

**NOTICE OF INTENT TO ADOPT/ AVAILABILITY
INITIAL STUDY/NEGATIVE DECLARATION FOR PLN – 13 – 00064
(IN-N-OUT BURGER PARKING LOT EXPANSION)**

This serves as the City of Downey's Notice of Availability for the Initial Study/Negative Declaration for PLN – 13 – 00064, the Project.. The City Planning Division will receive comments on this draft environmental document from September 21, 2013 through October 11, 2013. The City's Planning Commission is scheduled to hold a public hearing to consider the Initial Study/Negative Declaration and PLN – 13 – 00064 at 6:30 p.m. on October 16, 2013, in the Council Chambers of Downey City Hall, located at 11111 Brookshire Avenue, Downey, California

- Project Title:** PLN – 13 – 00064
- Project Location:** 8767 Firestone Boulevard and 11101 Lakewood Boulevard, Downey CA
- Lead Agency:** City of Downey
11111 Brookshire Avenue
Downey, CA 90241
- Project Description:** Development proposal to enlarge the parking lot and increase the length of the drive-through lane of the In-N-Out Burger at 8767 Firestone Boulevard by using the neighboring property, 11101 Lakewood Boulevard, to accommodate the proposed expansions. Entitlement applications accompanying the proposal include: a rezone application to change the zoning of 11101 Lakewood Boulevard from Professional Office to the Lakewood/Firestone Specific Plan to permit the development of In-N-Out's proposed improvements as a conditional use; a conditional use permit to permit the development of the proposed improvements; and a summary vacation to abandon the alley that traverses the affected properties, plus a small portion of surplus Lakewood Boulevard right-of-way that covers the front portion of 11101 Lakewood Boulevard.
- Project Applicants:** In-N-Out Burger and Progeny Capital Partners, LP

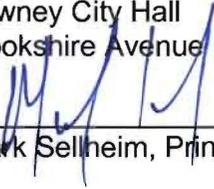
NOTICE IS HEREBY GIVEN THAT the City of Downey has completed a review of the Environmental Checklist for PLN – 13 – 00064, the "Project", in accordance with the City of Downey's guidelines implementing the California Environmental Quality Act (CEQA). This was undertaken for the purpose of determining whether the project would have a significant adverse effect(s) on the environment. Both the Planning Commission and City Council will consider the Initial Study/Negative Declaration for the above-cited project. Preparing a Negative Declaration was based on the finding that PLN – 13 – 00064 will not create any significant adverse effects. Reasons to support this finding are documented in the Initial Study. A copy of the Initial Study and proposed Negative Declaration may be obtained at the address provided below.

FINDING: The City of Downey has determined that implementation of PLN – 13 – 00064 will not degrade the quality of the environment. That said project will not impact long-term environmental goals, that it will not have a cumulative effect on the environment; and that it will not adversely impact human beings, either directly or indirectly. Further, any potential impact the project is anticipated to have will not have a direct or indirect impact on natural resources.

PUBLIC COMMENTS: Any individual, group, or agency disagreeing with this determination or wanting to comment on PLN – 13 – 00064 can submit written comments to the Planning Division of the City of Downey to the name and address provided below. All comments received by 5:30 p.m., Friday, October 11, 2013 will be considered by the Planning Commission.

NAME: Mark Sellheim
TITLE: Principal Planner
ADDRESS: City of Downey City Hall
11111 Brookshire Avenue

Date: September 11, 2013



Mark Sellheim, Principal Planner

**INITIAL STUDY OF ENVIRONMENTAL IMPACTS AND PROPOSED
NEGATIVE DECLARATION FOR APPLICATION PLN – 13 - 00064
(IN-N-OUT BURGER PARKING LOT EXPANSION)
(Applicants: IN-N-OUT Burger and Progeny Capital Partners, LP)**

1. INTRODUCTION

Application PLN – 13 – 00064 involves the In-N-Out Burger, located at 8767 Firestone Boulevard and the adjoining property to the north, 11101 Lakewood Boulevard (together the two properties make up the project site). The proposal consists of lengthening the restaurant's drive-through lane and enlarging and re-configuring its parking area by using the adjoining property to accommodate the proposed improvements. In-N-Out plans to enlarge its parking area by using the neighboring property to accommodate its expansion plans, while the restaurant and its existing onsite improvements remain intact.

A 2-story, 4,580 square foot office building and accompanying parking lot occupy the property next to In-N-Out Burger. The applicant proposes to raze the building in order to provide space for the longer drive-through lane and enlarged parking area. The expanded parking lot will increase the restaurant's parking supply from 42 to 61 spaces, while the drive-through lane will accommodate five more vehicles than it does currently, increasing the number from 9 to 14.

The applicant filed the following entitlement requests to implement the development proposal, formally known as PLN – 13 – 00064:

- **Zone Change**. Change the zoning of the property at 11101 Lakewood Boulevard from C-P (Professional Office) to the Lakewood/Firestone Specific Plan 91-2 (SP-91-2). Drive-through restaurants are unpermitted in the C-P zone, whereas they are a conditional use in the Lakewood/Firestone specific plan. Akin to the request, the property that In-N-Out Burger occupies is also zoned SP-91-2.
- **Conditional Use Permit**. Allow the In-N-Out Burger at 8767 Firestone Boulevard to extend its drive-through lane and expand its parking area onto the adjoining property at 11101 Lakewood Boulevard.
- **Vacation**. Vacate both the public alley that overlays 8767 Firestone Boulevard and 11101 Lakewood Boulevard, and a portion of excess Lakewood Boulevard right-of-way that covers the front 11101 Lakewood Boulevard.

This Initial Study and proposed Negative Declaration were prepared in accordance with the provisions of the California Environmental Quality Act (CEQA), as amended. The environmental documents were prepared to determine whether In-N-Out Burger's development plan will produce a significant adverse impact(s) and if so, assess the extent of the identified impact.

Organization and Content of Initial Study

The Initial Study contains analyses and other supportive evidence by which the Lead Agency, the City of Downey, can determine whether PLN – 13 – 00064 will create a significant adverse environmental effect(s). Its format and structure reflects the City's Initial Study Checklist provided herein (Section 3). The following discussion outlines the contents of the Initial Study.

Section 1., Introduction: provides the procedural context surrounding the preparation of the Initial

Study and insight into its composition.

Section 2., Project Location/Description: Describes the development proposal accompanying PLN – 13 – 00064, its location and the surrounding setting.

Section 3., Initial Study Checklist: Summarizes the contents of the two sections that follow, particularly with regard to the issue-by-issue determination of a significant impact. It also serves as the document where the Lead Agency's determination is formally declared and signed.

Section 4., Discussion of Environmental Evaluation: Describes the environmental effects that are anticipated to result from implementing the development proposal.

