:

This letter is to request that staff require the applicant for the Kohls/Clearmans Village project (County DRP Project No. 03-147) to conduct additional study concerning the traffic impacts of the proposed project.

At the last hearing before the Regional Planning Commission on July 20, 2005, we submitted to the Commission a comment letter on the project's traffic analysis written by Chapman Woods Association's traffic engineer, Bryan Jones. This letter explained how the assumptions made and the methodologies used by the project's traffic engineer have vastly understated both the existing conditions and the impacts of this huge regional-serving project. (For ease of reference a copy of this letter is attached hereto.)

Similarly, numerous residents spoke at the hearing and/or submitted letters in which they made specific observations about existing congestion, cut-through traffic, and unsafe conditions caused by the saturation of the arterial and neighborhood streets.

These observations do not jibe with the rosy conclusions of the traffic study.

At the close of the July 20 hearing, several of the Commissioners commented that more work on traffic was necessary. Specifically, they pointed out that:

(1) The traffic study appears to have considered cut-through traffic impacts only in a "general sense," and in light of the points made to the Commission, staff should meet with neighbors to discuss the specific potential cut-through locations and the traffic engineer do additional analysis based on those locations;

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(2) Although a $25,000 fund has been proposed to be earmarked for monitoring and future impacts to Fairview Ave., impacts there could be "far more significant" and the mere existence of the fund implied that mitigations planned as part of the project "may not work";

(3) The circulation of trucks on and around the site may not have been adequately studied;

(4) The traffic engineer for the project should provide additional information to the Commission concerning how the traffic study addresses the various issues raised by the neighborhood; and

(5) "Staff [and the Department of] Public Works in particular" should look at the Chapman Woods traffic engineer's comment letter.

We ask that staff act in response to the foregoing comments, and specifically, that it take the following actions, described in greater detail in pages 3 through 12 of this letter:

A. Meet With Neighbors Concerning Cut-Through Problems.
B. Consider Comments Made by CWA's Traffic Engineer.
C. Fully Evaluate "Cut Through" Traffic on Neighborhood Streets.
D. Study Specific Streets Already Identified By CWA and Other Neighbors.
E. Consider Traffic Safety Impacts, Especially to School Children and Pedestrians.
F. Extend Traffic Study Hours to Non-Peak Times.
G. Develop Mitigation Measures That Would Be Implemented With the Project.
H. Study the Pending Westfield Expansion and Caruso Project in Arcadia.
I. Make Adjustments to Traffic Counts to Account for Daily/Monthly Variations.
J. Apply a Peak Hour Factor to Reflect Inefficiency During Peak Hours.
K. Eliminate the Signal Synchronization Credit Against Future Traffic.
L. Provide Daily, Rather Than Just Peak Hour, Traffic Volumes.
M. Conduct Manual Traffic Counts at Clearmans to Establish Baseline Traffic.
N. Explain Basis for Distribution of Trips Entering and Leaving the Site.
O. Analyze Queuing and Time Delay.
P. Use Proper Trip-Reduction Figures for Pass-By and Internal Capture.
Q. Use Actual Trip Counts for Trip Credits From Removal of Existing Structures.
R. Develop Locally Derived Trip Generation Rates for Project Trips.
S. Separately Analyze the Project's Own Peak Hour.
T. Properly Assign Trips to Neighborhood Streets.
U. Perform Level-of-Service Analysis at Existing Site Access Points.

DETAIL

A. Meet With Neighbors Concerning Cut-Through Problems. Consistent with the recommendation made by Commissioner Bellamy at the July 20 hearing, we strongly believe that *staff*, not just the applicant, should meet with neighbors concerning cut-through traffic locations and issues. As described in great detail at this and other hearings, the applicant has repeatedly mischaracterized the nature and scope of its communications with the community. The time has come for staff to take a direct role in such communications so that neighborhood concerns are noted and addressed, and so that the results are accurately conveyed to the Commission.

Further direct contact with the neighbors is necessary here. Although many comments were made at the July 20 hearing or in correspondence before the hearing, these did not necessarily identify all of the problems. Dozens of neighbors opposed to the project who attended the hearing were not allowed to give testimony because of the Commission's time limitations. Therefore, their concerns have not yet been heard. Further, because of the wholly inadequate nature of the applicant's outreach to affected neighborhoods – e.g., use of mailing lists extending only a couple of blocks from the project site – it can fairly be assumed that many affected neighbors have simply had no meaningful chance to comment at all.

B. Consider Comments Made by CWA's Traffic Engineer. The July 20, 2005, letter from CWA's traffic engineer describes a variety of weaknesses in the traffic study for the project. Again, *staff, not just the applicant*, should carefully consider this letter and make recommendations for further study.

C. Fully Evaluate "Cut Through" Traffic on Neighborhood Streets. As noted by Mr. Jones' July 20 letter, one of the most intractable traffic problems is cut through traffic. It is vital to provide a connected community, not only for residential access, but also for emergency vehicle access. Yet, with the exception of narrative on pages 57 through 59, which is generally dismissive of the potential for cut-through traffic, the traffic analysis does not evaluate secondary streets. Rather, the study is focused on the intersections along the principle arterials.

The deficiencies described elsewhere in Mr. Jones' letter, if corrected, may result in much higher calculated volumes on Rosemead, Huntington, and Fairview than those presented in the traffic study. This, in turn, would inevitably lead to the conclusion that more drivers, both existing and project-related, would use parallel collector streets. In particular, residential neighborhoods north and south of the proposed project may be expected to experience additional cut through traffic (1) as volumes increase on Rosemead and Huntington; (2) as traffic attempts to access the site at a mid-block access point; and (3) as exiting traffic congests Huntington near the eastbound left turn lane.

These impacts must be evaluated in the traffic study.

D. Study Specific Streets Already Identified By CWA and Other Neighbors. Hundreds of letters have been submitted by neighbors on all sides of the site, and numerous neighbors testified at the July 20 hearing. The neighbors identified more than 20 residential streets as already being saddled with cut-through and overflow traffic due to existing traffic conditions on the major arterials surrounding the project site. However, the traffic study contains only a short narrative on cut-through traffic that is limited to only a handful of streets, and which summarily dismisses the potential for impacts.

Given the applicant's refusal to systematically study the impacts to neighborhood streets thus far, we ask that *staff, not merely the applicant*, review the letters and testimony from the public, familiarize itself with the local street system, and make a specific request to the applicant that it study potential impacts of the project, both direct and indirect, on the collector streets indicated. These include, but are not limited to, the following:

Fairview Ave.
Madre Ave.
San Pasqual
Del mar
Sultana
Lotus
Muscatel
California
Michillinda Park
Emperor Ave.
Michigan
Woodward
Greenwood
Southview
Mountain View
Ivydale Court
Yorkshire
Locksley
Thorndale
Grayburn
Vallombrosa
Walnut

E. Consider Traffic Safety Impacts, Especially to School Children and Pedestrians. There is no discussion in the EIR or the traffic study of traffic accidents or traffic safety. A limited accident inventory should be prepared to identify existing accident-prone locations

within the study area. This is especially true given numerous reports by residents of accidents both on the main arterials and on local collector streets.

Indeed, it especially improper to omit an analysis of safety when considering collector streets. Many of these streets, such as Fairview, California, and Madre, do not have sidewalks and are used by families and children walking to school or school bus stops . Similarly, any traffic study should specifically plot the schools located on the neighborhood streets, and consider the impacts to students walking in the vicinity of the schools, especially at the times when school opens in the morning and recesses in the mid-afternoon.

F. Extend Traffic Study Hours to Non-Peak Times. The traffic study bases its conclusions on traffic measurements taken between 5:00 p.m. and 6:00 p.m. on weekdays, based on the presumption that this is the peak traffic hour. However, for collector streets this analysis is unduly narrow in light of the fact that such streets in particular are heavily used by pedestrians and school children. In order to properly analyze the safety impacts of new traffic on collector streets, the study should consider times when *pedestrian* use is at its peak, such as in the early morning (school children and strollers), mid-afternoon (school children) and early evening (strollers). Indeed, to the extent traffic may be lighter during these peak pedestrian times, this has the potential to magnify safety impacts, as drivers using the streets may feel able to drive at a higher speed.

G. Develop Mitigation Measures That Would Be Implemented With the Project. Because the traffic study has avoided the issue of cut-through traffic through residential neighborhoods, it has failed to propose arterial and neighborhood improvements that would discourage such traffic. The single exception is a small, $25,000 mitigation fund proposed by the Department of Public Works on the eve of the July 20 hearing, specifically for use for study and possible mitigation on Fairview Ave.

As indicated by the Commissioners, a mitigation fund of this type, which requires years of monitoring after project occupancy, and which makes no assurance that any particular mitigation measure would ever be implemented, is not sufficient to justify project approval.

Further, there is no fund or other mitigation offered for the many other streets that would be impacted by cut-through traffic, in all directions around the Project site. Another amorphous, $300,000 fund proposed by the applicant and to be administered by the County and an undefined group of neighbors is far too small, poorly thought out and indeterminate in effect. In short, there is simply no assurance that any of this money would actually mitigate the impacts of cut-through traffic to residential streets.

Rather than proposing amorphous "funds" whose application is conveniently sorted out

after the project has been built, the applicant should instead analyze the potential impacts on collector and arterial streets, and then be required to develop a specific mitigation plan that would be implemented *coincident with project construction.* This means, for example, that speed bumps, "chokers," street closures, and other traffic calming measures should be proposed to the relevant departments and public agencies, approved, and funded *before* the Project is acted on by the Commission.

Further, occupancy and operation of the project should be made contingent on the completion of the subject measures. Building the project and worrying about the needed approvals and funding later on is not an option.

H. Study of the Pending Westfield Expansion and Caruso Project in Arcadia. Two massive projects now under consideration in the City of Arcadia – the expansion of Westfield Shoppingtown and the new project by Caruso Affiliated Holdings, which together will account for more than 1 million square feet of additional development. These two projects will dramatically affect traffic patterns in the vicinity of the project here, and yet neither was considered in the traffic report.

We presume that the applicant's traffic engineer, though no doubt well aware of these large projects, may wish to avoid considering them based on a CEQA technicality, i.e., the fact that the Notice of Preparation for the Clearmans project was filed some time ago. However, regardless of any CEQA provision, good planning and protection of the residents requires a realistic assessment of the interplay between these two massive new projects and the proposed Clearmans development.

I. Make Adjustments to Traffic Counts to Account for Daily/Monthly Variations. As set out in Mr. Jones' July 20 letter, traffic volumes set out in the traffic study appear to be based upon a single count without adjustment for day of week or month of year. Yet, field observations taken by CWA indicate that there are significant changes in delay and queue length the field even at different times during a single peak hour.

Moreover, it is commonly accepted that volumes may be 40% higher during summer months than during winter months. Often this represents additional traffic during school sessions. Therefore, use of unadjusted count data is not generally appropriate, and must be justified. It should be noted here that permanent traffic counting facilities maintained by the State of California, including stations on I-210, would provide baseline data supporting appropriate volume adjustments for days and months.

Thus, additional traffic counts should be taken during other days and months, or else appropriate adjustments to the base figures should be made and explained.

J. Apply a Peak Hour Factor to Reflect Inefficiency During Peak Hours. As explained by Mr. Jones, it is apparent that the study did not use a "peak hour factor," i.e., a factor less than 1 that accounts for the inefficiency of the system during peak hours. Such peak-hour factors are typically between 0.80 and 0.95. The failure to use a peak-hour factor tends to understate the extent of existing congestion. Appropriate volume adjustments and use of a peak hour factor would result in greater peak volumes than now shown, and would be more consistent with the actual traffic delays observed by CWA in the field.

K. Eliminate the Signal Synchronization Credit Against Future Traffic. For four intersections on Huntington Blvd. (including Huntington and Rosemead), the traffic study has applied a substantial credit of 0.07 against future traffic volume/capacity counts "to reflect the planned traffic signal synchronization system" on Huntington Blvd." [See May 19 study, page 32, Table 7, note [a].] The effect of this credit is to reduce the degradation of traffic that would otherwise occur with the addition of the new project and other increases in ambient traffic over time. To illustrate the sheer size of the credit, the County's own guidelines provide that for an intersection at LOS E or F (which is the LOS for three of the four studied intersections on Huntington), a project causing a v/c change of just 0.01 is considered to have a significant impact for purposes of the California Environmental Quality Act ("CEQA"). Therefore, the credit used here is seven times larger than the change that would be deemed a significant impact.

The use of this future credit, however, is not justified because the benefits of signal synchronization on Huntington have already been reaped. According to John Hill, the Project Manager for this synchronization project in the Department of Public Works, Traffic and Lighting Division (telephone contact, July 19, 2005), this system was in place and operating, with virtually all of the benefits already accruing, by year 2000, which is three years before the existing traffic counts were taken in year 2003. Given that existing v/c ratios are based on these existing traffic counts, the 2003 data would already reflect any benefit from synchronization and no further credit is warranted in the future.

Although it appears as though staff elsewhere in the Department of Public Works gave permission to the project's traffic engineer to utilize this credit, such permission was unwarranted because it simply does not match the facts on the ground. Therefore, the Commission should not approve the project on the strength of this fictitious assumption.

The effect of eliminating this undeserved credit would be to expose the project as having significant impacts under CEQA at several study intersections. For example, without the credit the design year mitigated scenario would result in a v/c at Rosemead and Huntington of 0.934 not 0.864; the v/c at the intersection of San Gabriel / Huntington would be 0.95, not 0.883, and the California / Huntington intersection would have a v/c of 1.34, not 0.944. All of these figures represent an increase from existing conditions that would be greater than the significance

threshold of 0.01 v/c for seriously congested intersections (i.e., those with an existing level of service ("LOS") of level E or F). As to California / Huntington in particular, the intersection with Project would operate at a LOS F. Therefore, the impact at all of these intersections would be significant under CEQA, requiring additional mitigation or a statement of overriding considerations.

The applicant should not be allowed to avoid a significant impact by making use of this fictitious credit against future traffic.

L. Provide Daily, Rather Than Just Peak Hour, Traffic Volumes. As set out by Mr. Jones in his July 20 letter, although peak hour traffic volumes are evaluated in the traffic study, *daily* traffic volumes on nearby collectors and arterials for the existing (baseline) and future (design year) are not reported. Without this data, no comparison may be made between existing daily traffic and future year daily traffic. Reporting the existing and design year daily traffic volume is a standard practice endorsed by the Institute of Transportation Engineers ("ITE") and provides verification and overall context within with to evaluate peak hour traffic changes. Typically, peak hour traffic is 10% of daily traffic; therefore, if existing and design year daily volumes had been reported, a cross check for peak hour volumes would have been possible.

M. Conduct Manual Traffic Counts at Clearmans to Establish Baseline Traffic. In the traffic study, manual traffic counts were not taken at the existing project site access points to establish a baseline for comparison with new project traffic. Therefore, it is impossible to tell how many trips are being generated by the existing development on the site, and how the trips are distributed among the various ingress and egress points. Because this baseline data was not taken, it is impossible to tell either (1) how many additional trips will be generated by the new project; or (2) the difference in traffic conflicts (i.e., conflicts with traffic flow on access streets as cars slow down to enter, or as they slowly exist the project) between the existing and new projects.

The failure to take manual traffic counts at the existing project has likely led to an underestimation of the impacts of the Project. Here, the methodology used in the study for establishing a baseline traffic count for the existing project was purely hypothetical, i.e., it was based upon standard ITE trip generation rates for existing development on the site. This is not a proper substitute for manual traffic counts, especially given the project proponent's contention that existing uses are generally not successful and would hence naturally generate less traffic than typical development of similar size. The ITE rates are compiled from economically active, viable land uses. Because the use of this hypothetical baseline likely overestimates existing project traffic, it is likely to reduce the difference in the report between existing project traffic and new project traffic, thereby underestimating the additional traffic volume attributable to the project.

The applicant should not be able to use inflated hypothetical traffic counts to measure the existing trips at the site, when manual traffic counts can easily be taken instead.

N. Explain Basis for Distribution of Trips Entering and Leaving the Site. The study shows the distribution of traffic entering and exiting the site at various access points, but it does not explain the basis for the distributions. For example, the study shows that a substantial percentage (62%) of northbound traffic from the site would leave at the Huntington exit rather than through the Fairview exit (Figure 5, pg. 20). Yet there is no basis stated from which the study arrived at this conclusion.

Indeed, the conclusion appears to be unjustifiable on its face. Sixty-two percent of all Project trips (Table 2, page 19) equals 125 vehicles per hour, turning right at the same narrow exit. Furthermore, the maneuver that most of these trips are predicted to take is extraordinarily difficult given distance and existing traffic congestion levels. Of the total of 125 trips turning right on Huntington, 95 are expected to cross 5 lanes of traffic, in a distance of only approximately 300 feet, to enter the eastbound Huntington left turn lane so that they can turn left (north) on Rosemead. Except at times of day when traffic is extremely light, it is highly unlikely that vehicles could easily make this weaving maneuver, as moving traffic (or worse, queuing traffic) will either frustrate or block the maneuver.

It should be noted that existing site access patterns are generally a good source of such assumptions. However, here the traffic engineer did not take manual traffic counts, as discussed above. Because no manual traffic counts were done for the existing development on the site, there are no counts showing how trips are distributed as they enter and exit the site. Specifically, there is no count showing that a substantial number of cars exit the site at Huntington to head north on Rosemead. Thus, there is no basis to say that they do, or would in the future.

In sum, the failure to do manual traffic counts has not only led to a likely underestimation of the additional traffic from the Project. It has also deprived the study of any reasonable basis for estimating how to distribute traffic coming and going from the Project. Such manual traffic counts should be done, and they should be used as the basis for more reasonable assumptions about access to and from the Project. This evidence could then be used to evaluate the effect of increased volumes on specific situations, such as the 5-lane, 300-foot "weaving section" between the project exit at Huntington and the left turn pockets on Huntington at Rosemead.

O. Analyze Queuing and Time Delay. As discussed by Mr. Jones in his July 20 letter, the County allows use of an intersection capacity utilization ("ICU") methodology for determining levels of service at intersections. This method reports a ratio of road capacity and existing or forecast volumes, and is simple to compute, review and to verify. However, while it

is useful to compare the changes within a system, it does not reflect the magnitude of delay to be expected.

The concept of level of service was developed by the Transportation Research Board (TRB) and published in the Highway Capacity Manual. The scheme for evaluating LOS in the manual is based on delay, rather than on volume and capacity. This was based on the simple intuitive fact that a "level of service" should properly reflect the expected driver delay and discomfort. Indeed, CalTrans, as well as many other local jurisdictions including the neighboring cities of Pasadena and Arcadia, require LOS calculations to be based on a delay based method, such as the Highway Capacity Manual.

Regardless of what the County may normally require, because delay is the primary factor in the decision of drivers to leave the main roadway and use cut-through alternative streets – the primary concern of neighbors here – a delay analysis should be prepared here, if for no other reason than to evaluate the likelihood and extent of such traffic. Delay analysis and queuing simulations should be prepared for both existing and design year traffic conditions, and for both the peak hour of adjacent traffic and the peak hour of site generated traffic.

Delay analysis also helps to avoid undersizing turn lane pockets, and to helps to anticipate possible access impediments caused by spillback queues (i.e. queues that block traffic from access to turn lanes at their access point), thereby and benefiting both the project owner and the public. Here, field observations and photos confirm that spillback queues already occur in the system and sometimes block intersections. This spillback effect is a major reason drivers seek alternate routes, cutting through neighborhoods.

P. Use Proper Trip-Reduction Figures for Pass-By and Internal Capture. In calculating the total trips generated by the new project, the traffic study uses standard ITE trip generation rates. The total trips are then reduced by a factor reflecting the expected number of "pass-by" trips (i.e., trips by cars that were already driving by the site) and "internal capture" trips (trips by cars that are using more than one establishment on the site, such as a restaurant and a store). The use of this factor is based on the theory that such trips would not be added to the system by the project because they would occur regardless. However, the factor used in the traffic here study is unjustified and overly generous, thereby underestimating the Project trips.

The Caltrans Guidelines for the Preparation of Traffic Impact Studies limits the factor for combined pass-by and internal capture trips to 15% of PM trip generation. Yet, the traffic study here uses a 20%, figure, with the effect that the peak hour trip generation for the new project is reduced by an additional 5% of total PM peak hour traffic. No justification is given for using this higher figure.

The County of Los Angeles Guidelines require that "Internal or pass-by trip reduction assumptions will require analytical support based upon verifiable actual similar developments to demonstrate how the figures were derived and will require approval by the County". The study

contains no analytical support at all, nor any indication of County approval, for a 20% pass-by/internal capture rate. It should therefore not be allowed.

Q. Use Actual Trip Counts for Trip Credits From Removal of Existing Structures. The traffic study (Table 2, Page 19) claims several credits against the Project trip generation based upon the removal of various land uses from the site, to arrive at a total net trip generation figure. However, as discussed above, actual traffic counts should be used to reflect baseline conditions at the site. Consistent with this approach, actual traffic counts should be used to establish the number of trips to be credited against the total Project trip generation. Here, however, a hypothetical number was used for each type of land use, based on standard ITE trip generation rates for such uses (e.g., "High-Turnover Restaurant").

This approach was improper. Sound engineering practice is to use an actual count of existing trips in and out of the site for a trip reduction credit, and, as discussed above, no such count was done here. The reason is simple: ITE generation rates are compiled from economically active, viable land uses. Here, in contrast, the applicant has repeatedly contended that existing uses are generally not successful. They would thus naturally generate less traffic than typical development of similar size.

The net effect of using these hypothetical credits in lieu of actual traffic counts is to underestimate the net change in traffic attributable to the project. Staff should thus not allow it.

R. Develop Locally Derived Trip Generation Rates for Project Trips. The ITE trip generation manual encourages use of locally derived trip generation rates, based upon similar land uses in the vicinity, rather than standard ITE rates. There is no shortage of such uses in Southern California generally, and there are even regional centers less than 2 miles from the site that could be used as a yardstick. To maximize the accuracy of the analysis, such rates should be developed, justified, and utilized here.

S. Separately Analyze the Project's Own Peak Hour. Although the traffic study projects the Project's trip generation during peak traffic hours for the road system generally (i.e., 5:00 p.m. to 6:00 p.m. weekdays), there is no attempt to calculate trip generation during the *Project's own* peak hour, which may very well occur at a different time of day, or on a weekend day. Indeed, the trips generated during the Project's peak hour may have a greater impact to the system than the trips generated during the system's own peak hour. Given that the Project fronts a busy arterial, where existing traffic is heavy and the risk of conflicts with such traffic is heightened, such an analysis should be done.

T. Properly Assign Trips to Neighborhood Streets. In the study virtually all traffic is distributed, i.e., assigned, to existing principal arterials such as Rosemead and Huntington. The study accordingly makes no allowance for such traffic to impact neighborhoods. However, many of the neighborhood collector streets are wide, they have spacious parking minimizing side

Project's own peak hour, which may very well occur at a different time of day, or on a weekend day. Indeed, the trips generated during the Project's peak hour may have a greater impact to the system than the trips generated during the system's own peak hour. Given that the Project fronts a busy arterial, where existing traffic is heavy and the risk of conflicts with such traffic is heightened, such an analysis should be done.

T. Properly Assign Trips to Neighborhood Streets. In the study virtually all traffic is distributed, i.e., assigned, to existing principal arterials such as Rosemead and Huntington. The study accordingly makes no allowance for such traffic to impact neighborhoods. However, many of the neighborhood collector streets are wide, they have spacious parking minimizing side friction and best of all, and they have comparatively low traffic volumes. Therefore, it is very unlikely that cut through traffic will not be a problem for both residential neighborhoods near the intersection of Rosemead and Huntington and at Rosemead and Fairview. The traffic study should be revised to reflect this fact.

U. Perform Level-of-Service Analysis at Existing Site Access Points. There has been no level of service (LOS) calculated for the existing access points to the site. If existing site access driveways operate at a low level of service, then it could be concluded that access design should be reconfigured or that if it is not, then unanticipated offsite impacts, such as excessive queues should be expected to be formed. LOS analysis for existing access points is a standard requirement for site traffic analysis. It also serves to report the expected turning volumes from the site to the adjacent roadways. Without this information, it is impossible to assess potential impacts to traffic safety, onsite queues, or unanticipated traffic conflict points. Indeed, without an LOS baseline for the access points, it is impossible to compare the existing site access to design year LOS at the project access points. Thus, an LOS analysis should be done at existing site access points.

I hope that these comments have been helpful to you. Please contact me at your earliest convenience so that we may discuss this further.

Very truly yours,

John A. Henning, Jr.

Enclosures
cc: Gerard Galipeau, Jr. (via fax, w/encl.)
Chad Morgan (via fax, w/encl.)
Marty Smith (via fax, w/encl.)
Lucy Jarrad (via fax, w/encl.)

PROPOSED CLEARMAN'S-KOHL'S PROJECT: ISSUES

August 21, 2005

I. FUTURE TRAFFIC IMPACTS TO PROPOSED PROJECT SITE OF 3,000 NEW CAR TRIPS DAILY ARE UNDERSTATED

A. Support: Projections are based on incremental difference between current traffic and projected traffic

1. Hypothetical ITE figures are used to describe current traffic levels, and estimate about 1500 cars per day
2. These rates are compiled from economically active, viable sites
   a. Gallipu continually testifies that site is currently underutilized
   b. Implies actual count of current site traffic is significantly lower
   c. This in turn reduces the traffic projected to the new project
3. Request: Manual traffic counts at existing project be taken so that an accurate baseline can be established
   a. Actual existing traffic could be as little as 500 cars, making Project traffic up to 4000 cars, or 33% greater than estimated
   b. Allow for more accurate assessement of effectiveness of proposed mitigations

II. PROJECTIONS OF CUT THROUGH TRAFFIC ONTO NEIGHBORHOOD STREETS ARE UNDERSTATED

A. Volume capacity method is used to measure number of cars using an intersection versus its capacity. It does not measure time delay suffered by drivers, or queuing (backup) length. These are the key factors behind driver's decision to cut-through on neighborhood streets,

   a. As cars stack up at intersections, commuting drivers are encouraged to cut through neighborhoods to avoid congestion

2. Request: Study be revised using delay analysis and queuing analysis, to more accurately project cut-through traffic

III. TRAFFIC LIGHT SYCHRONIZATION IS ALREADY IN PLACE; THIS SHOULD NOT BE CITED AS MAJOR MEANS TO HANDLE ADDITIONAL TRAFFIC FROM PROJECT

A. Lights have been synchronized on Huntington since 2000, according to John Hill, the Project Manager for this synchronization project in the Dept. of Public Works (telephone contact 7/19/05). Therefore, existing traffic conditions measured in study already reflect virtually all potential benefits of synchronoization.

B. Despite this fact, traffic study applied a very substantial factor (.07, which is seven times the threshold for significant impact finding under the County rules) to reduce future traffic based on the fictional future benefits of synchronization

   1. Request: Study be revised to remove benefits of light synchronization on Huntington to more accurately reflect true future traffic, with and without project.

IV. OUTBOUND TRAFFIC VOLUME HAS NO BASIS OR JUSTIFICATION

A. Since **no on-site manual traffic counts** were conducted, there is no basis to determine how customers of proposed project would exit property

1. Ex: Chart shows 62% of traffic leaving site (85 of 137) would use Huntington rather than Fairview exit; 75% of these (64) will either turn left or make U turn at Rosemead
   a. This maneuver requires rapid lane changes across 4-5 lanes of Huntington in only 300 feet
   b. People making this maneuver risk causing unsafe traffic condition => accident potential; yet, not addressed in study
   c. Assumption is faulty anyway; Fairview exit more likely to be used due presence of light, no lane changes needed
2. Fairview exit very likely understated
3. Request: Manual counts on existing site be taken to create basis to project likely customer patterns.

V. NO CONSIDERATION GIVEN TO CHANGES IN TRAFFIC PATTERNS FROM NON-KOHL'S COMMUTERS

A. As new project would add 3,000 (or much more) new car trips daily, increases in congestion would encourage non-customers to seek alternate routes

1. Would create cut-through traffic on neighborhood streets
2. Many neighborhood streets already have heavy congestion
3. Request: Manual counts be taken on neighborhood streets cited so to develop a baseline to better estimate this
4. Request: Delay and Queuing analysis be done for existing traffic patterns, to show likelihood of cut-through traffic, before and after project.

VI. NO CONSIDERATION GIVEN TO POTENTIAL TRAFFIC IMPACTS FROM PENDING WESTFIELD EXPANSION AND CARUSO PROJECT (aprox. 1 mile from Clearman's site)

A. Significant developments totaling over 1 million sq. ft. will dramatically affect traffic patterns in vicinity

1. Request: Study be revised to include impacts of these projects

ENGINEERS

July 20, 2005

Mr. John Henning

Draft Traffic Impact Report Comments
Re: Clearman's Village Commercial Site

Dear Mr. Henning,
This memorandum is a summary of traffic and transportation issues that arise from the "Environmental Impact Report Clearman's Village Project". This assessment does not claim to be a traffic report or Engineering analysis.

Purpose

The purpose of this document is to provide the client with a broad-brush evaluation of the adequacy of the environmental documents listed below with respect to traffic and transportation issues, to document obvious inconsistencies, to highlight incomplete or analysis, and to explain how seemingly inconsequential analysis assumptions or technical analysis may result in significant individual and/or cumulative impacts

Documents Reviewed:

- "Draft Environmental Impact Report, Clearman's Village Project". County of Los Angeles
- "Appendices to the Draft Environmental Impact Report, Clearman's Village project". November 2004
- "Traffic Impact Study for Kohl's Commercial Development Project", California, Linscott, Law & Greenspan, Engineers, May 19 2005.
- Letter dated June 2, 2005 from Daryl Koutnik, Supervising Regional Planner, Los Angeles County Department of Regional Planning to All Interested Parties, Re: "Revised Project Description".

Reference Documents:
The following documents were referenced in order to evaluate the above-mentioned documents:

- Los Angeles County Impact Analysis Report Guidelines, January 1997.
- "Intersection Capacity Utilization Intersection Capacity Utilization 2000, A Procedure for Evaluating Signalized Intersections, Trafficware Corporation, Albany, CA 94706, 2000.
- Trip Generation, 6th Edition, Institute of Transportation Engineers, 1997.
- Highway Capacity Manual, Special Report 209, Transportation Research Board.
- Manual of Traffic Engineering Studies, Institute of Transportation Engineers, 1976.
- Traffic Engineering Handbook, Institute of Transportation Engineers, 1992.

Data

- 7/12/05, Queue Length at selected Rosemead intersections, prepared by Maria Damario.
- 7/12/06, Peak Hour Arterial Travel Times – Rosemead, Huntington and California Streets, prepared by Maria Damario.

General Observations

The general traffic and transportation issues for the Traffic Impact Study dated May 19, 2005, are as follows:

4164 Meridian St., Suite 200, Bellingham, Washington 98226 telephone 360-733-8888 fax 360-671-6666

Adjustment of Traffic Volumes

Traffic volumes appear to be based upon a single count without adjustment for day of week or month of year, volume adjustment, or reference to permanent counting stations. Yet, significant changes in delay and queue length were observed in the field during the peak hour. In particular, it is apparent that the study did not use a "peak hour factor," i.e., a factor less than 1 that accounts for the inefficiency of the system during peak hours. Such peak-hour factors are typically between 0.80 and 0.95. The failure to use a peak-hour factor tends to understate the extent of existing congestion. Appropriate volume adjustments and use of a peak hour factor would result in greater peak volumes than now shown, and would match the delays observed in the field.

For four intersections on Huntington Blvd. (including Huntington and Rosemead), the study has applied a substantial v/c credit of 0.07 against future traffic volume/capacity counts "to reflect the planned traffic signal synchronization system" on Huntington Blvd." [See May 19 study, page 32, Table 7, note [a]. The effect of this credit is to reduce the degradation of traffic that would otherwise occur with the addition of the new project and other increases in ambient traffic over time. To illustrate the sheer size of the credit, the County's own guidelines provide that for an intersection at LOS E or F (which is the LOS for three of the four studied intersections on Huntington), a project causing a v/c change of just 0.01 is considered to have a significant impact for purposes of the California Environmental Quality Act ("CEQA"). Therefore, the credit used here is seven times larger than the change that would be deemed a significant impact. However, I am informed that the County's synchronization system for Huntington Blvd. was in place and operating, with virtually all of the benefits already accruing, by year 2000, which is three years before the existing traffic counts were taken in year 2003. Given that existing v/c ratios are based on these traffic counts, the 2003 data would already reflect any benefit from synchronization and no further credit is warranted in the future.
To illustrate, the design year mitigated scenario without the credit would result in a v/c at Rosemead and Huntington would be 0.934 not .864; the v/c at the intersection of San Gabriel / Huntington would be 0.95, not 0.883, and the California / Huntington intersection would have a v/c of 1.34 not 0.944. All represent an increase greater than the allowed 0.01 v/c allowed for intersections with an existing LOS of E or F.

Baseline Traffic Data

Existing (baseline) daily traffic volumes and future (design year) volumes on nearby collectors and arterials are not reported. [Without this data, no comparison may be made between existing daily traffic and future year daily traffic. Reporting the existing and design year daily traffic volume is a standard practice endorsed by the Institute of Transportation Engineers ("ITE") and provides verification and overall context within with to evaluate peak hour traffic changes. Typically, peak hour traffic is 10% of daily traffic, if existing and design year daily volumes were reported, a cross check for peak hour volumes is built in to the analysis.

Volume Adjustments for daily and monthly volumes are not utilized. For example, in some areas volumes may be 40% higher during summer months than during winter months on most travel routes. Often this represents additional traffic during school sessions. Use of unadjusted count data is not generally appropriate, and must be justified. The State of California maintains numerous permanent-counting facilities including stations on I-210 which provide baseline data supporting appropriate volume adjustments.

Peak Hour Factors (PHF) are calculated and shown in the appendices, but have not been used where appropriate. For example, in appendix E the two-way intersection volume adjustment worksheet used to estimate the 95% queue length does not employ a PHF and therefore underestimates the queue length. [

Manual traffic counts were not taken at the existing project site access points to establish a baseline for comparison with new project traffic. Therefore, it is impossible to tell how many trips are being generated by the existing project, and how the trips are distributed among the various ingress and egress points.

Because this baseline data was not taken, it is impossible to tell either (1) how many additional trips will be generated by the new project; and (2) the difference in traffic conflicts (i.e., conflicts with traffic flow on access streets as cars slow down to enter, or as they slowly exist the project) between the existing and new projects.

The failure to take manual traffic counts at the existing project has likely led to an underestimation of the impacts of the project. Here, the methodology used in the study for establishing a baseline traffic count for the existing project was purely hypothetical, i.e., it was based upon standard ITE trip generation rates for existing development on the site. This is not a proper substitute for manual traffic counts, especially given the project proponent's contention that existing uses are generally not successful and would hence naturally generate less traffic than typical development of similar size. The ITE rates are compiled from economically active, viable land uses. Because the use of this hypothetical baseline likely overestimates existing project traffic, it is likely to reduce the difference in the report between existing project traffic and new project traffic, thereby underestimating the additional traffic volume attributable to the project.

The failure to take manual traffic counts specifically at site access points has also deprived the study of any reasonable basis for estimating how to distribute traffic coming and going from the new project among the various access points. The study does distribute this traffic, showing, for example, that a substantial percentage(64%) of northbound traffic from the site would leave at the Huntington exit rather than through the Fairview exit. However, there is no basis stated from which the study arrived at this conclusion.

Traffic Queuing

The County allows use of an intersection capacity utilization ("ICU") methodology for determining levels of service at intersections ("LOS"). This method reports a ratio of road capacity and existing or forecast volumes, and is simple to compute, review and to verify. However, while it is useful to compare the changes within a system, it does not reflect the magnitude of delay to be expected.

The concept of level of service was developed by the Transportation Research Board (TRB) and published in the Highway Capacity Manual. The scheme for evaluating LOS in the manual is based on delay, rather than on volume and capacity. This was based on the simple intuitive fact that a "level of service" should properly reflect the expected driver delay and discomfort. Indeed, CalTrans, as well as many other local jurisdictions including the neighboring cities of Pasadena and Arcadia, require LOS calculations to be based on a delay based method, such as the Highway Capacity Manual.

Regardless of what the County may normally require, because delay is the primary factor in the decision of drivers to leave the main roadway and use cut-through alternative streets, a delay method should have been prepared here, if for no other reason than to evaluate the likelihood and extent of such traffic. Delay analysis and queuing simulations should be prepared for both existing and design year traffic conditions, and for both the peak hour of adjacent traffic and the peak hour of site generated traffic.

Delay analysis also helps to avoid undersizing turn lane pockets, and to helps to anticipate possible access impediments caused by spillback queues (i.e. queues that block traffic from access to turn lanes at their access point), thereby and benefiting both the project owner and the public. Here, field observations and photos confirm that spillback queues already occur in the system and sometimes block intersections. This spillback effect is a major reason drivers seek alternate routes, cutting through neighborhoods.

Traffic Accidents and Safety

There is no discussion of traffic accidents or safety. A limited accident inventory should be prepared to identify existing accident-prone location within the study area. This is especially true given numerous reports by residents of accidents both on the main arterials and on local collector streets.

reconfigured or that unanticipated offsite impacts such as excessive queues should be expected to be formed. This is a standard requirement for site traffic analysis; it also serves to report the expected turning volumes from the site to the adjacent roadways. Without this information, it is impossible to assess potential impacts to traffic safety, onsite queues, or unanticipated traffic conflict points. Without an LOS baseline for the access points, it is impossible to compare the existing site access to design year LOS at the project access points.

Neighborhood Impacts

One of the most intractable traffic problems is cut through traffic. It is vital to provide a connected community, not only for residential access, but also for emergency vehicle access. Yet, with the exception of narrative on pages 57 through 59, the traffic analysis does not evaluate secondary streets. Rather, the study is focused on the intersections along the principle arterials.

The deficiencies described elsewhere in this report, if corrected, may result in much higher calculated volumes on Rosemead, Huntington, Fairview than those presented in the study and will likely result in utilization of parallel collector streets by existing and new trips, both project bound and non project bound, known commonly as "cut-through" traffic. Further, the study has not planned for this greater utilization of collector streets by implementing arterial and neighborhood improvements that would discourage such cut-through traffic.

In particular, residential neighborhoods north and south of the proposed project may experience additional cut through traffic as volumes increase on Rosemead and Huntington, as traffic attempts to access the site at a mid-block access point and as exiting traffic congests Huntington near the eastbound left turn lane.

Observations

The existing intersections are operating close to capacity in the existing conditions.
There is a 100% observed increase in travel time and 50% increase in queue lengths along Rosemead within the peak hour indicating that volume adjustments would be appropriate.The traffic analysis allows for significant trip generation and level of service analysis credits that benefit the project and are not justified. The expected level of service reported on Table 7 for the California / Huntington intersection includes a 0.07 v/c credit without which the intersection would operate a LOS F. Other intersections, described above, would have increases in v/c ratios greater than allowed by the County Guidelines.

Sincerely,
Bryan Jones

4164 Meridian St., Suite 200, Bellingham, Washington 98226 telephone 360-733-8888 fax 360-671-6666

CLEARMANS/KOHL'S TRAFFIC ISSUES

August 2005

County Staff Should:

A. **Meet with neighbors concerning cut-through problems.**
Given poor communication thus far, staff should communicate with neighbors directly and report results to the Planning Commission.

B. **Independently consider comments made by CWA's traffic engineer.**
Staff should independently evaluate CWA's comments and make recommendations for additional study.

Clearmans Should:

C. **Fully evaluate "cut through" traffic on neighborhood streets.**
3-page narrative dismissing impacts isn't enough. Existing cut-through problems should be studied and projections made of future problems with the project.

D. **Study specific streets already identified by neighbors.**
In testimony and letters, neighbors have identified over 20 cut-through streets near the project. All of these should be studied pre- and post-project.

E. **Consider traffic safety impacts, especially to school children and pedestrians.**
Traffic study should be expanded beyond congestion issues and consider risk of traffic accidents and car/pedestrian accidents.

F. **Extend traffic study hours to non-peak times.**
Rather than studying a single "peak" hour, off-peak hours should be studied, especially for streets used by pedestrians (e.g. children going to school).

G. **Develop mitigation measures that would be implemented with the project.**
Instead of amorphous mitigation "funds," study should propose specific measures that would approved in advance and be in place when project opens.

H. **Study the pending Westfield expansion and Caruso project in Arcadia.**
Projects totaling more than 1 million square feet will vastly increase traffic, but neither was included in future projections.

I. **Make adjustments to traffic counts to account for daily/monthly variations.**
Observations made on a single day should be adjusted for day of week and month of the year, using accepted factors.

J. **Apply a peak hour factor to reflect inefficiency during peak hours.**
A factor less than 1.00 (e.g. 0.80) should be applied to volume projections. Failure to do so underestimates congestion.

K. **Eliminate the signal synchronization credit against future traffic.**
Huntington project is already in place and benefits have already been reaped. Thus, huge credit (.07) taken against future project traffic is not justified.

L. **Provide daily, rather than just peak hour, traffic volumes.**
This is standard practice and important for verification and to compare overall difference between existing conditions and project.

M. **Conduct manual traffic counts at Clearmans to establish baseline traffic.**
Use of hypothetical, rather than actual, traffic numbers for existing development overstates baseline trips, thus understating additional trips from the project.

N. **Explain basis for distribution of trips entering and leaving the site.**
Self-serving assumptions about where cars will go, e.g., that 62% of northbound traffic would exit onto Huntington rather than Fairview, must be justified.

O. **Analyze queuing and time delay.**
Delay is main reason drivers leave arterials and cut through local streets, yet no analysis of delay was done. Such analysis is required in Pasadena and Arcadia.

P. **Use proper trip-reduction figures for pass-by and internal capture.**
20% credit taken for "pass-by" trips and "internal capture" trips (i.e., trips to multiple establishments on the site) is excessive and unjustified.

Q. **Use actual trip counts for trip credits from removal of existing structures.**
Use of hypothetical, rather than actual, traffic numbers for existing structures overstates trips generated by those structures, thus creating an inflated credit against project trips.

R. **Develop locally derived trip generation rates for project trips.**
Amount of trips generated by project should be based on similar uses in the area or region, rather than standard national rates.

S. **Separately analyze the project's own peak hour.**
In addition to peak traffic hour on the road system, study should analyze Project's own peak hour, which may be different and could cause a distinct traffic burden.

T. **Properly assign trips to neighborhood streets.**
Study should not assign virtually all trips to arterial streets, given the appeal of nearby residential streets, which are often wide and less congested.

U. **Perform level-of-service analysis at existing site access points.**
Existing access patterns should be studied to assess issues such as traffic safety, onsite queuing, and traffic conflicts.