Section 5., Mandatory Findings of Significance: Provides a discussion of how, or in what way, if any, the application/project may adversely impact one of the Checklist's environmental areas.

2. PROJECT LOCATION/DESCRIPTION

The City of Downey is a built-out, urbanized community in the southeastern portion of Los Angeles County, located about 12 miles southeast of downtown Los Angeles. Downey is one of the largest suburban cities in the region with a population of over 110,000 and an employment base exceeding 55,000 jobs. It is bounded by Telegraph Road and the San Gabriel River on the north and east, respectively, while the Rio Hondo River borders it on the west and Gardendale Street and Foster Road define its southerly boundaries.

Cities bordering Downey include: Pico Rivera on the north, Santa Fe Springs on the northeast, Norwalk on the east, Bellflower and Paramount on the south, South Gate on the southwest and the City of Commerce on the northwest. In addition to these cities, Downey has access to four freeways: the Glenn Anderson freeway (Interstate 105) and the Long Beach freeway (Interstate 710) serve as its southerly and westerly boundaries, respectively, while the Santa Ana freeway (Interstate 5) borders it on the north and the San Gabriel River freeway (Interstate 605) roughly defines its easterly boundary.

2.1 PROJECT DESCRIPTION

The "Project" (Application Number PLN-13-00064) encompasses the contiguous properties at 8767 Firestone Boulevard and 11101 Lakewood Boulevard; together they make up the northwest corner of the Firestone Boulevard/Lakewood Boulevard intersection (see Exhibit A). An In-N-Out Burger drive-through restaurant has operated at 8767 Firestone Boulevard since 1996; the adjoining property, 11101 Lakewood Boulevard, supports a 2-story, 4,580 square foot office building that was constructed in 1978.

The applicant has a two-fold purpose for submitting the proposal: improve the restaurant's on- and off-site circulation and increase its parking supply. To that end, the applicant plans to merge the properties and convert 11101 Lakewood Boulevard into a parking area to augment In-N-Out Burger's parking supply.

The applicant also intends to lengthen the drive-through lane by using a portion of the adjoining property to accommodate the extension. The added length will provide room for five more vehicles, thus increasing its capacity from 9 to 14 vehicle spaces.

Under the proposal, the In-N-Out Burger will remain intact, while the northerly part of the parking area will be reconfigured and coordinated with the parking lot that's proposed for the neighboring lot. According to project plans, the restaurant's parking inventory will undergo a net increase of 19 spaces. It currently has 42 spaces; nineteen of those will be lost with the expansion, while 38 new

spaces will added, resulting in a total of 61 stalls. The additional 19 stalls represents a 31% increase.

In addition to parking spaces and drive-through lane, the applicant proposes to add 5,667 square feet of landscaping to the new parking lot. The landscaping will take the form of 5- and 10-foot wide planters framing the perimeter of the proposed parking area, plus the addition of an exaggerated I-shaped planter in the center (see Exhibit B).

The project also includes a request to vacate the 20-foot wide alley that overlays the properties' common east/west boundary (10 feet on each side of the property line) and the westernmost portion of 11101 Lakewood Boulevard. The vacation also includes a request to abandon a small portion of surplus Lakewood Boulevard right-of-way (about 2,000 square feet) that covers the front of 11101 Lakewood Boulevard (see Exhibit C).

This Negative Declaration will assess the potential consequences of demolishing the 2-story office building at 11101 Lakewood Boulevard and replacing it with a small parking lot and extended drive-through lane for the neighboring In-N-Out Burger. It will also assess the potential impacts of the vacation, which will be processed as a Summary Vacation.

Lastly, the applicants intend to file a merger application to combine the properties after the Planning Commission and City Council act on the above-described applications.

2.2 ENVIRONMENTAL SETTING

City of Downey. Downey is a built-out community that was mostly developed in the 1950s and 60s and is considered part of the greater Los Angeles metropolitan area. The land area comprising the city totals about 12.8 square miles and its topography is nearly level. Elevations range from approximately 90 feet above sea level in the southern part of the community to about 140 feet in the northernmost portion. Approximately 61% of the city is developed with residential uses, while the commercial and manufacturing areas make up about 20%. Open space accounts for about 8%. The balance of the City's land area is devoted to schools and public uses (11%). In 2012, the California Department of Finance estimated Downey's population was 111,000.

Project Site. As noted above, two contiguous properties make up the project site, 8767 Firestone Boulevard and 11101 Lakewood Boulevard. Each is described briefly below.

1. **8767 Firestone Boulevard** occupies the northwest corner of the Firestone/Lakewood intersection; the property totals about 34,175 square feet and it supports a 2,912 square foot In-N-Out Burger. The restaurant was built in 1996 and features a drive-thru lane with stacking space for nine (9) vehicles, along with a 42-space parking lot. The parcel is zoned Lakewood/Firestone Specific Plan (which was designed to encourage the establishment of retail uses that complement neighboring Stonewood regional center) and maintains the corresponding General Commercial General Plan designation.
2. **11101 Lakewood Boulevard** is located immediately north of 8767 Firestone Boulevard. The property measures about 7,900 square feet and maintains a little more than 77 feet of frontage. Improvements occupying the parcel consist of a 2-story, 4,580 square foot office building, constructed in 1978, along with its accompanying 15-space parking lot. For its land use classifications, the property is zoned C-P (Professional Office), and it is designated General Commercial on the General Plan.

2.3 DISCRETIONARY APPROVAL AUTHORITY

The Initial Study and proposed Negative Declaration will be used in consideration of the project, PLN -13 – 00064, which consists of three applications: 1) a zone change, 2) a conditional use permit and 3) a request to vacate an onsite alley and unused street right-of-way. The applications' approval process involves both the Planning Commission and City Council and includes the following steps:

- The Planning Commission will initially consider the applications and review them concurrently. The Commission is the decision-making body for the conditional use permit, while acting as an advisory body for the zone change. The Commission, subsequent to considering the zone change will advance its recommendation to the City Council for the Council's consideration. For the alley vacation, the Planning Commission must determine whether it conforms to the General Plan. Then, like the zone change, the Commission will forward its recommendation to the City Council.
- The City Council is the decision-making body for both the zone change application and vacation. For the vacation, the Council must also determine whether it is consistent with the General Plan and if so, they adopt a Resolution of Vacation, which the City Clerk records with the Los Angeles County Recorders Office.

2.4 ENVIRONMENTAL CHECKLIST

2.4.1. Background

2.4.2. Project Title: PLN -13 – 00064 (In-N-Out Burger Parking Lot Expansion)

2.4.3. Lead Agency Name and Address:
City of Downey
Community Development Department
11111 Brookshire Avenue, Downey, CA 90241

2.4.4. Contact Person and Phone Number:
Mark Sellheim, Principal Planner (562) 904-7154

2.4.5. Project Location:
8767 Firestone Boulevard and 11101 Lakewood Boulevard, Downey CA

2.4.6. Project Sponsors' Name and Address:
In-N-Out BURGERS
13502 Hamburger Lane
Baldwin Park, CA 91706, and

Progeny Capital Partners LP
11101 Lakewood Boulevard
Downey, CA 90241

2.4.7. General Plan Designation: "General Commercial".

2.4.8. Zoning Districts: 8767 Firestone Boulevard: Lakewood/Firestone Specific Plan 91-2

11101 Lakewood Boulevard: Professional Office (C-P) zone

2.4.9 Description of Environmental Document and Project:

This Initial Study and proposed Negative Declaration were prepared in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended, and State CEQA Guidelines Section 15063.

Project Description: Development proposal to increase both the parking supply and length of the drive-through lane of the In--N-Out Burger at 8767 Firestone Boulevard by using the neighboring property to accommodate the proposed expansions. Entitlements the applicant filed to implement the proposal include:

- A rezone application to change the zoning of the property at 11101 Lakewood Boulevard from Professional Office (C-P) to the Lakewood/Firestone Specific Plan 91-2. The requested zoning classification lists drive-through restaurants like In-N-Out Burger as a conditional use;
- A conditional use permit (CUP) to modify the parking lot and drive-through lane of the In-N-Out at 8767 Firestone Boulevard by allowing them to expand onto the neighboring property at 11101 Lakewood Boulevard; and
- A summary vacation request to abandon the public alley that overlays both properties and a small portion of excess Lakewood Boulevard right-of-way that covers the front of 11101 Lakewood Boulevard.

2.5.0 Environmental Determination: The City of Downey has determined a Negative Declaration will be prepared for PLN – 13 – 00064.

2.5.1 Disposition of Initial Study

As indicated previously, the City of Downey, serving as the Lead Agency, has determined a Negative Declaration will be prepared for the development proposal, which involves: enlarging the parking area and drive-through lane of the In-N-Out Burger at 8767 Firestone Boulevard by using the neighboring property at 11101 Lakewood Boulevard. The proposal is considered to be a project, pursuant to the Guidelines of CEQA. Certain projects or actions undertaken by a Lead Agency may require oversight, approvals, or permits from other public agencies. These agencies are referred to as “Responsible” and “Trustee” Agencies; and are defined, pursuant to Sections 15381 and 15386 of the state CEQA Guidelines as follows:

“Responsible Agency is a public agency which proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration. For purposes of CEQA, the term “Responsible Agency” includes all public agencies other than the Lead Agency which have discretionary approval over the project.”

“Trustee Agency is a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the state of California” (such as the California Department of Fish and Game).

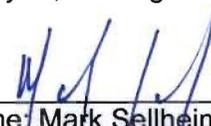
3. INITIAL STUDY CHECKLIST OF POTENTIALLY AFFECTED AREAS:

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

Signature: 
 Printed Name: Mark Sellheim, Principal Planner

Date: 9/18/13

<u>ENVIRONMENTAL ISSUES ASSESSMENT</u>	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a. Have a substantial adverse effect on a scenic vista?				X
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c. Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X
II. AGRICULTURE AND FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b. Conflict with existing zoning for agricultural use, or a Williamson act contract?				X
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d. Result in the loss of forest land or conversion of forest land to non-forest use?				X
e. Involve other changes in the existing environment				

<u>ENVIRONMENTAL ISSUES ASSESSMENT</u>	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?				X
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d. Expose sensitive receptors to substantial pollutant concentrations?				X
e. Create objectionable odors affecting a substantial number of people?				X
IV. BIOLOGICAL RESOURCES. Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal,				X

<u>ENVIRONMENTAL ISSUES ASSESSMENT</u>	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
filling, hydrological interruption, or other means?				
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
V. CULTURAL RESOURCES. Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d. Disturb any human remains, including those interred outside of formal cemeteries?				X
VI. GEOLOGY AND SOILS. Would the project:				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	

<u>ENVIRONMENTAL ISSUES ASSESSMENT</u>	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
2) Strong seismic ground shaking?			X	
3) Seismic-related ground failure, including liquefaction?			X	
4) Landslides?				X
b. Result in substantial soil erosion or the loss of topsoil?				X
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
VII. GREENHOUSE GAS EMISSIONS: Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X
VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X

c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a. Violate any water quality standards or waste discharge requirements?				X
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X

d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f. Otherwise substantially degrade water quality?				X
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j. Inundation by seiche, tsunami, or mudflow?				X
X. LAND USE AND PLANNING. Would the project:				
a. Physically divide an established community?				X
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
XI. MINERAL RESOURCES. Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
XII. NOISE. Would the project result in:				
a. Exposure of persons to or generation of noise levels				X

in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
XIII. POPULATION AND HOUSING. Would the project:				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
XIV. PUBLIC SERVICES.				
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1) Fire protection?				X

2) Police protection?				X
3) Schools?				X
4) Parks?				X
5) Other public facilities?				X
XV. RECREATION.				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e. Result in inadequate emergency access?				X
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or				X

safety of such facilities?				
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g. Comply with federal, state, and local statutes and regulations related to solid waste?				X
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c. Does the project have environmental effects which will				

cause substantial adverse effects on human beings, either directly or indirectly?				X
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4. DISCUSSION OF ENVIRONMENTAL EVALUATION

This section analyzes the potential environmental impacts which may result from the proposed project. For the evaluation of potential impacts, the questions in the Initial Study Checklist (Section 3) are stated and answers are provided according to the analysis undertaken as part of the Initial Study. They include:

1. No Impact. Future development arising from the project’s implementation will not have any measurable environmental impact on the environment and no additional analysis is required.
2. Less Than Significant Impact. The development associated with project implementation will have the potential to impact the environment; these impacts, however, will be less than the levels or thresholds that are considered significant and no additional analysis is required.
3. Potentially Significant Impact Unless Mitigated. The development will have the potential to generate impacts which will have a significant effect on the environment; however, mitigation measures will be effective in reducing the impacts to levels that are less than significant.
4. Potentially Significant Impact. Future implementation will have impacts that are considered significant, and additional analysis is required to identify mitigation measures that could reduce these impacts to less than significant levels.

The following is a discussion of potential project impacts as identified in the Initial Study Checklist. Explanations are provided for each item.

4.1 AESTHETICS. *Would the project:*

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

No Impact. The City’s General Plan does not designate any adjoining or nearby roadways as scenic highways. As a consequence, project implementation will not impact a scenic vista.