FINDING 35.B
APPLICANT'S TRAFFIC CONSULTANT RESPONSE TO CHAPMAN WOODS ASSOCIATION TRAFFIC LETTER
SEPTEMBER 12, 2005

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Pasadena
Costa Mesa
San Diego
Las Vegas

MEMORANDUM

To:	Dwight Steinert Planning Associates, Inc.	Date:	September 12, 2005
From:	David S. Shender, P.E. Linscott, Law & Greenspan, Engineers	LLG Ref:	1-033347-1
Subject:	Kohl's Commercial Development Project Review of Jones Engineers Letter		

This memorandum has been prepared by Linscott, Law & Greenspan, Engineers (LLG) to respond to the comments prepared by Jones Engineers regarding the Traffic Impact Study for the Kohl's Commercial Development Project dated May19, 2005 (the "Kohl's traffic study"). A copy of the July 20, 2005 Jones Engineers letter (the "Jones letter") is provided in ***Appendix A*** attached to this memorandum. The Jones letter has been annotated to summarize the comments based on the general issue areas, which are responded to accordingly in this memorandum.

As a general observation, the Jones letter correctly acknowledges in the first paragraph of the document that it is not a traffic report or engineering analysis. Instead, the Jones letter represents the comments from an out-of-state enterprise that, based on the content of the correspondence, does not have experience in preparing traffic impact studies for development projects in unincorporated Los Angeles County (or likely in Southern California). The comments relate more to the County's requirements for preparation of traffic studies for development projects, rather than to the specific adequacy of the Kohl's traffic study. It is our understanding that the County's traffic study requirements, which from our experience are similar to guidelines found in other jurisdictions in Southern California, have been developed to be in compliance with the requirements of the California Environmental Quality Act (CEQA), as well as other applicable County and State laws. In general, the Jones letter does not raise objections to the Kohl's traffic study in terms of its compliance with the County's traffic study requirements.

Response to Comment No. 1: Adjustment to Traffic Volumes

It is noted that LLG prepared the Kohl's traffic study in coordination with the County of Los Angeles Department of Public Works (LACDPW), and in compliance with the requirements outlined in the "Los Angeles County Impact Analysis Report Guidelines," January 1, 1997 (the "Guidelines"). A copy of the Guidelines is provided in ***Appendix B*** attached to this memorandum. In addition, LLG relied on the firm's nearly 40 years of experience in preparing traffic studies for development projects located in unincorporated areas of Los Angeles County, as well as throughout Southern California.

LACDPW issued a letter dated July 14, 2005 stating its concurrence with the findings of the Kohl's traffic study and their recommended conditions of approval. A copy of the LACDPW July 14, 2005 letter is provided in ***Appendix C*** attached to this memorandum.

The Guidelines do not require that the vehicular turning movement traffic counts at the study intersections be conducted on more than one day. Further, our firm has prepared hundreds of traffic studies—both for the County of Los Angeles, as well as other jurisdictions in Southern California—based on a single day of traffic counts. Typically, the traffic counts are taken on a Tuesday, Wednesday or Thursday, and generally when nearby schools are in session. For analysis of the commuter afternoon peak hour (PM peak hour), the traffic counts are conducted from 4:00 PM to 6:00 PM, with the highest period of traffic over a 60 minute period within the two hour data collection period utilized in the traffic analysis (e.g., 4:45-5:45 PM). Thus, as required by the Guidelines, the traffic count data collected for the Kohl's traffic study reflect recurring traffic conditions that can be found during the highest one hour of peak of activity in a typical weekday.

It is further noted that the traffic counts and resulting Level of Service calculations provided in the Kohl's traffic study reflect existing observed conditions during the afternoon commuter peak hour at the study intersections (e.g., LOS E or "busy/congested" traffic conditions was calculated at the Rosemead Boulevard/Huntington Drive intersection, consistent with observed operations). This rejects the contention in the Jones letter that the traffic counts used in the Kohl's traffic study are not reflective of observed current conditions.

The Guidelines do not require any further adjustments to the traffic count data based on the month in which the traffic count data is collected. Further, the Guidelines do not require the use of a peak hour factor[1] (which is generally used to factor hourly traffic count data to a peak 15-minute period) Thus, no adjustments to the traffic count data collected for the Kohl's traffic study are required.

The comments in the Jones letter disputing the 0.07 adjustment to the volume-to-capacity (V/C) ratio demonstrate a lack of understanding regarding how the traffic operational benefits of a synchronized traffic signal system are incorporated into the LACDPW intersection Level of Service calculations. The synchronization of traffic signals in a corridor such as Huntington Drive represents an increase in capacity by operating the traffic signals on a more efficient basis. The City of Los Angeles Department of Transportation (LADOT) has conducted extensive before and after studies to measure the effectiveness of synchronized traffic signal systems and

[1] Peak hour factors are used to analyze hourly traffic count data into a 15-minute peak basis. The Guidelines require traffic studies to analyze conditions on a peak hour basis, not a peak 15-minute basis. Therefore, use of a peak hour factor was not required in the Kohl's traffic study.

determined that motorist travel times can be reduced by 12 to 15% on a synchronized roadway network (with even greater improvements noted on some corridors). For purposes of preparing traffic studies for development projects, LACDPW (similar to other jurisdictions in Southern California) uses a conservatively low adjustment factor of 7% (i.e., 0.07) applied to the intersection V/C ratio to represent the effects of a synchronized traffic signal operation. The Huntington Drive traffic signal synchronization system represents a permanent capacity enhancement (e.g., similar to an extra travel lane), and the benefits of such a system do not "expire" as suggested in the Jones letter. Therefore, the intersection analysis in the Kohl's traffic study with respect to the effectiveness of the Huntington Drive traffic signal synchronization system is appropriate and does not require modification.

Response to Comment No. 2: Baseline Traffic Data

As mentioned above, the Kohl's traffic study follows the Guidelines published by LACDPW. The traffic study evaluates the project's potential impacts during the weekday commuter peak hour, generally the period of the day when the streets in the project area experience the highest amount of traffic. The Guidelines do not require review and analysis of Average Daily Traffic (ADT) volumes on the local street system, as such an analysis would be more generalized in nature (i.e., traffic averaged over a 24-hour period), and thus would not effectively disclose the potential traffic impacts of a development project as compared to the required peak hour analysis. The trip generation table in the Kohl's traffic study (Table 2) does provide a daily traffic volume forecast for the project for informational purposes.

As also previously noted, the traffic counts used in the Kohl's traffic study were collected during the weekday afternoon commuter peak period when nearby schools were in session. The traffic counts represent peak traffic during conditions that motorists can expect on a recurring basis. Further, the Jones letter does not provide any analysis or data to suggest that traffic volumes are 40% higher during other months of the year. Further, the Jones letter does not explain why it would be meaningful to conduct traffic counts on the I-210 freeway in conjunction with the review of intersection Level of Service[2] Additionally, the Guidelines require the traffic analysis to be conducted on a peak hour basis, and not over a peak 15 minutes as would be derived by use of a peak hour adjustment factor as suggested in the Jones letter.

Manual traffic counts at the site driveways are not required as the potential trips generated by the existing uses on-site are appropriately accounted for in the trip

[2] The Kohl's traffic study provides a detailed review of the project's potential traffic impacts to the I-210 Foothill Freeway. This analysis includes the use of existing traffic count data for the freeway as provided by Caltrans.

generation calculation (Table 2 of the Kohl's traffic study). As noted in the Jones letter, the trip generation calculation in the Kohl's traffic study has been prepared using the appropriate trip rates listed in the *Trip Generation* manual published by the Institute of Transportation Engineers (ITE). As shown in the table, a trip generation "credit" was conservatively taken in the Kohl's traffic study for only those existing on-site uses that were open at the time of the traffic counts. For example, no trip generation credit was taken for the existing Steak 'n Stein restaurant building (approximately 13,000 square feet) that operated at Clearman's Village for a number of years, but was closed at the time of the intersection traffic counts. Should the project developer decide not to redevelop the Clearman's Village site, it is reasonable to assume that the existing retail and restaurant buildings on the site (including the Steak n' Stein) would be refurbished and marketed so as to attract its highest level of patronage. Thus, the trip generation calculations contained in Table 2 of the Kohl's traffic study likely understate the potential number of trips that would be generated by the existing uses on the site (i.e., thereby "overstating" the potential net new trips generated by the proposed redevelopment of the site).

Response to Comment No. 3: Traffic Queuing

The LACDPW Guidelines require the use of the Intersection Capacity Utilization (ICU) method for purposes of determining Levels of Service (LOS) at intersections evaluated in traffic impacts studies for development projects. The ICU methodology is an appropriate planning tool to allow traffic engineers and decision-makers to reasonably assess the relative significance of potential traffic impacts related to development projects. The ICU methodology is used by most jurisdictions in Southern California in traffic impacts studies for development projects. More specifically, the neighboring cities of Arcadia and Pasadena require the use of the ICU methodology in preparation of traffic studies for development projects within their own jurisdictions (contrary to the statement in the Jones letter). Additionally, Caltrans accepts traffic studies utilizing the ICU methodology. Attached in ***Appendix D*** are the letters documenting the acceptance of the Kohl's traffic study by Arcadia, Pasadena and Caltrans.

The ICU methodology is used to assign Levels of Service to the study intersections during the commuter peak hours. The LOS qualitatively describes the type of condition that motorists would encounter at the intersection during the peak hour. In Southern California, traffic engineers and planners are familiar with the concept of the range of Levels of Service, understanding the LOS A and B represent conditions with little or no motorist delay while LOS E and F signify congested traffic conditions. Thus, the traffic operations analysis methodology outlined in the *Highway Capacity Manual* (HCM) is not required for use in qualitatively describing intersection operations in the Kohl's traffic study. As noted in the Jones letter, the HCM methodology is appropriately applicable in a technical traffic operations review

(e.g., for determining lengths of left-turn pockets at intersections), but is not required in the planning realm of assessing the relative traffic effects of development projects on an area roadway network.

Response to Comment No. 4: Traffic Accidents and Safety

The LACDPW Guidelines do not require an inventory of traffic accidents as part of a traffic study for development projects. LACDPW will require that driveway features related to site vehicular ingress and egress be designed to in compliance with County traffic safety standards. Additionally, traffic mitigation measures required to be constructed at off-site intersections in conjunction with the Kohl's project would need to be designed to the applicable County and/or Caltrans safety standards. At other locations, the contribution of project-related traffic has been determined by the County to be so small as to be considered insignificant, thereby not adversely impacting traffic safety.

Response to Comment No. 5: Trip Generation

The calculation of project trip generation in the Kohl's traffic study was prepared in compliance with the LACDPW Guidelines, and in fact is highly conservative (i.e., "worst case") in terms of forecasting the potential number of new vehicle trips on the roadway system due to the project. The 20% percent pass-by/internal capture factor cited in the Jones letter was applied only to the Galley restaurant component of the project. No adjustment (i.e., reduction) was made to the potential trip generation forecast for the Kohl's department store to account for pass-by trips and/or "internal capture." Realistically, it is anticipated that Kohl's will derive a significant portion of its patronage during the afternoon peak hours from commuters driving by the site on Rosemead Boulevard and Huntington Drive on their way home from work. These motorists are already driving by the site, and thus would not constitute as new vehicles on Rosemead and Huntington generated by the project. Additionally, no reduction in the trip generation forecast in the Kohl's traffic study was taken for Kohl's patrons who may also eat at the Galley or North Woods restaurants (i.e., an internal capture reduction). For example, Page 46 of the "Trip Generation Handbook", June 2004, published by the Institute of Transportation Engineers (ITE) states that the expected average pass-by trip percentage for a retail use the size of the proposed Kohl's store is 34% during the PM peak hour. In addition, page 93 of the "Trip Generation Handbook" states that the internal capture between retail uses is 20% during the PM peak hour. Thus, a 54% reduction in the project trip generation forecast could have been justified in the Kohl's traffic study based on pass-by and internal capture rates recommended by ITE, however, no such reduction was applied. As previously noted, both LACDPW and Caltrans have stated their concurrence with the Kohl's traffic study.

As previously discussed, it is not appropriate to conduct counts at the existing site driveways for purposes of estimating the trip generation potential of the existing commercial uses on-site, due to the current reduced business and leasing activity in progress in anticipation of a redevelopment of the project site. The applicable ITE trip generation rates provide the best analytical means of estimating trip generation associated with the existing uses on-site for purposes of comparing the relative traffic impacts of the proposed project to the uses that were in operation at the time of the traffic counts in 2003. Neither LACDPW nor Caltrans have has objected to the trip generation methodology utilized in Kohl's traffic study.

As previously noted, the afternoon commuter peak hour is the time period required for analysis in the traffic study by LACDPW as it represents both the highest level of traffic on the adjacent streets, as well as a peak level of trip generation activity at the project site. Therefore, the greatest potential for the project to cause an impact that would be considered significant is during the afternoon commuter peak hour. The comment incorrectly suggests that the vehicular trip generation activity of the Kohl's store may be substantially higher at other times during the day as compared to the afternoon commuter peak hour (e.g., between 5:00 and 6:00 PM) which was analyzed in the Kohl's traffic study. Contrary to the assertions in the Jones letter, Table 1 on page 1449 in the ITE *Trip Generation* manual shows that the highest hour of trip generation activity for retail centers with less than 100,000 square feet of leasable area during the weekday occurs during the 5:00-6:00 PM hour. Therefore, the selection of the commuter peak hour as the analysis period for the Kohl's traffic study has resulted in an appropriately conservative analysis of potential traffic impacts due to the project.

Response to Comment No. 6: Trip Distribution

The assignment of project-related trips to the local street system is discussed in the Kohl's traffic study beginning on page 18. A discussion of the potential number of project-related peak hour trips using local streets is provided in the Kohl's traffic study beginning on page 57. Peak hour vehicle trips traveling to and from the project site were assigned to the street system in consideration of the location of the project access points, the characteristics of the adjacent street system, and the anticipated regional distribution of travel origins and destinations. The project trip distribution was submitted for review and approved by LACDPW prior to incorporation into the Kohl's traffic study.

The Jones letter makes an assertion that "cut through" traffic will be a "problem for both residential neighborhoods and commercial sites" near the Rosemead Boulevard/Huntington Drive and Rosemead Boulevard/Fairview Avenue intersections. What the Jones letter fails to do is 1) provide a clear definition of what

it considers to be "cut through" traffic, 2) identify the specific streets (and commercial sites) on which cut through traffic can be expected to occur due to the proposed project, and 3) quantify the specific contribution of "cut through" traffic that it believes will be generated by the project.

The Kohl's traffic study provides a detailed forecast of the number of project-related trips expected to use local streets on a recurring basis during the weekday PM peak hour. Additional analysis is provided regarding why the contribution of project-related traffic to streets such as Madre Street, Muscatel Avenue, California Boulevard, San Pasqual Street, Lotus Avenue and Fairview Avenue (west of the project site) is expected to be relatively minimal. As the project site will be served by driveways on Rosemead Boulevard and Huntington Drive, it is reasonable to expect that most of the vehicular traffic traveling to and from the site will utilize these roadways. Similarly, use of extended segments of streets parallel to Rosemead Boulevard and Huntington Drive by significant numbers of project-related vehicles is not expected, primarily because these parallel streets do not provide convenient access to the site. For example, the Madre Street/Huntington Drive intersection is not signalized, and left-turn movements from southbound Madre Street to eastbound Huntington Drive (i.e., towards the project site) are not permitted. Therefore, it would be unreasonable to expect project-bound motorists to use Madre Street to access the site.

LACDPW and Caltrans have required a secondary project site driveway on Fairview Avenue. While traffic control features such as signage and roadway channelization will be installed to direct project-related traffic using this driveway to and from Rosemead Boulevard, there is the potential that some project-related vehicles may ignore the signage/channelization and use Fairview Avenue west of the project site. Accordingly, LACDPW has required the monitoring of traffic on Fairview Avenue following occupancy of the project for purposes of determining if the increases in traffic volume on Fairview Avenue exceed thresholds designated in the LACDPW traffic study approval letter (if such thresholds for increases in traffic volume are exceeded, LACDPW will install traffic calming devices using funds to be deposited by the project prior to occupancy).

It is incorrect to speculate that the project will increase congestion at the Rosemead Boulevard/Huntington Drive intersection such that the project will indirectly cause a diversion of traffic onto parallel streets. In fact, the project in combination with the traffic mitigation measures required for the project by LACDPW and Caltrans will effectively improve, and not degrade conditions at the Rosemead Boulevard/Huntington Drive intersection during the AM and PM commuter peak hours. Table 7 of the Kohl's traffic study provides a summary of the Level of Service calculations which shows that the V/C ratio at the Rosemead Boulevard/Huntington Drive intersection will be better in the condition with project traffic and mitigation measures as compared to the year 2006 "without project" condition. Therefore, the

project and its associated traffic mitigation would stabilize, and potentially reduce the occurrence of motorists who may currently use alternative routes due to the current and/or future level of traffic at the Rosemead Boulevard/Huntington Drive intersection.

The Jones Engineers letter incorrectly states that there are five lanes on Huntington Drive as there are only four through lanes on Huntington Drive adjacent to the project driveway. Further, the driveway on Huntington Drive is located approximately 450 feet from Rosemead Boulevard, not 300 feet as stated in the Jones letter.

The Jones letter overstates the number of project-related vehicles that are forecast to turn left on eastbound Huntington Drive at the Rosemead Boulevard intersection. As indicated on page 22 of the Kohl's traffic study on Figure 7, Project Traffic Volumes – PM peak hour, approximately 64 net new vehicle project trips during the PM peak hour are forecast to exit the driveway on Huntington Drive and turn left at the Rosemead Boulevard intersection. This equates to approximately one additional vehicle per minute forecast to exit the driveway and turn left on Huntington Drive at Rosemead Boulevard. Based on the regular gaps in traffic provided by the downstream traffic signals on Huntington Drive located west of the project site, the forecast of approximately one additional vehicle per minute is not unreasonable in an urban environment.

Response to Comment No. 7: Level of Service Analysis

LACDPW does not specifically require Level of Service analyses of project driveways. However, LACDPW does review site access and internal circulation, with appropriate comments and recommendations provided in the LACDPW traffic study approval letter. For example, based on the LACDPW input, the project will have the following site access features:

- Huntington Drive Driveway. The Huntington Drive driveway has been located at the westerly end of the project site (i.e., the furthest point on Huntington Drive west of the Rosemead Boulevard intersection) so as to reduce potential conflicts with the Rosemead Boulevard/Huntington Drive intersection. The existing curb lane on Huntington Drive is sufficiently wide (approximately 20 feet in width) such that right-turns into the driveway can be made without adversely affecting the through traffic flow. The internal throat leading to the driveway is nearly 300 feet in length (accommodating approximately 12-15 cars), thereby negating any possibility that vehicles exiting the site onto Huntington Drive would queue into the parking area.

- Rosemead Boulevard Driveway. LACDPW and Caltrans required the dedication of property and widening of Rosemead Boulevard along the project frontage to provide a right-turn deceleration lane for project traffic turning right into the main project driveway. Appendix E of the Kohl's traffic study provides a Level of Service and vehicle queuing analysis for vehicles turning left into the driveway from northbound Rosemead Boulevard, and turning right from the driveway onto southbound Rosemead Boulevard. The analysis in the traffic study indicates that a LOS C is forecast for both turning movements during the peak hour, with 95th percentile queuing expected to be less than one vehicle. Therefore, the left-turn and right-turn lanes serving the Rosemead Boulevard project driveway will be adequate.

- Fairview Avenue Driveway. The Fairview Avenue driveway is an existing driveway that will be modified to accommodate right-turn movements into the driveway, and left-turn movements from the driveway (i.e., directing all project-related traffic to and from Rosemead Boulevard). As the existing level of traffic on Fairview Avenue is relatively light (i.e., approximately two vehicles per minute on average on Fairview Avenue at the existing site driveway during the weekday PM peak hour based on data provided Figure 4 of the Kohl's traffic study), no vehicle queuing or delay is expected at this driveway.

Response to Comment No. 8: Neighborhood Impacts

The analysis of project-related trips using the local street system has been suitably addressed in prior sections of this letter. This portion of the Jones letter repeats comments and assertions stated earlier in their correspondence. The issues raised in the comment regarding purported impacts to neighborhood streets are specifically addressed in Response to Comment No. 6 herein. Therefore, no additional response is required.

Please call with any questions or comments regarding these responses to the Jones letter.

cc: File

APPENDIX A

JONES ENGINEERING LETTER

1

Adjustment of Traffic Volumes

Traffic volumes appear to be based upon a single count without adjustment for day of week or month of year, volume adjustment, or reference to permanent counting stations. Yet, significant changes in delay and queue length were observed in the field during the peak hour. In particular, it is apparent that the study did not use a "peak hour factor," i.e., a factor less than 1 that accounts for the inefficiency of the system during peak hours. Such peak-hour factors are typically between 0.80 and 0.95. The failure to use a peak-hour factor tends to understate the extent of existing congestion. Appropriate volume adjustments and use of a peak hour factor would result in greater peak volumes than now shown, and would match the delays observed in the field.

For four intersections on Huntington Blvd. (including Huntington and Rosemead), the study has applied a substantial v/c credit of 0.07 against future traffic volume/capacity counts "to reflect the planned traffic signal synchronization system" on Huntington Blvd." [See May 19 study, page 32, Table 7, note [a]. The effect of this credit is to reduce the degradation of traffic that would otherwise occur with the addition of the new project and other increases in ambient traffic over time. To illustrate the sheer size of the credit, the County's own guidelines provide that for an intersection at LOS E or F (which is the LOS for three of the four studied intersections on Huntington), a project causing a v/c change of just 0.01 is considered to have a significant impact for purposes of the California Environmental Quality Act ("CEQA"). Therefore, the credit used here is seven times larger than the change that would be deemed a significant impact. However, I am informed that the County's synchronization system for Huntington Blvd. was in place and operating, with virtually all of the benefits already accruing, by year 2000, which is three years before the existing traffic counts were taken in year 2003. Given that existing v/c ratios are based on these traffic counts, the 2003 data would already reflect any benefit from synchronization and no further credit is warranted in the future.
To illustrate, the design year mitigated scenario without the credit would result in a v/c at Rosemead and Huntington would be 0.934 not .864; the v/c at the intersection of San Gabriel / Huntington would be 0.95, not 0.883, and the California / Huntington intersection would have a v/c of 1.34 not 0.944. All represent an increase greater than the allowed 0.01 v/c allowed for intersections with an existing LOS of E or F.

2

Baseline Traffic Data

Existing (baseline) daily traffic volumes and future (design year) volumes on nearby collectors and arterials are not reported. [Without this data, no comparison may be made between existing daily traffic and future year daily traffic. Reporting the existing and design year daily traffic volume is a standard practice endorsed by the Institute of Transportation Engineers ("ITE") and provides verification and overall context within with to evaluate peak hour traffic changes. Typically, peak hour traffic is 10% of daily traffic, if existing and design year daily volumes were reported, a cross check for peak hour volumes is built in to the analysis.

Volume Adjustments for daily and monthly volumes are not utilized. For example, in some areas volumes may be 40% higher during summer months than during winter months on most travel routes. Often this represents additional traffic during school sessions. Use of unadjusted count data is not generally appropriate, and must be justified. The State of California maintains numerous permanent-counting facilities including stations on I-210 which provide baseline data supporting appropriate volume adjustments.

Peak Hour Factors (PHF) are calculated and shown in the appendices, but have not been used where appropriate. For example, in appendix E the two-way intersection volume adjustment worksheet used to estimate the 95% queue length does not employ a PHF and therefore underestimates the queue length. [

Manual traffic counts were not taken at the existing project site access points to establish a baseline for comparison with new project traffic. Therefore, it is impossible to tell how many trips are being generated by the existing project, and how the trips are distributed among the various ingress and egress points. Because this baseline data was not taken, it is impossible to tell either (1) how many additional trips will be

(626) 7920941 03-147-5

To: BRUCE CHOW

July 20, 2005

Mr. John Henning

Draft Traffic Impact Report Comments
Re: Clearman's Village Commercial Site

Dear Mr. Henning,
This memorandum is a summary of traffic and transportation issues that arise from the "Environmental Impact Report Clearman's Village Project". This assessment does not claim to be a traffic report or Engineering analysis.

Purpose

The purpose of this document is to provide the client with a broad-brush evaluation of the adequacy of the environmental documents listed below with respect to traffic and transportation issues, to document obvieus inconsistencies, to highlight incomplete or analysis, and to explain how seemingly inconsequential analysis assumptions or technical analysis may result in significant individual and/or cumulative impacts

Documents Reviewed:

- "Draft Environmental Impact Report, Clearman's Village Project". County of Los Angeles
- "Appendices to the Draft Environmental Impact Report, Clearman's Village project". November 2004
- "Traffic Impact Study for Kohl's Commercial Development Project", California, Linscott, Law & Greenspan, Engineers, May 19 2005.
- Letter dated June 2, 2005 from Daryl Koutnik, Supervising Regional Planner, Los Angeles County Department of Regional Planning to All Interested Parties, Re: "Revised Project Description".

Reference Documents:
The following documents were referenced in order to evaluate the above-mentioned documents:

- Los Angeles County Impact Analysis Report Guidelines, January 1997.
- "Intersection Capacity Utilization Intersection Capacity Utilization 2000, A Procedure for Evaluating Signalized Intersections, Trafficware Corporation, Albany, CA 94706, 2000.
- Trip Generation, 6th Edition, Institute of Transportation Engineers, 1997.
- Highway Capacity Manual, Special Report 209, Transportation Research Board.
- Manual of Traffic Engineering Studies, Institute of Transportation Engineers, 1976.
- Traffic Engineering Handbook, Institute of Transportation Engineers, 1992.

Data

- 7/12/05, Queue Length at selected Rosemead intersections, prepared by Maria Damario.
- 7/12/06, Peak Hour Arterial Travel Times – Rosemead, Huntington and California Streets, prepared by Maria Damario.

General Observations

The general traffic and transportation issues for the Traffic Impact Study dated May 19, 2005, are as follows:

5

Trip Generation

In calculating the total trips generated by the new project, the study uses standard ITE trip generation rates. The total trips are then reduced by the expected number of "pass-by" and "internal capture" trips, based on the theory that such trips would not be added to the system by the project. The Caltrans Guidelines for the Preparation of Traffic Impact Studies limits the number of pass-by and internal capture trips to 15% of PM trip generation. Yet the study uses a 20%, figure, with the effect that the peak hour trip generation for the new project is reduced by an additional 5% of total PM peak hour traffic. No justification is given for using this higher figure. Further, the County of Los Angeles Guidelines require that "Internal or pass-by trip reduction assumptions will require analytical support based upon verifiable actual similar developments to demonstrate how the figures were derived and will require approval by the County". The study contains no analytical support at all, nor any indication of County approval, for a 20% pass-by/internal capture rate...

Additional trip Project trip generation credits are claimed on Table 2, Page 19 of the traffic report. The reductions assume that ITE trip generation rates may replace actual driveway counts to determine the baseline traffic at the site accesses. However, typically only an actual count of existing trips in and out of the site is used for such a credit, and no such count was done here. Further, even for future trip generation, the ITE trip generation manual encourages use of locally derived trip generation rates, based upon similar land uses in the vicinity, rather than standard ITE rates.

Project peak hour trip generation is not computed as recommended in the CALTRANS Guidelines. ? The project's peak hour trips (as opposed to the projects trip generation during peak hours) may have a greater impact to the system even if they occur outside of the peak hours. Although this is not required for all projects, it would be appropriate for a commercial project fronting a busy arterial.

6

Trip Distribution

In the study virtually all traffic is distributed / assigned to existing principal arterials. The study makes no allowance for such traffic to impact neighborhoods. Many of the neighborhood collector streets are wide, they have spacious parking minimizing side friction and best of all, and they have comparatively low traffic volumes. It is very unlikely that cut through traffic will not be a problem for both residential neighborhoods and commercial sites near the intersection of Rosemead and Huntington and at Rosemead and Fairview.

There is also no reasonable justification for trip distribution among the various ingress/egress points on the project site. In particular, Figure 5 "Project Trip Distribution" on page 20 indicates that 62% of all trips exiting the site will be turning right onto Huntington and 47% of the site trips turn left at the Huntington / Rosemead intersection. The distribution source us unidentified, but it seems highly unlikely that most of the trips leaving the site will exit onto the most congested adjacent street at a right turn only exit. 62% of ALL trips (Table 2, page 19) is 125 vehicles per hour turning right. Further the maneuver that most of these trips are predicted to take is extraordinarily difficult given distance and existing traffic levels. Of the total of 125 trips turning right on Huntington, 95 are expected to cross 5 lanes of traffic, in a distance of only approximately 300 feet to enter the eastbound Huntington left turn lane. Except at times of day when traffic is extremely light, it is highly unlikely that vehicles could easily make this weaving maneuver, as moving traffic (or worse, queuing traffic) will either frustrate or block the maneuver. Further, because no counts were done of egress from the existing project, there is no evidence that substantial numbers of cars actually perform this maneuver now. Such evidence should be developed to verify the distribution analysis and to evaluate the effect of increased volumes through this weaving section.

7

Level of Service Analysis

There has been no level of service (LOS) calculated for the existing access points to the site. If site access driveways operate at a low level of service than it could be concluded that access design should be

generated by the new project; and (2) the difference in traffic conflicts (i.e., conflicts with traffic flow on access streets as cars slow down to enter, or as they slowly exist the project) between the existing and new projects.

The failure to take manual traffic counts at the existing project has likely led to an underestimation of the impacts of the project. Here, the methodology used in the study for establishing a baseline traffic count for the existing project was purely hypothetical, i.e., it was based upon standard ITE trip generation rates for existing development on the site. This is not a proper substitute for manual traffic counts, especially given the project proponent's contention that existing uses are generally not successful and would hence naturally generate less traffic than typical development of similar size. The ITE rates are compiled from economically active, viable land uses. Because the use of this hypothetical baseline likely overestimates existing project traffic, it is likely to reduce the difference in the report between existing project traffic and new project traffic, thereby underestimating the additional traffic volume attributable to the project.

The failure to take manual traffic counts specifically at site access points has also deprived the study of any reasonable basis for estimating how to distribute traffic coming and going from the new project among the various access points. The study does distribute this traffic, showing, for example, that a substantial percentage(64%) of northbound traffic from the site would leave at the Huntington exit rather than through the Fairview exit. However, there is no basis stated from which the study arrived at this conclusion.

3

Traffic Queuing

The County allows use of an intersection capacity utilization ("ICU") methodology for determining levels of service at intersections ("LOS"). This method reports a ratio of road capacity and existing or forecast volumes, and is simple to compute, review and to verify. However, while it is useful to compare the changes within a system, it does not reflect the magnitude of delay to be expected.

The concept of level of service was developed by the Transportation Research Board (TRB) and published in the Highway Capacity Manual. The scheme for evaluating LOS in the manual is based on delay, rather than on volume and capacity. This was based on the simple intuitive fact that a "level of service" should properly reflect the expected driver delay and discomfort. Indeed, CalTrans, as well as many other local jurisdictions including the neighboring cities of Pasadena and Arcadia, require LOS calculations to be based on a delay based method, such as the Highway Capacity Manual.

Regardless of what the County may normally require, because delay is the primary factor in the decision of drivers to leave the main roadway and use cut-through alternative streets, a delay method should have been prepared here, if for no other reason than to evaluate the likelihood and extent of such traffic. Delay analysis and queuing simulations should be prepared for both existing and design year traffic conditions, and for both the peak hour of adjacent traffic and the peak hour of site generated traffic.

Delay analysis also helps to avoid undersizing turn lane pockets, and to helps to anticipate possible access impediments caused by spillback queues (i.e. queues that block traffic from access to turn lanes at their access point), thereby and benefiting both the project owner and the public. Here, field observations and photos confirm that spillback queues already occur in the system and sometimes block intersections. This spillback effect is a major reason drivers seek alternate routes, cutting through neighborhoods.

4

Traffic Accidents and Safety

There is no discussion of traffic accidents or safety. A limited accident inventory should be prepared to identify existing accident-prone location within the study area. This is especially true given numerous reports by residents of accidents both on the main arterials and on local collector streets.

reconfigured or that unanticipated offsite impacts such as excessive queues should be expected to be formed. This is a standard requirement for site traffic analysis; it also serves to report the expected turning volumes from the site to the adjacent roadways. Without this information, it is impossible to assess potential impacts to traffic safety, onsite queues, or unanticipated traffic conflict points. Without an LOS baseline for the access points, it is impossible to compare the existing site access to design year LOS at the project access points.

(8) *Neighborhood Impacts*

One of the most intractable traffic problems is cut through traffic. It is vital to provide a connected community, not only for residential access, but also for emergency vehicle access. Yet, with the exception of narrative on pages 57 through 59, the traffic analysis does not evaluate secondary streets. Rather, the study is focused on the intersections along the principle arterials.

The deficiencies described elsewhere in this report, if corrected, may result in much higher calculated volumes on Rosemead, Huntington, Fairview than those presented in the study and will likely result in utilization of parallel collector streets by existing and new trips, both project bound and non project bound, known commonly as "cut-through" traffic. Further, the study has not planned for this greater utilization of collector streets by implementing arterial and neighborhood improvements that would discourage such cut-through traffic.

In particular, residential neighborhoods north and south of the proposed project may experience additional cut through traffic as volumes increase on Rosemead and Huntington, as traffic attempts to access the site at a mid-block access point and as exiting traffic congests Huntington near the eastbound left turn lane.

<u>Observations</u>

The existing intersections are operating close to capacity in the existing conditions. There is a 100% observed increase in travel time and 50% increase in queue lengths along Rosemead within the peak hour indicating that volume adjustments would be appropriate. The traffic analysis allows for significant trip generation and level of service analysis credits that benefit the project and are not justified. The expected level of service reported on Table 7 for the California / Huntington intersection includes a 0.07 v/c credit without which the intersection would operate a LOS F. Other intersections, described above, would have increases in v/c ratios greater than allowed by the County Guidelines.

Sincerely,
Bryan Jones

4164 Meridian St., Suite 200, Bellingham, Washington 98226 telephone 360—733-8888 fax 360-671-6666

FINDING 39
APPLICANT'S OUTREACH LETTERS REFERENCED SEPTEMBER 15, 2005 AND JANUARY 16, 2005

Szalay, Kim

From: David J. De Pinto [ddepinto@depintomorales.com]

Sent: Thursday, September 15, 2005 2:30 PM

To: kszalay@planning.co.la.ca.us

Cc: Frank Nicholas; drs@pai-la.com; Jerry Galipeau; cmoore@coxcastle.com; john@thekoenigcompanies.com; bmorales@depintomorales.com

Subject: Clearman's Village and Kohl's Community Outreach Summary

Dear Kim:

Attached please find a summary of the community outreach activities conducted by the Clearman's Village and Kohl's team with our neighbors from the date of the July 20 Planning Commission hearing until the present. We provide this to you for inclusion in the Staff Report for the Planning Commissioners. Please call us if you have any questions. I will shortly be sending you a summary of support cards and letters received on behalf of the Project.

Thank you very much for all of your work related to this project.

David J. De Pinto
Partner
De Pinto Morales Communications, Inc.
10435 Mary Bell Avenue
Sunland, CA 91040
818.352.7618 (phone)
818.352.6781 (fax)
310.502.7928 (mobile)
ddepinto@depintomorales.com

Community Outreach – Post July 20, 2005 LA County Regional Planning Commission Meeting/Hearing

Beginning in November 2003, and continuing until the July 20, 2005 Planning Commission meeting, representatives of Clearman's Village and Kohl's conducted extensive community outreach to neighbors, homeowner associations, local businesses, local elected officials and community leaders. The details of those activities were provided to the Planning Commission prior to the July 20 hearing and were included in the staff report.

This summary covers the period from the July 20 Planning Commission meeting through the September 28, 2005 Planning Commission meeting:

- July 20 - attended and presented project information at the public hearing conducted by the County Regional Planning Commission
- July 28 - met with William Winter, Dept. of Public Works, along with Chad Morgan, Fairview Avenue representative, to follow-up on July 13 Fairview meeting to discuss traffic issues and recommendations
- August 16-18 – conducted traffic and speed monitoring on Fairview Avenue, Lotus and Muscatel Avenues to establish baseline traffic/speed data
- August 16 – met with Fairview Avenue residents to further discuss traffic and landscaping issues, recommendations, mitigations and conditions; held numerous follow-up phone calls with Chad Morgan/Fairview representative to further develop mitigations and conditions
- August 17 - mailed more than 1,000 invitations to all members of Michillinda Park Association and neighboring residents for the second open house event scheduled for September 13, 2005 (included residents living within 1,000 feet of the site and all attendees of meetings hosted by Clearman's Village and Kohl's)
- August 19 – mailed more than 450 open house invitations to residents of Chapman Woods
- August 24 – met with Michillinda Park Assn. board of directors to discuss project issues and recommendations; meeting also attended by members of Chapman Woods Assn. and Fairview Avenue; conducted numerous phone calls with Lucy Jarrad, president, Michillinda Park Assn. re: follow-up; conveyed voluntary offer to conduct traffic/speed monitoring and to create a "traffic contingency fund" for Chapman Woods and Michillinda Park
- September 7 - provided information to the San Gabriel Valley Tribune/Pasadena Star-News about the "open house" being conducted on September 13, including artist renderings, fact sheets, summaries of mitigations, etc.
- September 6-8 - voluntarily conducted traffic monitoring at two locations in Michillinda Park to establish baseline traffic/speed data

- September 8 – met with Chapman Woods Assn. board of directors to discuss issues, concerns and recommendations related to traffic, landscaping, etc.; meeting also attended by Michillinda Park Assn. board of directors, Kim Szalay, and Fairview residents; conveyed voluntary offer to conduct traffic/speed monitoring and to create a "traffic contingency fund" for Chapman Woods and Michillinda Park
- September 13-15 - voluntarily conducted traffic monitoring at six locations in Chapman Woods to establish baseline traffic/speed data
- September 13 - hosted and conducted the "open house" at St. Anthony's attended by approximately 50-60 residents
- September 14 – conducted follow-up meeting with Chapman Woods Assn. board of directors, Michillinda Park Assn. board of directors and Fairview residents to further review mitigations and conditions
- September 21 - meeting scheduled with Lotus Avenue residents to address traffic and other project-related issues and recommendations
- Ongoing - displayed and disseminated information about the project plans at the *North Woods Inn* and the *Galley Restaurant* on a daily basis
- Ongoing - obtained more than 800 cards/letters of support from residents in Pasadena, San Gabriel, San Marino, Temple City, Rosemead, Arcadia and neighboring communities.

Szalay, Kim

From: David J. De Pinto [ddepinto@depintomorales.com]
Sent: Monday, September 19, 2005 10:04 AM
To: kszalay@planning.co.la.ca.us
Cc: Frank Nicholas; Jerry Galipeau; drs@pai-la.com
Subject: Updated Clearman's Village/Kohl's Supporter Totals

Hi Kim:

I have attached a final chart that updates the support card/letter totals from last week. This chart is based on actual support cards/letters that we have received since the July 20, 2005 Planning Commission meeting and that are in a binder that I will deliver to your office today. This binder is similar to the binder I presented to the Commission at the last Planning Commission hearing on the project. The binder I will deliver today includes copies of all the signed support cards/letters received since July 20 and through September 15, 2005.

As you see, we have received an additional 321 support cards/letters since the July 20 Commission hearing, and we now have a total of 855 support cards/letters on file that we have submitted to the County.

We would appreciate greatly that your staff report reference these updated totals. If you have any questions, please don't hesitate to contact me.

Thank you.

David J. De Pinto
Partner
De Pinto Morales Communications, Inc.
10435 Mary Bell Avenue
Sunland, CA 91040
818.352.7618 (phone)
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CLEARMAN'S VILLAGE & KOHL'S SUPPORTERS

(Highlighting Post-July 20 Planning Commission Meeting)

Community	Supporters Mar. 1 - July 20, 2005	Supporters July 20 – Sept. 15	Total Supporters as of September 15, 2005
91107/PASADENA	47	26	73
SAN GABRIEL, TEMPLE CITY	81	46	127
ARCADIA, ROSEMEAD	70	34	104
OTHER SAN GABRIEL VALLEY *	38	87	125
L.A. COUNTY/OTHER	292	128	420
LOCAL BUSINESSES	6	-	6
TOTALS	534	321	855

(* Other San Gabriel Valley includes: Monrovia, Alhambra, Altadena, Sierra Madre, San Marino, Monterey Park, Montebello, Duarte, El Monte, Azusa, Irwindale, San Dimas)

Sample letter to Community

August 15, 2005

Dear Neighbor;

We at Clearman's Village hope you are having an enjoyable summer and we thank you for your loyal patronage. We hope that your knowledge about our future plans has increased as a result of the variety of community outreach activities that have taken place. In addition to an informational open house we held on June 15, we have provided regular mailings to neighbors, and held ongoing meetings with neighbors and local homeowner associations. In addition, the County Regional Planning Commission held two meetings devoted to a public hearing for our project, and a third meeting is scheduled for September 28, 2005.

The purpose of this letter is to invite you to a second community open house on Tuesday, September 13, 2005, from 7 p.m. to 9 p.m., at St. Anthony's Greek Orthodox Church located at 778 S. Rosemead Boulevard. Parking is available behind and adjacent to St. Anthony's Church and auditorium.

The format for this meeting will be similar to the first open house which was attended by approximately 100 local residents, as well as representatives of neighboring homeowner associations. Experts familiar with all aspects of the proposed project, for example, traffic and landscaping, will offer information and insight, as well as be available for questions. Artist renderings, maps and charts will be provided to aid you in understanding the project fully.

After reviewing a variety of alternatives for redeveloping the Clearman's Village site, our plan is to build a ***Kohl's*** department store on a portion of the property. ***Kohl's*** is a successful, family-oriented, neighborhood store selling quality, brand-name merchandise at affordable prices. In response to community concerns, ***Kohl's*** has agreed to "break the mold" by changing their original two-story design to a one-story facility, and by significantly decreasing its size/square footage. We also plan to build a new ***Galley Restaurant***, with nearly double the seating capacity of the current ***Galley,*** to better serve our dedicated "boat" customers. The ***North Woods Inn*** restaurant building will retain its current character, enhanced by the property's new landscaping, lighting and infrastructure.

The project has been analyzed extensively by an Environmental Impact Report that was released publicly nearly eight months ago, along with two Planning Commission meetings. This open, public process has led Clearman's and ***Kohl's*** to implement several modifications to the project, such as reducing the height of the ***Kohl's*** store by nearly 20-feet throughout, agreeing to fund a host of new traffic-calming measures at a cost of approximately one million dollars, and voluntarily creating a Community Improvement Fund of $300,000. We have taken our neighbors' input seriously, and we hope that you view our plans as a welcome, family-oriented concept that will enhance the surrounding residential and commercial neighborhoods.

We hope you will attend our meeting on September 13, and that you will support the project!