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

No Impact. The project site is bounded by Lakewood and Firestone Boulevards and neither highway within Downey is designated a state scenic highway. Moreover, no scenic resources, including trees and rock outcroppings, or historic buildings are located onsite. The project site to date is completely developed. Improvements consist of a 2,912 square foot In-N-Out drive-through restaurant, with its associated 42-space parking lot, plus a 2-story, 4,580 square foot office building and its accompanying 15-stall parking area. The drive-thru restaurant was built in 1996, while the office building was constructed in 1978. As such, the site does not feature any scenic or historic

resources.

(**Source:** City of Downey, Downey Vision 2025 General Plan Cultural Resources Element).

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

No Impact. Project Implementation will alter the character of the northerly portion of the project site, but not degrade the quality of the site. Implementation, as discussed above, consists of expanding the parking area of an existing In-N-Out, 8767 Firestone Boulevard, and lengthening its drive-through lane by merging the restaurant property with the adjoining lot, razing its existing improvements, a 2-story, 4,580 square foot office building, to free up the site for the expanded parking area and drive-through lane. The existing In-N-Out occupies the bulk of the project site, 34,175 square feet of 42, 075 square foot site, and it along with its existing improvements will remain intact. According to the project site plan, the existing and proposed parking areas will be coordinated so vehicle movement between lots is seamless. The development proposal also involves adding 5,667 square feet of landscaping to the new parking lot. Moreover, Planning Division staff and the Planning Commission will ensure the proposed parking lot improvements are attractive and compatible with the neighboring properties through the conditional use permit process.

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

No Impact. The project's long-term operations are not expected to produce light or glare that would adversely impact daytime or nighttime views in the area. Development as noted above involves redeveloping a 7,900 square foot site into a 38-space parking lot, with an expanded drive-through lane, in order to augment the parking supply of an adjoining fast-food restaurant. Light sources associated with the proposed project include parking lot light standards and vehicle headlights. Neither source, however, will produce negative impacts due to the development standards and design features that will be incorporated into the project. Land use controls that apply to this project are taken from both the Firestone/Lakewood Specific Plan and the Zoning Ordinance. Applicable provisions from the specific plan stipulate that: 1) parking areas shall be lit by sharp cut-off fixtures directing light downward only; 2) particular attention is paid to preventing light from spilling onto public rights-of-way; 3) lights shall be shielded, diffused, or indirect to avoid glare for pedestrians and motorists; and 4) light standards shall not exceed 20 feet in height and shall have no more than three fixtures per standard at a minimum of 30 feet on center. Applicable standards from the zoning ordinance mandate: 1) parking lot lighting shall be low level and designed to eliminate spillover to the street and directed, positioned and/or shielded so as not to direct light on any street or abutting property. Project design features mitigating lighting impacts from vehicle headlights include providing a combination of perimeter walls with paralleling landscape planters. Specifically, the westerly and northerly boundaries of the expanded parking lot abut single-family residences; six-foot walls are erected along both boundaries, which will obstruct headlight spillover. In addition to the walls, the project will provide a 10'-7" wide planter alongside the westerly boundary and a 5'-6" planter paralleling the northerly boundary. They will be planted with trees and shrubs that form an uninterrupted screen between 10 and 15 feet high at the time of planting, and growing between 15 and 20 feet at full growth.

(Source: City of Downey Zoning Ordinance Sections 9520.06 and 9406.08; Lakewood/Firestone Specific Plan, page IV-8.

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

Would the project:

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

No Impact. Project implementation does not involve converting farmland to non-agricultural uses. Moreover, the project site is not identified on any state Agricultural Preserve map and is not mapped as prime or unique farmland or farmland of local importance. According to maps prepared by the California Department of Conservation, it is designated as a urban and built-up land. The project as noted previously, involves converting a 7,900 square foot lot, that is part of the city's built-up environment, from one commercial use to another. Specifically, converting a lot that supports a 2-story office building into a parking lot for the benefit of a neighboring fast-food restaurant.

(Source: California Department of Conservation Website – Important Farmland Maps in California 2010)

- b) *Conflict with existing zoning for agricultural use, or a Williamson act contract?*

No Impact. The development proposal will not conflict with a zoning classification intended for agricultural use; nor is the project site identified as land under a Williamson Act contract. Instead, the bulk of the site is zoned Lakewood/Firestone Specific Plan, while the northerly part is zoned Professional Office (a request to rezone the Professional Office portion to the Lakewood/Firestone Specific Plan is part of the development proposal). The primary intent of the specific plan is to ensure attractive, revenue-producing commercial developments that complement Stonewood Center, through the use of development standards and design guidelines, as properties within the plan area recycle.

(Source: California Department of Conservation Website – Williamson Act Maps)

- c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*

No Impact. Project implementation will not conflict with existing zoning for forest land or timberland zoned Timberland Production. The project site, as noted above, does not have any forest resources. It is developed with urban uses, a drive-through restaurant and a 2-story office building, and maintains two commercial zoning classifications: most of the site is zoned Lakewood/Firestone specific plan, while the smaller, northerly portion is zoned Professional Office (C-P). A zone change application is pending to reclassify the C-P portion to Lakewood/Firestone specific plan. According to the specific plan's list

of uses, a drive-through restaurant is permitted with a conditional use permit, whereas the C-P zone prohibits restaurants with drive through lanes.

d) *Result in the loss of forest land or conversion of forest land to non-forest land?*

No Impact. Project implementation will not result in the loss of forest land or the conversion of forest land to non-forest land. The project site, as described above, is part of Downey's built environment and supports two commercial uses: a combination sit down (71 seats) and drive-through restaurant and a 2-story office building.

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

No Impact. As mentioned above, a commercially-developed site is the subject of the development proposal under consideration. Moreover, the project under review proposes to raze one of the site's two commercial uses, the office building, to make way for the expansion plans of the other use: enlarge a restaurant's parking lot and lengthen its drive-through lane. These proposed changes are limited to the project site and will not result in conversion of farmland

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

4.4 *Would the project:*

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

No Impact. The project site is within the South Coast Air Basin (SCAB), which is a geographic area designated by the state of California for the purpose of air quality management. The SCAB encompasses the non-desert regions of Los Angeles County, Riverside and San Bernardino Counties and all of Orange County. And because the SCAB does not comply with the ambient air quality standards for several criteria air pollutants, the Federal Clean Air Act (i.e., 1977 amendments) requires the South Coast Air Quality Management District (SCAQMD), the regional agency responsible for maintaining air quality in the SCAB, to prepare an air quality management plan, or clean air plan for the basin (air quality standards are established to safeguard the public's health and welfare with specific emphasis on protecting those individuals who are susceptible to respiratory distress, such as asthmatics, the young, the elderly, and those with existing conditions which may be affected by increased pollutant concentrations). The AQMP identifies the steps the SCAQMD will take to bring the basin into compliance with ambient air quality standards. The SCAMD is also responsible for formulating the rules and measures that will bring the basin into compliance with air quality standards.

In 1989, the SCAQMD adopted the first clean air plan for the SCAB and the district has revised and amended the plan several times since. The current clean air plan is known as the 2012 Final AQMP. It provides a detailed blueprint on how to achieve the health standards for air pollutants by 2015. The AQMP also provides a scientific demonstration that shows how by implementing emission control measures the basin will meet health based standards. It also includes an update on the progress that's been made towards

reducing ground-level ozone to meet the standard for ozone by 2024. Also provided is a comprehensive analysis of strategies and challenges involved in meeting future air quality goals.

To determine the project's potential effects on local air quality, the applicant had a consulting firm, Air Quality Dynamics, prepare a local significance threshold (LST) analysis (see Exhibit D). The project's potential localized air quality impacts were assessed by examining the onsite generation of pollutants and their resulting downwind concentrations; then comparing the estimated pollutant concentrations to the Air District's significance thresholds for the following air pollutants: fine particulate matter (PM_{2.5} and PM₁₀), carbon monoxide (CO) and nitrogen dioxide (NO₂). The LST concluded that the project's potential impacts on air quality will not conflict with the implementation of the Final 2012 AQMP because both its construction and operational air impacts will not exceed the air district's established significance thresholds. The project's air impacts from construction activities (e.g., building demolition, site preparation/grading and asphalt paving) will not exceed the district's significance thresholds. Similarly, the impacts from the project's operational or day-to-day long-term activities (i.e., emissions from project-generated traffic) will not exceed the air district's significance thresholds for PM₁₀ or PM_{2.5}. Furthermore, the project's operational activities for will not cause an exceedance of NO₂ or CO (see Exhibit D for a complete analysis).

- b) *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?*

No Impact. As noted previously, estimated emissions generated by the project's construction and operational activities, i.e., vehicle emissions, will not violate the SCAQMD's significance thresholds for criteria air pollutants, or contribute substantially to an existing air quality standard. The air pollutants studied in the analysis included PM_{2.5}, PM₁₀, CO (carbon monoxide) and NO₂ (nitrogen dioxide). Emissions from project-generated traffic will produce PM₁₀ (fine particulate matter 10 microns or less in width) concentrations of 0.50461 ug/m³ (micrograms per cubic meter) and 0.11501 ug/m³ for the 24-hour and annual averaging times. These estimated values do not exceed the district's significance thresholds of 2.5 ug/m³ and 1.0 ug/m³, respectively.

For PM_{2.5} (fine particulate matter less than two and half microns in width), the analysis estimated vehicle emissions from project-generated traffic will produce a maximum 24-hour concentration of 0.46530 ug/m³, which is well below the significance threshold of 2.5 ug/m³.

The maximum modeled 1-hour concentration for CO is 0.65126 ppm (parts per million), when added to the area's existing background concentration of 2.7 ppm and will not cause an exceedance of the California Ambient Air Quality Standard (CAAQS) of 20 ppm. For the 8-hour averaging time for CO, the maximum predicted concentration of 0.31452 ppm, when added to an existing background level of 2.4 ppm, does not cause an exceedance of the CAAQS of 9 ppm.

Lastly, for NO₂, the project is forecast to emit a maximum 1-hour concentration of 0.02706 ppm; this concentration, when added to a background concentration of 0.091 ppm does not cause an exceedance of the standard of 0.18 ppm.

(Source: Localized Significance Threshold Analysis – In-N-Out Burger Parking Lot Expansion Project, July, 2013

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

No Impact. Please refer to the response in Section 4.3 (b).

- d) *Expose sensitive receptors to substantial pollutant concentrations?*

No Impact. See the response for Section 4.3 (b).

- e) *Create objectionable odors affecting a substantial number of people?*

No Impact. Objectionable odors are not associated with the kind of activities that comprise the proposed project. More specifically, the intent of the proposal is to expand the parking area of the existing In-N-Out Burger, located at 8767 Firestone Boulevard, and lengthen its drive-through lane in an effort to improve both on- and off-site vehicular circulation. The expanded facilities will increase the restaurant's parking space supply from 42 to 61 spaces and provide space for five more vehicles in the drive-through lane.

To that end, the applicant plans to acquire the adjoining parcel and merge it with the restaurant property. The adjoining property supports a 2-story, 4,580 square foot office building and a small parking lot; subsequent to obtaining the project's entitlements, the applicant intends to raze the office building, as well as the site's other improvements, and replace them with the expanded parking lot and drive-through lane. These activities characteristically do not create objectionable odors.

4.4 BIOLOGICAL RESOURCES. *Would the project:*

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

No Impact. No special status species or species identified as a candidate in a local or regional plan or by the California Department of Fish and Game inhabit the project site. It was cleared of its natural habitat many years ago to make way for its built improvements, which are part of an urban area. As such, no candidate or special status species inhabit the sites as their existing condition indicate.

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

No Impact. The project site is part of the community's built environment. Improvements occupying the site, as noted above, consist, of a 2,912 square foot fast food restaurant, with a drive-through lane, and a 4,580 square foot, 2-story office building. Both improvements have associated parking lots. Given these improvements, the project site

does not feature riparian habitats, or other sensitive natural community, as identified on any local, regional, state or federal plan. Therefore, project development will not impact riparian habitats or natural communities and mitigation measures are unnecessary.

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

No Impact. There are not wetlands on the project site or its immediate vicinity.

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

No Impact. The project site is part of a developed, urban environment, i.e., City of Downey, which is part of the larger Los Angeles metropolitan area, and it is not part of a wildlife corridor or feature wildlife nursery sites. Instead, it supports a fast food restaurant and a small office building. Thus, developing the project, expanding the restaurant's parking lot, will not interfere or block the movement of any native resident or migratory fish or wildlife species. Nor will project implementation interfere with any kind of established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, since none exist on-site or nearby. No mitigation measures are necessary.

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

No Impact. The City of Downey to date does not have a Tree Preservation Ordinance. However, in 2004, City Staff, with the assistance of interested residents, compiled a "Significant Tree Survey" for the Conservation Chapter of the 2005 General Plan Update. Trees included in the survey were added on the basis of age, size and historical and cultural importance. The survey, however, does not identify a significant tree or trees on the project site. In addition to the absence of any significant trees, the project site is developed with commercial improvements and does not feature any kind of biological resources.

(Source: Downey Vision 2025 General Plan Conservation Chapter, Pages 4-10 through 4-16.