Sincerely,

Jerry Galipeau, Jr.
President

Agenda

Meeting with Chapman Woods Assn., Michillinda Park Assn., Fairview Residents

September 8, 2005

1. Introductions of attendees for CWA, Michillinda Park, Fairview Avenue, LA County, and Clearman's/Kohl's
2. Brief recap of meetings/outcomes with Fairview residents
   - Traffic monitoring
   - Secured Agreement for traffic mitigations – ?
   - 9 pm daily Clearman's property gate closure on Fairview Avenue
3. Brief recap of meeting with Michillinda Park Assn.
   - Remaining questions regarding the Traffic Study from last meeting
   - Status of response to Jones Engineering letter
4. New traffic monitoring in Michillinda Park and Chapman Woods
   - Michillinda Park monitoring conducted September 6, 7, 8
   - Chapman Woods monitoring to be conducted September 13, 14, 15
5. Discuss Clearman's/Kohl's new offer to create Traffic Contingency Fund for Chapman Woods and Michillinda Park
   - Amount, timing, structure
   - Subsequent recourse to $300K Community Improvement Fund
6. $300K Community Improvement Fund
   - discussion regarding further refinement of stakeholder groups, role of County, role of stakeholder groups in definition/utilization of fund
     - Adjoining properties/streets (Fairview, Lotus, Donnelly, Sultana)
     - Neighborhood Associations - Corte Verde, Chapman Woods Assn., Michillinda Park Assn.
   - discussion regarding uses of $300K
     - traffic mitigations for Fairview and Lotus if Secured Agreement is depleted
     - traffic mitigations for Chapman Woods and/or Michillinda Park if Traffic Contingency Fund is depleted
     - discretionary projects for stakeholders
     - median beautification
7. Landscaping
   - Review landscaping plan, concerns/issues, recommendations
8. Other
   - Reminder: Clearman's Village & Kohl's will host a second community open house on Tuesday, September 13, 2005 at St. Anthony's Church, from 7-9 pm.

J. Foley Enterprises, Inc.

20 East Foothill Boulevard • Suite 208 • Arcadia, California 91006
Phone: (626) 446-0100 • Fax: (626) 446-0198

RECEIVED
AUG 8 2005

August 5, 2005

Los Angeles County Regional Planning Commission
Department of Regional Planning
320 West Temple Street, Room 1348
Los Angeles, CA 90012
Attn: Kim Szalay, Planning Assistant

Re: Clearman's Village Project

Dear Mr. Szalay:

I want to provide you with an update on the ongoing discussions between Clearman's (J. Foley Enterprises, Inc./Kohl's and Fairview Avenue residents. As you know, we met recently with Fairview residents as a group on July 13 to discuss their issues and their suggestions relative to the project. At that meeting, we promised to attempt to schedule a meeting with Fairview residents and representatives from the L.A. County Department of Public Works.

William Winter, the Assistant Deputy Director at Public Works and the Chief of the Traffic and Lighting Division, graciously agreed to meet. A meeting was held on Thursday, July 28, 2005, at the LA County Department of Public Works offices in Alhambra. The agenda from that meeting is attached for your information. Attending the meeting were the following individuals:

- Chad Morgan, Fairview Avenue resident and neighborhood liason.
- William Winter, Chief of Traffic and Lighting Division
- Lani Alfonso, Senior Civil Engineer at Traffic and Lighting Division
- Patrick Arakawa, Associate Civil Engineer at Traffic and Lighting Division
- Dwight Steinert, Planning Associates Inc.
- Bruce Chow, Linscott Law and Greenspan, Engineers
- Frank Nicholas, Esq., Nicholas & Doyle (General Counsel for Clearman's)
- Dave De Pinto, De Pinto Morales Communications Inc.

As shown on the attached document, our agenda consisted of a review of the DEIR findings, a review of Mr. Winter's letter to the Department of Planning in which he proposed the 3-year monitoring program and $25,000 secured agreement (letter dated July 14, 2005), a discussion of the Community Improvement Fund, a discussion of issues/concerns of Fairview residents, and a discussion of the feasibility of a range of traffic calming measures. Following is a summary of the discussions:

EIR Findings Relative to Traffic and Fairview Avenue

- The meeting attendees reviewed the prior discussions/meetings, and then touched on the findings from the EIR, as most present were familiar with the EIR document.
- Mr. Winter indicated that he recommended the monitoring and secured agreement due to the concerns of Fairview residents and the need to observe motorist behavior to substantiate or allay those concerns. Mr. Winter stated that Public Works would authorize traffic calming measures if the monitoring produced data demonstrating a need for such measure(s). He stated that Public Works could not authorize any measures in the absence of any supporting data. Relying upon the traffic studies, Mr. Winter further stated that it does not appear the proposed development will create much of a change or traffic impact.

Monitoring and Secured Agreement

- Mr. Winter and his staff explained the monitoring process and the estimated costs of certain traffic calming measures such as speed bumps, speed cushions, parking permits, turn restrictions, photo enforcement, etc. Fairview residents had concerns about the process involving the monitoring, communication of the findings of the monitoring, and how decisions would be made that would give cause to both implementation of traffic calming measures and utilization of the $25,000 fund.
- It was clarified for Chad Morgan that the monitoring is for three years continuous, with no interruptions. It was further explained that the monitoring could reveal, long prior to the expiration of the three-year monitoring period, a need for the implementation of certain traffic calming measures. Those measures could therefore be constructed before the three-year monitoring period ends. By way of example, it may be determined within the first year of monitoring that speed bumps/cushions should be installed. Those speed bumps/cushions would therefore be installed and the monitoring would be continued until the three-year period expires.
- Chad Morgan expressed Fairview's concern that $25,000 may not be adequate to cover the costs of potential traffic calming measures for both Fairview and Lotus. Mr. Winter and his staff provided brochures and other information that demonstrated the amount would cover the cost of speed bumps/cushions. They indicated that 2-3 bumps/cushions would likely be their first traffic calming measure or recommendation for Fairview, if data warranting their implementation resulted from the monitoring.
    - Mr. Winter indicated that the Fire Department would need to approve speed bumps/speed cushions at the appropriate time.

Community Improvement Fund

- Chad Morgan conveyed the high level of concern he and his neighbors have about their ability to access funds within the $300,000 Community Improvement Fund, given their relatively small number and clout versus larger homeowner associations, such as the Chapman Woods Association. As you know, Clearman's and Kohl's have agreed to contribute $300,000 toward a Community Improvement Fund. This fund, to be administered by the County, will be used to help finance improvements such as, but not limited to, installation of traffic calming devices and median beautification. Fairview residents are seeking assurances that in the formation of the Community Improvement Fund that Fairview be given equal standing with others, or that if monitoring results call for mitigations beyond the amount specified in the Secured Agreement, that the Community Improvement Fund be accessed on a priority basis for Fairview's purposes.
    - Mr. Winter and staff agreed that the $300,000 fund could be tiered in order of neighborhood priorities.
    - We support Fairview's requests and committed to further discussing their concerns with County representatives.

Feasibility of Traffic Calming Measures

- **Need for data** - Mr. Winter and his staff reiterated that data were needed prior to being able to implement further traffic calming measures.
    - For the record, we would like to note that Clearman's – notwithstanding the findings of the traffic studies – volunteered to fund speed bumps/cushions in advance of any monitoring taking place.
- **Speed Bumps/Speed Cushions** - in the event that traffic data supported additional traffic calming measures, Mr. Winter felt the first of the measures that would be implemented would be speed bumps/cushions, and that the $25,000 secured agreement was adequate funding.
    - Mr. Winter indicated that the Fire Department would need to approve this action due to their need to maintain prompt response times in their work.
- **Parking Permits** – all were of the opinion that this measure could easily be implemented should parking problems develop. Chad Morgan indicated that his neighbors would be willing to get the necessary petitions signed, per County guidelines. This would require the establishment of a preferential parking district, which would have to be approved by the Board of Supervisors.
    - Clearman's would assist in the funding of those permits.
- **Turn Restrictions** – we discussed Fairview's desire for turn restrictions related to direction and related to time of day. Further discussion is needed on this subject and data indicating traffic increases would be needed prior to any implementation. It appears that time restrictions are feasible, should the data support such a need, and that the costs of signage and lighting are minimal and would be covered under the secured agreement.

- **Street Architecture** – We discussed a number of street structures as well as the infeasibility of both closing off the street/cul de sac, as well as street architecture requiring all westbound traffic on Fairview to be limited to entering the property.
    - We commit to developing additional designs for the planned "pork chop" that would make it more difficult for people exiting the site to turn right, and to share those designs with Fairview residents within 30 days.
    - We also commit to creating on-site signage near the site's exit onto Fairview advising patrons of the "LEFT TURN ONLY – PLEASE OBSERVE 25 MPH SPEED LIMITS."
    - We also commit to installing an electronic gate at the Fairview driveway that we would close each evening at 9:00 p.m. so that patrons would be unable to enter/exit via Fairview after that hour. The Fire Department, of course, would be provided with the means to activate the gate.
- **Photo Enforcement** – this was discussed due to concerns over motorists both speeding and ignoring signage. Mr. Winter is going to provide more specific information on the cost of this measure as specific data was not available at the meeting.
- **Striping** – This measure was discussed as a way to further control the flow of traffic on Fairview. This measure is feasible and the costs minimal; such costs could be funded via the Secured Agreement.

Should you have any questions on the matters discussed herein, please do not hesitate to contact me.

Thank you very much.

Sincerely,

Jerry Galipeau
President

cc: Paul Novak
Sussy Nemer
Chad Morgan
William Winter

Attachment (see attached)

AGENDA – MEETING WITH FAIRVIEW AND PUBLIC WORKS
JULY 28, 2005

I Discuss what the EIR Says about Fairview

II Discuss the Letter from Mr. Winter re: Fairview

III Intent of the Community Improvement Fund

III Traffic Concerns Based on Meetings with Fairview Residents
- Increased volume and speed of traffic; increase in cut-through traffic
- Overflow parking

IV Aesthetic and Security Concerns Based on Meetings with Fairview Residents
- Trees, walls and other screening
- Perception that Fairview is "main entrance"
- Noise
- Driving behavior of people leaving the site

V Traffic Mitigations Identified in Meeting with Fairview Residents
- Monitoring and mitigations after project approval (discussed prior to Winter letter)
- Speed bumps
- Parking permits for tenants
- Street architecture that prohibits right turns from Clearman's property
- Street architecture that requires all cars entering Fairview from Rosemead to enter the Clearman's property
- Close off the street entirely
- Traffic signalization that prohibits turns off of Rosemead onto Fairview during certain hours
- Increase signage and enforcement of posted speed limits
- Eliminate the light at Fairview
- Eliminate the entrance at Fairview

Szalay, Kim

From: David J. De Pinto [ddepinto@depintomorales.com]

Sent: Thursday, January 19, 2006 12:17 PM

To: Szalay, Kim

Cc: Frank Nicholas; Jerry Galipeau; drs@pai-la.com; cmoore@coxcastle.com; bmorales@depintomorales.com

Subject: Summary of Community Outreach post September 28, Planning Commission Meeting

Kim: per your request attached please find a summary of community outreach activities since the planning commission meeting on September 28. In addition, I've included two key communications used over this period, a December 13th letter summarizing a December 5th meeting with community leaders and a chart used at that meeting related to the status of the draft conditions.

Please call if you have any questions.

Thanks for all your assistance.

David J. De Pinto
Partner
De Pinto Morales Communications, Inc.
10435 Mary Bell Avenue
Sunland, CA 91040
818.352.7618 (phone)
818.352.6781 (fax)
310.502.7928 (mobile)
ddepinto@depintomorales.com

Community Outreach – Post September 28, 2006 LA County Regional Planning Commission Meeting/Hearing Through January 16, 2006

Beginning in November 2003, and continuing beyond the September 28, 2005 Planning Commission meeting, representatives of Clearman's Village and Kohl's have conducted community outreach to neighbors, homeowner associations, businesses, elected officials and community leaders. Summaries of those activities were provided to the Planning Commission prior to each of the public hearings and were included in prior staff reports.

This summary covers the period from the September 28, 2005 Planning Commission meeting through January 16, 2006:

- October 19 – phone calls w/Lucy Jarrad, president, Michillinda Park Assn. and Mitch Kauffman, president, Chapman Woods Assn.
    - Discussed conditions, traffic monitoring, Community Improvement Fund
- October (other)
    - Numerous phone calls and email communications with Michillinda Park, Chapman Woods, Fairview and Cortile Verde representatives to maintain communications
- November 7, 2005 – phone call and email exchange with Steven Lam, Sultana Street resident
    - Discussed site plan, construction plans, wall, noise abatement, landscaping, property value
- November 21, 2005 – phone call with Chad Morgan, Fairview Avenue resident
    - Discussed traffic monitoring results and traffic monitoring fund, Morgan's interest in Fairview street and entrance closure, landscaping
- November 2005 – Letter/email exchanges with John Henning, attorney for Chapman Woods Assn.
    - Conducted numerous letter/email exchanges with Henning re: status of draft conditions and modifications to draft conditions (Kim Szalay, Planning Department, copied on communications)
- November 29, 2005 – meeting with Steven Lam, Sultana Street resident
    - Discussed site plan, construction plans, wall, noise abatement, landscaping, property value
- November 29, 2005 – phone call with Mitch Kauffman, president, Chapman Woods Association
    - Confirmed Kauffman home sale/relocation from Chapman Woods to Santa Barbara; confirmed lead role of Gabi Sacks for Chapman Woods Association on project and curtailment of Henning role as representative for Chapman Woods
- November 30, 2005 – phone calls/emails with Chapman Woods Assn.
    - Status phone calls with Gabi Sacks to help update her on status of discussions with Henning re: traffic monitoring, monitoring fund; transmitted copies of prior communications between Henning and Frank Nicholas, Clearman's attorney, to Sacks
- November (other)
    - Numerous phone calls and email communications with Michillinda Park, Chapman Woods, Fairview and Cortile Verde representatives to maintain communications and updates/status

- December 5, 2005 – Meeting with leaders from Michillinda Park, Chapman Woods and Fairview
    - Discussion focused on status of draft conditions, explanation of Clearman's/Kohl's positions on conditions (see attached chart), and commitments of Clearman's Village/Kohl's.
    - Jarrad (Michillinda Park), Sacks (Chapman Woods), Morgan (Fairview) and Heinrichs (Fairview) in attendance
- December 7, 2005 – Email and calls with Gabi Sacks and Lucy Jarrad
    - Discussion focused on Condition 26 related to traffic monitoring in Chapman Woods and Michillinda Park on a quarterly basis
- December 13, 2005 – Deliver letter to Sacks, Jarrad, Morgan and Heinrichs
    - Delivered letter summarizing December 5, 2005 meeting to the homes of the leaders of Michillinda Park, Chapman Woods and Fairview Avenue (see attached letter), and summarizing Clearman's Village/Kohl's commitments to neighbors
- December 20, 2005 – Email to Sacks re: traffic monitoring
    - Clearman's Village/Kohl's offered to restructure monitoring budget to enable quarterly monitoring
- December 29, 2005 – Calls with leaders of Chapman Woods, Michillinda Park and Fairview
    - Discussed status of draft conditions
- December (other)
    - Numerous phone calls and email communications with Michillinda Park, Chapman Woods, Fairview and Cortile Verde representatives to maintain communications and updates/status
- January 9, 2006 – Meeting with Gabi Sacks and Kim Szalay, Planning Department (Chad Morgan attended part of the meeting via conference call)
    - Discussed status of conditions, focused on conditions related to traffic monitoring, hours of operation, signage and Community Improvement Fund
- January 2006 (other)
    - Numerous phone calls and email communications with Michillinda Park, Chapman Woods, Fairview and Cortile Verde representatives to maintain communications and updates/status
- Ongoing - displayed and disseminated information about the project plans at the *North Woods Inn* and the *Galley Restaurant* on a daily basis
- Ongoing - obtained more than 900 cards/letters of support from residents in Pasadena, San Gabriel, San Marino, Temple City, Rosemead, Arcadia and neighboring communities.

CONDITIONS

1. This grant authorizes a Conditional Use Permit for a development program including the existing Northwoods Inn restaurant with the existing onsite sales of a full line of alcoholic beverages, relocation of the Galley Boat portion of the Galley restaurant, and the construction, operation and maintenance of a one-story department store, and relocation and expansion of an existing restaurant, including the onsite sales of a full line of alcoholic beverages in the expanded restaurant, as depicted on the approved Exhibit "A" subject to the final Mitigation Monitoring Program and all of the following conditions of approval. This grant corresponds to Zone Change No. 03-147-(5) to authorize a change in the zoning of the subject property from the C-1 (Restricted Business), C-2 (Neighborhood Business), C-H-DP (Commercial-Highway-Development Program) and R-3 (Limited Multiple Residence) to C-2-DP (Neighborhood Business-Development Program)

2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.

3. This grant shall not become effective until the Board of Supervisors has adopted the zone change submitted concurrently with this application. Upon said adoption, this grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 10, 11, 12, and 13.

4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

    a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit.

There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within two years from the date of approval. A one year time extension may be requested, in writing and with the appropriate fee, six months before the expiration date.

7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the property owner shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director.

9. This grant shall terminate on **February 8, 2036** unless renewed by the Director for an additional period, not to exceed **ten (10) years**, upon the permittee's request made in accordance with the procedures set forth in Part 12 of Chapter 22.56 of the County Code. Upon termination of this grant, entitlement to the use of the property shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the termination of this permit, whether or not any modification of the use is requested at that time.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of **$2,250**. The monies shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **fifteen (15) inspections every other year for thirty (30) years**. The inspections shall be unannounced.

If any inspection discloses that the subject property is being used in violation of any conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. Additional inspections may be necessary if the permit is extended as prescribed in Condition No. 9.

Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the site plan on file. The amount charged for additional inspections shall be $150.00 per inspection, or the current recovery cost, whichever is greater.

11. Permittee shall remit an **$875** processing fee ($25 document handling fee and $850 fish and game fee) payable to the County of Los Angeles related to filing and posting of a Notice of Determination with the County Clerk in compliance with Section 21152 of the Public Resources Code and Section 711.4 of the Fish and Game Code. The fees will be required within five (5) business days of the final approval date of the permit.

12. The permittee shall comply with all requirements of the Final Mitigation Monitoring Program. Payment shall be made within 30 days of permit approval to the Department of Regional Planning the sum of **$3,000** in order to defray the cost of reviewing and verifying the information contained in the reports required by the Mitigation Monitoring Program.

13. The permittee shall deposit with the Department of Regional Planning within 30 days of permit approval, the sum of **$3,000** in order to defray the cost of attendance by the Zoning Enforcement liaison to the Community Improvement Committee meetings, not to exceed $1,000 per year for three years from the beginning of operations of the project. Any balance remaining at the end of three years from the date of acceptance of this grant shall be returned to the permittee upon request.

14. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance. In the event that the county deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the applicant shall compensate the county for all costs incurred in such proceedings.

15. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.

16. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.

17. Permittee shall comply with all County of Los Angeles Fire Department requirements specified in its letter dated June 13, 2005, except as otherwise required by said Department.

18. Permittee shall secure any necessary permits from the South Coast Air Quality Management District and shall fully comply with the terms of applicable permits.

19. The subject property shall be developed and maintained in compliance with requirements of the County of Los Angeles Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said department.

20. All structures shall comply with the requirements of the Department of Public Works, Building and Safety Division.

21. Recordation of a Lot Line Adjustment concurrent with recordation of a Certificate of Compliance for all parcels on the site is required prior to issuance of building permits enabling three separate parcels for each of the three primary uses; a department store and two restaurants.

22. In the event parking is insufficient for any use established in any subject lot within the boundaries of the subject site, recordation of a Covenant to Hold Parcels as One shall be required prior to issuance of building permits.

23. Permittee shall comply with all County of Los Angeles Department of Public Works requirements specified in its letters dated July 15, 2003 and June 10, 2004, and July 14, 2005, except as otherwise required by said Department.

24. Permittee shall complete all traffic mitigation measures required and shall complete construction of all public improvement requirements of the Department of Public Works prior to occupancy of the project and to the satisfaction of said department.

25. Permittee shall comply with all California State Department of Transportation requirements specified in its letter dated June 8, 2005 referencing pages 6 and 43 of the revised traffic study, except as otherwise required by said Department.

26. Permittee shall complete all traffic mitigation measures required and shall complete construction of all public improvement requirements of the California State Department of Transportation prior to occupancy of the project and to the satisfaction of said department.

27. The permittee agrees to support and pay all expenses associated with the establishment and maintenance of a permit-parking district for the residents along Fairview (between Rosemead Boulevard and Lotus) and Sultana (near Fairview).

28. As agreed, the permittee offers $25,000 for the sole purpose of traffic calming measures on or near Fairview Avenue and shall be established in a dedicated and secured fund by the Department of Public Works prior to issuance of building permits.

    The traffic calming and related measures recommended by the Department of Public Works, Traffic and Lighting Division contained in its letter dated July 14, 2005 and pertaining to Fairview Avenue and streets south and west of the project site near Fairview Avenue, shall be the responsibility of the permittee, except as otherwise required by said Department. The cost of quarterly monitoring shall not be drawn from this fund; quarterly monitoring shall be at the permittee's additional expense.

    As agreed, notwithstanding any language to the contrary in the aforementioned letter dated July 14, 2005 from the Department of Public Works addressed to Mr. David Shender, P.E., attached hereto, as Exhibit "A", in the event the ADT increases by more than indicated on Table 1 of Exhibit A over the established baseline for two consecutive quarterly monitoring periods, and the quarterly monitoring has taken place during a typical week and not during holiday periods or during periods when major events may occur, the expenditure of the fund for traffic calming measures will be triggered.

    If during the third year of quarterly traffic monitoring, the traffic counts show that any traffic increase exceeds the allowable increases in ADT on Table 1 of Exhibit A and the initial $25,000 fund has been expended, and further traffic calming measures are deemed to be necessary by the County of Los Angeles Department of Public Works, the permittee shall enter into a second secured agreement for an additional $25,000.

29. As agreed, prior to the commencement of operations of the project, and continuing on a quarterly basis for three years after commencement of operations, the permittee shall conduct traffic counts at the following locations within Chapman Woods and Michillinda Park neighborhoods:

Chapman Woods Neighborhood:

a. California Boulevard, just east of Lotus Avenue

b. Lotus Avenue, just south of Locksley Drive

c. Madre Street, just south of Grayburn Road

d. San Pasqual Street, just east of Halstead Street

e. Madre Street, just south of Lombardy Road

f. Locksley Drive, just east of Lotus Avenue

Michillinda Park Neighborhood:

g. California Boulevard between Michigan Boulevard and Woodward Boulevard

h. Michillinda Avenue between California Boulevard and Hugo Reid School tennis courts

Such traffic counts shall be taken using the same methodology and timing set forth for traffic counts in the Fairview neighborhood in Exhibit A (July 14, 2005 letter to Mr. David Shender from the Department of Public Works), except that the permittee shall use an independent professional traffic engineering company selected by the County of Los Angeles, Department of Public Works, and the counts shall properly be taken at times when the project is open for business. All costs associated with such monitoring program will be the sole responsibility of the permittee.

All monitoring reports prepared pursuant to this condition by the independent traffic engineer shall be provided to the County of Los Angeles Department of Public Works, Traffic and Lighting Division, and to each of the members of the Community Improvement Committee as defined in these conditions.

All traffic counts shall be taken during a typical week and not during holiday periods or during periods when major events may occur. In the event the ADT increases by more than the percentages indicated on Table 1 of Exhibit A, for two consecutive quarterly monitoring periods over the established baseline, the permittee shall within thirty (30) days after such determination take the following steps:

(1) provide a report on traffic calming measures that may be warranted on the affected streets; and (2) enter into a secured agreement with the County of Los Angeles Department of Public Works for sums in $50,000 increments to fund a Neighborhood Traffic Management Program (NTMP). Said sums shall not exceed $50,000 in the first full year of operation of the project, and shall not exceed $100,000 in the aggregate. The cost of monitoring shall not be drawn from these funds; monitoring shall be at the permittee's additional expense.

The County of Los Angeles Department of Public Works shall administer the NTMP based on the guidelines specified on the Department's website http://ladpw.org/traffic . (Note: with regard to Table 1 of Exhibit A which does not address existing ADT in excess of 4,000; in the event of greater than 4,000 existing ADT, allowable increase in ADT shall be eight percent.)

No later than nine months following the conclusion of the three-year monitoring period, any monies deposited by the permittee pursuant to this condition which have not been spent, shall be returned to the permittee upon request.

30. The permittee shall design and build a "pork chop island" on the site at the Fairview Avenue access incorporating signage and turning deterrents (such as "candlestick tubular markers" on Fairview Avenue), subject to approval by the Department Public Works, Traffic and Lighting Division.

31. The permittee's offer to provide $300,000 for community improvements in proximity to the project including, but not limited to Rosemead Boulevard, shall be established in a dedicated interest-bearing fund to the Department of Regional Planning at the discretion of the Fifth Supervisorial District. The fund shall be established prior to issuance of building permits. The fund shall be subject to the following guidelines:

    a. Any interested party located south of Huntington Drive, west of the City of Arcadia boundary, north of and including East Arcadia Avenue, and east of and including the east side of North Muscatel, and those within the boundaries of the Chapman Woods and Michillinda Park communities north of Huntington Drive, can make a request to the Community Improvement Committee ("Committee") for expenditure of funds for community-serving purposes related to the subject project;

b. Use of the $300,000 Community Improvement Fund shall be for the sole purpose of funding community enhancement projects in the local community and shall include, but not be limited to the following: additional voluntary measures to reduce traffic impacts from the subject project, parkway/median and sidewalk improvements, landscaping public right-of-ways, security measures, and other public improvements related to the subject project.

   Additional traffic calming measures due to growth of local traffic volumes in the Fairview, Chapman Woods, and Michillinda Park neighborhoods, and not covered by Condition Nos. 28 and 29 above, and if recommended by the Committee (as defined in these conditions), and authorized by the Department of Public Works, Traffic and Lighting Division, may include but not be limited to the following: speed humps, curb pop-outs; special signage; creation and/or implementation of parking restrictions; and circulation restrictions including turn prohibitions, truck access prohibitions, striping, red no-parking zones, and street closure. (Note: street closure requires additional procedures not included in this grant.)

   Any community improvement fund uses must be to the satisfaction of the Fifth Supervisorial District and other responsible agencies having jurisdictional authority over the specific community-serving request.

c. In the event funds are requested by the Committee to be used for Rosemead Boulevard including median or other improvements, the following additional condition applies: Upon transfer of jurisdictional oversight of Rosemead Boulevard from the State to the County, and upon completion of Rosemead Boulevard conceptual plans by the county for road improvements, community improvements funded by the community improvement fund and in proximity to the project including Rosemead Boulevard, shall be accomplished to the satisfaction of the Department of Public Works;

d. Upon acceptance of this grant by the permittee, the Director of Planning, or his designee, shall appoint members of the Community Improvement Committee subject to confirmation by the Fifth Supervisorial District. The permittee will assist in coordinating the steps in the formation of the Committee including the identity of potential members. The Committee shall consist of nine members who will serve as a liaison between the permittee, the County of Los Angeles and the community.

The Committee will also serve as a means by which to allow the community to communicate with other regulatory agencies with respect to the development and operation of the subject project and will provide recommendations for the allocation of community improvement funds to be provided by the permittee. The composition of the Committee shall be as follows:

i. The Committee shall be comprised of persons who reside in the vicinity of the project site. Three members shall reside in the Chapman Woods neighborhood, and shall be nominated by the Board of Directors of the Chapman Woods Association; three members shall reside in the Michillinda Park neighborhood and shall be nominated by the Board of Directors of the Michillinda Park Homeowners Association; and three members shall reside in the neighborhood located near Fairview Avenue south of Huntington Drive, including the south side of Huntington Drive, west of the City of Arcadia boundary, north of and including East Arcadia Avenue, and east of and including the east side of North Muscatel Avenue.

   The three members from the Fairview Avenue area neighborhood shall be nominated by the Director of Planning, or his designee, or, in the event a Homeowners Association representing the Fairview Avenue area is formed, nominated by the Board of Directors of said Association in collaboration with the Board of Directors of the Cortile Verde Homeowners Association. Within the parameters of this grant, the Committee shall structure its own leadership and operating procedures;

ii. The Director of Planning shall appoint a Zoning Enforcement representative to serve as a Planning Department liaison for the committee;

iii. Upon appointment of the Committee, the permittee shall do the following: provide qualified personnel to regularly attend Committee meetings, (meetings to be determined by the Committee); provide reasonable access to the project site and pertinent information, including recorded complaints, concerning the project's operations necessary for the Committee to perform its functions; provide funding for the County's cost of attendance at Committee meetings at least, but not limited to once per year for the first three years of operation of the project, $200 per meeting, not to exceed $1,000 per annum; and, the permittee shall provide accommodations for Committee meetings. Meetings shall be open to the general public and conducted in accordance with generally accepted meeting protocol; and

iv. For a minimum of five years from the acceptance of this grant by the permittee, the Committee shall meet on a quarterly basis, shall designate a member to prepare and submit to the Director of Planning, minutes of the quarterly meetings and written recommendations as to the allocation of the fund, and shall keep a log of all complaints received or known. The permittee shall take all reasonable and necessary actions to mitigate the complaints, subject to review and concurrence by the Director of Planning, or his designee.

32. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director of Planning for approval three copies of revised plans, similar to Exhibit "A", as presented at the public hearing and showing the following:

    a. Sign locations;

    b. A landscaping table which lists the overall site area, parking lot area, and total landscaped area;

    c. Parking required and provided by respective buildings and parking calculations as required and determined by the county engineer and county code;

    d. Outdoor wall or pole mounted lighting; and

    e. Design renderings of each of the north, south, east, and west facing building elevations of the department store building.

    The property shall be maintained in substantial conformance with the approved plan. In the event that subsequent revised plans are submitted, the permittee shall submit three copies of the proposed plans for approval to the Director of Planning. All revised plot plans must be accompanied by the written authorization of the property owner.

33. Within sixty (60) days of approval of this grant, the permittee shall submit to the Director for review and approval three copies of a landscape plan, which may be incorporated into Exhibit "A" as described in Condition No. 32. The landscape plan shall show the size, type, and location of all plants, trees, and watering facilities.

    The landscape plan shall show a minimum of ten percent of the net project area as landscaped including a minimum of two percent of the gross area of the parking lot, distributed evenly (County Code Sections 22.78.170(A) and 22.52.1060(E)).

The landscaping plans shall be in substantial conformance with the Conceptual Landscape Plans provided by the applicant dated June 8, 2005. The landscape plan shall also include evergreens along the northern frontage with a mix of 48-inch, 36-inch and 24-inch boxed trees. The northern and eastern building frontages shall include landscaped mounding between trees and in front of buildings.

For the life of this grant the permittee shall maintain all landscaping in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, and fertilizing and replacement of plants when necess

34. The permittee shall install trees and other landscaping within the public right of way between the project property lines and the southern curb of Huntington Drive, subject to approval by the County of Los Angeles Department of Public Works and any other department or public agency from which approval is required.

35. As agreed, the permittee shall install up to five new trees on the Huntington Drive median north of the proposed project subject to approval by the County of Los Angeles Department of Public Works.

36. In the event that a means of maintaining and irrigating trees along the length of the sidewalk on the north side of Huntington Drive to the north of the department store building is ever installed in such area, the permittee shall install, or fund the installation of, trees in such area, subject to approval by the County of Los Angeles Department of Public Works and any other department or public agency from which approval is required.

37. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director of Planning for approval three copies of sign elevations depicting any proposed signs on the subject property. Signs shall be in conformance with Section 22.52.860.A. of the County Code.

    Freestanding signage shall be limited on the site to two signs: one located near Rosemead Boulevard similar in design quality to the freestanding sign at the Kohl's store located on the northwest corner of South Fremont Avenue and West Mission Road in Alhambra, and one directional and/or informational sign, limited to specifications delineated in Section 22.52.960 of the County Code, located near the Huntington Drive access.

    As agreed, the permittee shall install no building signage on the northern elevation of the department store building that is visible from the southbound lanes of Rosemead Boulevard.

Signage shall be posted at the Fairview Avenue egress from the site near the proposed "pork chop" raised-curb turn barrier reading, "LEFT TURN ONLY – PLEASE OBSERVE 25 MPH SPEED LIMITS", or similar wording to the satisfaction of the County of Los Angeles Department of Public Works, Traffic and Lighting Division.

38. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director of Planning for approval three copies of an outdoor lighting plan depicting any proposed wall-mounted, pole-mounted, or other outdoor lighting on the subject property in conformance with Conditions 32 and 40(g).

39. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not provide pertinent information about said premises.

    In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations.

40. This grant allows for the construction, operation and maintenance of a department store and one new restaurant providing the on-site sales of a full line of alcoholic beverages, and the continued operation and maintenance of an existing restaurant providing the on-site sales of a full line of alcoholic beverages, to be developed in accordance with the approved Exhibit "A", and subject to the additional following conditions:

    a. Operating hours, including special events and holidays, for the department store and two restaurants shall be limited to no earlier than 7:00 a.m. daily and no later than 12 a.m. daily. Operating hours prior to 7:00 a.m. and later than 12:00 a.m. daily are strictly prohibited for any use on the site;

    b. Permittee will maintain a minimum of 502 on-site automobile parking spaces including eleven handicapped accessible parking spaces, of which one is to be van accessible;

    c. All required parking, with the exception of 28 designated parking spaces for employees, shall be kept clear and open for members of the public;

    d. The permittee shall close the Fairview Avenue access gate at 9:00 p.m. nightly. The gate, which could be opened by the Fire Department, shall remain closed to patrons through 7:00 a.m. daily;

e. The permittee shall permanently screen the Fairview Avenue access gate in order that vehicle headlights will not shine through the gate toward housing southerly across Fairview Avenue;

f. The permittee agrees to provide on-site security to monitor the property, especially parking areas, until 12:00 a.m. daily;

g. Permittee shall limit night lighting to the minimum necessary for security and to safely traverse the property. All exterior lighting shall be shielded and directed away from neighboring residences to prevent direct illumination and glare. All light standards visible to the general public should be consistent with the overall architectural style of the project with respect to design, materials, and color;

h. A masonry wall shall be constructed along the westerly boundary of the subject property subject to review and approval by the Director of Planning;

i. All truck traffic shall be prohibited from use of the northwestern and southwestern access and connecting driveway along the western boundary of the project. Delivery trucks shall use only the Rosemead Boulevard entrance following the circulation plan included on Exhibit "A";

j. Delivery trucks using the department store's loading dock are prohibited from making deliveries between 10:00 p.m. and 7:00 a.m. daily and shall be limited to no more than four deliveries per week. Trucks shall be unloaded manually without the aid of forklifts or other noisy equipment and shall not remain idling at the loading dock or anywhere on the premises;

k. The loading dock located at the southwesterly corner of the proposed department store shall be screened on its westerly side by a twelve-foot masonry wall necessary to minimize noise and visual impacts to adjacent properties. The placement and design of said wall is subject to review and approval by the Director of Planning;

l. All material graded should be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering should occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day; all clearing, grading, earth moving or excavation activities shall cease during periods of high winds (i.e. greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Any materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust;

m. Project construction activity shall be limited to those hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 8:00 a.m. and 5:00 p.m. Saturday. All stationary construction noise sources shall be sheltered or enclosed to minimize adverse effect on nearby offices, residences and neighborhoods; Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise inconvenience to adjacent residences. Parking of construction worker vehicles shall be on-site and restricted to areas that do not adversely affect residences located adjacent the subject property. During construction the permittee and its contractor shall comply with Sections 12.12.010 – 12.12.100 of the Los Angeles County Code regarding building construction noise. The permittee shall post signs on the subject property stating said parking and schedule restrictions;

n. All sound-producing and view-impacting outdoor equipment such as air-conditioners and other roof or ground-mounted operating equipment, shall be screened to minimize noise and viewshed impacts to adjacent properties;

o. All construction contracts entered into by the permittee shall contain a provision for mandatory 50% recycling of construction waste;

p. The Galley boat shall be preserved to the greatest extent feasible and relocated as part of the reconstruction of the Galley restaurant;

q. Design and construction of the department store shall be compatible with the existing Northwoods Inn and proposed reconstruction of the Galley boat and restaurant so as to maximize to the extent feasible, the historic flavor and design elements of the two existing facilities;

r. The permittee's offer to relocate the adjacent Fire Department sub station's hose drying tower and truck access driveway shall be accomplished to the satisfaction of the Fire Department prior to issuance of a certificate of occupancy;

s. The permittee shall maintain the property in a neat and orderly fashion and maintain free of litter all areas on the premises under which the permittee has control;

t. Outside display and storage of material on the property is prohibited;

u. The permittee shall not store or use hazardous materials on the subject property other than those items incidental to normal operations of the department store and restaurant uses;

v. In the event that the operation of any part of this facility should result in substantial complaints to the Department of Regional Planning, the above described conditions may be modified, if, after a duly noticed public hearing, such modification is deemed appropriate in order to eliminate or reduce said complaints. The permittee shall reimburse the county of any necessary fees or costs associated with such hearing; and

w. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times.

Attachments:

Fire Department letter dated June 13, 2005
Public Works letters dated July 14, 2005, December 7, 2004, June 10, 2004, and July 15, 2003, and February 7. 2006
Caltrans letter with attachments dated June 8, 2005
ABC report dated January 12, 2005

SD:KKS
2/21/06

COUNTY OF LOS ANGELES

FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

DATE: June 13, 2005

TO: Department of Regional Planning
Permits and Variances

SUBJECT: CUP 03-147

LOCATION: Southwest corner of Huntington Dr. & Rosemead Blvd., Arcadia

☐ The Fire Department has no additional requirements for this permit.

☒ The required fire flow for this development is **5000** gallons per minute for **5** hours. The water mains in the street fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.

☐ Install __ Public and/or __ On-site and/or 3 Upgrade 6" X 4" X 2 1/2" fire hydrants, conforming to AWWA Standard C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.

☒ **Location:** Submit original Fire Flow Availability Form 196 to our office for 3 existing public fire hydrants, any 2 on Rosemead Blvd. closest to the development and 1 located on the Southeast corner of Huntington Dr. and Donnelly Ave. Submit location and fire flow data to our office for any existing on-site fire hydrants. Our Fire Department hydrant map shows 2 existing on-site fire hydrants.

☒ **Access:** The entrances from Rosemead Blvd. and Fairview Ave. shall provide a minimum unobstructed width of 20' for ingress and 20' for egress. The main Fire Department access with a width of 28' and 30' is adequate. Perpendicular parking aisles shall comply with the Department of Regional Planning for minimum width standards.

☒ **Special Requirements:** Resubmit site plan to the Fire Department with the required driveway width and fire hydrant locations. Architectural plans shall be submitted to the Department's Commerce Fire Prevention Office for review and approval, priot to building permit issuance. (323) 890-4125.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office @ (323) 890-4243.

Inspector: Juan C. Padilla

Co.CUP 9/00

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

DONALD L. WOLFE, Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
www.ladpw.org

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

February 7, 2006

IN REPLY PLEASE REFER TO FILE: LD-4

TO: Russell Fricano
Zoning Permits Section I
Department of Regional Planning

FROM: Barry S. Witler
Transportation Planning and Subdivision Review Section
Land Development Division

CONDITIONAL USE PERMIT NO. 03-147(I)

We have further reviewed the subject Permit in the East Pasadena area in the vicinity of the southwest corner of Huntington Drive and Rosemead Boulevard. This Permit is for the construction of a two-story Kohl's Department Store and a new restaurant. The Following revised conditions supersede our previous comments and recommendations dated July 15, 2003.

If this Permit is approved, we recommend the following conditions:

1. Dedicate the right to restrict vehicular access on Huntington Drive and Rosemead Boulevard along the property frontage.

2. Dedicate right of way 30 feet from centerline on Fairview Avenue. Five feet of additional right of way is required along a portion of Fairview Avenue.

3. Construct missing sidewalk on Fairview Avenue along the property frontage to the satisfaction of Public Works.

4. Reconstruct curb and gutter on Rosemead Boulevard at those areas where there are missing gutters along the property frontage to the satisfaction of Caltrans.

5. Close any unused driveways on Huntington Drive, Rosemead Boulevard, and Fairview Avenue with standard curb, gutter, and sidewalk to the satisfaction of Public Works and Caltrans.

6. Repair any displaced, broken, or damaged curb, gutter, sidewalk, driveway apron, and pavement on Huntington Drive, Rosemead Boulevard, and Fairview Avenue to the satisfaction of Public Works and Caltrans.

7. Comply with the following street lighting requirements to the satisfaction of Public Works:

   a. Provide street lights on concrete poles with underground wiring on Huntington Drive, Rosemead Boulevard, and Fairview Avenue. Street lighting plans must be approved by the Street Lighting Section.

   b. Upon Conditional Use Permit approval, the applicant shall enter into a secured agreement with the County of Los Angeles for the installation of the street lights in the amount of $72,000. The applicant shall comply with the conditions of acceptance listed below in order for the lighting district to pay for future operation and maintenance of street lights. The street lights shall be installed per approved plans prior to issuance of a Certificate of Occupancy.

   c. The area must be annexed into the lighting district, and all street lights in the project, or the current phase of the project, must be constructed according to Public Works approved plans. The contractor shall submit one complete set of "as-built" plans. Provided the above conditions are met, the lighting district can assume responsibility for the operation and maintenance of the street lights by July 1 of any given year, provided all street lights in the project, or approved project phase, have been energized and the developer has requested a transfer of billing at least by January 1 of the previous year. The transfer of billing could be delayed one or more years if the above conditions are not met.

8. Comply with mitigation of measures identified in the attached June 10, 2004, and July 14, 2005, memorandums from our Traffic and Lighting Division to the satisfaction of Public Works.

9. Plant street trees on Huntington Drive and Fairview Avenue to the satisfaction of Public Works.

10. Underground all existing and new utility lines to the satisfaction of Public Works.

WH:ca
P:\LDPUB\TRANS\CUPS\CUP 03-147 KOHL'S STORE.DOC

Attach.

cc: Traffic and Lighting (Abdelhadi, Alfonso)
Land Development (Chong)

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

July 14, 2005

IN REPLY PLEASE
REFER TO FILE: T-4

Mr. David Shender, P.E.
Linscott, Law & Greenspan, Engineers
234 East Colorado Boulevard, Suite 400
Pasadena, CA 91101

Dear Mr. Shender:

KOHL'S COMMERCIAL DEVELOPMENT
TRAFFIC IMPACT STUDY (MAY 19, 2005)
CONDITIONAL USE PERMIT 03147
SAN GABRIEL AREA

As requested, we have reviewed the above-mentioned document. The project site is located at the southwest corner of the intersection of Rosemead Boulevard at Huntington Drive in the unincorporated area.

The proposed project consists of the development of an 88,407-square-foot retail store with an 8,500-square-foot restaurant. The project site is currently occupied by 21,776 square feet of retail use, 2,400 square feet of office space, 7,004 square feet of dental office space, 13,075 square feet of restaurant use, and five single-family residential units. All of the above-mentioned existing buildings will be demolished as part of the project. The project is estimated to generate a net increase of approximately 3,164 vehicle trips daily, with 68 and 286 net vehicle trips during the a.m. and p.m. peak hours, respectively.

Vehicular access for the project will be provided via one driveway on Huntington Drive, two driveways on Rosemead Boulevard and one driveway on Fairview Avenue. The driveway on Huntington Drive and the north driveway on Rosemead Boulevard will be restricted to right-turn ingress and egress only. The southerly driveway on Rosemead Boulevard will be full access ingress with right-turn egress only. The Fairview Avenue driveway will be right-turn ingress and left-turn egress only to prevent project traffic from traveling through the residential neighborhood to the west of the project.

The following site access improvements are the sole responsibility of the project, shall be made a condition of approval, and shall be in place prior to issuance of any building permits.

Rosemead Boulevard at Fairview Avenue

Install a traffic signal.

The project is solely responsible for the design, procurement, and installation of the traffic signal prior to issuance of any building permits. The project shall enter into a secured agreement with Public Works for the cost of the traffic signal. This amount, which is estimated to be $250,000, is subject to adjustment based on the estimated cost of the traffic signal at the time the agreement is executed. The security will be released upon the completion and approval of the traffic signal installation.

Rosemead Boulevard at Southerly Project Driveway

Install a northbound left-turn lane.

Caltrans and/or the County reserve the right to restrict full access at the southerly driveway along Rosemead Boulevard, should traffic conditions change or north/south traffic movement be impeded due to overflow queuing at the left-turn pockets.

We generally agree with the study that the traffic generated by the project alone will significantly impact the following intersections. The proposed mitigation measures indicated in our previous letter dated June 10, 2004 (copy enclosed) to the consultant are still applicable, except for the following revised mitigation measures at the intersection of Rosemead Boulevard and Huntington Drive. Detailed signing and striping plans of the proposed mitigation measures and along the project frontage shall be prepared and submitted to Public Works (and Caltrans if needed) for review and approval prior to issuance of any building permits.

Rosemead Boulevard at Huntington Drive

North approach: Two left-turn lanes, one through lane, and one shared through/right-turn lane instead of one left-turn lane, one through lane, and one shared through/right-turn lane.

South approach: Two left-turn lanes, one through lane, and one shared through/right-turn lane instead of one left-turn lane, one through lane, and one shared through/right-turn lane.

Modify traffic signals as necessary.

We also generally agree with the traffic study that the cumulative traffic generated by the project and other related projects in the area will significantly impact the following intersections. The proposed mitigation measures indicated in our previous letter to you dated June 10, 2004 (copy enclosed) are still applicable. Although the project has submitted conceptual striping plans, a cost estimate of the following mitigation measures shall also be provided for review and approval.

Rosemead Boulevard at Foothill Boulevard
Rosemead Boulevard at Colorado Boulevard
Rosemead Boulevard at Duarte Road
California Boulevard and Sunset Boulevard at Huntington Drive

We agree with the traffic study that the project will not have a significant impact to any of the studied Congestion Management Program intersections in the area.

The following comments pertain to our site review.

Your study notes that the project applicant can provide funds for the traffic-calming measures on the residential streets west of the project site, if warranted. We recommend that upon opening for business, the project be responsible for counting and monitoring traffic volumes on Fairview Avenue and Lotus Avenue adjacent to the development, quarterly over a 12-month calendar year, for a period of 3 years. 24-hour traffic volume counts can be taken on Tuesday, Wednesday, and Thursday of a typical week and the average daily trips (ADT) can be calculated from these counts. All counts will be conducted and the reports prepared by either the County or, at the County's discretion, by an independent professional traffic engineering company selected by the County. All cost associated with the monitoring program would be the sole responsibility of the project. Counts should not be taken during holiday periods or during periods when major events/celebrations may occur. The monitoring reports will include the ADT (including the traffic count data from all 3 days and the average derived the counts) and will indicate how the ADT relates to the baseline.

The existing, baseline, ADT for Fairview Avenue and Lotus Avenue can be established using the procedure noted above. We recommend that the traffic counts for Fairview Avenue be taken between Lotus Avenue and Rosemead Boulevard and for Lotus Avenue between Huntington Drive and Fairview Avenue. If the ADT increases by more than indicated on Table 1 over the established baseline for two consecutive monitoring periods, it would imply that the project was responsible for the increase.

TABLE 1

Existing Average Daily Traffic (ADT)	Allowable Project Related Increases in ADT (by percentage)
0 to 999	*16% > ADT final*
1,000 to 2,000	*12% > ADT final*
2,000 to 3,000	*10% > ADT final*
3,000 to 4,000	*8% > ADT final*

We recommend that the project applicant enter into a secured agreement with the County of Los Angeles Department of Public Works for a sum of $25,000 as a guarantee for any traffic calming measures which may be needed to mitigate the increase in traffic resulting from their development. Public Works will hold the deposit for a period of 3 years, commencing on the date that the project opens for business. If traffic-calming measures are not deemed necessary by Public Works to mitigate traffic resulting from the project development at the end of the 3 years and after the final monitoring report is submitted, the deposit will be returned to the project applicant.

The project shall maintain adequate line of sight at all driveway locations and provide fire station flashing beacons and limit lines on Rosemead Boulevard.

If you have any questions regarding the review of this document, please contact Mr. Patrick Arakawa of our Traffic and Lighting Division, Traffic Studies Section, at (626) 300-4867. For other questions regarding striping plans or cost estimates, please contact Mr. Matthew Dubiel at (626) 300-4862 or Mr. Sam Richards at (626) 300-4842.

Very truly yours,

DONALD L. WOLFE
Acting Director of Public Works

WILLIAM J. WINTER
Assistant Deputy Director
Traffic and Lighting Division

PA:cn
P:\tlpub\WPFILES\FILES\STU\Pat\EIRs\EIR05110-Kohl's II.doc

Enc.

cc: Caltrans (Cheryl Powell), Department of Regional Planning (Hsiao-Ching Chen)

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
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DEC 13 2004

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

December 7, 2004

IN REPLY PLEASE REFER TO FILE: PD-2

Mr. Mitchell Kauffman, President
Chapman Woods Association
P.O. Box 70524
Pasadena, CA 91117

Dear Mr. Kauffman:

ROSEMEAD BOULEVARD-I-210 TO CITY OF TEMPLE CITY BOUNDARY
STATUS OF PROPOSED ROADWAY AND BEAUTIFICATION IMPROVEMENTS

At the request of Supervisor Michael D. Antonovich, I am providing you with the following status report on the proposed roadway and beautification improvements for Rosemead Boulevard between the subject limits. We are moving forward with preparation of the design plans for the proposed roadway improvements along this reach of Rosemead Boulevard. I have enclosed a copy of these plans for your information. The plans for the beautification improvements are still in the concept phase. It is anticipated that these improvements will include the hardscaping and landscaping of the center medians as well as the installation of trees along the parkway areas adjacent to Rosemead Boulevard. The proposed roadway improvements will not change the existing geometrics of the roadway of two lanes in each direction with curbside parking.

On February 18, 2004, State Senator Jack Scott introduced Senate Bill (SB) 1375 to initiate relinquishment of this portion of Rosemead Boulevard from the State Department of Transportation (Caltrans) to the local jurisdiction, the County. This bill authorizes the California Transportation Commission to relinquish to the County the specified portion of Rosemead Boulevard upon terms and conditions being agreed to by the State and the County. On September 9, 2004, SB 1375 was approved by the Governor and filed with the Secretary of State. It is to be effective January 1, 2005. On March 19, 2004, Caltrans provided an estimate of $2.5 million to bring Rosemead Boulevard to a "state of good repair." Our estimate of the work that is needed is approximately $8.8 million. As such, we are continuing our negotiations with Caltrans regarding the relinquishment and appropriate funding commitment. Discussions, though, have not proceeded as quickly as we thought they would.

We hope to reach an agreement with Caltrans soon so that we may complete the relinquishment of Rosemead Boulevard by spring 2005, followed soon thereafter by the proposed roadway and beautification improvements. In order to achieve this time frame, we may have to agree to accept the funding to bring the roadway to a "state of good repair" in a future year when funding for transportation projects may be more readily available.

The County of Los Angeles Department of Regional Planning, acting in the capacity of "Lead Agency," has filed a "Notice of Completion" of a draft Environmental Impact Report (EIR) for the commercial development project on the west side of Rosemead Boulevard between Huntington Drive and Fairview Avenue. A copy of the draft EIR is enclosed. The formal public review period for the draft EIR is from November 22, 2004, to January 5, 2005. Written comments on the draft EIR should be submitted to Dr. Hsiao-Ching Chen of the Department of Regional Planning at 320 West Temple Street, Los Angeles, California 90012. All comments received prior to the closing of the public hearing will be considered in the Final EIR. Additional information concerning this draft EIR may be obtained by contacting Mr. Kevin Johnson at (213) 974-6443.

We are doing everything possible to move forward with the relinquishment and the subsequent roadway and beautification improvements. Please contact me at (626) 458-3900 if you have any questions regarding this project.

Very truly yours,

DONALD L. WOLFE
Interim Director of Public Works

PATRICK V. DECHELLIS
Assistant Deputy Director
Programs Development Division

SDS:yr
C050711
P:\pdpub\Temp\PB&C NEW\Letters\ROSEMEAD STATUS MKAUFFMAN.doc

Enc.

cc: Supervisor Michael D. Antonovich (Paul Novak)
Department of Regional Planning (Kevin Johnson)

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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JAMES A. NOYES, Director

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Telephone: (626) 458-5100
www.ladpw.org

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: T-4

June 10, 2004

Mr. David Shender, P.E.
Linscott, Law & Greenspan, Engineers
234 East Colorado Boulevard, Suite 400
Pasadena, CA 91101

Dear Mr. Shender

KOHL'S COMMERCIAL DEVELOPMENT
TRAFFIC IMPACT STUDY (FEBRUARY 20, 2004)
ADDENDUM (MARCH 23, 2004)
CONDITIONAL USE PERMIT 03147
LOS ANGELES COUNTY

As requested, we have reviewed the above-mentioned documents. The project site is located on the southwest corner of the intersection of Rosemead Boulevard at Huntington Drive in the unincorporated area of Los Angeles County.

The proposed project consists of the development of a 98,497-square-foot retail store with an 8,500-square-foot restaurant. The project site is currently occupied by 16,421 square feet of retail use, 2,400 square feet of office space, 7,004 square feet of dental office space, 13,075 square feet of restaurant use, and five single-family residential units. All the above-mentioned existing buildings will be demolished. The project is estimated to generate a net increase of approximately 2,659 vehicle trips daily, with 41 and 233 trips during the a.m. and p.m. peak hours, respectively.

Vehicular access for the project will be provided via two right-turn in and out only driveways on Huntington Drive. The north driveway on Rosemead Boulevard will also be restricted to right-turn in and out only. However, the proposed south driveway on Rosemead Boulevard for full inbound access is not acceptable. Please revise your site plan to show this driveway as restricted to right-turn in and out only. As you may know, the County is currently negotiating with Caltrans for their relinquishment of Rosemead Boulevard. If we are unable to reach an agreement with Caltrans prior to your development of the site, you will be required to obtain an encroachment permit from Caltrans. Therefore, please obtain Caltrans' input on your site plan.

Your site plan indicates that the existing driveway on Fairview Avenue will not be open to public. However, for the purpose of our traffic analysis, we must assume that it will eventually be used for general public purposes. Therefore, the project shall be required to design a traffic signal for the Rosemead Boulevard and Fairview Avenue intersection to our satisfaction. The developer shall also deposit an acceptable form of security with us for the cost of the signal's installation. The security will be used if and when the driveway gate is removed.

We agree with the study that the traffic generated by the project alone will significantly impact the following intersections. Detailed striping and/or signal plans shall be prepared and submitted to PW and Caltrans for review and approval.

Rosemead Boulevard at California Boulevard

West approach: One left-turn lane, two through lanes, and an exclusive right-turn lane (add an exclusive right-turn lane).

Modify traffic signals as necessary.

Rosemead Boulevard at Huntington Drive

West approach: Two left-turn lanes, four through lanes, and an exclusive right-turn lane (add an exclusive right-turn lane). The right-turn lane shall be 300 feet long. This appears to be feasible geometrically; however, the mitigation measure will require the removal of four parking spaces on the west. The feasibility of removing the parking spaces must be evaluated before this mitigation measure is accepted.

Modify traffic signals as necessary.

The cumulative traffic generated by the project and other related projects in the area will significantly impact the following intersections. The project shall submit a conceptual striping plan and cost estimate of the following mitigation measures for review and approval of the proposed mitigation measures. For locations where the removal of parking is required, a feasibility of removing the parking spaces must be evaluated before the proposed mitigation measure is accepted. The project shall contribute its proportionate share of the cost for the following mitigation measures.

Rosemead Boulevard at Foothill Boulevard (Project impact: 36.76 percent)

The proposed addition of a second left-turn lane for the south approach is not recommended since it would require the removal of the existing raised median. Rosemead Boulevard is classified as a major highway and the raised median is part of its fully improved cross section.

As indicated in the study, the intersection is included in the City of Pasadena's I-710 Freeway Gap Interim Mitigation Projects that will implement the Intelligent Transportation System (ITS) types of improvements. The project shall pay its pro-rata share of 5.6 percent toward the City's ITS projects for this intersection. The ITS projects at this intersection will mitigate the cumulative traffic impact to a level of less than significant.

The project shall consult with the City of Pasadena regarding the feasibility of this mitigation measure. Documentation of the consultation with the City shall be provided to PW.

Rosemead Boulevard at Colorado Boulevard (Project impact: 18.2 percent)

West approach: One left-turn lane, two through lanes, and an exclusive right-turn lane (add an exclusive right-turn lane). This proposal is feasible with the widening on the south side of Colorado Boulevard; however, the mitigation measure will require the removal of approximately five parking spaces. The feasibility of removing the parking spaces must be evaluated before this mitigation measure is accepted.

The project shall also pay its pro-rata share of 18.2 percent toward the City's ITS project for this intersection. The signal modification, along with the addition of an exclusive right-turn lane will mitigate the cumulative impact to a level of less than significant.

The project shall consult with the City of Pasadena regarding the feasibility of this mitigation measure. Documentation of the consultation with the City shall be provided to PW.

Rosemead Boulevard at Huntington Drive (Project impact: 18.9 percent)

East approach: Two left-turn lanes, four through lanes, and an exclusive right-turn lane (add an exclusive right-turn lane). This appears to be feasible geometrically; however, the mitigation measure will require the removal of four

parking spaces on east approaches. The feasibility of removing the parking spaces must be evaluated before this mitigation measure is accepted.

Modify traffic signals as necessary.

Rosemead Boulevard at Duarte Road (Project impact: 36.7 percent)

West approach: One left-turn lane, two through lanes, and an exclusive right-turn lane (add an exclusive right-turn lane). This appears to be feasible geometrically, however, the mitigation measure will require the removal of approximately four parking spaces. The feasibility of removing the parking spaces must be evaluated before this mitigation measure is accepted.

Modify traffic signals as necessary.

California Boulevard and Sunset Boulevard at Huntington Drive (Project impact: 25.6 percent)

West approach: One left-turn lane, four through lanes, and an exclusive right-turn lane (add an exclusive right-turn lane).

This improvement will require the elimination of curbside parking along the south side of Huntington Drive west of California Boulevard and Sunset Boulevard. The project shall coordinate with the City of Arcadia regarding the feasibility of this mitigation measure. Documentation of the consultation with the City shall be provided to PW.

Modify traffic signals as necessary.

In order to complete our review, a revised 40-foot-scale site plan shall be prepared and submitted to PW for review and approval:

- Adequate turning radius for a typical 18-wheeler trailer truck on-site at the project ingress driveways, at the loading areas, in the parking lot, and egress driveways. We recommend a minimum traffic index of 7.0 to be used along the truck route within the project site.

- We recommend employee parking to include the 22 parking spaces adjacent to the north driveway on Rosemead Boulevard.

- The Keep Clear Zone (including limit lines and "Keep Clear" pavement markings) should be located between the fire station driveway (south side) and project driveway north of the fire station driveway, as shown in the enclosed sketch. Flashers should be located just before the pavement markings in each direction of travel.

- The exact location of the fire station driveway on Rosemead Boulevard shall be indicated on the site plan.

A determination shall be made regarding whether the project has a significant impact on Rosemead Boulevard and Foothill (I-210) Freeway. Caltrans shall be consulted to obtain its written concurrence with the California Environmental Quality Act (CEQA) level of significance determination for its transportation facilities. If Caltrans finds that the project has a CEQA significant impact on its facility, Caltrans shall be requested to include the basis for this finding. If fees are proposed to mitigate the freeway impact, Caltrans shall be requested to identify the specific project to which the fees will apply. These written comments from Caltrans shall be included in the study and submitted to PW for review and approval.

The Cities of Arcadia, Pasadena, San Gabriel, San Marino, and Temple City shall also be consulted to obtain their written comments with regard to potential project CEQA significant traffic impact on the transportation circulation system within their jurisdictions and for necessary mitigation measures to mitigate the project significant impacts. Written comments from each City shall be included in the revised study and submitted to PW for review and approval.

If you have any questions, please contact Mr. Suen Fei Lau of our Land Development Review Section at (626) 300-4709; for questions regarding striping plans, feasibility study, conceptual striping and cost estimates, please contact Mr. Sam Richards of our Land Development Review Section at (626) 300-4842; for questions regarding the removal of parking spaces, please contact Ms. Guita Sheik Traffic Investigation Section at (626) 300-4712; and for questions regarding traffic signal installation/modification, please contact Mr. Martin Amundson of our Traffic Systems Section at (626) 300-4774.

Very truly yours,

JAMES A. NOYES
Director of Public Works

WILLIAM J. WINTER
Assistant Deputy Director
Traffic and Lighting Division

Enc.

JF:cn
EIR04072.doc

cc: Supervisor Michael D. Antonovich (Paul Novak)
Department of Regional Planning (Daryl Koutnik)

bc: Dean Efstathiou
Land Development (Witler)
Traffic and Lighting (Amundson, Richards, Sheik)

COUNTY OF LOS ANGELES

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P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

July 15, 2003

IN REPLY PLEASE REFER TO FILE: LD-4

TO: Russell Fricano
Zoning Permits Section I
Department of Regional Planning

FROM: Barry S. Witler
Transportation Planning and Subdivision Review Section
Land Development Division

CONDITIONAL USE PERMIT NO. 03-147

We have reviewed the subject case in the East Pasadena area in the vicinity of southwest corner of Huntington Drive and Rosemead Boulevard. This case is for the construction of a two-story Kohl's Department Store and a new restaurant.

If this permit is approved, we recommend the following conditions:

1. Dedicate the right to restrict vehicular access on Huntington Drive and Rosemead Boulevard along the property frontage.

2. Dedicate right of way 30 feet from centerline on Fairview Avenue. Five feet of additional right of way is required along a portion of Fairview Avenue.

3. Construct missing sidewalk on Fairview Avenue along the property frontage to the satisfaction of Public Works.

4. Reconstruct curb and gutter on Rosemead Boulevard at those areas where there are missing gutters along the property frontage to the satisfaction of Caltrans.

5. Close any unused driveways on Huntington Drive, Rosemead Boulevard, and Fairview Avenue with standard curb, gutter, and sidewalk to the satisfaction of Public Works and Caltrans.

6. Repair any displaced, broken, or damaged curb, gutter, sidewalk, driveway apron, and pavement on Huntington Drive, Rosemead Boulevard, and Fairview Avenue to the satisfaction of Public Works and Caltrans.

7. Comply with the following street lighting requirements to the satisfaction of Public Works:

   a. Provide street lights on concrete poles with underground wiring on Huntington Drive, Rosemead Boulevard, and Fairview Avenue. Street lighting plans must be approved by the Street Lighting Section.

   b. Upon Conditional Use Permit approval, the applicant shall enter into a secured agreement with the County of Los Angeles for the installation of the street lights in the amount of $72,000. The applicant shall comply with the conditions of acceptance listed below in order for the Lighting Districts to pay for future operation and maintenance of street lights. The street lights shall be installed per approved plans prior to issuance of a Certificate of Occupancy.

   c. The area must be annexed into the Lighting District and all street lights in the project, or the current phase of the project, must be constructed according to Public Works approved plans. The contractor shall submit one complete set of "as-built" plans. Provided the above conditions are met, the Lighting District can assume responsibility for the operation and maintenance of the street lights by July 1 of any given year, provided all street lights in the project, or approved project phase, have been energized and the developer has requested a transfer of billing at least by January 1 of the previous year. The transfer of billing could be delayed one or more years if the above conditions are not met.

8. Obtain an encroachment permit from Caltrans for any work on Rosemead Boulevard.

9. Submit a traffic study to Public Works for review and approval, and comply with mitigation measures identified in the approved traffic study to the satisfaction of Public Works.

10. Plant street trees on Huntington Drive and Fairview Avenue to the satisfaction of Public Works.

11. Underground all existing and new utility lines to the satisfaction of Public Works.

WH:ca
P:\LDPUB\TRANS\CUPS\CUP 03-147 KOHL'S STORE.DOC

cc: Traffic and Lighting (Abdelhadi, Lau)

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, REGIONAL PLANNING
IGR/CEQA BRANCH
120 SO. SPRING ST.
LOS ANGELES, CA 90012
PHONE (213) 897-6536
FAX (213) 897-1337
E-Mail:NersesYerjanian@dot.ca.gov

RECEIVED
JUN 13 2005

Flex your power!
Be energy efficient!

Mr. Daryl Koutnik, Supervising Regional Planner
Regional Planning Office
Los Angeles County
320 West Temple Street
LosAngeles, CA. 90012

IGR/CEQA# 050578NY & 050604NY
Kohl's Commercial Project
LA/164,210/9.65,29.49

June 8, 2005

Dear Mr. Koutnik:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Kohl's Commercial Project (88,407 SF retail, 8,500 SF restaurant) in the Los Angeles County.

We have reviewed the project's Revised traffic study. Please make revisions indicated in red ink to reflect desired wording on pages (6 and 43 attachment) of the revised traffic study.

If you have any questions regarding this response, please call the Project Engineer/Coordinator Mr. Yerjanian at (213) 897-6536 and refer to IGR/CEQA # 050578NY and 050604NY.

Sincerely,
Cheryl J. Powell
IGR/CEQA Branch Chief
Regional Transportation Planning

A secondary driveway on Rosemead Boulevard will be located north of the existing Northwoods Inn restaurant. The secondary driveway will provide access to a 26 space parking lot which will be primarily used by employees. Due to the existing raised median on Rosemead Boulevard, this driveway will accommodate right-turn ingress movements and right-turn egress movements only.

In addition to the site access improvements described herein, the project will install a traffic signal at the Rosemead Boulevard/Fairview Avenue intersection ~~if~~ as deemed ~~warranted~~ necessary by Caltrans, and the County.

EXISTING STREET SYSTEM

The following intersections were selected for analysis to evaluate the potential traffic impacts generated by the proposed project:

1. Rosemead Boulevard and Foothill Boulevard (City of Pasadena/County of Los Angeles and CMP monitoring location)
2. Rosemead Boulevard and Colorado Boulevard (County of Los Angeles)
3. Rosemead Boulevard and California Boulevard (County of Los Angeles)
4. Rosemead Boulevard and Huntington Drive (County of Los Angeles and CMP monitoring location)
5. Rosemead Boulevard and Duarte Road (County of Los Angeles)
6. Rosemead Boulevard and Longden Avenue (City of Temple City and County of Los Angeles)
7. Rosemead Boulevard and Las Tunas Drive (City of Temple City)
8. San Gabriel Boulevard and Huntington Drive (City of San Marino and County of Los Angeles)
9. California Boulevard/Sunset Boulevard and Huntington Drive (City of Arcadia)
10. Baldwin Avenue and Huntington Drive (City of Arcadia)
11. Rosemead Boulevard and Del Mar Boulevard (County of Los Angeles)
12. Rosemead Boulevard and Fairview Avenue (County of Los Angeles)

• California Boulevard/Sunset Boulevard and Huntington Drive	PM peak hour: V/C ratio increase of 0.017

The future cumulative (existing, ambient growth, project and related projects) traffic volumes at the study intersections for the PM peak hour are displayed in Figure 12.

Cumulative Mitigation

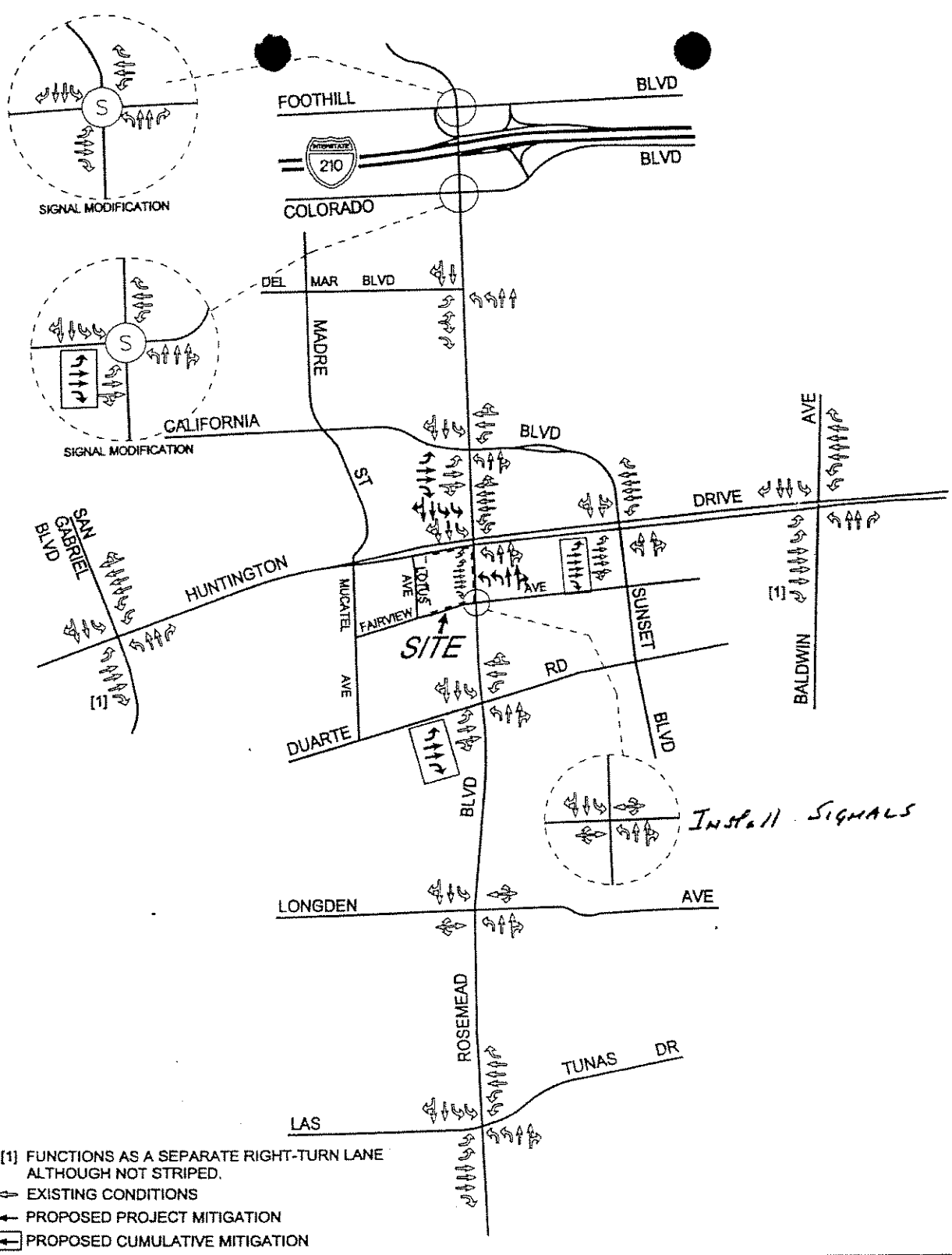
The traffic analyses in the previous section determined that development of the cumulative development projects is anticipated to result in significant impacts at four intersections. The recommended traffic mitigation program developed for these projects includes physical roadway improvements and funding of traffic signal improvements. The following cumulative mitigation measures, as shown in Figure 13, are proposed:

Rosemead Boulevard and Foothill Boulevard

Fifty percent (50%) of the Rosemead Boulevard and Foothill Boulevard intersection is located within the County of Los Angeles' jurisdiction. It is recommended that signal modifications would be required to include the Rosemead Boulevard and Foothill Boulevard intersection in the City of Pasadena and Los Angeles County Intelligent Transportation System (ITS). Signal modifications at the Rosemead Boulevard and Foothill Boulevard intersection are included in the City of Pasadena General Plan Mobility Element as part of the City's I-710 Freeway Gap Interim Mitigation Projects which proposes ITS on Rosemead Boulevard from the I-210 Freeway to Sierra Madre Villa Avenue. The I-710 Freeway Gap Interim Mitigation Projects have been approved by the City and are included in the City's Fiscal Year 2003 Capital Improvement Program.

The effectiveness of the mitigation measure were assessed through completion of the intersection capacity analyses which assume implementation of the recommended cumulative mitigation measure. As shown in Table 7, the proposed mitigation measure is anticipated to reduce the project's impact to less than significant levels.

Rosemead Boulevard and Fairview Avenue
Signalize intersection.



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LINSCOTT LAW & GREENSPAN
ENGINEERS

NOT TO SCALE

FIGURE 13
CUMULATIVE MITIGATION LANE CONFIGURATIONS
KOHL'S COMMERCIAL DEVELOPMENT PROJECT

1-12-05

23958.4 B & P APPLICATION WORK SHEET

PREMISES ADDRESS:
SWC Rosemead Blvd & Huntington Dr.
San Gabriel 91775

LICENSE TYPE: On-Sale

1. CRIME REPORTING DISTRICT

SGPD Jurisdiction unable to provide statistical data.

Reporting District:_____.

Total number of reporting districts:_____.

Total number of offenses:_____.

Average number of offenses per district:_____.

120% of average number of offenses:_____.

Total offenses in district:_____.

Location is within a high crime reporting district: Yes / No

2. CENSUS TRACT / UNDUE CONCENTRATION

Census Tract: 4800.11.

Population: 5077 /County Ratio 1: 1177.

Number of licenses allowed: 5.

Number of existing licenses: 4.

Undue concentration exists: Yes / No.

Letter of public convenience or necessity required: Governing Body / Applicant

Three time publication required: Yes / No

Person Taking Application | Investigator | Supervisor

Over

01-12-05
09:31 AM

CENSUS TRACT INFORMATION BY CENSUS TRACT NUMBER
where county is 19-LOS ANGELES and census tract is 4800.11

TOTAL: 9

COUNTY	Census Tract	DO	License Num	On Sale Active	On Sale Pend	Off Sale Active	Off Sale Pend
19	4800.11	02	41886	Y	N	N	N
19	4800.11	02	52999	Y	N	N	N
19	4800.11	02	166495	N	N	Y	N
19	4800.11	02	225855	Y	N	N	N
19	4800.11	02	258415	N	N	Y	N
19	4800.11	02	281041	N	N	Y	N
19	4800.11	02	338831	N	N	Y	N
19	4800.11	02	377517	Y	N	N	N
19	4800.11	02	420539	N	N	N	Y
			Totals	4	0	4	1

STAFF REPORT

JANUARY 19, 2005

(MARCH 9, 2005 – CONTINUATION – NO REPORT)

JULY 20, 2005

SEPTEMBER 28, 2005

RPC MEETING DATE January 19, 2005
AGENDA ITEM NO. 11

REGIONAL PLANNING COMMISSION TRANSMITTAL CHECKLIST

PROJECT NO: 03-147-(5)

CASE NO. Zone Change/Conditional Use Permit Case Nos. 03-147-(5)

CONTACT PERSON: Kevin Johnson

- ☒ STAFF REPORT
- ☐ DRAFT CONDITIONS (If Recommended For Approval)
- ☐ DRAFT FINDINGS FOR DENIAL (If Land Division Case Recommended For Denial)
- ☒ BURDEN OF PROOF STATEMENTS (Zoning or Plan Amendment Requests)
- ☐ ENVIRONMENTAL DOCUMENTATION
- ☒ THOMAS BROTHERS MAP (Identifying Subject Property)
- ☒ LAND USE RADIUS MAP
- ☒ SITE PLAN (or Tentative Map)
- ☒ PHOTOGRAPHS
- ☒ CORRESPONDENCE
- ☐ _____
- ☐ _____
- ☐ _____

Reviewed By: _____

PROJECT NUMBER
03-147-(4)

CASE NUMBERS
Zone Change Case No. 03-147-(5)
Conditional Use Permit Case No. 03-147-(5)

OVERVIEW OF PROPOSED PROJECT
The applicants, J. Foley Enterprises, Inc. & Wallis M. Clearman, Trust, are requesting a Zone Change to authorize a change in the zoning of the subject property from C-1 (Restricted Business), C-2 (Neighborhood Business), C-H-DP (Commercial Highway, Development Program) and R-3 (Limited Multiple Residence) to C-2-DP (Neighborhood Business, Development Program) on 8.13 acres and a Conditional Use Permit to authorize establishment of a two-story, 45-foot tall, 98,500 square foot department store, currently planned as a Kohl's Department Store, and relocation and expansion of the existing Galley restaurant to 8,500 square feet with the sale of alcoholic beverages for on-site consumption in the expanded restaurant. Existing uses on the site, with the exception of the 15,000 square foot Northwoods Inn restaurant will be demolished. If approved, total floor area on the site will be 122,000 square feet.

DESCRIPTION OF SUBJECT PROPERTY
Location
The subject property is located on Rosemead Boulevard between Huntington Drive and Fairway Avenue, San Gabriel, in the East Pasadena and South Santa Anita – Temple City Zoned Districts.

Physical Features
The subject property is 8.13 acres in size, consists of 11 Assessor's parcels and is currently developed with commercial, office and residential uses. The site is rectangular in shape with three outparcels along Rosemead Boulevard and is located in an urban area devoid of natural habitat.

SERVICES AVAILABLE
Access to the property is proposed from all three streets on which the site has frontage: Huntington Drive to the north in two locations, Rosemead Boulevard to the east in two locations, and Fairview Avenue to the south. Studies to determine the adequacy of public water and sewer facilities in the area will be required prior to obtaining building permits for the project, if approved.

ENTITLEMENT REQUESTED
The applicant is requesting a Zone Change to change the zoning of the subject property and a Conditional Use Permit to authorize a new development program, modification of the 35-foot height limit and the sale of a full line of alcoholic beverages for on-site consumption in the proposed C-2-DP zone.

EXISTING ZONING

Subject Property

The subject properties are zoned C-1 (Restricted Business), C-2 (Neighborhood Business), C-H-DP (Commercial Highway, Development Program) and R-3 (Limited Multiple Residence).

Surrounding Properties

Surrounding properties are zoned as follows:

North: C-2 (Neighborhood Business), R-1-20,000 (Single Family Residence, 20,000 square foot minimum lot size), R-1-40,000 (Single Family Residence, 40,000 square foot minimum lot size), R-3 (Limited Multiple Residence)

South: R-3 (Limited Multiple Residence), R-2 (Two Family Residence)

East: C-2 (Neighborhood Business), C-1 (Restricted Business), CPD (Commercial Planned Development), R-3-25U Limited Multiple Residence, 25 units per acre maximum), R-1 (Single Family Residence), R-3 (Limited Multiple Residence)

West: R-3 (Limited Multiple Residence), R-1 (Single Family Residence), R-A (Residential Agriculture)

EXISTING LAND USES

Subject Property

The subject property is currently developed with three restaurants, 11 retail uses, a dental office, general office uses, and five single family residences with a combined total floor area of 65,372 square feet.

Surrounding Properties

Surrounding properties contain the following uses:

North: Medical offices, Commercial uses, Single family residences

South: Single and multi-family residences

East: Commercial uses, office building, single and multi-family residences

West: Single and multi-family residences

PREVIOUS CASES/ZONING HISTORY

The following zoning cases have been filed on the subject property:

PP14801: It appears that this plot plan may have originally authorized establishment of the Northwood's Inn Restaurant on the property in 1965 (although the original plot

plan is missing from the file). The following modifications to the original plot plan have been issued since the original approval:

- Feb 1966 – new freestanding sign for Northwood's Inn
- May 1966 – parking lot setback modification for existing restaurants and shops
- January 1972 – alteration and addition to four existing commercial buildings on portion of property south of fire station
- January 1974 - addition to Galley Restaurant
- August 1976 - Additions to northernmost commercial building
- March 1986 - Addition to Golden Cock/Steak N' Stein Restaurant (northeast corner of property)
- March 2000 - Replacement freestanding sign

PP15173: This Plot Plan Review was filed in March of 1966 to determine whether the Director could potentially approve a transitional parking lot at the western end of the property in R-3 zone. The Director determined that such a parking lot could be approved upon submittal of a specific development plan for such use. In April of 1967 such a plan was submitted and subsequently approved. In June of 1967, the Director approved a new garage for the single family residence at the western end of property.

PP19102: This Plot Plan Review was filed in October of 1970 to authorize establishment of an antique shop at the southeast corner of site adjacent to an existing single family residence and detached garage. This would later become the dry cleaners establishment and professional office depicted on the site plan of existing uses in Figure 5 of the DEIR. A request for a proposed freestanding sign for the dental office was denied in November of 1977.

PP19175: In October 1970 the Director approved a lease-only subdivision for the existing shops and restaurants on the site.

PP29507: In 1979, this Plot Plan Review for a freestanding sign at 7209 Rosemead Boulevard was approved.

ZEC 6400: In June of 1962, this Zone Exception Case was filed to authorize development of a 20-unit apartment building on the property located at 8961 Fairview Avenue (currently developed as parking). This request was denied in August of 1962.

CUP 640/VAR 317: In October of 1974 this Conditional Use Permit and Variance were filed to authorize the sale of beer and wine at The Galley Restaurant and to modify development standards related to parking lot landscaping and walls. The request was approved in April of 1975 with an expiration date of April 2, 2000.

ZC/CUP 86-187-(5): This case was filed to change the zoning of the southerly 1.8 acre portion of the property along Fairview Avenue from R-A (Residential Agricultural) to C-H-DP to accommodate a development program consisting of three two-story office buildings with a maximum of 10,800 square feet each. The project was approved in 1987. The development program was not implemented; therefore, the CUP expired in 1989; however, the C-H-DP zoning remained in place.

In addition to the above cases, staff researched the historic zoning of the subject properties and found that the majority of the property was originally zoned R-1 and R-3, with the exception of an approximately 22,000 square foot area at the southwest corner of Rosemead Boulevard and Huntington Drive which was zoned C-2. This zoning was adopted in 1930. In 1930, the C-2 zoned portion at this corner was expanded to approximately 76,000 square feet, with the remainder being changed to R-3. In 1954, the area extending from the existing C-2 zone to Fairview Avenue was changed from R-3 to C-1. In 1965, the properties adjacent to the existing C-2 and C-1 zones between Huntington Drive and the former Southern Pacific Railroad right-of-way were changed from R-3 to C-2 and C-1. In 1987, the C-H-DP zoning was established between the Southern Pacific Railroad right-of-way and Fairway Avenue. As staff was unable to locate the file for this zoning case, the development program that was approved for this property is unknown.

GENERAL PLAN

The subject property is designated Medium Density Residential in the Countywide General Plan. This designation allows "multiple unit development including garden apartments and multiplex development in addition to high density townhouse developments...typically located along major transportation corridors, in or near urban community centers. Development generally does not exceed two stories in height, and ranges in density from 12 to 22 units per gross acre." The plan further indicates that areas mapped for residential use contain a variety of other types of uses including local-serving commercial and industrial uses; the plan designation is not intended to preclude further development or expansion of such uses. The land use policy map depicts land use patterns of fifty acres or more; therefore, a plan amendment may not be necessary to allow continued commercial use of the 8.13-acre site. However, the following general conditions and standards of development found on pages III-34 through III-37 of the General Plan apply to local commercial and industrial services which would be permitted on the site:

Definition: For purposes of the countywide Land Use Element, local commercial and industrial uses are defined as individual enterprises, or small scale multi-use centers, serving the needs of the local community. Such uses include:

1. Facilities providing neighborhood or community convenience goods and services;

2. Highway or roadside facilities and services of a minor nature (i.e., gas stations, cafes, motels, etc.);

3. Local community/neighborhood-serving office and professional services; and

4. Light industrial uses of a minor nature, as defined by the scale of the facility, number of employees, service area, and general compatibility within the community setting (it is not the intent of countywide land use policy to prohibit the establishment or continued operation of local "cottage industry" uses where compatible with surrounding land use patterns).

   Comment: As the General Plan does not specifically define local or community commercial, staff researched current definitions for these uses. According to the Urban Land Institute[1], neighborhood serving facilities can range from 30,000 – 100,000, with 50,000 square feet defined as, "typical." A community-serving commercial development can range from 100,000 – 300,000 square feet of floor space with 150,000 square feet defined as "typical." The proposed department store is 98,500 square feet.

   In addition, neighborhood-serving facilities have a service radius of 1.5 miles; community facilities have a radius of 3-5 miles. A junior department store is also defined as an anchor for the community facility. Neighborhood centers have a site of 2.5 - 10 acres. Community-serving centers can range from 10 - 30 acres. The site on which Kohl's is located is 8.13 acres. Given this information, it appears that the proposed use would meet the definition of a community commercial use according to current development practice.

   It should also be noted that the General Plan Section, in the course of updating the General Plan and in the interest of creating consistency between existing zoning and General Plan designations, is proposing to modify the land use designation on all commercially-zoned properties at the corner of Huntington Drive and Rosemead Boulevard to Major Commercial.

Guidelines listed in the General Plan that are applicable to local commercial and industrial services (hereinafter "local services") are listed below:

Location:

1. The proposed use should be easily accessible and should be situated at community focal points such as major intersections and established neighborhood shopping facilities.

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[1] Edward J. Kaiser, Godschalk, David R. and Chapin, F. Stuart (1995) *Urban Land Use Planning. Fourth Edition.* (Urbana, IL: University of Illinois Press) p. 322

Comment: The site is located at a major intersection adjacent to established local-serving uses; therefore, the proposed use is appropriately located consistent with this guideline.

2. The proposed use should be located so as not to invade or disrupt sound existing residential neighborhoods nor conflict with established community land use, parking and circulation patterns.

   Comment: The use is not located within an established residential neighborhood; however, the size of the proposed structure and proximity to the adjacent residences may be considered a disruption of the established neighborhood. Adjacent residents have expressed concerns regarding potential conflicts with established community circulation patterns. The DEIR indicates that with the implementation of the mitigation measures proposed, potential traffic impacts will be reduced to a level of no significance.

Scale:

1. The scale of local service uses, in terms of acreage and permitted floor area, should be limited to that which can be justified by local community and neighborhood needs. In most instances, such uses, individually or in aggregate, should not exceed 10 acres in size.

   Comment: The amount of commercial property at the corner of Huntington Drive and Rosemead Boulevard currently exceeds 10 acres; however, the surrounding commercial properties are not of sufficient size to support a use similar in scale to that which is proposed.

2. The height of proposed facilities should not exceed the general profile established by existing uses, and should in no event exceed that of neighboring residential development.

   Comment: The height of the proposed facility exceeds both the general profile of existing commercial uses and that of neighboring residential development.

3. The overall scale and intensity of proposed local service uses should be in keeping with the surrounding neighborhood or community setting.

   Comment: Based on the previously delineated information from the Urban Land Institute, the proposed use is an appropriate scale for a community-serving commercial use.

Design:

1. Local service uses should be designed, in terms of setbacks, landscaping, lighting and buffering, so as to ensure compatibility with surrounding uses.

   Comment: The proposed use meets all zoning requirements and is depicted as being set back 40 feet from the adjacent residences.