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

No Impact. The project site is not under the jurisdiction of an adopted habitat conservation plan, a natural community conservation plan or any other kind of habitat

conservation plan. In addition, a draft habitat conservation plan does not exist in regards to the site nor is one proposed. Instead, the project site is part of the community's built environment and it supports two commercial activities.

4.5 CULTURAL RESOURCES. *Would the project:*

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

No Impact. Section 15064.5 defines historic resources as resources listed or determined to be eligible for listing by the State Historical Resources Commission, a local register of historical resources, or the lead agency. Generally, a resource is considered to be historically significant if it meets one of the following criterion:

- i) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- ii) Is associated with the lives of persons important to our past;
- iii) Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- iv) Has yielded, or may likely to yield, information important to prehistory or history.

Neither of the improvements occupying the project site is eligible for listing in the National Register of Historical Resources, nor are they eligible in the California Register of Historic Resources. Likewise, neither improvement is recognized as a significant historical resource in the City’s inventory of historical significant resources. The Improvements occupying the project site consist of fast food restaurant and small office building that were built in 1996 and 1978, respectively; and neither satisfies the above-listed criteria to be considered historically significant.

(Source: Downey Vision 2025 General Plan Chapter Design Chapter, Pages 8 -12 through 8 – 16.

- b) *Cause a substantial adverse change in the significance of an archaeological resource, pursuant to CEQA Guidelines Section 15064.5?*

No Impact. Project implementation will not cause adverse change in the significance of an archaeological resource, given the project site has supported several urban uses, i.e., a 2-story office building and a single-family residence, contains extensive subsurface infrastructure and is part of the built urban environment.

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

No Impact. No paleontological resources or unique geological features are known to exist on the project site. The site’s soils were disrupted previously (i.e., grading activities) to prepare it for its existing improvements. In light of these events, it is unlikely that any paleontological resources or geological features will be uncovered during project implementation. Given the highly disturbed condition of the site, it is not anticipated that ground-disturbing activities, such as grading the site for the parking lot expansion, would impact an as yet unidentified paleontological or geologic feature.

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

No Impact. Implementation of the requested project is not expected to disturb any

human remains. The project site, as previously noted, has been graded several times over the years as it has been converted from one urban use to another and no human remains were uncovered during those activities. Therefore, project implementation, expanding the restaurant's parking lot and drive-through lane, is not expected to disturb any human remains.

4.6 GEOLOGY AND SOILS. *Would the project:*

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

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

Less Than Significant Impact. There are no known faults at the ground surface in Downey, according to the Safety Chapter of the City's General Plan. Likewise, the project site is not located in a state-designated Alquist- Priola Earthquake Fault Zone. The closest active or potentially active faults, include the Norwalk fault (five miles to the northeast), the Whittier-Elsinore fault (10 miles to the northeast) and the Newport-Inglewood fault (5 miles to the southeast). Given these distances, surface rupture is not considered to be a potential problem in Downey. Furthermore, all buildings constructed in Downey must meet current seismic safety and building code standards, which are designed to reduce impacts related to seismic activity.

(Sources: Downey Vision 2025 General Plan Safety Chapter, Pages 5-17 through 5-18; Fault-Rupture Hazard Zones in California, California Geological Survey, Figure 4E.

2) *Strong seismic ground shaking?*

Less Than Significant Impact. Although the City of Downey does not have any earthquake faults or fault traces traversing the city, it, like the rest of Southern California, is located in a seismically-active region. Major active fault zones are located southwest and northeast of the city. Active and potentially active faults located close to Downey, include the Newport-Inglewood Fault, the Compton-Los Alamitos Fault, the Whittier-Elsinore Fault, the Elysian Park Seismic Zone, and the Palos Verdes Hills Fault. The two faults with the greatest potential to impact the City are the Newport-Inglewood and Compton-Los Alamitos Faults, located about six and ten miles southwest of the City, respectively. Policies and programs in the General Plan will help ensure that adverse effects caused by seismic and geologic hazards, such as strong seismic ground shaking are minimized. For example, Policy 5.5.1 requires the City to minimize damage in the event of a major earthquake. Programs affiliated with this policy, include public education about earthquake safety and requiring the submission of geotechnical reports for developments to address soil liquefaction hazards. Moreover, to minimize the effect of ground shaking and help protect human life, the design and construction of foundations and buildings must adhere to the seismic requirements of the latest edition of the building code to withstand ground shaking. As a consequence, impacts from potential ground shaking are expected to be less than significant.

(Source: Downey Vision 2025 General Plan Safety Chapter, Page 5-20.

3) *Seismic-related ground failure, including liquefaction?*

Less Than Significant Impact. According to figure 5.5-2 (Liquefaction Hazard Zone Map – State Division of Mines and Geology) in the General Plan Safety Chapter, the entire city of Downey is located within a liquefaction zone. Therefore, the project site has the potential to undergo soil liquefaction when a seismic event occurs. Soil liquefaction is a seismically-induced form of ground failure by which water-saturated minerals (including soil, sediment, and types of volcanic deposits) lose strength and fail when the ground shakes. Research and historical data indicate that loose granular materials situated at depths of less than 50 feet with fine silt and clay contents and saturated by a relatively shallow groundwater table, are most susceptible to liquefaction. According to the City's General Plan (*Downey Vision 2025*), liquefaction occurs when certain soil types and high groundwater levels combine with intense ground shaking, causing soil to react in a manner similar to the properties commonly associated with liquids. Although such effects are temporary during an earthquake, the potential for damage to structures is extreme. And Downey has the combination of silts and sands soil types, coupled with a relatively high water table that are conducive to liquefaction occurring during intense ground shaking.

However, compliance with the standards set forth in the current California Building Code and policies in the Safety Chapter of the General Plan will minimize risk to property damage caused by an earthquake. Moreover, project implementation does not involve exposing buildings to substantial adverse effects since it entails enlarging a parking lot. Therefore, impacts to people and structures that would result from liquefaction are less than significant.

(Source: Downey Vision 2025 General Plan Safety Chapter, Page 5-19 Figure 5.5-2, Liquefaction Hazard Zone Map.

4) *Landslides?*

No Impact. The likelihood of landslides impacting the project site is negligible. The topography of the affected property, as well as that of adjoining properties is nearly flat. Furthermore, the site is not located near foothills or mountains so the possibility of landslides from these sources is very minimal. Given the site's nearly level topography and that of surrounding properties, the project site is not subject to landslides or mudflows. Therefore, no impacts are anticipated in this regard and no mitigation measures are required.

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

No Impact. Project implementation, expanding the parking lot of a fast-food restaurant, is not expected to result in substantial soil erosion or the loss of topsoil. The project site was graded to accommodate its current improvements: a small office building and its associated parking lot. Developing the project will entail demolishing the building and parking lot to prepare the site for a parking lot. During construction, the project site with its exposed soils will be vulnerable to wind and water erosion. However, the applicant will comply with Downey Municipal Code Section 8730 Grading Regulations, requiring implementation of erosion-control measures during construction. Compliance with the city regulations and the most recent NPDES (National Pollutant Discharge Elimination System) storm water regulations will control erosion impacts associated with

construction activities.