2. Proposed local service uses should reflect locally recognized architectural themes and enhance overall community character.

   Comment: The architectural renderings depict a design that would likely enhance the overall character of the community, although the size of the structure could be considered to be out of character with the community.

3. Local commercial signs and graphic displays should generally be confined to the façade surface of the business establishment, and should not project above the roofline or disrupt the architectural design of the structure.

   Comment: Signage plans have not been submitted; however, the elevation drawings depict signage that would be consistent with this guideline. Signage plans will be required if the project is approved.

4. Free-standing signs should generally be discouraged, and permitted only where they are determined to be aesthetically and functionally appropriate.

   Comment: Freestanding signs are not currently proposed; however, if considered for approval, the Commission may allow freestanding signs on the property if it feels that they would be appropriate.

5. Off-site signs should be prohibited.

   Comment: Off-site signs are not proposed and, if approved, will not be permitted.

Access and Traffic:

1. The size and intensity of local service uses should be confined to the extent that anticipated traffic generation does not adversely affect conditions on adjacent streets and highways.

   Comment: Anticipated traffic generation was initially determined to have an adverse impact on adjacent streets and highways; however, a traffic study was conducted and mitigation measures have been proposed that would reduce such impacts to a level of no significance.

2. Access, egress and onsite parking should be provided in a manner which maximizes safety and convenience, and minimizes adverse impacts on surrounding neighborhood and community land use patterns.

   Comment: Adequate parking has been provided and neither the Department of Public Works nor CalTrans have indicated that the access points proposed would result in adverse impacts. One adjacent property owner has expressed concern regarding the location of parking spaces along the northerly access driveway on Rosemead Boulevard and another local resident has requested that the access driveway to Fairview Avenue be either removed or gated.

Section 22.12.090 of the County Code indicates that in circumstances where the zoning designation of a property is inconsistent with the general plan designation of the property, building permits may only be issued for uses authorized by both the zoning and the objectives, policies and land uses specified in the general plan. In this case, the request would need to comply with all of the required development standards and would need to be consistent with the definition and guidelines listed above related to local services. Based on current industry standards, staff believes that the proposed use is consistent with community serving commercial uses and, therefore, consistent with adopted General Plan policies limiting commercial uses in residentially-designated areas to local and community-serving facilities.

SITE PLAN

The site plan depicts the proposed Kohl's department store located on the western-central portion of the site, immediately west of the existing Northwood's Inn restaurant. The proposed relocated and expanded Galley restaurant is depicted at the northeast corner of the site, north of the existing Northwood's Inn restaurant. The remainder of the site is depicted as parking and landscaping.

Compliance With Applicable Development Standards

C-2-DP Zone (proposed zoning)

Pursuant to Section 22.28.170 of the County Code, premises in Zone C-2 shall be subject to the following development standards:

1. That not to exceed 90 percent of the net area be occupied by buildings with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition. Incidental walkways, if needed, may be developed in the landscaped area.

   Comment: Lot coverage requirements of the zone are superceded by lot coverage requirements of the East Pasadena-San Gabriel Community Standards District. The applicant's response to the Burden of Proof indicates that 35,424 square feet of the 354,143 site, approximately 10%, will be landscaped, in compliance with this requirement.

2. That there be parking facilities as required by Part 11 of Chapter 22.52.

   Comment: Pursuant to Section 22.52.1100 of the County Code, parking for commercial uses is required at a ratio of 1 space per 250 square feet of floor area. Pursuant to Section 22.52.1110 of the County Code, parking for restaurants is required at a ratio of 1 space per 3 occupants based on the occupancy load as determined by the Department of Public Works. A total of 394 spaces are required for the proposed 98,500 square foot department store and 114 spaces are required for the relocated Galley Restaurant (occupancy load of 342).

   Because the Northwood's Inn Restaurant is an existing use and is not proposed to be modified, pursuant to Section 22.56.1510(E) of the County Code, the use is subject to the parking requirements that were in effect at the time the use was established on the property. Based on the approved Plot Plan 14801, the parking requirement at the time the use was originally established was 1 space per 400 square feet of floor area; for a parking requirement of 38 spaces.

   Based on these calculations, the total parking requirement for the site is 546 spaces, 11 of which must be handicapped spaces (1 van accessible) and up to 218 of which may be compact spaces. The site plan depicts provision of 657 total parking spaces, 12 of which are depicted as handicapped spaces on the northern and southern ends of the proposed department store structure; therefore, the parking requirement has been met. Pursuant to Section 22.52.1070(B), handicapped spaces for a particular use must be located "as near as practical to a primary entrance." The site plan does not depict any handicapped parking spaces being located adjacent to the two restaurants; therefore, if approved, staff recommends that the site plan be revised to depict handicapped spaces near the main entrances to the restaurants.

3. Except for parking lots and other uses not requested in this application, all display in Zone C-2 shall be located entirely within an enclosed building unless otherwise authorized by a temporary use permit:

   Comment: Outdoor display is not proposed with the exception of the parking lot, which is permitted.

4. No outside storage shall be permitted in Zone C-2.

   Comment: Outdoor storage is not proposed and, if approved, shall not be permitted.

East Pasadena-San Gabriel Community Standards District (CSD)
Section 22.44.135 of the County Code lists the development standards for properties within the boundaries of the East Pasadena-San Gabriel CSD, as follows (only applicable standards are listed):

Community-Wide Development Standards:

1. Prohibited signs are as follows:
   a. Outdoor advertising signs;
   b. Freestanding signs that exceed 30 feet in height, or are located within 100 feet of a residential use or zone, or extend into the public right-of-way;
   c. Roof signs;
   d. Flashing, animated, audible, rotating and/or moving signs;
   e. Business signs that project or extend more than 18 inches from the building face.

   Comment: Signage plans have not been submitted at this time; however, if approved, signage plans conforming to this standard and the standards in Chapter 22.52, Part 10 of the County Code will be required.

Zone-Specific Standards (Zones C-1, C-2, C-3, C-H, M-1, M-1½ - only applicable standards not repeated elsewhere are listed):

1. The maximum height of all structures, except chimneys and rooftop antennas, shall be 35 feet.

   Comment: The elevation drawings depict the majority of the building at a height of 38 feet with architectural elements extending to 45 feet. Although the height limit of the zone is prescribed to be 35 feet, Section 22.56.200 of the County Code indicates that the height limits prescribed in the various zones do not apply to uses requiring a Conditional Use Permit and that in these cases, the hearing body must prescribe the appropriate height limit. Due to the fact that there are no other structures of similar height in the vicinity, that the site is located in close proximity to residential uses and that the General Plan includes policies indicating that local commercial uses are required to match the general height profile of surrounding development (see page 5 of this report), staff does not believe that the building height is compatible with the area and recommends that, if approved, the Commission require the project to be redesigned to either be consistent with surrounding development or at a maximum height of 35 feet.

2. The maximum floor area shall be 100 percent of the net lot area. Floor area shall include all enclosed buildings.

   Comment: A total of 122,000 square feet of floor area are proposed, which does not exceed the net lot area of 354,143 square feet.

3. The maximum lot coverage shall be 75 percent of the net lot area. Lot coverage shall include all enclosed buildings.

   Comment: The area of the lot proposed to be covered by structures is 72,750 square feet which does not exceed the 265,607 square foot lot coverage limitation.

4. For structures that exceed 17 feet in height and are located on a lot or parcel of land adjacent to a residential zone, the maximum height of the structure at five feet from the property line adjacent to the residential zone shall be 10 feet and any portion of the structure that exceeds 10 feet in height shall be set back an additional foot for every additional foot in height.

   Comment: As the building is proposed to be located approximately 40 feet from the adjacent residential zone and residential uses, this standard does not apply.

5. Exterior lighting shall be of top-shielded or hooded design intended to direct light away from adjacent parcels and prevent off-site illumination. Street lighting shall be consistent with the neighborhood pattern except where the department of public works determines that a different street lighting configuration is required for the protection of public health and safety.

   Comment: If approved, lighting will be required to comply with this requirement.

BURDEN OF PROOF

Zone change

As required by Section 22.16.110 of the County Code, the applicant shall substantiate to the satisfaction of the Commission the following facts:

A. That modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration; and

   Comment: Staff agrees that the site is in need of rehabilitation and improvement. The pending General Plan update also includes a proposal to change the designation of this property and the other commercial properties at the corner of Huntington Drive and Rosemead Boulevard to the Major Commercial designation; however, staff notes that this is subject to change during the review of the plan and subsequent public hearings.

B. That a need for the proposed zone classification exists within such area or district; and

   Comment: The applicant's responses relate mainly to the condition of the site and future development potential rather than to the need for additional commercial zoning in the area. The applicant should be required to

demonstrate that there is a need for new commercial zoning in the area; evidenced by the poor condition and lack of patronage of the existing site.

C. That the particular property under consideration is a proper location for said zone classification within such area or district: and

Comment: The location of the proposed commercial zoning would be proper in that existing commercial zoning exists on adjacent properties. It should also be noted that General Plan policies allow continued use and expansion of commercial uses serving the local community.

D. That placement of the proposed zone at such location will be in the interest of public health, safety and general welfare, and in conformity with good zoning practice.

Comment: As the requested use is consistent with current development practice and definitions of community-serving commercial uses, the zone change to accommodate such use would be in the interest of the public welfare and in conformity with good zoning practice.

Conditional Use Permit
As required by Section 22.56.040 of the Los Angeles County Code, the applicant shall substantiate to the satisfaction of the Commission, the following facts:

A. That the requested use at the location proposed will not:
1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public heath, safety or general welfare.

Comment: All environmental impacts of the project are proposed to be mitigated to a level of no significance; therefore, the project should not adversely affect the public health or welfare.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.

Comment: The site plan depicts compliance with all required development standards.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

Comment: Definitive information regarding adequate capacity of the public water and sewer systems has not been provided at this time but will be required to be provided prior to issuance of building permits, if approved. With the implementation of the proposed mitigation measures, surrounding streets will be of sufficient size to accommodate the traffic generated by the project.

Alcohol Sales
As required in Section 22.56.195(B) the applicant shall substantiate to the satisfaction of the Commission, the following facts:

1. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius; and
2. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area; and
3. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment; and
6. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
7. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

Comment: The request for alcohol sales is related to expansion of the existing Galley Restaurant, which is currently licensed to sell a full line of alcoholic beverages for on-site consumption. Staff agrees with the applicant's Burden of Proof responses which indicate that the proposed expanded and relocated restaurant will not detrimentally affect the nearby community. There is one liquor store within 500 feet of the site and no sensitive uses (churches, schools or parks) within 600 feet of the site. Statistics from the Department of Alcoholic Beverage Control

indicate that the census tract is not overconcentrated with establishments selling alcoholic beverages.

The applicant's Burden of Proof responses are attached to this document.

ENVIRONMENTAL DOCUMENTATION

A draft Environmental Impact Report (DEIR) has been prepared for this project. The DEIR analyzes potential air quality, traffic and noise impacts and concludes that all potential impacts can be adequately mitigated to a level of no significance. The DEIR contains a list of recommended mitigation measures to be utilized in the drafting of a Mitigation Monitoring Program (MMP) if the project is approved. The MMP will ensure proper execution of the proposed mitigation measures and compliance with this program will be required should the project be approved. A copy of the DEIR was submitted to the Planning Commission for review on December 2, 2004.

Proposed mitigation measures include the following:

Air Quality

- Submittal and approval of annual fugitive dust plan during construction
- Maintenance of logs regarding vehicle and equipment condition and regarding vehicle idling during demolition and construction

Noise (Construction)

- Construction of an 8-foot masonry wall on western property line
- Limited construction and crushing hours
- Minimum distances between adjacent residences and asphalt grinders and weekend construction equipment

Noise (Operational)

- Limited hours for waste collection, parking lot sweeping and deliveries

Traffic

- Fair-share contribution to improvements (restriping, median modifications and signal modifications only) at the following intersections:

  Rosemead Boulevard and California Boulevard
  Rosemead Boulevard and Huntington Drive
  Rosemead Boulevard and Foothill Boulevard
  Rosemead Boulevard and Colorado Boulevard
  Rosemead Boulevard and Duarte Road
  California Boulevard/Sunset Boulevard and Huntington Drive

- Submittal of revised plans depicting adequate turning radii for trailer trucks at project driveways, loading area and parking lot and depicting fire station driveway

- Designation of 22 employee parking spaces adjacent to the north driveway on Rosemead Boulevard

- Pavement markings for clear zone adjacent to fire station

Solid Waste

- Submittal and approval of solid waste management plan and recycling program

- Reuse of existing asphalt as fill and sub-base and removal of portable recycling plant within 30 days of completion of recycling

- Suppliers of glass, cardboard and paper to the site must utilize at least 10% recyclable materials

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

County of Los Angeles Fire Department

In their letter dated May 12, 2004, the Fire Department requested that the site plan be modified to include a 28-foot unobstructed driveway and hydrant locations. Revised site plans depicting these changes have not been submitted at this time.

County of Los Angeles Department of Public Works

The Department of Public Works (DPW) submitted the attached letter of recommended conditions dated July 15, 2003. Subsequent to the issuance of this letter, a traffic study was submitted to and approved by DPW; therefore, item number 9 of this letter has already been completed. If approved, staff recommends that item number 3 be expanded to request that the applicant willingly agree to complete the sidewalk link to Rosemead Boulevard. Pending a determination of sufficient right-of-way, DPW has indicated that they would be agreeable to this offer.

LEGAL NOTIFICATION/COMMUNITY OUTREACH

Pursuant to County policy, the legal notification process for public hearings involves mailing of notices to all property owners within 500 feet of the subject property and others requesting notification for projects in the area, placement of a legal advertisement in the local newspaper and placement of material in the local county public library, all within 45 days of the date of the hearing for cases involving an Environmental Impact Report. The applicant is required to post signage on the property advertising the public hearing within 30 days of the date of the hearing. For this request, a total of 471 notices were mailed on November 17, 2004 including the Chapman Woods Homeowner's Association, the Michillinda Park Association, the Northeast San Gabriel Residents Committee, the Northeast San Gabriel Property Owners Association, the City of Temple City and several other individuals. A legal advertisement was published on November 19, 2004 in the San Gabriel Valley Tribune and La Opinion and case materials were available for public review at the San Gabriel and Temple City County libraries

and the City of San Marino library beginning on November 22, 2004. The Notice of Public Hearing was posted on the site on December 20, 2004.

PUBLIC COMMENTS

As of the date of this report, staff has received a total of 194 letters and petitions regarding the proposed project. Of these letters, 187, including a letter from the president of the Chapman Woods Association, express concern regarding the condition of Rosemead Boulevard and pending negotiations between the county and CalTrans which would relinquish control of Rosemead Boulevard to the county and provide funding for roadway improvements. These letters further request that the county not issue an approval of the proposed project until such time as the negotiations between the state and the county reach a conclusion. For reference, staff has also included a letter dated December 7, 2004 from the Department of Public Works detailing the proposed improvements to Rosemead Boulevard as currently consisting of "...hardscaping and landscaping of the center medians as well as the installation of trees along the parkway areas adjacent to Rosemead Boulevard." The letter further states that "the...improvements will not change the existing geometrics of the roadway..." and indicates the status of the negotiations. In addition, the applicant has submitted a letter dated January 4, 2005 indicating their willingness to contribute $250,000 to the beautification of Rosemead Boulevard.

The remaining seven letters, which include a letter from Mr. William Jones representing the 104 single family homeowners within 500 feet of the property and a letter from Mr. John Henning, Jr. representing the Chapman Woods Association, express concerns regarding General Plan consistency, incompatibility with the community, traffic impacts to the surrounding neighborhood including Lotus Avenue and Fairview Avenue (and a request for a traffic light at Fairview Avenue and Rosemead Boulevard), elimination of existing shops, excessive noise, extended hours of operations (12 to 15 hours per day), insufficient parking, preference of small shops and stores on the site similar to the existing use, the need for the project, excessive building height and related fire hazard. In addition, Mr. Henning's letter provides extensive comments on the adequacy of the DEIR. Suggested conditions include gating of Fairview Avenue access, provision of deceleration lanes at site entrances on Rosemead Boulevard and Huntington Drive and a right-turn-only restriction at the southern access point on Rosemead Boulevard.

STAFF EVALUATION

The project applicant proposes to change the zoning designations of the 8.13-acre subject property from C-1 (Restricted Business), C-2 (Neighborhood Business), C-H-DP (Commercial Highway, Development Program) and R-3 (Limited Multiple Residence) to C-2-DP (Neighborhood Business, Development Program) in order to establish a new 98,500 square foot department store on the site. The project also involves relocation and expansion of an existing restaurant and retention of one existing restaurant.

The subject property is designated Medium Density Residential in the Countywide General Plan. The Plan indicates that local-serving commercial uses, as defined in the Plan, may be established on properties under this designation subject to a number of guidelines related to

location, scale, design, access and traffic. It appears that the project may be consistent with the definition of local services as it pertains to provision of community commercial goods and services. As such, the Commission will need to make a determination as to whether the proposed use would be viable given the condition of the property.

Staff is concerned that the Burden of Proof for a Zone Change may not be met by the proposed project given the condition and lack of patronage of the existing commercial uses on the property. While the proposed use is consistent with industry standards for community-serving commercial, the applicant must further justify that it fulfills community trends and needs.

The proposed project is in compliance with all of the development standards of the proposed C-2-DP Zone and the East Pasadena-San Gabriel Community Standards District, with the exception of building height. Staff recommends that the building height be revised to be within the required 35-foot height limit.

A draft Environmental Impact Report (DEIR) has been prepared for the project. Potential significant impacts that were analyzed in the DEIR include air quality, traffic and noise and the document concludes that all of these impacts can be mitigated to a level of no significance.

The majority of the public comments that have been received are related to a request that the Commission delay the decision on the project until the County Department of Public Works and CalTrans reach an agreement regarding proposed beautification improvements to Rosemead Boulevard. The applicant has offered to contribute $250,000 to assist in this beautification effort. Concerns have also been expressed regarding building height, traffic, noise, hours of operation and general preference for smaller shops. Staff recommends that the applicant meet with the community to address these issues.

FEES/DEPOSITS

If approved, the following fees/deposits will apply:

1. Processing fees of $875.00 related to posting the Notice of Determination with the County Clerk. The fees will be required within five (5) business days of the final approval date of the permit.

2. Inspection deposit to cover the costs of zoning enforcement inspections. As conditions have not been drafted at this time due to staff's recommendation for continuance of the hearing, the amount of this deposit is currently unknown.

STAFF RECOMMENDATION

Continuance

Staff recommends that the public hearing for Zone Change and Conditional Use Permit 03-147-(5) be continued to a date certain to allow the applicant to provide evidence to staff to justify the need for the proposed use and the proposed additional commercial zoning. In addition, staff recommends that the applicant be required to conduct a community meeting to attempt to address issues presented in testimony.

SUGGESTED MOTION

> "I move that the Regional Planning Commission continue the public hearing for Zone Change & Conditional Use Permit Number 03-147-(5) to a date certain and instruct the applicant to provide evidence to staff to justify the need for the proposed use and to hold a community meeting to address neighborhood concerns."

Prepared by Kevin Johnson, Senior Regional Planning Assistant
Reviewed by Russell J. Fricano, Ph.D., AICP, Supervising Regional Planner, Zoning Permits I Section

Attachments:
Copy of Thomas Brothers Map
GIS Net Map
Applicant's Burden of Proof Responses
Correspondence
Site Photographs
Site Plan
Land Use Map

RPC MEETING DATE
July 20, 2005
AGENDA ITEM NO.
7

REGIONAL PLANNING COMMISSION TRANSMITTAL CHECKLIST

PROJECT NO: 03-147-(5)

CASE NO. Zone Change/Conditional Use Permit Case Nos. 03-147-(5)

CONTACT PERSON: Kim Szalay

- ☒ FACTUAL
- ☒ THOMAS BROTHERS MAP AND DRAFT GENERAL PLAN UPDATE MAP
- ☒ STAFF REPORT
- ☒ DRAFT CONDITIONS AND AGENCY CONDITIONS
- ☒ BURDEN OF PROOF STATEMENTS
- ☒ REVISED SITE PLAN
- ☒ REVISED PROJECT DESCRIPTION
- ☒ APPLICANT'S BINDER AND LETTER TO DIRECTOR OF PLANNING
- ☒ APPLICANT'S OUTREACH DOCUMENTATION
- ☒ CORRESPONDENCE

Reviewed By: Russell J. Fricano

PROJECT NUMBER
03-147-(4)

CASE NUMBERS
Zone Change Case No. 03-147-(5)
Conditional Use Permit Case No. 03-147-(5)

OVERVIEW OF PROPOSED REVISED PROJECT
The applicants, J. Foley Enterprises, Inc. & Wallis M. Clearman, Trust, are requesting a Zone Change to authorize a change in the zoning of the subject property from C-1 (Restricted Business), C-2 (Neighborhood Business), C-H-DP (Commercial Highway, Development Program) and R-3 (Limited Multiple Residence) to C-2-DP (Neighborhood Business, Development Program) on 8.13 acres and a Conditional Use Permit to authorize establishment of a one-story, (30 feet in height, previously 45-feet in height), 88,407 square-foot department store (previously 98,500 square feet), currently planned as a Kohl's department store, and relocation and expansion of the existing Galley restaurant to 8,500 square feet, similar in design to the former restaurant, with the sale of a full line of alcoholic beverages for on-site consumption in the expanded restaurant.

Existing uses on the site, with the exception of the 14,060 square-foot Northwoods Inn restaurant and Galley Boat portion of the Galley restaurant will be demolished. If approved, total floor area on the site will be 110,967 square feet (previously 122,000 square feet). 503 parking spaces are provided including 11 handicapped spaces.

Public improvements pertaining to the project include creating a four-way signal at Fairview Avenue and Rosemead Boulevard and other traffic flow improving measures. The applicant is offering a commitment of $300,000 to a proposed community improvement fund, to be administered by the County, to help finance community improvements in proximity to the project.

DESCRIPTION OF SUBJECT PROPERTY

Location
The subject property is located on Rosemead Boulevard between Huntington Drive and Fairway Avenue, San Gabriel, in the East Pasadena and South Santa Anita – Temple City Zoned Districts.

Physical Features
The subject property is 8.13 acres in size, consists of 11 Assessor's parcels and is currently developed with commercial, office and residential uses. The site is rectangular in shape with three outparcels along Rosemead Boulevard and is located in an urban area devoid of natural habitat.

ACCESS REVISIONS
Access to the property is proposed from all three streets on which the site has frontage:

- Huntington Drive to the north in one location – right-turn ingress and right-turn egress (previously two entrance/exits)

- Rosemead Boulevard to the east in two locations:

  - Primary access just north of the fire station - right and left turn ingress and right-turn egress

  - Access to an employee-only parking lot just north of the Northwoods Inn – right-turn ingress and right-turn egress (previously two entrance/exits with neither restricted to employees only)

- Fairview Avenue to the south – right-turn ingress and left-turn egress (previously unrestricted left or right turn ingress and egress).

ENTITLEMENT REQUESTED

The applicant is requesting a Zone Change from C-1 (Restricted Business), C-2 (Neighborhood Business), C-H-DP (Commercial Highway, Development Program) and R-3 (Limited Multiple Residence) to C-2-DP, and a Conditional Use Permit to authorize a new development program and the sale of a full line of alcoholic beverages for on-site consumption in the proposed C-2-DP zone.

EXISTING ZONING

Subject Property

The subject properties are zoned C-1 (Restricted Business), C-2 (Neighborhood Business), C-H-DP (Commercial Highway, Development Program) and R-3 (Limited Multiple Residence).

Surrounding Properties

Surrounding properties are zoned as follows:

North: C-2 (Neighborhood Business), R-1-20,000 (Single Family Residence, 20,000 square foot minimum lot size), R-1-40,000 (Single Family Residence, 40,000 square foot minimum lot size), R-3 (Limited Multiple Residence)

South: R-3 (Limited Multiple Residence), R-2 (Two Family Residence)

East: C-2 (Neighborhood Business), C-1 (Restricted Business), CPD (Commercial Planned Development), R-3-25U Limited Multiple Residence, 25 units per acre maximum), R-1 (Single Family Residence), R-3 (Limited Multiple Residence)

West: R-3 (Limited Multiple Residence), R-1 (Single Family Residence), R-A (Residential Agriculture)

EXISTING LAND USES

Subject Property

The subject property is currently developed with three restaurants, 11 retail uses, a dental office, general office uses, and five single family residences with a combined total floor area of 65,372 square feet.

Surrounding Properties

Surrounding properties contain the following uses:

North: Medical offices, Commercial uses, Single family residences

South: Single and multi-family residences

East: Commercial uses, office building, single and multi-family residences

West: Single and multi-family residences

LOS ANGELES COUNTYWIDE GENERAL PLAN

The revised project description and project analysis correctly states "3" Medium Density Residential General Plan designation. The original DEIR incorrectly indicated "C" Major Commercial designation for the project site. The DRAFT General Plan Update proposes "C" (Major Commercial) for this area (see attached map). The previous staff report analyzed the application of the Medium Density Residential designation to this project by providing guiding definitions from the Plan and industry standards for location, scale, design, and access for neighborhood and community centers. The following two tables summarize how the project meets industry guidelines for neighborhood serving facilities as compared to industry guidelines for community serving facilities.

PROJECT COMPONENT	INDUSTRY GUIDELINES: NEIGHBORHOOD SERVING[1]	PROJECT PERFORMANCE
Scale: Site Area	Less than 10 Acres	8.13 Acres – Within Neighborhood Serving Parameter
Scale: Building Sales Area	30,000 to 100,000 s.f.	88,407 s.f. – Within Neighborhood Serving Parameter
Population Served: Distance – Radius of Market Area	Within 1.5 Mile Radius	• Inside 1.5 Mile Radius: No Other Similar Stores • Likely to Serve Broader Community Also

[1] Industry standards for neighborhood serving facilities taken from Urban Land Institute: Edward J. Kaiser, Godschalk, David R. and Chapin, F. Stuart (1995) *Urban Land Use Planning. Fourth Edition.* (Urbana, IL: University of Illinois Press) p. 322

PROJECT COMPONENT	INDUSTRY GUIDELINES: COMMUNITY SERVING[2]	PROJECT PERFORMANCE
Scale: Site Area	10-30 Acres	8.13 Acres – Less than Community Serving
Scale: Building Sales Area	100,000 to 300,000 s.f.	88,407 s.f. – Less than Community Serving
Population Served: Distance – Radius of Market Area	Within 3-5 Mile Radius	Other Similar Stores Within This Radius Project serves this population

The project meets the industry guidelines for neighborhood serving facilities and some of the industry standards for community serving uses.

The following table summarizes how the project performs in relationship to development guidelines provided in the General Plan, pages III-34 to III-37.

PROJECT COMPONENT	PLAN GUIDELINES: NEIGHBORHOOD AND COMMUNITY SERVING	PROJECT PERFORMANCE
Location: Access	Major Intersections	Located at Major Intersection
Location: Medium Density Residential Plan Designation (22/ac)	Non- Residential Neighborhood/Community Serving Uses Allowed	• Neighborhood/Community Uses Proposed • Neighborhood Business Zoning Proposed
Design: Building Architecture and Scale	• Neighborhood Compatible and Enhancing • Not to Exceed 10 Acres • Not to Exceed Adjacent Development in Height	• Neighborhood Compatible Architecture • Borderline Neighborhood Enhancing • Less than 10 Acres (8.3 Ac) • One-Story in Height
Design: Landscaping	Neighborhood Compatible and Enhancing	Compatible and Enhancing Norfolk Pines, Other Trees & Plants per Landscape Plan
Design: Noise Impacts	Noise Impacts Buffered	• Sound Walls Provided for Sound Buffering • Truck Prohibition for Western Access and Driveways • Construction and Marginal Operational Noise Impacts Remain on the West Side
Design: Visual Impacts	Visual Impacts Buffered	Wall Screening Trees Proposed and Equipment Screening Required
Construction Air Quality	Air Quality Mitigation Measures	No Significant Air Quality Impacts from Revised Project Design
Access and Circulation	Maximize Safety and Convenience	• Add Deceleration Lanes • Add Fairview Street and Rosemead Blvd. Signal • Add Employee-Only Parking • Reduce Huntington Drive Access from Two to One Driveway • Add Left Turn Access into Site from Northbound Rosemead Blvd. • Restrict Fairview Avenue Access to Right-In, Left-Out Turns • Add Double Left Turn Lanes to Northbound and Southbound Rosemead Blvd. at Huntington Dr

The project is consistent with General Plan development guidelines.

[2] Ibid

Compliance with Applicable Development Standards – Changes Proposed

East Pasadena-San Gabriel Community Standards District (CSD)
Section 22.44.135 of the County Code lists the development standards for properties within the boundaries of the East Pasadena-San Gabriel CSD. Applicable zone-specific standards (Zones C-1, C-2, C-3, C-H, M-1, M-1½) and/or comments not repeated from previous staff reports are listed:

1. The maximum height of all structures, except chimneys and rooftop antennas, shall be 35 feet.

   Comment: The elevation drawings depict the building at a height of 30 feet (previously 45 feet in height proposed). The project complies with height requirements.

2. For structures that exceed 17 feet in height and are located on a lot or parcel of land adjacent to a residential zone, the maximum height of the structure at five feet from the property line adjacent to the residential zone shall be 10 feet and any portion of the structure that exceeds 10 feet in height shall be set back an additional foot for every additional foot in height.

   Comment: The building proposed is 30 feet in height. The setback calculation requires a setback of 25 feet (20' X 1' + 5'=25'). The project provides 32' of setback area from the west side adjacent residential area (previously provided a setback of 40 feet). The project complies with setback requirements.

C-2-DP Zone (proposed zoning)
Pursuant to Section 22.28.170 of the County Code, premises in Zone C-2 shall be subject to the following development standards:

That there be parking facilities as required by Part 11 of Chapter 22.52.

Comment: Section 22.52.1100 of the County Code requires parking for commercial uses at a ratio of 1 space per 250 square feet of floor area. Pursuant to Section 22.52.1110 of the County Code, parking for restaurants is required at a ratio of 1 space per 3 occupants based on the occupant load as determined by the Department of Public Works. A total of 353 spaces are required for the proposed 88,407 square foot department store (previously 394 spaces for 98,500 square foot store) and 114 spaces are required for the relocated Galley Restaurant (occupant load of 342).

As the Northwood's Inn Restaurant is an existing use and is not proposed to be modified, Section 22.56.1510(E) of the County Code specifies that the use is subject to the parking requirements that were in effect at the time the use was established on the property. Based on the approved Plot Plan 14801, the parking requirement at the time the use was originally established was 1 space per 400 square feet of floor area; for a parking requirement of 35 spaces (14,060/400).

Based on these calculations, the total parking requirement for the site is 502 spaces (previously 546 spaces), 8 of which must be handicapped spaces (1 van accessible) and up to 200 of which may be compact spaces (40 percent). The site plan depicts provision of 503 total parking spaces, 11 of which are depicted as handicapped spaces; therefore, the parking requirements have been met.

According to Section 22.52.1070(B), handicapped spaces for a particular use must be located "as near as practical to a primary entrance." The site plan does depict two handicapped parking spaces being located adjacent to each of the two restaurants (previously, no handicapped spaces were depicted near the restaurants).

ENVIRONMENTAL DOCUMENTATION- REVISED PROJECT DESCRIPTION

A draft Environmental Impact Report (DEIR) has been prepared for this project. Potential significant impacts that were analyzed in the DEIR include air quality, traffic and noise, and the document concludes that all but two of these impacts can be mitigated to a level of no significance. Construction and operational noise impacts at the western boundary line adjacent to residences are considered significant. The ambient noise level for the area is currently above the significant threshold of 65 decibels for residential uses. With the revised project's implementation, the ambient noise level will increase by seven decibels, remaining a significant impact. Projects that contribute more than three decibels to an existing high noise environment are considered to have significant impacts. Mitigations proposed by the project, including an eight-foot western perimeter wall, 12-foot sound barrier at the loading dock, and prohibited use by trucks of the northwestern and southwestern access and driveways, are unable to reduce these noise impacts to a level of less than significant. Therefore, a Statement of Overriding Conditions will be required. Due to the reduced scale of the project, there are no remaining significant impacts to air quality.

The DEIR contains a list of recommended mitigation measures to be utilized in the drafting of a Mitigation Monitoring Program (MMP) if the project is approved. The MMP will ensure proper implementation of the proposed mitigation measures and compliance with this program will be required should the project be approved. A copy of the DEIR was submitted to the Planning Commission for review on December 2, 2004.

Subsequently, a revised project description dated June 2, 2005 was sent out for public circulation June 2, 2005. Staff determined that DEIR recirculation was not required as the revised project created no new impacts. An amended revised project description dated July 12, 2005 includes minor corrections and informational amendments to the revised project description and site plan.

Revised Mitigation Measures Proposed Include the Following Changes:

Noise

- Construction of a 12-foot masonry sound-wall located at the western portion of the loading dock area on the southwestern section of the proposed department store adjacent to residences (previously, the location of the loading dock was adjacent to Rosemead Blvd.)

- Truck access from Huntington Drive located at the northwestern corner of the project, truck access from Fairview Avenue located at the southwestern corner of the project, and all truck use of the western driveway, shall be prohibited

Traffic

- Submittal of revised plans depicting adequate turning radii for trailer trucks at project driveways, loading area and parking lot, and depicting fire station driveway are required

- Improvements to Rosemead Blvd. include providing southbound deceleration lane south of Huntington Drive, providing dual left turn lanes on northbound and southbound Rosemead Blvd. at Huntington Drive, changes to number and location of access driveways, installation of a traffic signal at Rosemead Boulevard and Fairview Avenue and left turn ingress from northbound Rosemead into the project site. Additional emergency vehicle warning devices will be provided if required by Caltrans.

- Due to the reduction in the project's size, a reduction of approximately 312 daily vehicle trips is estimated.

Air

- Paving and painting operations shall be prohibited from taking place at the same time during construction of the project in order to minimize concurrent air impacts.

Visual

- Relocation and reduced height of the project improves viewshed for mid-project adjacent residents and increased viewshed and noise impacts to residents located at the northwestern section of the project.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

County of Los Angeles Fire Department

In their letter dated July 13, 2005, the Fire Department required the ingress and egress driveways at Rosemead Boulevard and Fairview Avenue each be modified to 20 feet and indicate hydrant locations. The revised site plan submitted depicts a 28-foot northwestern driveway and a 30-foot driveway with access from Rosemead Boulevard comprised of a 22-foot ingress and 18-foot egress separated by a narrow island. The site plan depicts a 32-foot driveway at Fairview Avenue with access comprised of a 14-foot ingress and 14-foot egress with a narrow island two feet in width.

County of Los Angeles Department of Public Works

The Department of Public Works (DPW) submitted the attached letter of recommended conditions dated July 15, 2003 and June 10, 2004. Subsequent to the issuance of the July 15, 2003 letter, a traffic study was submitted to and approved by DPW; therefore, item number 9 of this letter has already been completed. If approved, staff recommends that item number 3 be expanded to request that the applicant willingly agree to complete the sidewalk link to Rosemead Boulevard. Pending a determination of sufficient right-of-way, DPW has indicated that they would be agreeable to this offer. In its letter dated December 7, 2004, the Department of Public Works reported the State of California's approval of SB 1375 to be effective January 1, 2005 pertaining to the State's relinquishment of Rosemead Boulevard to the County of Los Angeles. Since funding commitments of the County and the State have yet to be determined, final relinquishment of Rosemead has not taken place. In its letter dated July 14, 2005, the Department of Public Works, Traffic and Lighting Division required certain additional traffic conditions be included in the project. Said department also required payment of $250,000 by the applicant for installation of the proposed signal at Rosemead Boulevard and $25,000 in a secured agreement for traffic calming measures, if deemed necessary in the future, for mitigation of impacts to Fairview Avenue and Lotus Street.

OTHER AGENCY COMMENTS

The California Department of Transportation (Caltrans) submitted a letter dated June 8, 2005 providing comments for making revisions to the traffic study.

LEGAL NOTIFICATION/COMMUNITY OUTREACH

No additional legal notification was required as the public hearing was continued to June 29, 2005 with no new impacts proposed. The revised project description was voluntarily circulated using the same project notification mailing list as the original project.

PUBLIC COMMENTS

As of the date of this report, staff has received one additional written comment in support of the project from a member of the public.

Staff has received an additional 185 letters expressing concerns toward the proposed project including lack of clarity regarding the building setback from adjacent residences at the western property line, skyline blockage, truck noise, traffic blockage at northwestern access, cut through traffic on Fairview Avenue and Lotus Street, light and glare impacts, and loss of property value. A petition signed by 119 members of the public indicated that they did not receive notification of the June 15, 2005 "open house" meeting organized by the applicant.

On Wednesday, June 15, 2005, staff attended a community meeting hosted by the applicant. The applicant reported mailing notification letters to residents within a 1,000-foot radius and to members of the public who attended previous outreach meetings and provided their mailing addresses. The applicant provided an "open house" format and presented the project to the public using booths manned by consultants and specialists for the various categories of project planning. Concerned members of the public discussed landscaping preferences, noise mitigation for adjacent residences, and general inquiry as to project design.

On Wednesday, July 13, 2005, the applicant met with neighbors living on or near Fairview Avenue to gain input and share responses pertaining to concerns about project impacts specific to this street and area (see attached July 11, 2005 cover letter and attachments). No summary of meeting results have been provided.

The applicant provided a listing of all community outreach meetings held indicating date, time, place and purpose and provided copies of mailing lists used (see attached documentation).

STAFF EVALUATION

The project applicant proposes to change the zoning designations of the 8.13-acre subject property from C-1 (Restricted Business), C-2 (Neighborhood Business), C-H-DP (Commercial Highway, Development Program) and R-3 (Limited Multiple Residence) to C-2-DP (Neighborhood Business, Development Program) in order to establish a new 88,407 square foot department store on the site. The project also involves relocation and expansion of an existing restaurant and retention of one existing restaurant.

The subject property is consistent with the Medium Density Residential designation in the Countywide General Plan. The Plan indicates that local-serving commercial uses, as defined in the Plan, may be established on properties under this designation subject to a number of guidelines related to location, scale, design, access and traffic. The project is consistent with the Plan's definition of neighborhood and community serving as it pertains to provision of neighborhood or community goods and services. As such, the Commission will need to make a determination as to whether the proposed use would be viable given the existing conditions and historical decline of the property. Staff notes that the total commercial acreage, square footage and siting of the department store proposed along with local public reaction to the project reflect moderate compatibility with the surrounding community and existing development. Project is consistent in height and design with prevailing adjacent uses and commercial uses specified for the Medium Density Residential designation in the General Plan.

Staff is of the opinion that the Burden of Proof for a Conditional Use Permit and Zone Change is met by the proposed project since the condition and decline of the existing commercial uses on the property can potentially be improved by redevelopment of the site. An entirely different retail product using a reputable tenant is proposed as an anchor in contrast to previous uses facing decline. Staff makes the observation that successful adaptive reuse and redevelopment of all existing facilities on this particular site under existing or proposed zoning would likely be much more difficult to accomplish than the combination of new and reused facilities proposed by the subject project requiring the subject zone change.

While the proposed use is consistent with industry standards for neighborhood and community-serving commercial uses, the applicant must further justify that it fulfills community trends and needs. The project is 1.5 miles or more from other neighborhood and community-serving department stores of a similar type. The project may provide needed services for neighbors located within the 1.5 mile radius in addition to passersby from Rosemead Boulevard and Huntington Drive thoroughfares.

The proposed project is in compliance with all of the development standards of the proposed C-2-DP Zone and the East Pasadena-San Gabriel Community Standards District, including a revision of the department store height from 45 feet to 30 feet in height.

A draft Environmental Impact Report (DEIR) has been prepared for the project. Potential significant impacts that were analyzed in the DEIR include air quality, traffic and noise, and the document concludes that all but two of these impacts can be mitigated to a level of no significance. Construction and operational noise impacts at the western boundary line adjacent to residences are considered significant. Mitigations proposed by the project, including an eight-foot western perimeter wall, 12-foot sound barrier at the loading dock, and prohibited use by trucks of the western access and driveways, though unable to reduce these noise impacts to a level of less than significant, may indicate that a Statement of Overriding Conditions is appropriate.

Cut through traffic impacts at Fairview Avenue, due to the proposed installation of a four-way signal at Rosemead required by Caltrans, are indeterminate at this time. The applicant is required to include baseline traffic counts in a traffic study supplement for future evaluation of Fairview Avenue and Lotus Street, and provide a $250,000 performance bond for potential future traffic calming measures.

Additional Public comments received include a request that the Commission delay the decision on the project until the County Department of Public Works and Caltrans reach an agreement regarding proposed beautification and other road improvements to Rosemead Boulevard. The applicant offered to contribute $300,000 to a County-managed Community Improvement Fund to assist in this beautification effort, traffic calming, or other community improvements (see attached letter).

Concerns have also been expressed regarding building setback on the northwestern side of the project, traffic, noise, hours of operation and general preference for smaller shops. In addition to several community outreach meetings held before and since the January, 2005 public hearing, staff notes that the applicant met with the community to address the above issues and gain further input through a community meeting held near the site on June 15, 2005. Mitigation and design measures address most of these concerns. Staff is of the opinion that reasonable public outreach has been accomplished by the applicant (see public outreach documentation).

FEES/DEPOSITS

If approved, the following fees/deposits will apply:

1. Processing fees of $875.00 related to filing and posting of a Notice of Determination with the County Clerk in compliance with Section 21152 of the Public Resources Code and Section 711.4 of the Fish and Game Code. The fees will be required within five (5) business days of the final approval date of the permit.

2. Inspection deposit of $1,500 to cover the costs of zoning enforcement inspections every other year for 20 years.

3. Mitigation monitoring fee of $3,000 to cover the costs for review and evaluation of the required mitigation monitoring program.

STAFF RECOMMENDATION

Approval or Continuation

If the Commission finds the applicant satisfies the burden of proof requirements for a zone change, conditional use permit, and on-site sales of alcoholic beverages for these requests and the basis for making a Statement of Overriding Considerations, then staff recommends **Approval** of Conditional Use Permit No. 03-147-(5), subject to the mitigation monitoring program and attached draft conditions, and recommends adoption of Zone Change No. 03-147-(5), or that the public hearing be **Continued** if more time is required for additional public testimony.

SUGGESTED APPROVAL MOTION

"I MOVE THAT THE PUBLIC HEARING BE CLOSED AND THAT THE REGIONAL PLANNING COMMISSION INDICATE ITS INTENT TO APPROVE CONDITIONAL USE PERMIT CASE NO. 03-147-(5), RECOMMEND ADOPTION OF ZONE CHANGE NO. 03-147-(5) AND INSTRUCT STAFF TO PREPARE THE FINAL ENVIRONMENTAL DOCUMENTATION AND FINDINGS AND CONDITIONS FOR APPROVAL."

SUGGESTED CONTINUATION MOTION

"IN ORDER TO ADDRESS CONCERNS RAISED AT THIS HEARING, I MOVE THAT THE REGIONAL PLANNING COMMISSION HEARING BE CONTINUED TO A DATE CERTAIN TO BE HELD IN THE REGIONAL PLANNING COMMISSION HEARING ROOM AT 320 WEST TEMPLE STREET IN DOWNTOWN LOS ANGELES AND FOR STAFF AND THE APPLICANT TO REPORT BACK ON ISSUES AS REQUESTED BY THE COMMISSION."

Prepared by Kim Szalay, MPL, Regional Planning Assistant II
Reviewed by Russell J. Fricano, Ph.D., AICP, Supervising Regional Planner

ATTACHMENTS

Revised Site Plan
Amended Revised Project Description
Zone Change Burden of Proof
Conditional Use Permit Burden of Proof
Alcoholic Beverage Sales Burden of Proof
ABC Report
DRAFT General Plan Update Map
DRAFT Applicant's Letter to Commission
Applicant's Public Improvement Fund Letter
Applicant's Community Outreach Documentation

RJF:KKS
July 14, 2005

RPC MEETING DATE September 28, 2005
AGENDA ITEM NO. 8

REGIONAL PLANNING COMMISSION TRANSMITTAL CHECKLIST

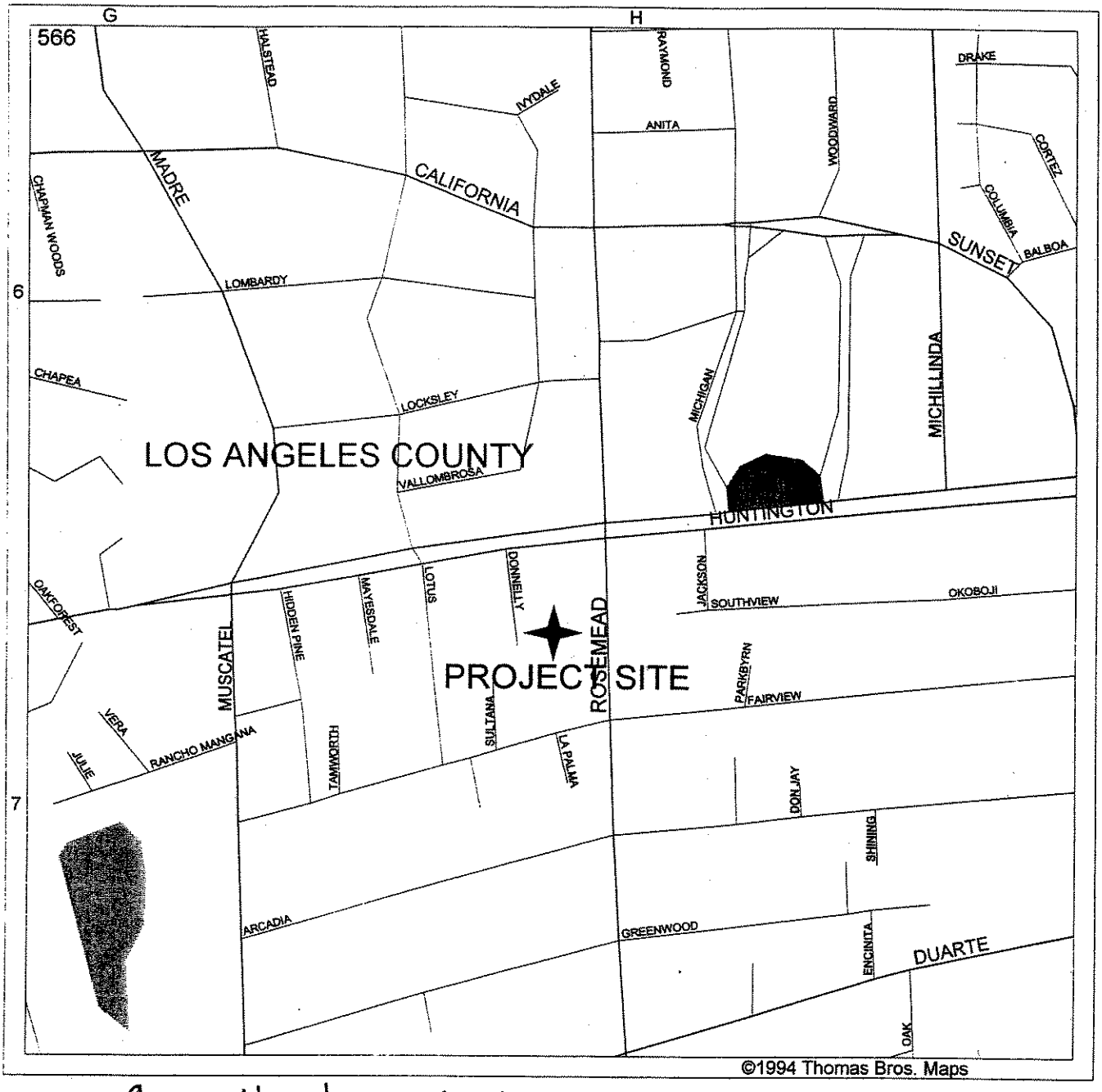
PROJECT NO: 03-147-(5)

CASE NO. Zone Change/Conditional Use Permit Case Nos. 03-147-(5)

CONTACT PERSON: Kim Szalay

- ☒ FACTUAL
- ☒ STAFF REPORT
- ☒ DRAFT CONDITIONS AND AGENCY CONDITIONS
- ☒ BURDEN OF PROOF STATEMENTS
- ☒ APPLICANT'S RESPONSES TO COMMISSION DIRECTIVES
- ☒ APPLICANT'S COMMUNITY OUTREACH DOCUMENTATION
- ☒ HOME OWNERS ASSOCIATION COMMENTS
- ☒ PULIC CORRESPONDENCE

Reviewed By: _____



Case Number: ZC/CUP 03-147-(5)

VICINITY MAP

SITE: HUNTINGTON DRIVE & ROSEMEAD BLVD. - "KOHL'S"

DRAFT GENERAL PLAN UPDATE

03-147-(5) Clearman's Village Area DRAFT General Plan Designation : "C" (Major Commercial)

PROJECT NUMBER
03-147-(4)

CASE NUMBER
Zone Change and Conditional Use Permit No. 03-147-(5)

OVERVIEW OF PROPOSED REVISED PROJECT
The applicants, J. Foley Enterprises, Inc. & Wallis M. Clearman, Trust, are requesting a Zone Change to authorize a change in the zoning of the subject property from C-1 (Restricted Business), C-2 (Neighborhood Business), C-H-DP (Commercial-Highway-Development Program) and R-3 (Limited Multiple Residence) to C-2-DP (Neighborhood Business, Development Program) on 8.13 acres and a Conditional Use Permit to authorize establishment of a one-story, (30 feet in height, previously 45-feet in height), 88,407 square-foot department store (previously 98,500 square feet), currently planned as a Kohl's department store, and relocation and expansion of the existing Galley restaurant to 8,500 square feet, similar in design to the former restaurant, with the sale of a full line of alcoholic beverages for on-site consumption in the expanded restaurant.

Existing uses on the site, with the exception of the 14,060 square-foot Northwoods Inn restaurant and Galley Boat portion of the Galley restaurant will be demolished. If approved, total floor area on the site will be 110,967 square feet (previously 122,000 square feet). 503 parking spaces are provided including 11 handicapped spaces.

Public improvements pertaining to the project include creating a four-way signal at Fairview Avenue and Rosemead Boulevard and other traffic flow improving measures. The applicant is offering a commitment of $300,000 to a proposed community improvement fund, to be administered by the County, to help finance community improvements in proximity to the project.

Additionally, the applicant is offering to provide traffic monitoring and $25,000 for traffic calming measures for Fairview Avenue in proximity to the project and traffic monitoring for selected streets within the Chapman Woods and Michillinda Park neighborhoods for a period of 1.5 years from occupancy. If warranted, the applicant will also provide monies for traffic calming measures in these latter two neighborhoods.

ENTITLEMENT REQUESTED
The applicant is requesting a Zone Change from C-1 (Restricted Business), C-2 (Neighborhood Business), C-H-DP (Commercial-Highway-Development Program) and R-3 (Limited Multiple Residence) to C-2-DP, and a Conditional Use Permit to authorize a new development program and the sale of a full line of alcoholic beverages for on-site consumption in the proposed C-2-DP zone.

SUMMARY OF JULY 20, 2005 PUBLIC HEARING

A public hearing was held before the Regional Planning Commission on July 20, 2005. At the conclusion of the July 20, 2005 hearing, the Commission made recommendations and continued the hearing to September 28, 2005; time for additional public testimony was required and certain pending issues remained to be addressed. The Commission directed staff and the applicant to further investigate the following: future "cut-through" traffic issues for the Fairview Avenue, Chapman Woods, and Michillinda Park neighborhoods; evaluation of Chapman Woods Association's independent traffic study review; public noticing parameters of community outreach and additional voluntary outreach by the applicant; use and structuring of the proposed $300,000 community improvement fund; greater detail about the community benefits of the zone change; truck circulation plans; and alternate locations for the loading dock.

RESPONSE TO REGIONAL PLANNING COMMISSION DIRECTIVES

At the conclusion of the July 20, 2005 public hearing, the Commission directed staff to work with the applicant and the community to address further the issues summarized above. Each issue is addressed as follows:

Future "Cut-Through" Traffic Issues

The applicant initiated meetings with the community members located on or near Fairview Avenue adjacent to the site. The intent of the meetings was to adequately address the issue of cut-through traffic pertaining to the project and the proposed new signal at Fairview Avenue and Rosemead Boulevard. The applicant has performed baseline traffic counts and has agreed to provide future traffic monitoring for the first 1.5 years of project operations. Having performed initial baseline traffic counts, the applicant has offered to pay $25,000 for traffic calming measures before impacts of the project are determined. The Department of Public Works, Traffic and Lighting Division will evaluate the data, at the applicant's expense, and make a determination of whether traffic calming measures are justified at this time.

The applicant also agreed to perform current baseline traffic counts and future monitoring for the Chapman Woods and Michillinda Park neighborhoods at locations agreed upon with the respective Home Owners' Associations. The applicant performed baseline traffic counts and has agreed to provide traffic monitoring for the first 1.5 years of project operations. Depending upon the results of future traffic monitoring, the applicant has conditionally offered to make payment of $25,000 per neighborhood area (Chapman Woods and Michillinda Park) for the first year of project operations, for traffic calming measures should they become necessary, as confirmed and authorized by the Department of Public Works, Traffic and Lighting Division, at the applicant's expense. An additional $25,000 per neighborhood area would be provided by the applicant for the second year of operations of the project for additional traffic calming measures should they become necessary as confirmed and authorized by the Traffic and Lighting Division, at the applicant's expense. In summary, the applicant is offering a maximum of $50,000 per neighborhood area for traffic calming measures should they be deemed necessary by the guidelines and standards of the Traffic and Lighting Division. The conditions of approval detail the structure of this offering by the applicant.

Comment: Staff is of the opinion that the applicant's offering to provide traffic monitoring and additional funds for potential traffic-calming measures in adjacent neighborhoods is adequately addressed in the conditions of approval.

Evaluation of Chapman Woods Association's Independent Traffic Study Review
The Chapman Woods Association acquired the services of Jones Engineers to review the traffic study supplied by the applicant and previously reviewed by the Department of Public Works, Traffic and Lighting Division. The Commission directed the applicant and staff to respond to the engineers' report. The applicant's traffic consultant provided a response indicating that the engineers' report was primarily a critique of the County's traffic study requirements rather than Kohl's compliance with the County's requirements. Detailed responses by the traffic consultant are provided in a memo dated September 12, 2005 in the attached Planning Associates packet dated September 19, 2005. The traffic consultant's responses were forwarded to the County Traffic and Lighting Division for review.

Comment: County Traffic and Lighting Division has reviewed the applicant's traffic consultant responses and have no additional comments at this time.

Community Outreach by the Applicant and County Staff
In addition to identifying public outreach meetings and noticing parameters provided by the applicant and documented in previous reports for meetings prior to the July 20, 2005 public hearing, the applicant has provided documentation of additional meetings and noticing parameters for community meetings since July 20, 2005. The outreach coordinator for the Clearman's Village and Kohl's team, in the attached memo dated September 15, 2005, provided a chronological listing of meetings held and actions taken from July 28, 2005 to September 14, 2005 including: multiple meetings with the Fairview Avenue community together with county Traffic and Lighting representatives, performance of Fairview Avenue, Chapman Woods, and Michillinda Park baseline traffic counts, mailing more than 1,450 invitations (including those residents within 1,000 feet of the project and all attendees of previous Kohl's/Clearman's community meetings) to a second open house event, additional meetings with Michillinda Park and Chapman Woods Association home owners' groups, and a proposed additional meeting with Lotus Avenue residents regarding potential project impacts. Also provided by the applicant is a memo and chart dated September 19, 2005 referencing support card signatures collected.

Regional Planning Staff participated in a September 8, 2005 meeting with the applicant and the board of directors of the Chapman Woods Association and Michillinda Park, and Fairview Avenue residents. The meeting resulted in discussion of the following items: regarding the priority use of the proposed $300,000 community improvement fund offered by the applicant; further communication regarding a voluntary offer by the applicant to conduct traffic monitoring and to create a traffic calming contingency fund for the Chapman Woods and Michillinda Park neighborhoods, and project landscaping revisions.

Comment: The applicant's team, county Traffic and Lighting staff, and county Regional Planning staff have responded to community concerns through collaborating on revisions to the project and articulating applicant offerings and community input contained in the draft conditions of approval.

Homeowners Associations and Other Community Input
Staff is of the opinion that representatives of the Chapman Woods Association, Michillinda Park Association, and Fairview Avenue neighborhood, have provided valued detailed input in the community participation process for the proposed use permit and zone change request. In its letter dated September 19, 2005, the Chapman Woods Association, representing the above named communities, provided input for the creation of a Community Improvement Committee, proposed uses of a proposed Community Improvement Fund, recommendations of monitoring sites for evaluation of potential future "cut-through" traffic, and suggestions for improving the aesthetics of the project and its immediate surroundings. The applicant has made a concerted effort to revise the requested project to accommodate the needs of the community through a series of focused meetings and tangible activities on behalf of the community.

Comment: The draft conditions of approval incorporate much this input.

Structuring and Use of the Proposed $300,000 Community Improvement Fund
Concerns were expressed by community members toward fund management structures and implementation timeline and procedures for future community improvement project requests. The conditions of approval detail community improvement fund structuring and implementation guidelines. The intent of fund use definitions is to provide examples of likely uses while remaining open to unforeseen community improvement needs not listed.

Comment: Staff is of the opinion that the structuring, management and use guidelines of the proposed Community Improvement Fund offering by the applicant are adequately addressed in the conditions of approval.

Community Benefits of the Zone Change
The burden of proof supplied and other oral testimony provided have been supplemented by additional comments by the applicant regarding the community benefits of the zone change request (see attached comments in the Planning Associates packet dated September 19, 2005). The applicant's additional comments include discussion of the value of lot zoning consolidation to "Neighborhood Business" consistent with the General Plan designation, "Medium Density Residential", which includes neighborhood and community serving businesses. Furthermore, the proposed zoning consolidation will be consistent with the pending county-proposed General Plan update designation, "Major Commercial" for the subject properties and adjacent commercial frontage bounded by the major arterial highways, Rosemead Boulevard, and Huntington Drive. Eight acres of prime commercial real estate is a unique economic resource for the community; redevelopment of the subject parcels is best facilitated as a whole unit in order to obtain the site's highest and best use for the community.

Economic value includes the projected creation of an additional 150 jobs and added tax revenues contributing to the funding of needed public services.

Truck Circulation Plans and Alternate Locations for the Loading Dock
The applicant has provided a schematic representation of the delivery truck circulation plan. The conditions of approval prohibit truck traffic from using the northwest or southwest access driveways. Community concerns expressed toward the proposed location of the loading dock resulted in further analysis by the applicant regarding alternative locations for the dock. In the Planning Associates packet dated September 19, 2005, the applicant provided a depiction and discussion of a feasible alternative location for the loading dock, which also eliminates the access at Huntington Drive. In order to retain the proposed scale of the project (reduced from 98,000 sq. ft. to 88,000 sq. ft.), the alternative location for the loading dock would be to the southeast corner of the proposed department store building, behind the employee parking lot and diagonal to the existing Northwoods Inn. The alternate design would retain a 13-foot rear-yard set back which would eliminate the Huntington Drive access at the northwest corner of the site and cause a potential "dead space" to the rear of the proposed building. A further reduction in the scale of the building is deemed financially problematic by the applicant. The alternate location is considered aesthetically unfavorable due to its proximity to the Northwoods Inn pedestrian access.

Comment: Staff is of the opinion that the alternate location would reduce truck noises associated with the proposed loading dock for adjacent neighbors while also eliminating the Huntington Drive access to the project. The alternative location would create a less desirable and less aesthetic delivery truck circulation and docking location for the users of the project. Impact Analysis and Traffic and Lighting staff would have to review whether new impacts are created by the potential loss of the Huntington Drive access. The Commission will have to decide which loading dock location and potential changes to access will most benefit community users and neighbors of the project.

ENVIRONMENTAL DOCUMENTATION- REVISED PROJECT DESCRIPTION
An initial study was conducted in accordance with the California Environmental Quality Act (CEQA). A draft Environmental Impact Report (DEIR) has been prepared for this project. Potential significant impacts that were analyzed in the DEIR include air quality, traffic and noise, and the document concludes that all but two of these impacts can be mitigated to a level of no significance. Construction and operational noise impacts at the western boundary line adjacent to residences are considered significant. The ambient noise level for the area is currently above the significant threshold of 65 decibels for residential uses. With the revised project's implementation, the ambient noise level will increase by seven decibels, remaining a significant impact. Projects that contribute more than three decibels to an existing high noise environment are considered to have significant impacts. Mitigations proposed by the project, including an eight-foot western perimeter wall, 12-foot sound barrier at the loading dock, and prohibited use by trucks of the northwestern and southwestern access and driveways, are unable to reduce these noise impacts to a level of less than significant. Therefore, a Statement of Overriding Conditions will be required. Due to the reduced scale of the project, there are no remaining significant impacts to air quality.

The DEIR contains a list of recommended mitigation measures to be utilized in the drafting of a Mitigation Monitoring Program (MMP) if the project is approved. The MMP will ensure proper implementation of the proposed mitigation measures and compliance with this program will be required should the project be approved. A copy of the DEIR was submitted to the Planning Commission for review on December 2, 2004.

PUBLIC COMMENTS

Comments in Favor of the Project

Since the previous public hearing on July 20, 2005, staff has received an additional letter and 321 cards expressing support toward the proposed project. Comments in favor included the need for a reliable tenant who will maintain the center in a responsible fashion and remove or prevent future blight. The applicant provided at the July 20, 2005 public hearing, cards signed by 534 supporters between March 1, 2005 and July 20, 2005.

Comments Opposed to the Project

Sixty three letters, not included in the previous report, provided comments opposed to the project including concerns about increased traffic congestion and unsafe "cut-through" traffic on residential streets, insufficient parking, decreased residential property values, no need for another "big box" store, increased noise impacts, and incompatible scale of the project.

Comments from Home Owners Associations and Neighborhood Representatives

Letters requesting certain conditions in the event of project approval were received from the Chapman Woods Association, Michillinda Park Association, and from a representative of those living on or near Fairview Avenue. Additional comments were received from the Cortile Verde home Owners Association.

Comments from the Chapman Woods Association on behalf of the Chapman Woods, Michillinda Park, and Fairview Avenue neighborhoods included a list of conditions requested to be incorporated into draft conditions for the project in the event the project should be approved. The list includes guidelines for the formation of a Community Improvement Committee and establishment of a Community Improvement Fund, guidelines for monitoring potential cut-through traffic and provision of traffic calming measures in the subject communities, and architectural and landscaping guidelines.

Letters were received from the counsel for the Chapman Woods Association including comments on the Draft Environmental Impact Report in a letter dated July 20, 2005 and comments on the applicant's traffic study in a letter dated August 19, 2005.

Comments from the Michillinda Park Association included a request to reduce the number of lanes on East California Boulevard from four lanes to two lanes with left turn "cut-outs"; the stated purpose being to reduce the speed of traffic on this thoroughfare for the sake of community member safety.

Comments from a representative of those living on or near Fairview Avenue included a specific request for closure, or partial closure, of Fairview Avenue west of the project access at Fairview Avenue.

Comments from the Cortile Verde Home Owners Association, representing 20 condominium owners located near the project, expressed concern about continued blight at the subject site if no project is approved and interest in a well-designed retail venue providing services needed by the community.

STAFF EVALUATION

Consistency with the Countywide General Plan

The subject property is consistent with the Medium Density Residential designation in the Countywide General Plan. The Plan indicates that local-serving commercial uses, as defined in the Plan, may be established on properties under this designation subject to a number of guidelines related to location, scale, design, access and traffic. The project is consistent with the Plan's definition of neighborhood and community serving as it pertains to provision of neighborhood or community goods and services. The proposed project is a typical stand-alone neighborhood/community serving department store co-located with existing and expanded restaurant uses. Staff notes that the total commercial acreage, square footage and siting of the department store proposed, along with mixed local public reaction to the project, reflect reasonable compatibility with the surrounding community and compatibility with existing surrounding development and the arterial transportation corridor. The project is consistent in height and design with prevailing adjacent uses specified for the Medium Density Residential designation in the General Plan.

Compliance with Applicable Development Standards

The proposed project is in compliance with all of the development standards of the East Pasadena-San Gabriel Community Standards District and the proposed C-2-DP Zone, including a revision of the originally proposed department store height from 45 feet to 30 feet in height.

Consistency with Industry Guidelines for Neighborhood and Community Serving Retail Uses

While the proposed use is consistent with industry standards for neighborhood and community serving commercial uses, the applicant must further justify that it fulfills community trends and needs. The project is 1.5 miles or more from other neighborhood-and community-serving department stores of a similar type. The project may provide needed services for neighbors located within the 1.5 mile radius in addition to passersby from Rosemead Boulevard and Huntington Drive thoroughfares.

BURDEN OF PROOF

Staff is of the opinion that the Burden of Proof for a Zone Change, Conditional Use Permit, and sales of Alcoholic Beverages is met by the proposed project since the condition and decline of the existing commercial uses on the property can potentially be improved by redevelopment of the site. Inclusion with existing uses of an entirely different retail product using a reputable tenant is proposed in contrast to some previous uses facing economic decline. In addition to being a unique economic resource for the community, the proposed project contributes significant traffic improvements, landscaping improvements, and retail opportunities for the local neighborhoods and passersby.

Zone change

As required by Section 22.16.110 of the County Code, the applicant shall substantiate to the satisfaction of the Commission the following facts:

A. That modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration; and

Comment: Staff agrees that the site is in need of rehabilitation and improvement. The pending General Plan update also includes a proposal to change the designation of this property and the other commercial properties at the corner of Huntington Drive and Rosemead Boulevard to the Major Commercial designation; however, staff notes that this is subject to change during the review of the plan and subsequent public hearings.

B. That a need for the proposed zone classification exists within such area or district; and

Comment: The applicant's amended responses relate to the condition of the site, future development potential, the value of lot consolidation under one zone, and community benefits of the project facilitated by the change in zone.

C. That the particular property under consideration is a proper location for said zone classification within such area or district: and

Comment: The location of the proposed commercial zoning would be proper in that existing commercial zoning exists on adjacent properties. It should also be noted that General Plan policies allow continued use and expansion of commercial uses serving the local community.

D. That placement of the proposed zone at such location will be in the interest of public health, safety and general welfare, and in conformity with good zoning practice.

Comment: As the requested use is consistent with current development practice and definitions of neighborhood and community serving commercial uses, the zone change to accommodate such use would be in the interest of the public welfare and in conformity with good zoning practice.

Conditional Use Permit
As required by Section 22.56.040 of the Los Angeles County Code, the applicant shall substantiate to the satisfaction of the Commission, the following facts:

A. That the requested use at the location proposed will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or

2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or

3. Jeopardize, endanger or otherwise constitute a menace to the public heath, safety or general welfare.

Comment: All environmental impacts of the project are proposed to be mitigated to a level of no significance with the exception of construction noise and operational noise; therefore, the project should not adversely affect the public health or welfare, but will require a Statement of Overriding Conditions.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.

Comment: The site plan depicts compliance with all required development standards.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and

2. By other public or private service facilities as are required.

Comment: Definitive information regarding adequate capacity of the public water and sewer systems has not been provided at this time but will be required to be provided prior to issuance of building permits, if approved. With the implementation of the proposed mitigation measures, surrounding streets will be of sufficient size to accommodate the traffic generated by the project.

Alcohol Sales
As required in Section 22.56.195(B) the applicant shall substantiate to the satisfaction of the Commission, the following facts:

1. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius; and

2. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area; and

3. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment; and

2. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and

3. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

   Comment: The request for alcohol sales is related to expansion of the existing Galley Restaurant, which is currently licensed to sell a full line of alcoholic beverages for on-site consumption. Staff agrees with the applicant's Burden of Proof responses which indicate that the proposed expanded and relocated restaurant will not detrimentally affect the nearby community. There is one liquor store within 500 feet of the site and no sensitive uses (churches, schools or parks) within 600 feet of the site. Statistics from the Department of Alcoholic Beverage Control indicate that the census tract is not overconcentrated with establishments selling alcoholic beverages.

The applicant's Burden of Proof responses are attached to this document.

ENVIRONMENTAL DOCUMENTATION

A draft Environmental Impact Report (DEIR) has been prepared for the project. Potential significant impacts that were analyzed in the DEIR include air quality, traffic and noise, and the document concludes that all but two of these impacts can be mitigated to a level of no significance. Construction and operational noise impacts at the western boundary line adjacent to residences are considered significant.

Mitigations proposed by the project, including an eight-foot western perimeter wall, 12-foot sound barrier at the loading dock, and prohibited use by trucks of the western access and driveways, though unable to reduce these noise impacts to a level of less than significant, indicate that a Statement of Overriding Conditions is appropriate.

FEES/DEPOSITS

If approved, the following fees/deposits will apply:

1. Processing fees of $875.00 related to filing and posting of a Notice of Determination with the County Clerk in compliance with Section 21152 of the Public Resources Code and Section 711.4 of the Fish and Game Code. The fees will be required within five (5) business days of the final approval date of the permit.

2. Inspection deposit of $1,500 to cover the costs of zoning enforcement inspections every other year for 20 years.

3. Mitigation monitoring fee of $3,000 to cover the costs for review and evaluation of the required mitigation monitoring program.

STAFF RECOMMENDATION

Approval or Continuation

If the Commission finds the applicant satisfies the burden of proof requirements for a zone change, conditional use permit, and on-site sales of alcoholic beverages for these requests and the basis for making a Statement of Overriding Considerations, then staff recommends **Approval** of Conditional Use Permit No. 03-147-(5), subject to the mitigation monitoring program and attached draft conditions, and recommends adoption of Zone Change No. 03-147-(5), or that the public hearing be **Continued** if more time is required for additional public testimony.

SUGGESTED APPROVAL MOTION

"I MOVE THAT THE PUBLIC HEARING BE CLOSED AND THAT THE REGIONAL PLANNING COMMISSION INDICATE ITS INTENT TO APPROVE CONDITIONAL USE PERMIT CASE NO. 03-147-(5), RECOMMEND ADOPTION OF ZONE CHANGE NO. 03-147-(5) AND INSTRUCT STAFF TO PREPARE THE FINAL ENVIRONMENTAL DOCUMENTATION AND FINDINGS AND CONDITIONS FOR APPROVAL."

SUGGESTED CONTINUATION MOTION

"IN ORDER TO ADDRESS CONCERNS RAISED AT THIS HEARING, I MOVE THAT THE REGIONAL PLANNING COMMISSION HEARING BE CONTINUED TO A DATE CERTAIN TO BE HELD IN THE REGIONAL PLANNING COMMISSION HEARING ROOM AT 320 WEST TEMPLE STREET IN DOWNTOWN LOS ANGELES AND FOR STAFF AND THE APPLICANT TO REPORT BACK ON ISSUES AS REQUESTED BY THE COMMISSION."

Prepared by Kim Szalay, MPL, Regional Planning Assistant II
Reviewed by Russell J. Fricano, Ph.D., AICP, Supervising Regional Planner

ATTACHMENTS

Zone Change Burden of Proof
Conditional Use Permit Burden of Proof
Alcoholic Beverage Sales Burden of Proof
ABC Report
DRAFT General Plan Update Map
DRAFT Applicant's Letter to Commission
Applicant's Public Improvement Fund Letter
Applicant's Community Outreach Documentation

RJF:KKS
9/22/05

Note to Draft Conditions: in response to community input, highlighted conditions indicate amendments to draft conditions which were presented at the previous public hearing.

1. This grant authorizes a Conditional Use Permit for the construction, operation and maintenance of a one-story department store and relocation and expansion of the existing Galley restaurant, including the sale of a full line of alcoholic beverages for on-site consumption in the expanded restaurant, as depicted on the approved Exhibit "A" subject to the final Mitigation Monitoring Program and all of the following conditions of approval. This grant corresponds to Zone Change No. 03-147-(5) to authorize a change in the zoning of the subject property from the C-1 (Restricted Business), C-2 (Neighborhood Business), C-H-DP (Commercial-Highway-Development Program) and R-3 (Limited Multiple Residence) to C-2-DP (Neighborhood Business, Development Program)

2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.

3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 10, 11, and 12.

4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

    a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within two years from the date of approval. A one year time extension may be requested, in writing and with the appropriate fee, six months before the expiration date.

7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the property owner shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director.

9. This grant shall terminate on _____**, 2025** unless renewed by the Director for an additional period, not to exceed twenty (20) years, upon the permittee's request made in accordance with the procedures set forth in Part 12 of Chapter 22.56 of the County Code. Upon termination of this grant, entitlement to the use of the property shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the termination of this permit, whether or not any modification of the use is requested at that time.

10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of **$1,500**. The monies shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **ten (10) inspections every other year for twenty (20) years**. The inspections shall be unannounced.

If any inspection discloses that the subject property is being used in violation of any conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the site plan on file. The amount charged for additional inspections shall be $150.00 per inspection, or the current recovery cost, whichever is greater.

11. Permittee shall remit an $875 processing fee ($25 document handling fee and $850 fish and game fee) payable to the County of Los Angeles related to filing and posting of a Notice of Determination with the County Clerk in compliance with Section 21152 of the Public Resources Code and Section 711.4 of the Fish and Game Code. The fees will be required within five (5) business days of the final approval date of the permit.

12. The permittee shall comply with all requirements of the Final Mitigation Monitoring Program. Payment shall be made within 30 days of permit approval to the Department of Regional Planning the sum of **$3,000** in order to defray the cost of reviewing and verifying the information contained in the reports required by the Mitigation Monitoring Program.

13. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance. In the event that the county deems it necessary to initiate such proceedings pursuant to Part 13 of Chapter 22.56 of the County Code, the applicant shall compensate the county for all costs incurred in such proceedings.

14. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.

15. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.

16. Permittee shall comply with all County of Los Angeles Fire Department requirements specified in its letter dated June 13, 2005, except as otherwise required by said Department.

17. Permittee shall secure any necessary permits from the South Coast Air Quality Management District and shall fully comply with the terms of applicable permits.

18. The subject property shall be developed and maintained in compliance with requirements of the County of Los Angeles Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said department.

19. All structures shall comply with the requirements of the Department of Public Works, Building and Safety Division.

20. Permittee shall comply with all County of Los Angeles Department of Public Works requirements specified in its letters dated July 15, 2003 and June 10, 2004, and July 14, 2005, except as otherwise required by said Department.

21. Permittee shall complete all traffic mitigation measures required and shall complete construction of all public improvement requirements of the Department of Public Works prior to occupancy of the project and to the satisfaction of said department.

22. Permittee shall comply with all California State Department of Transportation requirements specified in its letter dated June 8, 2005 referencing pages 6 and 43 of the revised traffic study, except as otherwise required by said Department.

23. Permittee shall complete all traffic mitigation measures required and shall complete construction of all public improvement requirements of the California State Department of Transportation prior to occupancy of the project and to the satisfaction of said department.

24. The permittee agrees to support and pay all expenses associated with the establishment and maintenance of a permit-parking district for the residents along Fairview (between Rosemead Boulevard and Lotus) and Sultana (near Fairview)

25. As agreed, the permittee offers $25,000 for the sole purpose of traffic calming measures on or near Fairview Avenue and shall be established in a dedicated and secured interest-bearing fund by the Department of Public Works prior to issuance of building permits. The traffic calming and related measures recommended by the Department of Public Works, Traffic and Lighting Division contained in its letter dated July 14, 2005 and pertaining to Fairview Avenue and streets south and west of the project site near Fairview Avenue, shall be the responsibility of the permittee, except as otherwise required by said Department. The cost of monitoring shall not be drawn from this fund; monitoring shall be at the permittee's expense.

26. As agreed, the permittee's offer to conduct traffic counts on or near Fairview Avenue in the vicinity of the project and within the Chapman Woods and Michillinda Park neighborhoods shall be on the following three occasions: September 2005; the first September after the Kohl's store is open for business; and the second September after the said store is open for business. These traffic counts shall be prepared according to guidelines of the Department of Public Works, Traffic and Lighting Division at the sole cost to the permittee. The locations of traffic counts shall be determined with input from the representatives of those residing on or near Fairview Avenue, Chapman Woods Association, and Michillinda Park Association for their respective neighborhoods.

27. Traffic counts and reporting to the county Traffic and Lighting Division regarding potential need for traffic calming measures in the Chapman Woods neighborhood shall be performed by the applicant as follows:

    a. The permittee shall provide a report on traffic calming measures that may be warranted in the **Chapman Woods neighborhood** after review of the traffic counts required for the **first** September after the Kohl's store is open for business. The permittee shall submit traffic counts and the said report to the Department of Public Works, Traffic and Lighting Division for review, at the sole expense of the permittee. In the event the said department determines traffic calming measures are warranted in the Chapman Woods community, as agreed, the permittee offers $25,000 for a Neighborhood Traffic Management Program (NTMP) in the Chapman Woods neighborhood. The Department of Public Works shall administer the NTMP based on the guidelines specified on the Department's website http://ladpw.org/traffic. The monies shall be established in a dedicated interest-bearing fund by the Department of Public Works at the time the Traffic and Lighting Division determines traffic calming measures are warranted. The cost of monitoring shall not be drawn from this fund. Monitoring, pursuant to condition no. 26 shall be at the permittee's additional expense.

    b. The permittee shall provide a report on traffic calming measures that may be warranted in the **Chapman Woods neighborhood** after review of the traffic counts required for the **second** September after the Kohl's store is open for business. The permittee shall submit traffic counts and their recommendations to the Department of Public Works, Traffic and Lighting Division for review, at the sole expense of the permittee. In the event the said department determines traffic calming measures are warranted in the Chapman Woods community, as agreed, the permittee offers an additional $25,000 for a Neighborhood Traffic Management Program (NTMP) in the Chapman Woods neighborhood.

The Department of Public Works shall administer the NTMP based on the guidelines specified on the Department's website http://ladpw.org/traffic. The monies shall be established in a dedicated interest-bearing fund by the Department of Public Works at the time the Traffic and Lighting Division determines traffic calming measures are warranted. The cost of monitoring shall not be drawn from this fund. Monitoring, pursuant to condition no. 26 shall be at the permittee's additional expense.

28. Traffic counts and reporting to the county Traffic and Lighting Division regarding potential need for traffic calming measures in the Michillinda Park neighborhood shall be performed by the applicant as follows:

    a. The permittee shall provide a report on traffic calming measures that may be warranted in the **Michillinda neighborhood** after review of the traffic counts required for the **first** September after the Kohl's store is open for business. The permittee shall submit traffic counts and their recommendations to the Department of Public Works, Traffic and Lighting Division for review, at the sole expense of the permittee. In the event the said department determines traffic calming measures are warranted in the Michillinda Park community, as agreed, the permittee offers $25,000 for a Neighborhood Traffic Management Program (NTMP) in the Michillinda Park neighborhood. The Department of Public Works shall administer the NTMP based on the guidelines specified on the Department's website http://ladpw.org/traffic. The monies shall be established in a dedicated interest-bearing fund by the Department of Public Works at the time the Traffic and Lighting Division determines traffic calming measures are warranted. The cost of monitoring shall not be drawn from this fund. Monitoring, pursuant to condition no. 26 shall be at the permittee's additional expense.

    b. The permittee shall provide a report on traffic calming measures that may be warranted in the **Michillinda neighborhood** after review of the traffic counts required for the **second** September after the Kohl's store is open for business. The permittee shall submit traffic counts and their recommendations to the Department of Public Works, Traffic and Lighting Division for review, at the sole expense of the permittee. In the event the said department determines traffic calming measures are warranted in the Michillinda Park community, as agreed, the permittee offers an additional $25,000 for a Neighborhood Traffic Management Program (NTMP) in the Michillinda neighborhood. The Department of Public Works shall administer the NTMP based on the guidelines specified on the Department's website http://ladpw.org/traffic. The monies shall be established in a dedicated interest-bearing fund by the Department of Public Works at the time the Traffic and Lighting Division determines traffic calming measures are warranted. The cost of monitoring shall not be drawn from this fund.

Monitoring, pursuant to condition no. 26 shall be at the permittee's additional expense.

29. In the event monies are paid into the dedicated interest-bearing accounts referenced in condition nos. 27-28, the County of Los Angeles Department of Public Works must identify within 180 days of receipt of the funds, an approximate date by which specific NTMP improvements in the **Chapman Woods and/or Michillinda Park neighborhoods** will be commenced. This date must be within one year of the receipt of the funds, or, the Department must refund to the permittee the unexpended portion of the respective fund, including interest.

30. The permittee's offer to provide $300,000 for community improvements in proximity to the project including, but not limited to Rosemead Boulevard, shall be established in a dedicated interest-bearing fund to the Department of Public Works at the discretion of the Fifth Supervisorial District. The fund shall be established prior to issuance of building permits. The fund shall be subject to the following guidelines:

    a. Any interested party (including Kohl's, Clearman's, residents, business owners) located south of Huntington Drive within one half mile of the project, and those within the boundaries of the Chapman Woods and Michillinda Park communities north of Huntington Drive, can make a request to the Department of Public Works for expenditure of funds for community-serving purposes related to the Kohl's project;

    b. Use of the $300,000 Community Improvement Fund shall be for the sole purpose of funding community enhancement projects in the local community and shall be include, but not be limited to the following: additional voluntary measures to reduce traffic impacts from the Kohl's project, including traffic calming measures due to growth after 1.5 years of project operation if recommended by the Department of Public Works, Traffic and Lighting Division (including speed bumps/humps/cushions, curb pop-outs, signage), creation and/or implementation of parking restrictions, circulation restrictions (including turn prohibitions, truck access prohibitions, striping) and related signage or devices, red no-parking zones, parkway/median and sidewalk improvements, landscaping public right of ways, security measures, and other public improvements related to the Kohl's project. Any community improvement fund uses must be to the satisfaction of the Department of Public Works or other agencies having jurisdictional authority over the specific community-serving request;

c. In the event funds are requested to be used for Rosemead Boulevard including median or other improvements, the following additional condition applies: Upon transfer of jurisdictional oversight of Rosemead Boulevard from the state to the county, and upon completion of Rosemead Boulevard conceptual plans by the county for road improvements, community improvements funded by the community improvement fund and in proximity to the project including Rosemead Boulevard, shall be accomplished to the satisfaction of the Department of Public Works;

d. Upon acceptance of this grant by the permittee, the Director of Planning, or his designee, shall appoint members of the Community Improvement Committee ("Committee") subject to confirmation by the Fifth Supervisorial District. The permittee will assist in coordinating the steps in the formation of the Committee including the identity of potential members. The Committee shall consist of nine members who will serve as a liaison between the permittee, the County of Los Angeles and the community.

   The Committee will also serve as a means by which to allow the community to communicate with other regulatory agencies with respect to the development and operation of the Kohl's project and will provide recommendations for the allocation of community improvement funds to be provided by the permittee. The composition and operation of the Committee shall be as follows:

   i. The Committee shall be comprised of persons who reside in the vicinity of the project site. Three members shall reside in the Chapman Woods neighborhood, and shall be nominated by the Board of Directors of the Chapman Woods Association; three members shall reside in the Michillinda Park neighborhood and shall be nominated by the Board of Directors of the Michillinda Park Homeowners Association; and three members shall reside in the neighborhood located southerly of the project site, on or near Fairview Avenue. The three members from the Fairview Avenue area neighborhood shall be appointed by the Director of Planning, or his designee;

   ii. The Director of Planning shall appoint a Planning Department representative to serve as a coordinator for the committee;

iii. Upon appointment of the Committee, the permittee shall do the following: provide qualified personnel to regularly attend Committee meetings, (meetings to be determined by the Committee); provide reasonable access to the project site and pertinent information, including recorded complaints, concerning the project's operations necessary for the Committee to perform its functions; provide funding for the County's cost of coordinating the Committee meetings, not to exceed $1,500 per annum; and, provide accommodations for Committee meetings. Meetings shall be open to the general public and conducted in accordance with generally accepted meeting protocol; and

iv. For a minimum of five years from the acceptance of this grant by the permittee, the Committee shall meet on a quarterly basis, shall designate a member to prepare and submit to the Director of Planning, minutes of the quarterly meetings and written recommendations as to the allocation of the fund, and shall keep a log of all complaints received or known. The permittee shall take all reasonable and necessary actions to mitigate the complaints, subject to review and concurrence by the Director of Planning, or his designee.

31. The permittee agrees to provide on-site security to monitor the property, especially parking areas, until 12:00 midnight daily.

32. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director of Planning for approval three copies of revised plans, similar to Exhibit "A", as presented at the public hearing and showing the following:

    1) sign locations, 2) a landscaping table which lists the overall site area, parking lot area, and total landscaped area, 3) parking required and provided by respective buildings and parking calculations as required and determined by the county engineer and county code, 4) outdoor wall or pole mounted lighting, and 5) design renderings of each of the north, south, east, and west facing building elevations of the department store building. The property shall be maintained in substantial conformance with the approved plan. In the event that subsequent revised plans are submitted, the permittee shall submit three copies of the proposed plans for approval to the Director of Planning. All revised plot plans must be accompanied by the written authorization of the property owner.

33. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director of Planning for approval three copies of design renderings of each of the north, south, east, and west facing building elevations depicting the design concept proposed for the subject department store.

34. Within sixty (60) days of approval of this grant, the permittee shall submit to the Director for review and approval three copies of a landscape plan, which may be incorporated into Exhibit "A" described in condition no. 34. The landscape plan shall show the size, type, and location of all plants, trees, and watering facilities. The landscape plan shall show a minimum of ten percent of the net project area as landscaped including a minimum of two percent of the gross area of the parking lot, distributed evenly (County Code Sections 22.78.170(A) and 22.52.1060(E)).

    The landscaping plans shall be in substantial conformance with the Conceptual Landscape Plans provided by the applicant dated June 8, 2005. The landscape plan shall also include evergreens along the northern frontage with a mix of 48-inch, 36-inch and 24-inch boxed trees. The northern and eastern building frontages shall include landscaped mounding between trees and in front of buildings. For the life of this grant the permittee shall maintain all landscaping in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary.