(Source: City of Downey Municipal Code Section 8730.

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

Less Than Significant Impact. The project site, as well as the rest of Downey, is located in the south central portion of the Los Angeles Basin, between the San Gabriel and Rio Hondo Rivers. This land area is typically characterized by alluvium and associated deposits, which belong mainly to the Recent Alluvium, the Older Alluvium and other formations of Recent to Pleistocene Age. This alluvium is characterized by sedimentary deposits ranging in grain size from sand to silt to clay. According to Figure 5.5-2 in the Safety Chapter of the 2005 General Plan Update (Vision 2025), the entire city is located within a liquefaction hazard zone, as designated by the State Division of Mines and Geology. Therefore, the soil instability of the site is the same as the rest of the community. In Downey, development projects are constructed to the standards of the California Building Code. Moreover, compliance with General Plan goals and policies, as well as the building code, will ensure that potential impacts from unstable soils will be less than significant. Therefore, impacts involving soil instability and or suitability related to project development would be less than significant. .

- d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property?*

No Impact. Soil covering the project site is the expansive type, which shrinks and swells, as the moisture content decreases or increases. Expansive soils are generally clay based and found in low lying regions and flood plains. As noted previously, the project site is situated in the south central portion of the Los Angeles Basin, between the Rio Hondo and San Gabriel Rivers. This area is typically characterized by alluvium and associated deposits, which mainly belong to the Recent Alluvium, the Older Alluvium and other formations of the Recent to Pleistocene age. This alluvium features sedimentary deposits ranging in grain size from sand to silt and clay. More than likely, the alluvium underlying the project site has a low to moderate expansion potential. Project development will comply with the latest edition of the California Building Code, thus reducing potential impacts to a negligible level. Further, all of the soil types in Downey can be compacted, as part of the development process so as not to restrict site development.

- e) *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

No Impact. Project development does not involve constructing a septic tank or alternative waste water disposal system. Rather it consists of expanding a parking lot for a restaurant from 42 to 61 spaces and increasing the length of its drive-through lane by five spaces. Furthermore, new development in Downey is required to construct sewer lines to dispose of waste water. Therefore, no impacts are anticipated in regards to the project site supporting septic tanks and alternative waste disposal systems and no mitigation measures are required.

4.7 GREENHOUSE GAS EMISSIONS. *Would the project:*

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*
- b) *Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?*

Explanation:

- a), b) **No Impact.** The following discussion addresses Sections 4.7 a) and 4.7 b) for the greenhouse gases discussion.

The project is not expected to emit greenhouse gases (GHGs). As a consequence, it will not have a significant adverse effect on the environment, nor will it conflict with any applicable plan that's intended to reduce GHGs. The project's negligible GHG effects can be attributed to its limited size. Project development does not involve constructing building, but rather increasing the size of the parking lot, by 19 spaces, for an existing In-N-Out Burger fast food restaurant. It also involves increasing the capacity of the restaurant's drive-through lane by five vehicles. In short, it does not involve adding floor area, but expanding an existing parking area for the purpose of better accommodating on- and off-site circulation. As such, the project it not expected to generate GHGs that exceed the SCAQMD's GHG screening threshold of 3,000 metric tons per year. In fact, with the parking area's increased capacity, the project is expected to have a beneficial impact on air quality for both on- and off-site circulation: there will be shorter queues and thus vehicles will idle less.

Since the proposed project is not anticipated to generate GHGs, it will not conflict with the implementation of the programs and regulations to achieve the statewide GHG emission reduction goal established under Assembly Bill 32 (AB 32). Under AB 32, the state goal is to reduce GHG emissions to 1990 levels by 2020.

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

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

No Impact. Project implementation will not involve the transportation, use or disposal of hazardous materials. As discussed in the Project Description part of this document, the project consists of expanding the parking lot and drive-through lane of an existing In-N-Out Burger for the purpose of improving onsite circulation. Therefore, there will be no impacts in regards to expanding these facilities to hazardous materials.

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

No Impact. The project is a request to expand a restaurant's parking lot and drive-

through facilities. Expanding the facilities does not present a hazard to the public or the environment in regards to the accidental release of hazardous materials into the environment.

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

No Impact. The project, as noted above, is a request to allow an existing drive-through restaurant to use the neighboring property to expand its drive-through and parking facilities; specifically, increasing the restaurant's parking inventory from 42 to 61 spaces and increasing the length of the drive-through lane by five spaces. Expanding these facilities does not involve handling hazardous materials or acutely hazardous materials. Therefore, project implementation does not involve emitting hazardous emissions or handling hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

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

No Impact. The City of Downey does not have any records involving hazardous materials or underground storage tanks associated with the project site. In addition, there is no record of any current outstanding violations for the property. Also, the project site is not on the Hazardous Waste Control and Substances Site List (i.e., Cortese List). The list is updated yearly by the state Department of Toxic Substances Control and identifies the hazardous waste facilities in the state that are subject to corrective action, pursuant to Government Code Section 65962.5.

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

No Impact. There are no airports located within two miles of the project site. The nearest one is Compton/Woodley Airport, a 77-acre general aviation airport, located about 7 miles southwest of the affected site. In addition to the absence of an airport within two miles, the City of Downey is not located within the boundaries of an Airport Environs Land Use Plan.

(Source: Los Angeles County Airport Land Use Commission Website, Airport Maps.

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

No Impact. As discussed above in Section 4.7 e), the Compton/Woodley Airport is the closest airport to the project site and is located about 7 miles southwest of it. The project site is not located within the vicinity of a private airstrip so approving and implementing the project will not result in any airport-related hazards for people residing or working in the area. Therefore, no impacts will occur.

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

No Impact. Project implementation will not physically interfere with an adopted emergency response plan or evacuation plan. The city's Emergency Operations Plan (EOP) establishes objectives and safety procedures in the event of a disaster or emergency. During a disaster, the City will implement the EOP, which includes setting up the Emergency Operations Center. The city also maintains mutual aid agreements with surrounding cities to augment emergency response. Should evacuation of parts of the city be necessary, the Police Department would coordinate evacuation activities, based on possible evacuation routes. Because the project and its activities are restricted to the boundaries of a single site, its implementation will not result in the closure of a public or private street, nor impede access of emergency vehicles to the site in the event of a disaster or emergency. In addition, the project would provide, through the Fire Department's plan check review process, all required emergency access, in accordance with the requirements of the Downey Fire Department. Therefore, no impacts would occur.