35. The permittee's offer to install up to five new trees on the Huntington Drive median north of the proposed project shall be coordinated with the Department of Public Works.

36. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director of Planning for approval three copies of sign elevations depicting any proposed signs on the subject property. Signs shall be in conformance with Section 22.52.860.A. of the County Code.

    Freestanding signage shall be limited on the site to a single sign located near Rosemead Boulevard similar in design quality to the freestanding sign at the Kohl's store located on the northwest corner of South Fremont Avenue and West Mission Road in Alhambra, CA. Signage shall be posted at the Fairview Avenue egress from the site near the proposed "pork chop" raised-curb turn barrier reading, "LEFT TURN ONLY – PLEASE OBSERVE 25 MPH SPEED LIMITS", or similar wording to the satisfaction of the County Traffic and Lighting Division.

37. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director of Planning for approval three copies of an outdoor lighting plan depicting any proposed wall-mounted, pole-mounted, or other outdoor lighting on the subject property in conformance with condition 34 and 42.h.

38. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not provide pertinent information about said premises.

In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations.

39. This grant allows for the construction, operation and maintenance of a department store, one restaurant with the on-site sales of a full line of alcoholic beverages, and an existing restaurant to be developed in accordance with the approved Exhibit "A", and subject to the additional following conditions:

    a. Standard operating hours for the Kohl's store shall be from 8:00 a.m. to 10:00 p.m. Monday through Saturday, and 9:00 a.m. to 9:00 p.m. Sunday;

    b. Special event hours for the Kohl's store shall be limited by the following times and numbers of days per year:

    <u>Weekdays</u>
    8:00 a.m. -11:00 p.m.: 21 days
    7:00 a.m. -11:00 p.m.: 5 days
    7:00 a.m. -12:00 midnight: 13 days
    7:00 a.m. -10:00 p.m.: 1 day
    5:30 a.m. -11:00 p.m.: 1 day
    8:00 a.m. -12:00 midnight: 5 days
    7:00 a.m. - 6:00 p.m.: 1 day
    8:00 a.m. - 7:00 p.m.: 1 day

    <u>Saturdays</u>
    7:00 a.m. -10:00 p.m.: 7 days
    8:00 a.m. -11:00 p.m.: 12 days
    7:00 a.m. -11:00 p.m.: 5 days
    7:00 a.m. -12:00 midnight: 1 day
    6:00 a.m. -12:00 midnight: 3 days

    <u>Sundays</u>
    9:00 a.m. -11:00 p.m.: 1 day
    8:00 a.m. -12:00 midnight: 3 days
    7:00 a.m. -12:00 midnight: 1 day
    7:00 a.m. -11:00 p.m.: 1 day

    c. Standard operating hours for the Northwoods Inn restaurant shall be from 11:30 a.m. to 10:00 p.m. Monday through Thursday; 11:30 a.m. to 10:30 p.m. Friday and Saturday; and 11:30 a.m. to 9:30 p.m. Sunday. The cocktail lounge shall close one hour later than the restaurant on all days;

d. Standard operating hours for the Galley restaurant shall be from 11:30 a.m. to 10:00 p.m. Monday through Thursday; 11:00 a.m. to 11:00 p.m. Friday and Saturday; and 10:00 a.m. to 10:00 p.m. Sunday;

e. Permittee will maintain a minimum of 503 on-site automobile parking spaces including eleven handicapped accessible parking spaces, of which one is to be van accessible;

f. All required parking, with the exception of 28 designated parking spaces for employees, shall be kept clear and open for members of the public;

g. The permittee shall close the Fairview Avenue access gate at 9:00 p.m. nightly. The gate, which could be opened by the Fire Department, shall remain closed to patrons through 6:00 a.m. daily;

h. Permittee shall limit night lighting to the minimum necessary for security and to safely traverse the property. All exterior lighting shall be shielded and directed away from neighboring residences to prevent direct illumination and glare. All light standards visible to the general public should be consistent with the overall architectural style of the project with respect to design, materials, and color;

i. A masonry wall shall be constructed along the westerly boundary of the subject property subject to review and approval by the Director of Planning;

j. All truck traffic shall be prohibited from use of the northwestern and southwestern access and connecting driveway along the western boundary of the project. Delivery trucks shall use only the Rosemead Boulevard entrance following the circulation plan included on Exhibit "A";

k. Delivery trucks using the Kohl's loading dock are prohibited from making deliveries between 10:00 p.m. and 7:00 a.m. daily;

l. The loading dock located at the southwesterly corner of the proposed department store shall be screened on its westerly side by a twelve-foot masonry wall necessary to minimize noise and visual impacts to adjacent properties subject to review and approval by the Director of Planning;

m. All material graded should be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering should occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day.

All clearing, grading, earth moving or excavation activities shall cease during periods of high winds (i.e. greater than 20 mph averaged over one hour) to prevent excessive amounts of dust. Any materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust;

n. Project construction activity shall be limited to those hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 8:00 a.m. and 5:00 p.m. Saturday. All stationary construction noise sources shall be sheltered or enclosed to minimize adverse effect on nearby offices, residences and neighborhoods; Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise inconvenience to adjacent residences. Parking of construction worker vehicles shall be on-site and restricted to areas that do not adversely affect residences located adjacent the subject property. During construction the permittee and its contractor shall comply with Sections 12.12.010 – 12.12.100 of the Los Angeles County Code regarding building construction noise;

o. All sound-producing and view-impacting outdoor equipment such as air-conditioners and other roof or ground-mounted operating equipment, shall be screened to minimize noise and viewshed impacts to adjacent properties;

p. All construction contracts entered into by the permittee shall contain a provision for mandatory 50% recycling of construction waste;

q. The Galley boat shall be preserved to the greatest extent feasible and relocated as part of the reconstruction of the Galley restaurant;

r. Design and construction of the department store shall be compatible with the existing Northwoods Inn and proposed reconstruction of the Galley boat and restaurant so as to maximize to the extent feasible, the historic flavor of the two existing facilities;

s. The permittee's offer to relocate the adjacent Fire Department sub station's hose drying tower and truck access driveway shall be accomplished to the satisfaction of the Fire Department prior to occupancy;

t. The permittee shall maintain the property in a neat and orderly fashion and maintain free of litter all areas on the premises under which the permittee has control;

u. Outside display and storage of material on the property is prohibited;

v. Permittee shall not store or use hazardous materials on the subject property;

w. In the event that the operation of any part of this facility should result in substantial complaints to the Department of Regional Planning, the above described conditions may be modified, if, after a duly noticed public hearing, such modification is deemed appropriate in order to eliminate or reduce said complaints; and

x. Permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times.

Attachments:

Fire Department letter dated June 13, 2005
Public Works letters dated July 14, 2005, June 10, 2004, and July 15, 2003, and December 7, 2004
Caltrans letter dated June 8, 2005

RJF:KKS
9/22/05

COUNTY OF LOS ANGELES

FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

DATE: June 13, 2005

TO: Department of Regional Planning
Permits and Variances

SUBJECT: CUP 03-147

LOCATION: Southwest corner of Huntington Dr. & Rosemead Blvd., Arcadia

☐ The Fire Department has no additional requirements for this permit.

☒ The required fire flow for this development is **5000** gallons per minute for **5** hours. The water mains in the street fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.

☐ Install __ Public and/or __ On-site and/or **3** Upgrade 6" X 4" X 2 1/2" fire hydrants, conforming to AWWA Standard C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.

☒ **Location:** Submit original Fire Flow Availability Form 196 to our office for 3 existing public fire hydrants, any 2 on Rosemead Blvd. closest to the development and 1 located on the Southeast corner of Huntington Dr. and Donnelly Ave. Submit location and fire flow data to our office for any existing on-site fire hydrants. Our Fire Department hydrant map shows 2 existing on-site fire hydrants.

☒ **Access:** The entrances from Rosemead Blvd. and Fairview Ave. shall provide a minimum unobstructed width of 20' for ingress and 20' for egress. The main Fire Department access with a width of 28' and 30' is adequate. Perpendicular parking aisles shall comply with the Department of Regional Planning for minimum width standards.

☒ **Special Requirements:** Resubmit site plan to the Fire Department with the required driveway width and fire hydrant locations. Architectural plans shall be submitted to the Department's Commerce Fire Prevention Office for review and approval, priot to building permit issuance. (323) 890-4125.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office @ (323) 890-4243.

Inspector: Juan C. Padilla

Co.CUP 9/00

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
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P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

July 14, 2005

IN REPLY PLEASE
REFER TO FILE: T-4

Mr. David Shender, P.E.
Linscott, Law & Greenspan, Engineers
234 East Colorado Boulevard, Suite 400
Pasadena, CA 91101

Dear Mr. Shender:

KOHL'S COMMERCIAL DEVELOPMENT
TRAFFIC IMPACT STUDY (MAY 19, 2005)
CONDITIONAL USE PERMIT 03147
SAN GABRIEL AREA

As requested, we have reviewed the above-mentioned document. The project site is located at the southwest corner of the intersection of Rosemead Boulevard at Huntington Drive in the unincorporated area.

The proposed project consists of the development of an 88,407-square-foot retail store with an 8,500-square-foot restaurant. The project site is currently occupied by 21,776 square feet of retail use, 2,400 square feet of office space, 7,004 square feet of dental office space, 13,075 square feet of restaurant use, and five single-family residential units. All of the above-mentioned existing buildings will be demolished as part of the project. The project is estimated to generate a net increase of approximately 3,164 vehicle trips daily, with 68 and 286 net vehicle trips during the a.m. and p.m. peak hours, respectively.

Vehicular access for the project will be provided via one driveway on Huntington Drive, two driveways on Rosemead Boulevard and one driveway on Fairview Avenue. The driveway on Huntington Drive and the north driveway on Rosemead Boulevard will be restricted to right-turn ingress and egress only. The southerly driveway on Rosemead Boulevard will be full access ingress with right-turn egress only. The Fairview Avenue driveway will be right-turn ingress and left-turn egress only to prevent project traffic from traveling through the residential neighborhood to the west of the project.

The following site access improvements are the sole responsibility of the project, shall be made a condition of approval, and shall be in place prior to issuance of any building permits.

Rosemead Boulevard at Fairview Avenue

Install a traffic signal.

The project is solely responsible for the design, procurement, and installation of the traffic signal prior to issuance of any building permits. The project shall enter into a secured agreement with Public Works for the cost of the traffic signal. This amount, which is estimated to be $250,000, is subject to adjustment based on the estimated cost of the traffic signal at the time the agreement is executed. The security will be released upon the completion and approval of the traffic signal installation.

Rosemead Boulevard at Southerly Project Driveway

Install a northbound left-turn lane.

Caltrans and/or the County reserve the right to restrict full access at the southerly driveway along Rosemead Boulevard, should traffic conditions change or north/south traffic movement be impeded due to overflow queuing at the left-turn pockets.

We generally agree with the study that the traffic generated by the project alone will significantly impact the following intersections. The proposed mitigation measures indicated in our previous letter dated June 10, 2004 (copy enclosed) to the consultant are still applicable, except for the following revised mitigation measures at the intersection of Rosemead Boulevard and Huntington Drive. Detailed signing and striping plans of the proposed mitigation measures and along the project frontage shall be prepared and submitted to Public Works (and Caltrans if needed) for review and approval prior to issuance of any building permits.

Rosemead Boulevard at Huntington Drive

North approach: Two left-turn lanes, one through lane, and one shared through/right-turn lane instead of one left-turn lane, one through lane, and one shared through/right-turn lane.

South approach: Two left-turn lanes, one through lane, and one shared through/right-turn lane instead of one left-turn lane, one through lane, and one shared through/right-turn lane.

Modify traffic signals as necessary.

We also generally agree with the traffic study that the cumulative traffic generated by the project and other related projects in the area will significantly impact the following intersections. The proposed mitigation measures indicated in our previous letter to you dated June 10, 2004 (copy enclosed) are still applicable. Although the project has submitted conceptual striping plans, a cost estimate of the following mitigation measures shall also be provided for review and approval.

Rosemead Boulevard at Foothill Boulevard
Rosemead Boulevard at Colorado Boulevard
Rosemead Boulevard at Duarte Road
California Boulevard and Sunset Boulevard at Huntington Drive

We agree with the traffic study that the project will not have a significant impact to any of the studied Congestion Management Program intersections in the area.

The following comments pertain to our site review.

Your study notes that the project applicant can provide funds for the traffic-calming measures on the residential streets west of the project site, if warranted. We recommend that upon opening for business, the project be responsible for counting and monitoring traffic volumes on Fairview Avenue and Lotus Avenue adjacent to the development, quarterly over a 12-month calendar year, for a period of 3 years. 24-hour traffic volume counts can be taken on Tuesday, Wednesday, and Thursday of a typical week and the average daily trips (ADT) can be calculated from these counts. All counts will be conducted and the reports prepared by either the County or, at the County's discretion, by an independent professional traffic engineering company selected by the County. All cost associated with the monitoring program would be the sole responsibility of the project. Counts should not be taken during holiday periods or during periods when major events/celebrations may occur. The monitoring reports will include the ADT (including the traffic count data from all 3 days and the average derived the counts) and will indicate how the ADT relates to the baseline.

The existing, baseline, ADT for Fairview Avenue and Lotus Avenue can be established using the procedure noted above. We recommend that the traffic counts for Fairview Avenue be taken between Lotus Avenue and Rosemead Boulevard and for Lotus Avenue between Huntington Drive and Fairview Avenue. If the ADT increases by more than indicated on Table 1 over the established baseline for two consecutive monitoring periods, it would imply that the project was responsible for the increase.

TABLE 1

Existing Average Daily Traffic (ADT)	Allowable Project Related Increases in ADT (by percentage)
0 to 999	*16% > ADT final*
1,000 to 2,000	*12% > ADT final*
2,000 to 3,000	*10% > ADT final*
3,000 to 4,000	*8% > ADT final*

We recommend that the project applicant enter into a secured agreement with the County of Los Angeles Department of Public Works for a sum of $25,000 as a guarantee for any traffic calming measures which may be needed to mitigate the increase in traffic resulting from their development. Public Works will hold the deposit for a period of 3 years, commencing on the date that the project opens for business. If traffic-calming measures are not deemed necessary by Public Works to mitigate traffic resulting from the project development at the end of the 3 years and after the final monitoring report is submitted, the deposit will be returned to the project applicant.

The project shall maintain adequate line of sight at all driveway locations and provide fire station flashing beacons and limit lines on Rosemead Boulevard.

If you have any questions regarding the review of this document, please contact Mr. Patrick Arakawa of our Traffic and Lighting Division, Traffic Studies Section, at (626) 300-4867. For other questions regarding striping plans or cost estimates, please contact Mr. Matthew Dubiel at (626) 300-4862 or Mr. Sam Richards at (626) 300-4842.

Very truly yours,

DONALD L. WOLFE
Acting Director of Public Works

WILLIAM J. WINTER
Assistant Deputy Director
Traffic and Lighting Division

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Enc.

cc: Caltrans (Cheryl Powell), Department of Regional Planning (Hsiao-Ching Chen)

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

JAMES A. NOYES, Director

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ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: T-4

June 10, 2004

Mr. David Shender, P.E.
Linscott, Law & Greenspan, Engineers
234 East Colorado Boulevard, Suite 400
Pasadena, CA 91101

Dear Mr. Shender

KOHL'S COMMERCIAL DEVELOPMENT
TRAFFIC IMPACT STUDY (FEBRUARY 20, 2004)
ADDENDUM (MARCH 23, 2004)
CONDITIONAL USE PERMIT 03147
LOS ANGELES COUNTY

As requested, we have reviewed the above-mentioned documents. The project site is located on the southwest corner of the intersection of Rosemead Boulevard at Huntington Drive in the unincorporated area of Los Angeles County.

The proposed project consists of the development of a 98,497-square-foot retail store with an 8,500-square-foot restaurant. The project site is currently occupied by 16,421 square feet of retail use, 2,400 square feet of office space, 7,004 square feet of dental office space, 13,075 square feet of restaurant use, and five single-family residential units. All the above-mentioned existing buildings will be demolished. The project is estimated to generate a net increase of approximately 2,659 vehicle trips daily, with 41 and 233 trips during the a.m. and p.m. peak hours, respectively.

Vehicular access for the project will be provided via two right-turn in and out only driveways on Huntington Drive. The north driveway on Rosemead Boulevard will also be restricted to right-turn in and out only. However, the proposed south driveway on Rosemead Boulevard for full inbound access is not acceptable. Please revise your site plan to show this driveway as restricted to right-turn in and out only. As you may know, the County is currently negotiating with Caltrans for their relinquishment of Rosemead Boulevard. If we are unable to reach an agreement with Caltrans prior to your development of the site, you will be required to obtain an encroachment permit from Caltrans. Therefore, please obtain Caltrans' input on your site plan.

Your site plan indicates that the existing driveway on Fairview Avenue will not be open to public. However, for the purpose of our traffic analysis, we must assume that it will eventually be used for general public purposes. Therefore, the project shall be required to design a traffic signal for the Rosemead Boulevard and Fairview Avenue intersection to our satisfaction. The developer shall also deposit an acceptable form of security with us for the cost of the signal's installation. The security will be used if and when the driveway gate is removed.

We agree with the study that the traffic generated by the project alone will significantly impact the following intersections. Detailed striping and/or signal plans shall be prepared and submitted to PW and Caltrans for review and approval.

Rosemead Boulevard at California Boulevard

West approach: One left-turn lane, two through lanes, and an exclusive right-turn lane (add an exclusive right-turn lane).

Modify traffic signals as necessary.

Rosemead Boulevard at Huntington Drive

West approach: Two left-turn lanes, four through lanes, and an exclusive right-turn lane (add an exclusive right-turn lane). The right-turn lane shall be 300 feet long. This appears to be feasible geometrically; however, the mitigation measure will require the removal of four parking spaces on the west. The feasibility of removing the parking spaces must be evaluated before this mitigation measure is accepted.

Modify traffic signals as necessary.

The cumulative traffic generated by the project and other related projects in the area will significantly impact the following intersections. The project shall submit a conceptual striping plan and cost estimate of the following mitigation measures for review and approval of the proposed mitigation measures. For locations where the removal of parking is required, a feasibility of removing the parking spaces must be evaluated before the proposed mitigation measure is accepted. The project shall contribute its proportionate share of the cost for the following mitigation measures.

Rosemead Boulevard at Foothill Boulevard (Project impact: 36.76 percent)

The proposed addition of a second left-turn lane for the south approach is not recommended since it would require the removal of the existing raised median. Rosemead Boulevard is classified as a major highway and the raised median is part of its fully improved cross section.

As indicated in the study, the intersection is included in the City of Pasadena's I-710 Freeway Gap Interim Mitigation Projects that will implement the Intelligent Transportation System (ITS) types of improvements. The project shall pay its pro-rata share of 5.6 percent toward the City's ITS projects for this intersection. The ITS projects at this intersection will mitigate the cumulative traffic impact to a level of less than significant.

The project shall consult with the City of Pasadena regarding the feasibility of this mitigation measure. Documentation of the consultation with the City shall be provided to PW.

Rosemead Boulevard at Colorado Boulevard (Project impact: 18.2 percent)

West approach: One left-turn lane, two through lanes, and an exclusive right-turn lane (add an exclusive right-turn lane). This proposal is feasible with the widening on the south side of Colorado Boulevard; however, the mitigation measure will require the removal of approximately five parking spaces. The feasibility of removing the parking spaces must be evaluated before this mitigation measure is accepted.

The project shall also pay its pro-rata share of 18.2 percent toward the City's ITS project for this intersection. The signal modification, along with the addition of an exclusive right-turn lane will mitigate the cumulative impact to a level of less than significant.

The project shall consult with the City of Pasadena regarding the feasibility of this mitigation measure. Documentation of the consultation with the City shall be provided to PW.

Rosemead Boulevard at Huntington Drive (Project impact: 18.9 percent)

East approach: Two left-turn lanes, four through lanes, and an exclusive right-turn lane (add an exclusive right-turn lane). This appears to be feasible geometrically; however, the mitigation measure will require the removal of four

parking spaces on east approaches. The feasibility of removing the parking spaces must be evaluated before this mitigation measure is accepted.

Modify traffic signals as necessary.

Rosemead Boulevard at Duarte Road (Project impact: 36.7 percent)

West approach: One left-turn lane, two through lanes, and an exclusive right-turn lane (add an exclusive right-turn lane). This appears to be feasible geometrically, however, the mitigation measure will require the removal of approximately four parking spaces. The feasibility of removing the parking spaces must be evaluated before this mitigation measure is accepted.

Modify traffic signals as necessary.

California Boulevard and Sunset Boulevard at Huntington Drive (Project impact: 25.6 percent)

West approach: One left-turn lane, four through lanes, and an exclusive right-turn lane (add an exclusive right-turn lane).

This improvement will require the elimination of curbside parking along the south side of Huntington Drive west of California Boulevard and Sunset Boulevard. The project shall coordinate with the City of Arcadia regarding the feasibility of this mitigation measure. Documentation of the consultation with the City shall be provided to PW.

Modify traffic signals as necessary.

In order to complete our review, a revised 40-foot-scale site plan shall be prepared and submitted to PW for review and approval:

- Adequate turning radius for a typical 18-wheeler trailer truck on-site at the project ingress driveways, at the loading areas, in the parking lot, and egress driveways. We recommend a minimum traffic index of 7.0 to be used along the truck route within the project site.

- We recommend employee parking to include the 22 parking spaces adjacent to the north driveway on Rosemead Boulevard.

- The Keep Clear Zone (including limit lines and "Keep Clear" pavement markings) should be located between the fire station driveway (south side) and project driveway north of the fire station driveway, as shown in the enclosed sketch. Flashers should be located just before the pavement markings in each direction of travel.

- The exact location of the fire station driveway on Rosemead Boulevard shall be indicated on the site plan.

A determination shall be made regarding whether the project has a significant impact on Rosemead Boulevard and Foothill (I-210) Freeway. Caltrans shall be consulted to obtain its written concurrence with the California Environmental Quality Act (CEQA) level of significance determination for its transportation facilities. If Caltrans finds that the project has a CEQA significant impact on its facility, Caltrans shall be requested to include the basis for this finding. If fees are proposed to mitigate the freeway impact, Caltrans shall be requested to identify the specific project to which the fees will apply. These written comments from Caltrans shall be included in the study and submitted to PW for review and approval.

The Cities of Arcadia, Pasadena, San Gabriel, San Marino, and Temple City shall also be consulted to obtain their written comments with regard to potential project CEQA significant traffic impact on the transportation circulation system within their jurisdictions and for necessary mitigation measures to mitigate the project significant impacts. Written comments from each City shall be included in the revised study and submitted to PW for review and approval.

If you have any questions, please contact Mr. Suen Fei Lau of our Land Development Review Section at (626) 300-4709; for questions regarding striping plans, feasibility study, conceptual striping and cost estimates, please contact Mr. Sam Richards of our Land Development Review Section at (626) 300-4842; for questions regarding the removal of parking spaces, please contact Ms. Guita Sheik Traffic Investigation Section at (626) 300-4712; and for questions regarding traffic signal installation/modification, please contact Mr. Martin Amundson of our Traffic Systems Section at (626) 300-4774.

Very truly yours,

JAMES A. NOYES
Director of Public Works

WILLIAM J. WINTER
Assistant Deputy Director
Traffic and Lighting Division

Enc.

JF:cn
EIR04072.doc

cc: Supervisor Michael D. Antonovich (Paul Novak)
Department of Regional Planning (Daryl Koutnik)

bc: Dean Efstathiou
Land Development (Witler)
Traffic and Lighting (Amundson, Richards, Sheik)

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

JAMES A. NOYES, Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
www.ladpw.org

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

July 15, 2003

IN REPLY PLEASE REFER TO FILE: LD-4

TO: Russell Fricano
Zoning Permits Section I
Department of Regional Planning

FROM: Barry S. Witler
Transportation Planning and Subdivision Review Section
Land Development Division

CONDITIONAL USE PERMIT NO. 03-147

We have reviewed the subject case in the East Pasadena area in the vicinity of southwest corner of Huntington Drive and Rosemead Boulevard. This case is for the construction of a two-story Kohl's Department Store and a new restaurant.

If this permit is approved, we recommend the following conditions:

1. Dedicate the right to restrict vehicular access on Huntington Drive and Rosemead Boulevard along the property frontage.

2. Dedicate right of way 30 feet from centerline on Fairview Avenue. Five feet of additional right of way is required along a portion of Fairview Avenue.

3. Construct missing sidewalk on Fairview Avenue along the property frontage to the satisfaction of Public Works.

4. Reconstruct curb and gutter on Rosemead Boulevard at those areas where there are missing gutters along the property frontage to the satisfaction of Caltrans.

5. Close any unused driveways on Huntington Drive, Rosemead Boulevard, and Fairview Avenue with standard curb, gutter, and sidewalk to the satisfaction of Public Works and Caltrans.

6. Repair any displaced, broken, or damaged curb, gutter, sidewalk, driveway apron, and pavement on Huntington Drive, Rosemead Boulevard, and Fairview Avenue to the satisfaction of Public Works and Caltrans.

7. Comply with the following street lighting requirements to the satisfaction of Public Works:

   a. Provide street lights on concrete poles with underground wiring on Huntington Drive, Rosemead Boulevard, and Fairview Avenue. Street lighting plans must be approved by the Street Lighting Section.

   b. Upon Conditional Use Permit approval, the applicant shall enter into a secured agreement with the County of Los Angeles for the installation of the street lights in the amount of $72,000. The applicant shall comply with the conditions of acceptance listed below in order for the Lighting Districts to pay for future operation and maintenance of street lights. The street lights shall be installed per approved plans prior to issuance of a Certificate of Occupancy.

   c. The area must be annexed into the Lighting District and all street lights in the project, or the current phase of the project, must be constructed according to Public Works approved plans. The contractor shall submit one complete set of "as-built" plans. Provided the above conditions are met, the Lighting District can assume responsibility for the operation and maintenance of the street lights by July 1 of any given year, provided all street lights in the project, or approved project phase, have been energized and the developer has requested a transfer of billing at least by January 1 of the previous year. The transfer of billing could be delayed one or more years if the above conditions are not met.

8. Obtain an encroachment permit from Caltrans for any work on Rosemead Boulevard.

9. Submit a traffic study to Public Works for review and approval, and comply with mitigation measures identified in the approved traffic study to the satisfaction of Public Works.

10. Plant street trees on Huntington Drive and Fairview Avenue to the satisfaction of Public Works.

11. Underground all existing and new utility lines to the satisfaction of Public Works.

WH:ca
P:\LDPUB\TRANS\CUPS\CUP 03-147 KOHL'S STORE.DOC

cc: Traffic and Lighting (Abdelhadi, Lau)

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
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RECEIVED
DEC 13 2004

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

December 7, 2004

IN REPLY PLEASE REFER TO FILE: PD-2

Mr. Mitchell Kauffman, President
Chapman Woods Association
P.O. Box 70524
Pasadena, CA 91117

Dear Mr. Kauffman:

ROSEMEAD BOULEVARD-I-210 TO CITY OF TEMPLE CITY BOUNDARY
STATUS OF PROPOSED ROADWAY AND BEAUTIFICATION IMPROVEMENTS

At the request of Supervisor Michael D. Antonovich, I am providing you with the following status report on the proposed roadway and beautification improvements for Rosemead Boulevard between the subject limits. We are moving forward with preparation of the design plans for the proposed roadway improvements along this reach of Rosemead Boulevard. I have enclosed a copy of these plans for your information. The plans for the beautification improvements are still in the concept phase. It is anticipated that these improvements will include the hardscaping and landscaping of the center medians as well as the installation of trees along the parkway areas adjacent to Rosemead Boulevard. The proposed roadway improvements will not change the existing geometrics of the roadway of two lanes in each direction with curbside parking.

On February 18, 2004, State Senator Jack Scott introduced Senate Bill (SB) 1375 to initiate relinquishment of this portion of Rosemead Boulevard from the State Department of Transportation (Caltrans) to the local jurisdiction, the County. This bill authorizes the California Transportation Commission to relinquish to the County the specified portion of Rosemead Boulevard upon terms and conditions being agreed to by the State and the County. On September 9, 2004, SB 1375 was approved by the Governor and filed with the Secretary of State. It is to be effective January 1, 2005. On March 19, 2004, Caltrans provided an estimate of $2.5 million to bring Rosemead Boulevard to a "state of good repair." Our estimate of the work that is needed is approximately $8.8 million. As such, we are continuing our negotiations with Caltrans regarding the relinquishment and appropriate funding commitment. Discussions, though, have not proceeded as quickly as we thought they would.

We hope to reach an agreement with Caltrans soon so that we may complete the relinquishment of Rosemead Boulevard by spring 2005, followed soon thereafter by the proposed roadway and beautification improvements. In order to achieve this time frame, we may have to agree to accept the funding to bring the roadway to a "state of good repair" in a future year when funding for transportation projects may be more readily available.

The County of Los Angeles Department of Regional Planning, acting in the capacity of "Lead Agency," has filed a "Notice of Completion" of a draft Environmental Impact Report (EIR) for the commercial development project on the west side of Rosemead Boulevard between Huntington Drive and Fairview Avenue. A copy of the draft EIR is enclosed. The formal public review period for the draft EIR is from November 22, 2004, to January 5, 2005. Written comments on the draft EIR should be submitted to Dr. Hsiao-Ching Chen of the Department of Regional Planning at 320 West Temple Street, Los Angeles, California 90012. All comments received prior to the closing of the public hearing will be considered in the Final EIR. Additional information concerning this draft EIR may be obtained by contacting Mr. Kevin Johnson at (213) 974-6443.

We are doing everything possible to move forward with the relinquishment and the subsequent roadway and beautification improvements. Please contact me at (626) 458-3900 if you have any questions regarding this project.

Very truly yours,

DONALD L. WOLFE
Interim Director of Public Works

PATRICK V. DECHELLIS
Assistant Deputy Director
Programs Development Division

SDS:yr
C050711
P:\pdpub\Temp\PB&C NEW\Letters\ROSEMEAD STATUS MKAUFFMAN.doc

Enc.

cc: Supervisor Michael D. Antonovich (Paul Novak)
Department of Regional Planning (Kevin Johnson)

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, REGIONAL PLANNING
IGR/CEQA BRANCH
120 SO. SPRING ST.
LOS ANGELES, CA 90012
PHONE (213) 897-6536
FAX (213) 897-1337
E-Mail:NersesYerjanian@dot.ca.gov

RECEIVED
JUN 13 2005

Flex your power!
Be energy efficient!

Mr. Daryl Koutnik, Supervising Regional Planner
Regional Planning Office
Los Angeles County
320 West Temple Street
LosAngeles, CA. 90012

IGR/CEQA# 050578NY & 050604NY
Kohl's Commercial Project
LA/164,210/9.65,29.49

June 8, 2005

Dear Mr. Koutnik:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Kohl's Commercial Project (88,407 SF retail, 8,500 SF restaurant) in the Los Angeles County.

We have reviewed the project's Revised traffic study. Please make revisions indicated in red ink to reflect desired wording on pages (6 and 43 attachment) of the revised traffic study.

If you have any questions regarding this response, please call the Project Engineer/Coordinator Mr. Yerjanian at (213) 897-6536 and refer to IGR/CEQA # 050578NY and 050604NY.

Sincerely,
Cheryl J. Powell
IGR/CEQA Branch Chief
Regional Transportation Planning

A secondary driveway on Rosemead Boulevard will be located north of the existing Northwoods Inn restaurant. The secondary driveway will provide access to a 26 space parking lot which will be primarily used by employees. Due to the existing raised median on Rosemead Boulevard, this driveway will accommodate right-turn ingress movements and right-turn egress movements only.

In addition to the site access improvements described herein, the project will install a traffic signal at the Rosemead Boulevard/Fairview Avenue intersection as deemed necessary ~~warranted~~ by Caltrans, and the County.

EXISTING STREET SYSTEM

The following intersections were selected for analysis to evaluate the potential traffic impacts generated by the proposed project:

1. Rosemead Boulevard and Foothill Boulevard (City of Pasadena/County of Los Angeles and CMP monitoring location)
2. Rosemead Boulevard and Colorado Boulevard (County of Los Angeles)
3. Rosemead Boulevard and California Boulevard (County of Los Angeles)
4. Rosemead Boulevard and Huntington Drive (County of Los Angeles and CMP monitoring location)
5. Rosemead Boulevard and Duarte Road (County of Los Angeles)
6. Rosemead Boulevard and Longden Avenue (City of Temple City and County of Los Angeles)
7. Rosemead Boulevard and Las Tunas Drive (City of Temple City)
8. San Gabriel Boulevard and Huntington Drive (City of San Marino and County of Los Angeles)
9. California Boulevard/Sunset Boulevard and Huntington Drive (City of Arcadia)
10. Baldwin Avenue and Huntington Drive (City of Arcadia)
11. Rosemead Boulevard and Del Mar Boulevard (County of Los Angeles)
12. Rosemead Boulevard and Fairview Avenue (County of Los Angeles)

- California Boulevard/Sunset Boulevard and Huntington Drive — PM peak hour: V/C ratio increase of 0.017

The future cumulative (existing, ambient growth, project and related projects) traffic volumes at the study intersections for the PM peak hour are displayed in Figure 12.

Cumulative Mitigation

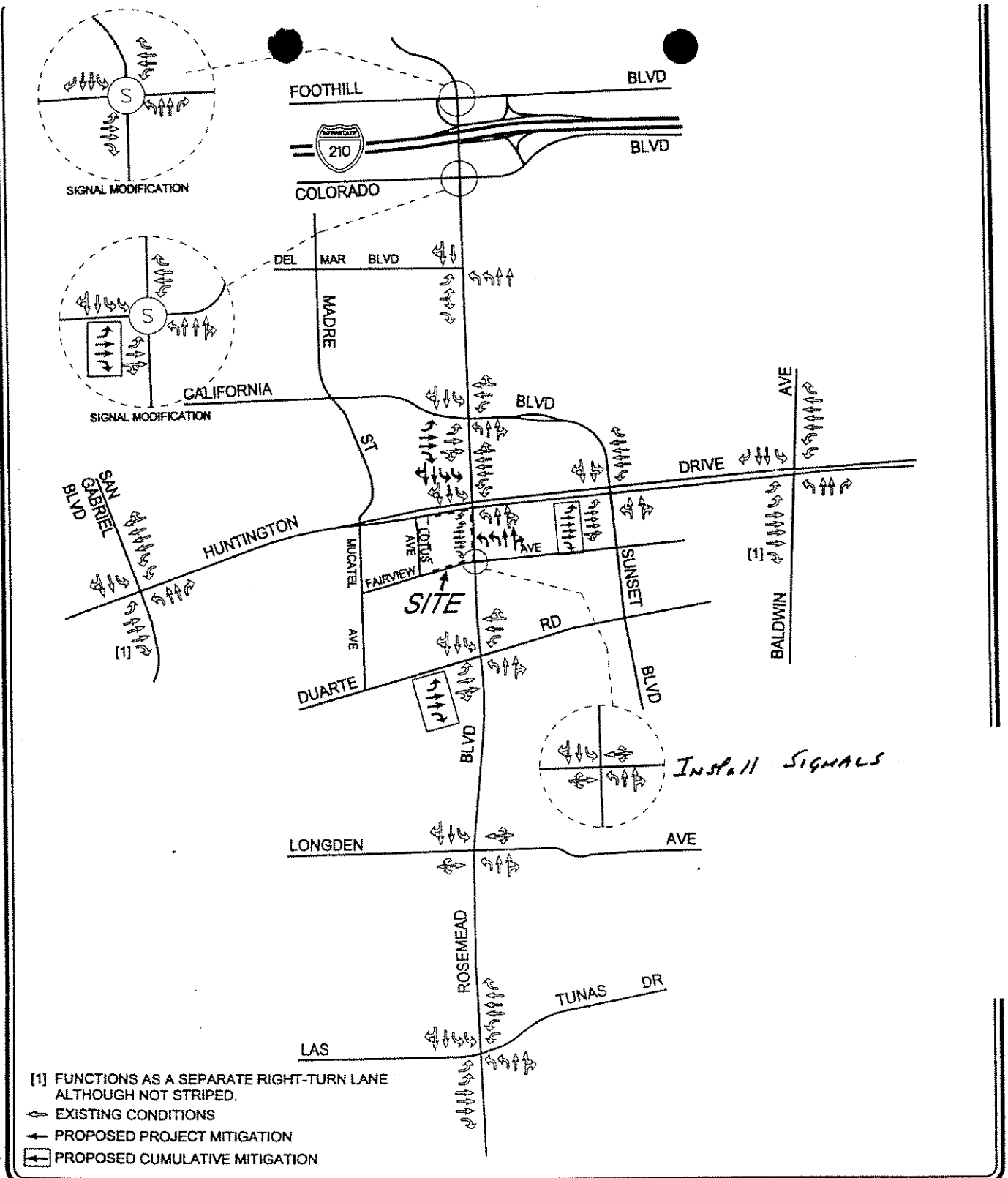
The traffic analyses in the previous section determined that development of the cumulative development projects is anticipated to result in significant impacts at four intersections. The recommended traffic mitigation program developed for these projects includes physical roadway improvements and funding of traffic signal improvements. The following cumulative mitigation measures, as shown in Figure 13, are proposed:

Rosemead Boulevard and Foothill Boulevard

Fifty percent (50%) of the Rosemead Boulevard and Foothill Boulevard intersection is located within the County of Los Angeles' jurisdiction. It is recommended that signal modifications would be required to include the Rosemead Boulevard and Foothill Boulevard intersection in the City of Pasadena and Los Angeles County Intelligent Transportation System (ITS). Signal modifications at the Rosemead Boulevard and Foothill Boulevard intersection are included in the City of Pasadena General Plan Mobility Element as part of the City's I-710 Freeway Gap Interim Mitigation Projects which proposes ITS on Rosemead Boulevard from the I-210 Freeway to Sierra Madre Villa Avenue. The I-710 Freeway Gap Interim Mitigation Projects have been approved by the City and are included in the City's Fiscal Year 2003 Capital Improvement Program.

The effectiveness of the mitigation measure were assessed through completion of the intersection capacity analyses which assume implementation of the recommended cumulative mitigation measure. As shown in Table 7, the proposed mitigation measure is anticipated to reduce the project's impact to less than significant levels.

Rosemead Boulevard and Fairview Avenue
Signalize intersection.



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LINSCOTT LAW & GREENSPAN
ENGINEERS

NOT TO SCALE

FIGURE 13
CUMULATIVE MITIGATION LANE CONFIGURATIONS
KOHL'S COMMERCIAL DEVELOPMENT PROJECT

1-12-05

23958.4 B & P APPLICATION WORK SHEET

PREMISES ADDRESS:
SWC Rosemead Blvd & Huntington Dr.
San Gabriel 91775

LICENSE TYPE: On-Sale

1. CRIME REPORTING DISTRICT

SGPD Jurisdiction unable to provide statistical data.

Reporting District:_____.

Total number of reporting districts:_____.

Total number of offenses:_____.

Average number of offenses per district:_____.

120% of average number of offenses:_____.

Total offenses in district:_____.

Location is within a high crime reporting district: Yes / No

2. CENSUS TRACT / UNDUE CONCENTRATION

Census Tract: 4800.11.

Population: 5077 /County Ratio 1: 1177.

Number of licenses allowed: 5.

Number of existing licenses: 4.

Undue concentration exists: Yes / No.

Letter of public convenience or necessity required: Governing Body / Applicant

Three time publication required: Yes / No

Person Taking Application _____ Investigator _____ Supervisor _____

Over

01-12-05
09:31 AM

CENSUS TRACT INFORMATION BY CENSUS TRACT NUMBER
where county is 19-LOS ANGELES and census tract is 4800.11

TOTAL: 9

COUNTY	Census Tract	DO	License Num	On Sale Active	On Sale Pend	Off Sale Active	Off Sale Pend
19	4800.11	02	41886	Y	N	N	N
19	4800.11	02	52999	Y	N	N	N
19	4800.11	02	166495	N	N	Y	N
19	4800.11	02	225855	Y	N	N	N
19	4800.11	02	258415	N	N	Y	N
19	4800.11	02	281041	N	N	Y	N
19	4800.11	02	338831	N	N	Y	N
19	4800.11	02	377517	Y	N	N	N
19	4800.11	02	420539	N	N	N	Y
			Totals	4	0	4	1

Zone Change Burden of Proof
Zone Change and Conditional Use Permit No. 03-147-(5)
Clearman's Village

As required by County Code Section 22.16.110(A), modified conditions warrant a revision in the zoning plan as it pertains to the subject property because:

- The pending update to the Countywide General Plan proposes to change the land use designation of the subject property from medium density residential to major commercial. The proposed major commercial designation contemplates major shopping malls and centers and a range of mixed commercial retail and service activities. \The Neighborhood Commercial zoning classification is consistent with the proposed land use designation.

- The long-established commercial center at the subject property is aging, and redevelopment of the site is needed to insure the long-term viability of this prominent commercial corner.

- In recent years, the retail stores at the subject property have seen fewer customers and consequently diminished revenues. The property owner would like to redevelop the property to insure the continued viability of the two existing restaurants and Clearman's Village.

- The long-time owner of the site has found an opportunity to partner with Kohl's department store to add a needed and unique shopping opportunity to the local community. To accomplish this project and to provide this potential benefit to the local community, it makes sense for the zoning designation to be made consistent as Neighborhood Commercial throughout the project site.

- Redevelopment of this aging commercial center will significantly upgrade and modernize the appearance of the property and will insure the continued viability of the Galley and the North Woods Inn restaurants, which will enable the applicant to better serve its customers and to continue to employ more than 1 50 people, many of whom are long-term employees.

As required by County Code Section 22.16.110(B), a need for the proposed zone classification to Neighborhood Commercial with a Development Program exists for the subject property because:

- Redevelopment of this aging commercial center will significantly upgrade and modernize the appearance of the property and will insure the continued viability of the Galley and the North Woods Inn restaurants, which will enable the applicant to better serve its customers and to continue to employ more than 1 50 people, many of whom are long-term employees.

- The long-time owner of the subject property has found an opportunity to partner with Kohl's department store to add a needed and unique shopping opportunity to the local community. To accomplish this project and to provide this potential benefit to the local community, it makes sense for the zoning designation to be made consistent as Neighborhood Commercial throughout the project site.

- The Neighborhood Commercial zone will allow the development of a new Kohl's department store, which will add a needed and unique shopping opportunity to the local community and will boost the local economy by providing approximately 150 additional high-quality jobs and by generating increased tax revenues that will help fund important public services in the community.

- The Neighborhood Commercial zone will allow the property owner to develop a project that will also allow the applicant to grant to the nearby Fire Station, which has existed at that location for over fifty years, use of approximately 900 square feet of its property at no expense to the County, which will enable the Fire Department to remodel the fire station to be safer and more efficient.

- The core of commercial activity at the intersection of Rosemead Boulevard and Huntington Drive is currently zoned Neighborhood Commercial. The proposed zone change will make this existing commercial corner consistent with the nearby commercial designations.

- The Neighborhood Commercial zone will allow the property owner to develop a project that will enable the property owner to voluntarily contribute $250,000 to assist in the construction of aesthetic improvements to the median along Rosemead Boulevard from Huntington Drive to California Avenue. This half-mile stretch of Rosemead Boulevard is the segment closest to the project site and its visual restoration has been a concern to area residents for many years.

As required by County Code Section 22.16.110(C), the subject property is a proper location for the Neighborhood Commercial and Development Program zone classification because:

- The project site is located at the intersection of Rosemead Boulevard, a State Route Major Highway, and Huntington Drive, a ten-lane parkway. Other commercial uses nearby this major intersection include restaurants, a bank, liquor store, grocery store, fast food restaurant, smog check station, dry cleaners, dental center, office building and other retail uses. Additional commercial land uses and shopping centers are located along Huntington Drive and Rosemead Boulevard, within the vicinity of the project site.

- The development of a Kohl's department store and the preservation of two restaurants at this location is consistent with the community pattern of commercial development along these two major thoroughfares at this prominent corner.

- The Development Program combining zone designation requires that a conditional use permit be obtained concurrently to regulate the specific use proposed. The requested conditional use permit will impose conditions that are specific to the proposed operation of a Kohl's department store and two restaurants. Therefore, only the requested uses will be authorized, and no other uses will be permitted.

- The presence of Limited Multiple Residence zoning adjacent to the subject property is an appropriate buffer from other residential uses in the general area.

- The existing restaurants have been popular in the neighborhood, and the access to a well-known department store is a service needed by the community.

- The subject property has been developed with commercial land uses for many decades.

- Neighborhood Commercial zoning is already present on a portion of the project site, and Neighborhood Commercial zoning is also present on all four corners of the intersection of Rosemead Boulevard and Huntington Drive.

As required by County Code Section 22.16.100(D), placement of Neighborhood Commercial with a Development Program zone at the subject property will be in the interest of public health, safety and general welfare, and in conformity with good zoning practice because:

- Neighborhood Commercial zoning throughout the subject property will bring consistency to adjacent commercial properties and it allows for the redevelopment of this aging commercial center.

- The development of a Kohl's department store at this location will bring access to goods and services that the community needs.

- The long-established commercial center at the subject property is aging, and redevelopment of the site is needed to insure the long-term viability of this prominent commercial corner.

- The existing restaurants have served this community for a long time, and the ability to maintain and redevelop the restaurants at this location will serve the public welfare.

- In recent years, the retail stores at Clearman's Village have seen fewer customers and consequently diminished revenues. The property owner would like to redevelop the property to insure the continued viability of the existing restaurants and Clearman's Village.

- The long-time owner of the site has found an opportunity to partner with Kohl's department store to add a needed and unique shopping opportunity to the local community. To accomplish this project and to provide this potential benefit to the local community, it makes sense for the zoning designation to be made consistent as Neighborhood Commercial throughout the project site.

- Redevelopment of this aging commercial center will significantly upgrade and modernize the appearance of the property and will insure the continued viability of the Galley and the North Woods Inn restaurants, which will enable the applicant to better serve its customers and to continue to employ more than 150 people, many of whom are long-term employees.

- The Neighborhood Commercial zone will allow the property owner to develop a project that will also allow the applicant to grant to the nearby Fire Station, which has existed at that location for over fifty years, use of approximately 900 square feet of its property at no expense to the County, which will enable the Fire Department to remodel the fire station to be safer and more efficient.

- The core of commercial activity at the intersection of Rosemead Boulevard and Huntington Drive is currently zoned Neighborhood Commercial. The proposed zone change will make this existing commercial corner consistent with the nearby commercial designations.

- The Neighborhood Commercial zone will allow the property owner to develop a project that will enable the property owner to voluntarily contribute $250,000 to assist in the construction of aesthetic improvements to the median along Rosemead Boulevard from Huntington Drive to California Avenue. This half-mile stretch of Rosemead Boulevard is the segment closest to the project site and its visual restoration has been a concern to area residents for many years.

- The project site is located at the intersection of Rosemead Boulevard, a State Route Major Highway, and Huntington Drive, a ten-lane parkway. Other commercial uses nearby this major intersection include restaurants, a bank, liquor store, grocery store, fast food restaurant, smog check station, dry cleaners, dental center, office building and other retail uses. Additional commercial land uses and shopping centers are located along Huntington Drive and Rosemead Boulevard, within the vicinity of the project site.

- The development of a Kohl's department store and the preservation of two restaurants at this location is consistent with the community pattern of commercial development along these two major thoroughfares at this prominent corner.

- The Development Program combining zone designation requires that a conditional use permit be obtained concurrently to regulate the specific use proposed. The requested conditional use permit will impose conditions that are specific to the proposed operation of a Kohl's department store and two restaurants. Therefore, only the requested uses will be authorized, and no other uses will be permitted.

- The presence of Limited Multiple Residence zoning adjacent to the subject property is an appropriate buffer from other residential uses in the general area.

- The existing restaurants have been popular in the neighborhood, and the access to a well-known department store is a service needed by the community.

- The subject property has been developed with commercial land uses for many decades.

- Neighborhood Commercial zoning is already present on a portion of the project site, and Neighborhood Commercial zoning is also present on all four corners of the intersection of Rosemead Boulevard and Huntington Drive.

Zone Change - Burden of Proof

A.

Current zoning on the site consists of C-1, C-2, C-H-DP and R-3, and under the General Plan, the site is designated as "Major Commercial." The R-3 zoning is not consistent with the General Plan's "Major Commercial" designation, a generalized land use classification that describes the dominant use characteristics that are commercial in nature. The "Major Commercial" designation contemplates typical use patterns to include, among others, "major shopping malls and centers" and "a range of mixed commercial retail and service activities." The policy of the Land Use Element is "to place major emphasis on channeling new intensive commercial development into multipurpose centers." The core of commercial activity at the intersection of Rosemead Boulevard and Huntington Drive in the East Pasadena-East San Gabriel community is currently zoned C-2 on all four corners. The proposed project of a department store and two restaurants is the type of commercial activity expected within a "Major Commercial" designation, and the land use pattern on the subject site warrants revision of the zoning to be entirely a C-2 designation. The proposed C-2 zoning on the site implements the General Plan's designation of the area as "Major Commercial." Revising the zoning plan for all 16 parcels within this application is consistent with C-2 zoning on adjacent commercial properties and with the Goal and Policies of the General Plan. C-2 zoning for this site would result in General Plan and zoning consistency.

B.

The General Plan proposes that local commercial uses "should be easily accessible and should be situated at community focal points such as major intersections and established neighborhood shopping facilities." Common ownership of the 16 parcels in this application contains a mix of C-1, C-2, C-H-DP and R-3 zoning, and to be consistent with the "Major Commercial" plan designation as well as neighboring commercial properties, the zone classification for this commercially-designated property should be rezoned entirely C-2. The development of a department store and restaurants is not a permitted use in the R-3 and C-H-DP zones, and while such uses are permitted in the C-1 zone, the C-2 zone is preferred for the neighborhood business zone that has been established by the C-2 zoning on all four corners of the intersection of Huntington Drive and Rosemead Boulevard. The proposed C-2 zone change will facilitate the development of new retail uses and restaurants which are designed to fulfill the Land Use Element policy to "promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design and locational controls."

C.

The General Plan designates the subject property as "Major Commercial" and C-2 zoning is an appropriate classification for this commercial area, considering that the C-2 zone is applied to all four corners of the intersection of Huntington Drive and Rosemead Boulevard. The General Plan

proposes that local commercial uses "should be easily accessible and should be situated at community focal points such as major intersections and established neighborhood shopping facilities." Rosemead Boulevard is designated as a Major Highway and the Policy of the General Plan encourages "the clustering of well designed highway oriented commercial facilities in appropriate and conveniently spaced locations." The "Major Commercial" plan designation encompasses a limited number of parcels surrounding the major intersection of which the subject property is a part. The presence of existing C-2 zoning on a portion of the subject site as well as current C-2 zoning on all four corners of the above-mentioned intersection indicates that the property under consideration is a proper location for C-2 zoning because it is not the "spot zoning" associated with a change of zone on only one parcel. Furthermore, the presence of R-3 zoning adjacent to the subject site is an appropriate buffer from other residential uses in the general area. The services to be provided on the rezoned C-2 property are desirable to the community. Existing restaurants have been popular in the neighborhood, and the access to a well-known department store is a service needed by the community.

D.

C-2 zoning on the subject property will be in the interest of public health, safety and general welfare in that it will fulfill a policy of the General Plan to "promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design and locational controls." Another policy of the General Plan is that local commercial uses should be "located so as not to invade or disrupt sound existing residential neighborhoods nor conflict with established community land use, parking and circulation patterns." C-2 zoning for the entire subject property is good zoning practice because it brings consistency to adjacent commercial properties and it allows for the type of commercial development that would neither disrupt nor conflict with nearby residential areas and the established community land use allowing for neighborhood commercial facilities. The development of a department store at this location will bring access to goods and services that the community needs. Existing restaurants have served the community for a long time, and the ability to maintain and rebuild restaurants at this location will serve the public welfare.

Conditional Use Permit - Burden of Proof

The subject site consists of 8.13 acres and is currently developed with two restaurants, dry cleaners, family medical center, office space, various small retail uses and rental housing. One restaurant, an approximately 15,000 square foot one-story building, will remain. The second restaurant will be demolished and rebuilt as a restaurant in an approximately 8,500 square foot one-story building. An approximately 98,500 square foot two-story, 45 feet in height building will be constructed to house a new, nationally-recognized department store, along with surface parking lots associated with the proposed commercial uses. Approximately 35,424 square feet will be dedicated to open space and landscaping, and approximately 246,067 square feet of surface parking will be distributed throughout the site to accommodate the parking requirements for the department store and the two restaurants. A conditional use permit is requested for development plan approval to modify the 35 foot height limit to permit architectural projections to a height of 45 feet and to allow for the sale and on-site consumption of a full line of alcoholic beverages in a new restaurant.

A.1

The location of a department store and two restaurants are on an approximate 8 acre parcel designated by the General Plan as "Major Commercial." This site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The existing commercial development has existed on this location without adverse impacts on residents or persons employed in the area. The site is located at the intersection of two major streets where access is convenient for both residents and workers in the area. The department store is setback from the street. The restaurants are setback from residential areas. The subject site is currently developed with numerous commercial uses, and has a long history of commercial activity. The presence of several restaurants on this site has not resulted in any significant problems to the neighborhood. The fire station which is immediately adjacent to the site has previously been surrounded by commercial uses without impact, and the new development will be appropriately buffered from the fire station. The development of a major department store reflects the evolving retail market and would be consistent with the design of commercial properties to the north and south on the major highway of Rosemead Boulevard. The restaurants have served the community, and will continue to serve local residents and employees with newer and improved facilities.

A modification of the height limit, which is imposed at a maximum of 35 feet in both the C-2 zone and the East Pasadena-San Gabriel Community Standards District, is necessary for the two story department store in order to accommodate the architectural treatment of a parapet roof at the north and south ends of the building. The height of the parapet roof will exceed the height limit by 7 feet in order to architecturally distinguish the two main entrances to the store. The height of the sloping tile roof is a feature that does not overshadow neighboring properties, and thus should not adversely affect the health, peace, comfort or welfare of persons residing in the adjacent multifamily residential units.

A conditional use permit is requested to allow for the sale and on-site consumption of a full line

of alcoholic beverages incidental to the operation of a family-oriented restaurant in a commercial zone. The proposed new restaurant, which is a replacement of an existing restaurant to be demolished, is the type of establishment located on a major thoroughfare. It offers a casual dining experience, catering to people who live and work in the surrounding neighborhoods, with a menu that appeals to both children and adults and alcoholic beverage service as a complement to food orders. The new restaurant will contain a full service kitchen that will be open during all hours of operation. Residents and employees in the general vicinity will enjoy frequenting, for lunch and/or dinner, a casual style and family-appropriate restaurant, such as the one proposed, in proximity to where they live and work. This family-oriented restaurant will be sufficiently buffered from residences and will be complementary to the nationally-recognized department store to be situated at this site. Restaurants have been operating on the subject site without adversely affecting the health, peace, comfort or welfare of persons residing or working in the surrounding area.

A. 2

The new restaurant and department store will bring needed goods and services to local residents and to persons working in the neighborhood. Property values should be increased by an attractive new development on a property currently occupied by older improvements. The department store, part of a major national chain, reflects the changing retail market consistent with the design of commercial buildings to the north and south along the major highway of Rosemead Boulevard.

Modification of the maximum height limit imposed by the zoning code and the Community Standards District will not be materially detrimental to the use, enjoyment or valuation of property or other persons located in the vicinity of the site, as the department store building is setback at a greater distance than required by the standards and the portion of the building that exceeds the maximum 35 foot is an architectural treatment to enhance the visual appeal of the structure. As such, there are no adverse impacts to the use, enjoyment or valuation of neighboring properties.

The planned restaurant use is allowed by right on the subject property, and the incidental alcoholic beverage service would be an expected component to a family-type restaurant. Two existing restaurants on the subject site are currently serving food and alcoholic beverages on the menu, without adverse impacts to the nearby residentially zoned properties.

A. 3

The General Plan advocates that local commercial uses should be "located so as not to invade or disrupt sound existing residential neighborhoods nor conflict with established community land use, parking and circulation patterns." The development of a nationally-recognized department store at this location will bring access to goods and services that the community needs and expects from a major national chain. The location of a major department store at this site would be consistent with the changing retail market to the north and south on the major highway of Rosemead Boulevard. Existing restaurants have served the community for a long time, and the

ability to maintain and rebuild restaurants at this location will serve the public welfare. There is a long history of commercial activity on this site and no significant problems have been generated by the restaurants that would constitute any menace to the general welfare. Improved commercial uses in an area designed by the General Plan for commercial uses will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

A modification of the height limit to accommodate the architectural treatment of a parapet roof at the north and south ends of the department store building should not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The proposed restaurant offers a casual dining experience, catering to people who live and work in the surrounding neighborhoods, with a menu that appeals to both children and adults and alcoholic beverage service as a complement to food orders. This proposed family-style restaurant will be conveniently located to, but sufficiently buffered from residences, and complementary to a major department store. The restaurant, by virtue of its proximity to where residents and employees live and work, will be desirable to the public convenience and welfare, and as such will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

B.

The 8 acre site is adequate in size and shape to accommodate the 72,749 square feet of building pad proposed to be devoted to the department store and two restaurants, which is approximately 20% of lot coverage and thus significantly less than the maximum lot coverage of 90% of net area of the lot permitted in C-H, C-1 and C-2 zones. The lot coverage of all enclosed buildings is well within the maximum lot coverage of 75% of the net lot area that is required in the commercial and industrial zones governed by the development standards of the East Pasadena-San Gabriel Community Standards District. The total amount of lot area devoted to landscaping is 35,424 square feet, which represents a significant increase insofar as existing landscaping is virtually nonexistent. With the entrances of the department store oriented to the north and to the south to encourage its customers to park away from the parking areas designed to serve the two restaurants. All buildings are situated on the lot to provide easy access to the traffic circulation on Rosemead Boulevard, a major highway.

A modification of the height limit, which is imposed at a maximum of 35 feet in both the C-2 zone and the East Pasadena-San Gabriel Community Standards District, is necessary for the two story department store. While this structure is oriented to the major highway and to the parking to the front and sides, the department store is buffered by walls and landscaping from the rear lot line that is adjacent to R-3 zoning. In keeping with the regulations of the Community Standards District, the department store is setback from the rear lot line in accordance with the requirement that a structure that exceeds 17 feet in height located adjacent to a residential zone must be setback an additional foot from the minimum 5 foot setback for every additional foot in height. The adjacent residential land use is multifamily housing rather than single residential units, and

adherence to the setback standards of the Community Standards District ensures that the department store is properly integrated with the residential uses of the R-3 zone in the surrounding area.

C. 1

The proposed site for the department store and two restaurants is adequately served by Rosemead Boulevard, a state highway that fronts onto the property. The General Plan proposes that local commercial uses "should be easily accessible and should be situated at community focal points such as major intersections and established neighborhood shopping facilities." The intersection of Rosemead Boulevard and Huntington Drive, where the subject site is located, already serves the community with such widely used services as a bank, a fire station, office building, gas stations, liquor store, grocery store and various retail uses. In addition, the proposed site already functions as a commercial center, with two restaurants, dry cleaners, family medical center and various retail uses. The proposed development of a major department store reflects the changing retail market consistent with the design of other commercial properties to the north and south along the state highway of Rosemead Boulevard.

C.2

The proposed site and neighboring commercial properties are fully developed and adequately served with other public and private service facilities. Traffic circulation is easily accommodated by the existing major highway on Rosemead Boulevard. The proposed site is located 1.25 miles from the Foothill Freeway. Already developed with commercial uses, the proposed site is adequately served by sewer connections and water lines.

Addendum Burden of Proof, Alcoholic Beverage Sales
ZC and CUP 03-147

1. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius.

The subject site has sustained three restaurants operating with licenses for the sale and on-site consumption of alcoholic beverages. Two of these restaurants operated with a license for a full line of alcoholic beverages, while the third restaurant provided for beer and wine only. These three restaurants functioned without adverse impact on the public health and welfare. Within 600 feet of the site, there are: 1) single family homes; 2) various retail uses including a grocery store; 3) a liquor store; 4) a fire station; 5) gas stations; commercial buildings such as a bank and office building. More importantly, none of the sensitive uses, including churches, schools, parks and playgrounds, is within the 600-foot radius of the proposed new restaurant.

With the subject site redeveloped according to plan, an existing restaurant serving food and a full line of alcoholic beverages will remain. The two other restaurant buildings will be demolished. The new restaurant to be built on this site offers a full line of alcoholic beverages. As the result of demolition and replacement of restaurants on the property, the net effect of the project will be one less facility offering alcohol to its customers, arguably lessening any concern of undue concentration of restaurants serving alcohol in the community..

2. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

Both the existing restaurant to remain and the new restaurant to be built are located on the portion of the site that faces directly on to Rosemead Boulevard, a major highway. Existing restaurants at this site have been sufficiently buffered from residential areas by expansive parking lots to the south and by other commercial property and the significant width of a major highway to the north. One of the existing restaurants to be demolished is nearer to residential areas than its replacement. The location of the new restaurant provides no less buffering from residential areas than what has existed, and as a result the new restaurant to be built on the site will not adversely affect any residential area within the immediate vicinity.

3. That the requested use at the proposed location will not result in an undue concentration of similar premises, or that the public convenience or necessity for the proposed facility selling alcoholic beverages for off-site consumption outweighs the fact that it is located within a 500 foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

The overall development plan for the subject site results in a net reduction in the number of

restaurants that have in the past served alcoholic beverages for on-site consumption. These restaurants existed for years without adverse impact to the community. Surrounding commercial uses, including a bank, office building, gas stations, retail shops and a grocery store, are unlikely to be impacted The only other liquor license within 500 feet of the site is an existing liquor store approximately ____feet away. There is a long history of commercial activity on this site and no significant problems have been generated by the restaurants that would constitute any menace to the general welfare. The development of the new restaurant is a replacement for any existing one, and though the new restaurant will operate with a license for a full line of alcoholic beverages, the fact that two restaurants with alcoholic licenses are being demolished results in the net loss of one license for the on-site consumption of alcoholic beverages being used on this site.

4. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

The three restaurants that have previously operated at this site were popular with the surrounding community. The proposed new restaurant offers a casual dining experience, catering to people who live and work in the surrounding neighborhoods, with a menu that appeals to both children and adults and alcoholic beverage service as a complement to food orders. This proposed family-style restaurant will be conveniently located to, but sufficiently buffered from residential areas, and complementary to a major department store. The restaurant, by virtue of its proximity to where residents and employees live and work, will not only be desirable to public convenience, but will not adversely affect the economic welfare of the surrounding community. As a service to the community and to visitors in the commercial area, the proposed new restaurant will be an economic benefit to the surrounding community.

5. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

The two restaurants, as well as other commercial buildings on this site, proposed to be demolished, are aging, deteriorating properties that need to be replaced. The new restaurant to be built will be architecturally consistent with the exteriors of other proposed commercial buildings to be constructed. The development of a major department store reflects the evolving retail market and would be consistent with the design of commercial properties to the north and south on the major highway of Rosemead Boulevard. Blight, deterioration and diminished property values are likely to occur in the absence of this site being redeveloped according to plan with a new and improved restaurant and a new major department store. The new buildings to be built on the site are consistent with the design standards of the East Pasadena-San Gabriel Community Standards District, and thus will be compatible with the appearance and aesthetics of the community.

SAMPLE CARD
AND
BUSINESS FORM LETTER

SUPPORT

Supervisor Michael D. Antonovich (5th District)
County of Los Angeles

Dear Supervisor Antonovich:

I am a loyal customer of ***Clearman's Village*** and their excellent family restaurants. I support their plans to build a new ***Kohl's*** department store on the site, along with a new ***Galley Restaurant*** with greater seating capacity. This project is a welcome family-oriented concept that will enhance both the commercial and residential neighborhoods.

This project will enable the *long-time, local owners* of the property to keep the ***North Woods Inn*** and ***Galley Restaurant*** at the current location. The project will protect more than 150 current restaurant jobs, will add more than 100 new jobs at ***Kohl's***, will feature new landscaping and lighting, and will address traffic and parking needs. In addition, the project will create new tax revenue to fund needed County services such as public safety, public health, education and transportation. These plans are clearly the best alternative for development of the property.

I encourage the County of Los Angeles Planning Commission and the Board of Supervisors to approve the requested zone change for Clearman's Village to enable these enhancements to occur.

(over)

Name _____

Years as Clearman's Customer _____

Address _____

City/State _____

Zip Code _____

Phone # _____

Email _____

Date _____

Signature _____

Name E. J. CASTNER, MD

Years as Clearman's Customer 30yr

Address 2810 E. Del Mar Blvd

City/State Pasadena Ca

Zip Code 91107

Phone # 577-2855

Email drcastner@SBCglobal.net

Date 6/24/05

Signature [illegible]

Name Lucretia Sciarra

Years as Clearman's Customer 30

Address 3862 Mountain View

City/State Pasadena CA

Zip Code 91107

Phone # 626 792 4543

Email

Date 6/24/05

Signature Lucretia Sciarra

Supervisor Michael D. Antonovich (5th District)
County of Los Angeles

Dear Supervisor Antonovich:

As a business neighbor of ***Clearman's Village*** and their excellent family restaurants, I support their plans to build a new ***Kohl's*** department store on the site, along with a new ***Galley Restaurant*** with greater seating capacity. This project is a welcome family-oriented concept that will enhance both the commercial and residential neighborhoods.

This project will enable the ***long-time, local owners*** of the property to keep the ***North Woods Inn*** and ***Galley Restaurant*** at the current location. The project will protect more than 150 current restaurant jobs, will add more than 100 new jobs at ***Kohl's***, will feature new landscaping and lighting, and will address traffic and parking needs. In addition, the project will create new tax revenue to fund needed County services such as public safety, public health, education and transportation. These plans are clearly the best alternative for development of the property and the surrounding business and residential communities.

I encourage the County of Los Angeles Planning Commission and the Board of Supervisors to approve the requested zone change for Clearman's Village to enable these enhancements to occur.

Business Name Bella Italia

Contact Person Michael Mek

Title owner

Address 7232 Rosemead Blvd.

City/State San Gabriel, Ca

Zip Code 91775

Phone # (626) 287-5674

Email

Date 6/7/05

Signature Michael Mek

SAMPLE COMMUNITY STATEMENT
AND
FORM LETTER WITH COMMENT

OPPOSED

(unidentified author)

Community Statement

Good morning Commissioners. The members of our community would like to present to you a statement of our concerns and positions on the proposed Kohl's project. We apologize in advance for reading from text; however, we feel it is the best manner in which we can present a clear and organized picture of these concerns and positions. This community believes that the proposed Kohl's project is simply the wrong development for the Clearman's property. These are the many reasons why approval for the Kohl's project must be denied:

A. Traffic

1. In the last hearing on this matter, Commissioner Mundugno remarked that, "Traffic is just a part of living in L.A." This statement has rung in the minds of many community members since July. We couldn't help but feel extreme dismay in hearing the sound of resignation, especially from someone who is planning the future development of this county. Like traffic, one could say that "Crime is just a part of living in L.A.," but it is unimaginable that anyone would approve a project that would clearly multiply an already bad crime situation. Likewise, do not approve a project that would clearly multiply an already bad traffic situation. Please treat traffic like the ill that it is. We appeal to this Commission to use your unique power to guide this area toward a <u>better</u> future. Please don't resort to resignation. The project before you is not the project that should be approved.

2. We ALREADY have bad traffic and a substandard, unsafe condition existing on Rosemead Blvd. This Commission has been presented with letters, studies and testimony on this. Also, this Commission has been informed by our attorney and traffic engineer of the numerous flaws, including inaccuracies, improper foundation and insufficient data, in the Traffic Study within the Environmental Impact Report. These flaws paint an inaccurately rosy picture of the congested traffic in the area and the impacts that this project will impose. These flaws have not yet been independently examined or cured in any way.

3. At the last hearing, Commissioners Valdez and Rue empathized with residents' concerns but indicated that you need to rely on your experts to provide data in order to better understand our concerns. However, we are unaware of any independent follow-up study by the Staff of this Commission. Instead, the Planning Staff turned our critique of the Traffic Study over to Clearman's consultant, David Shender, the very author of this flawed study. Then, rather than respond to each of the numerous substantive issues raised by our critique, Mr. Shender chose to ignore them and sidestep by attacking our traffic expert as being non-local.

4. One flaw in the Traffic Study is its reliance upon ITE hypothetical data for economically viable commercial sites. While the use of these figures are within County guidelines, the fact is that only two of the sixteen business locations on the

Clearman's property are in operation today. The other fourteen locations have been vacant for over a year and thus contribute no traffic to the area. Thus, the ITE hypothetical data likely overstates its current baseline traffic and understates the project's impacts.

5. Additionally, Clearman's and Kohl's have not taken into account the expected additional traffic that this area will receive as a result of the two gigantic commercial projects planned around the Westfield Santa Anita mall. Those projects, known as the Westfield Expansion and Caruso Project, will include under one million square feet of retail and residential space at the mall area, about one mile away from this site. Huntington Drive is a primary artery for that mall, and the new expansion and project will lie against Huntington Drive, the same street against which the Clearman's property lies. Due to its proximity to the Clearman's property, this expansion will clearly aggravate the traffic burden. Clearman's has completely ignored these upcoming expansions and has failed to include them in their existing studies.

6. We will not take the time to go through each of our criticisms of the Traffic Study because you already have received a letter from our attorney and traffic expert that discusses them. However, we want to mention just one more inaccuracy which, we feel, is also illustrative of the conveniently consistent oversight in the creation of the Traffic Study. The Study concludes that the existing significant congestion at the Huntington - Rosemead intersection will be adequately relieved by implementation of light synchronization and the addition of a second left-hand turn lane on Rosemead. However, light synchronization had already been fully in place by 2000 according to John Hill, the Project Manager for that synchronization. Also, the second left-hand turn lanes are already being considered by Public Works because the current congestion is so bad. Why should Kohl's absorb all the benefit of the only reasonably available traffic mitigation in the vicinity –the addition of a second left-turn lane – when the community could have relieved the existing conditions with that measure?

7. The Planning Staff, strangely enough, has classified Kohl's in its reports and recent communications as being a hybrid, local and regional. Our experts have never heard of this apparent new classification, and it absolutely unimaginable that a regional retailer like a Kohl's would not also and obviously serve local customers. We request that this Commission not strain logic. There is no hybrid. Regional encompasses local, and Kohl's is a regional retailer. At the last hearing in July, Kohl's informed this Commission that the project is designed to draw people from an 8 mile radius. Further, we provided Staff with Lehman Brothers retail industry data which shows that each Kohl's store is constructed to serve 550,000 customers. This kind of regional draw is too much for this already congested area.

8. We are NOT against development of the Clearman's site even though we know the traffic will worsen once there is *any* development. But we oppose the unnecessary and catastrophic worsening of the traffic from the building of a regional large retail store like Kohl's. This site is surrounded by single family residential

housing. There is no easy freeway access. The area is just not right for Kohl's.

9. Traffic mitigations–these devices might or might not work and may well push traffic into smaller surrounding streets. Traffic mitigations are just too vague and uncertain in effect. They are just devices that play around with the fact that way too much traffic will exist for the area. We completely agree with Commissioner Valdez's observation at the last hearing that when funds start to be created to deal with mitigation post-project, a problem already exists. The very best mitigation is to deny the approval of the Kohl's project.

B. There is NO need served by having a Kohl's at this site. Within a two mile radius of the project site, there are numerous retail stores carrying the same merchandise as Kohl's. We already have a Target, Sears, K-Mart, two Ross stores, TJ Maxx, Bed, Bath & Beyond, Marshall's, Payless Shoes, Sav-On, The Linen Outlet, Rite Aid, Aaron Brothers, Han's Beauty Supply, Catherine's women's clothing store, and countless other retailers. Furthermore, the Westfield Santa Anita mall, about one mile away, contains a Macy's, Robinsons-May, Penney's, Nordstroms, Old Navy, Forever 21, Bebe, Victoria's Secret and numerous other merchandisers, all offering products similar to those marketed by Kohls. Further, there are plans for two significant expansions of over one million square feet at the Westfield Santa Anita Mall. Our community and area has reached saturation with retailers and has utterly no need for yet more of the same from Kohl's.

C. Increase in Crime

1. Our community is concerned about the likelihood of an increase in crime if a Kohl's is put into our neighborhood. The scenario of a large store with extra-early and extra-late hours, heavy human traffic and a large parking lot opens up a lot of opportunity for the criminal-minded.

2. The Chapman Woods neighborhood, in particular, has had a long-standing relationship with the Sheriff's Department. Sheriffs have met with the community, attended board meetings and dealt with the Chapman Woods liaison to the Sheriff's Department numerous times, and the consistent message that we have been told is that the Sheriffs are already overextended. Each Sheriff is now required to work one double-shift of 16 straight hours each week because of this overextension. And there are insufficient funds to hire more Sheriffs. This area that cannot handle even the possibility, much less the likelihood, of more crime.

D. Safety

1. The Clearman's property is surrounded by single family residential homes. Our neighborhood is a strolling neighborhood. At any given day and any given time, there are people out taking walks. Numerous families have children who walk, run and bike around the neighborhoods. A family park is situated on Huntington Drive

almost diagonally to the project site. It is unsafe and irresponsible to place a high-traffic, regional store like Kohl's in this type of area.

2. The Clearman's property is close to two schools, located across from each other on Madre Street. One is an elementary school and the other is a middle school. There are approximately 1,700 children that go in and out of those schools every weekday, and many attend sporting and other events there on weekends. Many of these school children take buses and private cars to and from school, which already clog traffic on Madre and Del Mar in the mornings and afternoons. And many of these school children walk to their homes, often unattended by adults. It is unsafe and irresponsible to place a high-traffic, regional store like Kohl's in this type of area.

E. Noise and Nuisance

1. Lengthy hours of operation and frequent extra-early and extra-late hours will bringing more noise, traffic and other disturbances to the area.

2. The Kohl's Project entails moving The Galley, which is a sports bar, even closer to residential housing on and near Fairview. A bar placed so close to homes leaves exposure to noise, damage and untold nuisances, particularly when the drinking patrons leave the establishment.

F. Aesthetics – Ugly big box cannot possibly be disguised, and any effective disguise naturally would be at odds with Kohl's intention to be visible to passers-by.

G. No Compelling Reasons to Approve this Project

1. County tax revenues: This site WILL be developed and generate more county revenues. But this is the wrong development for this site. The county should deny approval for this project so that Clearman's can <u>move forward</u> with an alternative plan that is suitable for the area and bring in county revenues.

2. Kohl's will have you believe that they have bent over backwards to accommodate the community. This is just not so.

a. We have never wanted a Kohl's in our neighborhood, and altering the location of where the big box sits on the Clearman's property simply does not take the big box or any of its accompanying ills away.

b. Reducing the size of the Kohl's store does nothing whatsoever to reduce the amount of traffic that the store will generate. No one who sees a store ad and is enticed by a sale will even think or care about the size of the store. The shopper is going to the store for the special. Thus, the traffic generated in either case will be exactly the same, which is just too much for this site.

c. The $300,000 fund that Clearman's and Kohl's have agreed to set aside for traffic and aesthetic concerns is entirely hypothetical. There is no provision for community control, no assurance that the fund would be used for traffic mitigation, and no assurance that it would be spent in any particular neighborhood. Furthermore, even if it were clearly dedicated, the size of the fund is not nearly enough. In fact NO amount of money can make this project welcome. $300,000, especially over the expected lifetime of the store, is nothing for deep pockets like Kohl's and Clearman's. But more importantly, this amount cannot possibly begin to compensate for the irreversible damages that the area and community will sustain.

d. Despite claims to the contrary, Clearman's has not made a good faith effort to have a meaningful dialog with the community. As Clearman's will gladly tell you, a number of community members attended their Open House earlier this month. It was the only open house or other event to which most of us were invited. Many of us were extremely disappointed by the Open House because it merely consisted of a battery of Clearman's experts standing around defending their project. Clearman's lawyer was also present as an observer. No one solicited any of our views or concerns or even pretended to care. There was no meaningful dialog about the project whatsoever. The message we got from Clearman's that night was, "This is the way it's going to be, and we have our experts to back us up." The Open House seemed in every way to be an event staged purely for the consumption of this Commission. Please do not be fooled into believing that any meaningful community outreach occurred there or anywhere else.

e. At that Open House, our neighborhood association president requested that Clearman's provide him with the underlying data and calculations for one of their graphics and handouts. Clearman's handout stated a 13% reduction in delay after the creation of a second left-hand turn lane. To date, our association president has not received those figures, despite making multiple requests for them. Further, other area residents have made requests to Clearman's for information such as accurate drawings of the proposed project and have likewise not received a response. Clearman's choice to stonewall or ignore the community in these basic requests obviously casts doubt over their assertions.

H. Irreversible Damage to Our Community and Area

1. We, the residents of the area around the Clearman's property, include people who have lived there for over 50 years and people who have moved there far more recently. Regardless, we have all chosen to live in that area based on the quality of life that our neighborhood provides. We love it, and it is our home. And it is to our homes that we return every day as a refuge from work and the other activities of our busy lives. Our homes are where we go to relax and be with our families. The Clearman's property is in our neighborhood, and we simply ask that the property be developed in accordance with its current general plan designation for local businesses. None of us chose to live near a major, regional big box store like Kohl's, and it is

completely out of character with any of the retail or other businesses that we currently have in our community.

2. As L.A. County residents that are not within a city, we have no mayor, no city manager, no elected official that can rally to our cause. Supervisor Antonovich, who is with the County, is already stretched thin working for a region of over one million residents. We have no one except ourselves to help fight this project which is so wrong for our area. We have had to navigate the ins and outs of this confusing process alone. We hope that this Commission can fully understand and fairly appreciate the gravity of our concerns despite our handicap of not being guided by an "insider" or knowing how the system works.

3. Unlike the people here today from Kohl's and Clearman's, no one living in our community gets paid to be here to be here or attend meetings. Yet there have been people from our community who have put in tremendous hours and effort on a voluntary basis to oppose this project just because it's the wrong project for this location. You have received hundreds of letters opposing this project. You have heard testimony from us in these hearings. Yet the members of the community that you see here are only a small fraction of those that oppose this project. Unlike the paid representatives of Kohl's and Clearman's, just being here is a sacrifice for us – time off from work, caring for children, whatever our ordinary lives involve. Some of us have spoken even though it is not in our nature to be a public speaker. We are here because we deeply and passionately care about our neighborhood and believe that this project must not be approved.

4. We, the community residents, are like David to Kohl's and Clearman's Goliath. We are almost entirely made up of middle-class working families. We have no corporate deep pockets like Kohl's and Clearman's do. We do not have a battery of one-sided experts, consultants and lawyers working busily for us like Kohl's and Clearman's do. We can't commission all of the studies that we know would so clearly show that approving this project would be a mistake. We simply don't have those corporate deep pockets. Our efforts all come from within: donations of time, work, money and passion. We appeal to this Commission to understand that, although we are the "little guy," we care deeply about the fate of this project and hope you will see through the slick statistics and one-sided studies and projections that corporate deep pockets can buy.

Summary:

For some time, our community has attempted to have a meaningful dialog with Clearman's and Kohl's about their proposed project. We went forward in good faith hoping that there might be a way for the project to work well within our area. Unfortunately, we found Clearman's and Kohl's to be unwilling to seriously address our concerns. This ultimately led us to the realization that, in fact, the very nature of the project itself, with its regional, high-volume draw and big box approach, is simply at

odds with our community. As we've shown, through letters, studies and testimony at the previous hearings and today, this project is just too detrimental to our area. A large, regional store like Kohl's will increase traffic from bad to horrific. The studies upon which this project stands are simply too full of inaccuracies and flaws. There is absolutely no need for yet another retailer like Kohl's. Crime, safety, noise and nuisance will all be compromised. Kohl's will be out of character and aesthetically unappealing in our community. There are just no compelling reasons to approve this project, and approval will result in irreparable damage to our community. We would welcome development of a local-serving nature, which is in line with the present general plan designation and consistent with our community. However, the Kohl's project is wrong for this site. We ask each member of this Commission to please put yourselves in our shoes and imagine these circumstances threatening your home and community. We also ask that, in considering this project, you please keep in mind that approval means never turning back. You can't un-ring the bell. For all of these reasons, we request that this Commission deny approval of this project.

TO: Los Angeles County Regional Planning Commission
320 West Temple Street, Rm. 1348
Los Angeles, CA 90012
ATTN: Dr. Hsiao-ching Chen

Re: ***Clearman's Village Project (County Project No. 03-147)***

Honorable Commissioners:

I live near the proposed "Clearman's Village Project," described in the June 2, 2005 memorandum from the Department of Regional Planning.

I am OPPOSED to the approval of this project.

This regional "big box" retail development is too big for our neighborhood.

The traffic on Rosemead Blvd. is already highly congested and the road and median are in poor condition. We cannot bear the burden the increased traffic would bring.

More congestion is also sure to trigger more cut-through traffic on our residential streets, putting our children in danger and reducing our quality of life.

The site of the project is now a neighborhood-serving commercial shopping center. It should remain so. If Clearman's wants to redevelop the site, it should submit a new proposal. Clearman's should also consult the neighborhood first – something it has not done in the past.

OTHER COMMENTS (optional) Traffic is already backed up from Rosemead past our house (2½ blocks West of Rosemead) – at peak hours. There are times I can not get out of my own driveway. Please vote NO on the Clearmans Project

Please say "NO" to the Clearman's Village Project.

July 15, 2005
DATE

Sincerely,
Sally Wood
SIGN name
SALLY WOOD
PRINT name
3530 E California Blvd
Address
Pasadena CA 91107

Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, California 90012
Telephone (213) 974-6443

PROJECT No. 03-147-(5)
Zone Change
Conditional Use Permit

RPC CONSENT DATE	CONTINUE TO
February 8, 2006	March 9, 2005 July 20, 2005 September 28, 2005
AGENDA ITEM	
PUBLIC HEARING DATE January 19, 2005	

APPLICANT	OWNER	REPRESENTATIVE
J. Foley Enterprises, Inc. & Wallis M. Clearman, Trust	J. Foley Enterprises, Inc. & Wallis M. Clearman, Trust	Charles J. Moore, Esq., Cox Castle Nicholson Dwight Steinert, Planning Associates

REQUEST

1. Zone Change to authorize a change in the zoning of the subject property from C-1 (Restricted Business), C-2 (Neighborhood Business), C-H-DP (Commercial Highway, Development Program) and R-3 (Limited Multiple Residence) to C-2-DP (Neighborhood Business, Development Program) on 8.13 acres.
2. Conditional Use Permit to authorize establishment of a 30-foot tall department store, currently planned as a Kohl's Department Store, and relocation and expansion of the existing Galley restaurant with the sale of a full line of alcoholic beverages for on-site consumption in the expanded restaurant; and continued operation and maintenance of the Northwoods Inn restaurant with the onsite sales of a full line of alcoholic beverages. Existing uses on the site, with the exception of the Northwoods Inn restaurant and the relocated Galley Boat will be demolished.

LOCATION/ADDRESS
West side of Rosemead Boulevard between Huntington Drive and Fairview Avenue

ACCESS
Via Huntington Drive to the north, Rosemead Avenue to the east and Fairview Avenue to the south

ZONED DISTRICT
East Pasadena and South Santa Anita-Temple City

COMMUNITY
San Gabriel

EXISTING ZONING
C-1, C-2, C-H-DP, R-3

SIZE	EXISTING LAND USE	SHAPE	TOPOGRAPHY
8.13 Acres	Commercial, office, single-family residences	Rectangular with 3 outparcels	Flat

SURROUNDING LAND USES & ZONING

North: Medial offices, commercial uses, single-family residences/C-2, R-1-20000, R-1-40000, R-3	East: Commercial uses, office building, single and multi-family residences/C-2, C-1, CPD, R-3-25U, R-1, R-3
South: Single and multi-family residences/R-3, R-2	West: Single and multi-family residences/R-3, R-1, R-A

GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
Countywide	3: Medium Density Residential	22 Units per Acre	See Staff Report
Area/Community N/A			

ENVIRONMENTAL STATUS
Environmental Impact Report

DESCRIPTION OF SITE PLAN
The site plan depicts the proposed Kohl's department store (88,407 sq. ft.) situated on the north-western portion of the site, immediately north and west of the existing Northwood's Inn restaurant (14,060 sq. ft.) and adjacent to Huntington Drive. The proposed relocated and expanded Galley restaurant (8,500 sq. ft.) is depicted adjacent to Rosemead Boulevard south of the existing fire station. The remainder of the site is depicted as parking (502 spaces including 11 handicapped) and landscaping (10% of site).

KEY ISSUES

- Satisfaction of Section 22.16.110 of the Los Angeles County Code, Zone Change Burden of Proof requirements
- Satisfaction of Section 22.56.040 of the Los Angeles County Code, Conditional Use Permit Burden of Proof requirements
- Satisfaction of Section 22.56.195.B of the Los Angeles County Code, Alcoholic Beverage Sales Burden of Proof requirements
- Consistency with Countywide General Plan
- Compliance with the East Pasadena-San Gabriel Community Standards District development standards

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON: Mr. Kim K. Szalay, MPL, AICP		
RPC HEARING DATE(S): 1/19/05, 3/09/05, 7/20/05, 9/28/05	RPC ACTION DATE: February 8, 2006	RPC RECOMMENDATION: Adopt ZC, Approve CUP w/ Conditions
MEMBERS VOTING AYE: 4	MEMBERS VOTING NO: 0	MEMBERS ABSTAINING: 0
STAFF RECOMMENDATION (PRIOR TO HEARING): Adopt ZC, Approve CUP w/ Conditions		
SPEAKERS* (O) 56 (F) 16	PETITION , FORM LETTER, AND CARD SIGNATURES (O) 338 (F) 552	LETTERS (SIGNED FORM LETTERS NOT INCLUDED) O = 1/19/05 (11), 7/20/05 (35), 9/28/05 (63) (O) 109 (F) 3

*(O) = Opponents (F) = In Favor