(Source: Downey Vision 2025 General Plan Safety Chapter, Page 5-2 through 5-5

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

No Impact. Brush fires are a rare occurrence in Downey due to the lack of vacant, undeveloped areas overgrown with shrubbery. The project site is part of the built environment and is surrounded by commercially- and residentially-developed properties and is not in the vicinity of wildlands. Therefore, no impacts will occur.

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

- a) *Violate any water quality standards or waste discharge requirements?*

No Impact. Project construction and its long-term operation will not violate water quality standards or waste discharge requirements. The City's Standard Urban Stormwater Mitigation Plan (SUSMP) was developed with the goal of reducing the discharge of pollutants to the maximum extent practicable from new development. The SUSMP contains a list of the minimum required best management practices (BMPs) that applicants must implement. Additional BMPs may also be required, which the city's Engineering Division determines through the project approval process. The project applicant is required to incorporate the appropriate SUSMP requirements into the project's grading plans and implement them during construction. Runoff from the project site will be managed by implementing the selected BMPs, as directed by the city's stormwater protection requirements to prevent discharges of polluted stormwater from entering stormwater drains.

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

No Impact. The project site, which measures about 42,000 square feet, is part of the

built environment and is not used by the Water Replenishment District of Southern California (WRD) as a source for groundwater recharge. The WRD is the regional groundwater management agency for the central basin, which underlies the city, and maintains a spreading ground in the San Gabriel River Channel to recharge it, next to Rio San Gabriel Park. The affected site is covered over with two buildings (a fast food restaurant and 2-story office building), their accompanying parking lots and other impervious surfaces, such as the restaurant's drive-through lane, walkways and a dining patio. The proposed project, by contrast, is expected to increase the amount of permeable area onsite: a project feature consists of framing the parking lot expansion with about 5,600 square feet of landscaping, which is slightly more landscaping than exists today. Moreover, the project will not deplete groundwater supplies since project development does not involve withdrawing groundwater from beneath the site.

- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?*

No Impact. No stream or river courses the project site; therefore, project development will not affect the course of a river or stream. Project implementation, however, will involve grading and disturbing the soil to prepare the site for the project, which will alter its existing drainage pattern. Yet grading activities will not increase the site's runoff volumes since the project will feature more landscaping, i.e., permeable area, than currently exists, resulting in slightly less runoff. Moreover, the project's stormwater management program will control erosion during construction by implementing best management practices for stormwater erosion control.

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

No Impact. As noted above, project implementation will modify the site's existing drainage, but the alteration will not increase the rate or amount of surface runoff. In fact, project implementation should result in slightly less surface runoff than produced currently because it will feature more permeable surfaces than exists currently.

- e) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of pollutant runoff?*

No Impact. The stormwater drainage network that serves the site should accommodate surface runoff from the project since the expanded parking lot with its accompanying planter areas is expected to produce less runoff than the site currently generates.

- f) *Otherwise substantially degrade water quality?*

No Impact. See the response to Item 4.8 a).

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

No Impact. Project implementation does not involve development of dwelling units. In addition to not developing housing, the project site is outside of the 100-year flood hazard area, according to Federal Emergency Management Agency (FEMA).

(Source: FEMA Flood Insurance Rate Map Number 06037C1820F, dated September 26, 2008.

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

No Impact. As the above section indicates, Section 4.8 g), the project site is outside a 100-year flood hazard area.

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

No Impact. Please refer to Item 4.8 g).

- j) *Inundation by seiche, tsunami, or mudflow?*

No Impact. The City of Downey is not adjacent to a coastline or hillside so inundation resulting from seiches, tsunamis and mudflows is not expected. Therefore, no impacts would occur.

4.9 LAND USE AND PLANNING. *Would the project:*

- a) *Physically divide an established community?*

No Impact. The proposed project contemplates expanding the parking area and drive-through facility of an existing In-N-Out Burger; specifically, increasing both its parking supply from 42 to 61 spaces and the stacking space capacity of its drive-through lane from 9 to 14 vehicles. The project site occupies the northwest corner of the Firestone/Lakewood intersection and is made up of two parcels. In-N-Out Burger occupies the southerly parcel, while the other supports a 2-story, 4,580 square foot office building. Surrounding land uses include a variety of activities. Single-family residences occupy the properties north and northwest of the site; and they maintain frontage on either Lakewood Boulevard or Marbel Avenue. The property west of the project site supports a small, 20-room motel, while small commercial businesses occupy the properties west of it. A CitiBank branch office occupies the property south of the project site, at the southwest corner of Lakewood/Firestone intersection; the intersection's southeast corner supports a Carl's Jr., a Walgreens and a Big Lots store. A Starbucks coffeehouse and a 45-room motel occupy the properties east of the project site, at the northeast corner of the intersection. The proposed project, augmenting the restaurant's parking facility and lengthening its drive-through lane, will replace the 2-story office building and will not physically divide a residential neighborhood. No impacts would occur.

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

No Impact. The development proposal to date is inconsistent with the zoning classification of the project's northerly parcel. As discussed above, two properties comprise the project site: an In-N-Out Burger occupies the southerly parcel and the Lakewood/Firestone Specific Plan (also known as SP-91-2) serves as its zoning ordinance, while the other is zoned Professional Office (C-P). The inconsistency surfaces with the C-P zone and drive-through restaurants. Restaurants with a drive-through component are prohibited in the C-P zone, whereas they're a conditional use in SP-91-2. In fact, the Planning Commission in 1995 granted In-N-Out Burger a conditional use permit to establish a drive-through restaurant at its present location. To reconcile the conflict between the proposed drive-through lane/parking lot expansion with the C-P zone, the applicant filed a zone change application, as part of the development proposal, to rezone the northerly parcel from C-P to SP-91-2. Finally, in terms of General Plan/Zoning Ordinance consistency, the northerly parcel maintains the General Commercial General Plan, and the requested specific plan zoning conforms with that designation.

- c) *Conflict with any applicable habitat conservation plan or natural community conservation plan?*

No Impact. The City of Downy is not subject to any habitat or natural community conservation plans. Therefore, the development proposal will not conflict with any habitat conservation plan or natural community conservation plan, so no impacts regarding this topic will occur.

4.10 MINERAL RESOURCES. *Would the project:*

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

No Impact. Two parcels makeup the project site and each supports a building along with asphalt parking lots and concrete walkways. No classified or designated mineral deposits of statewide or regional significance are known to exist on the project site or in the vicinity of the project. Furthermore, the City is not designated as an area of mineral potential or production. Therefore, project implementation is not expected to result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, and no impacts would occur.

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

No Impact. The project site is not delineated on the City's General Plan or on any specific plan or land use plan as a locally important mineral resource recovery site; therefore, no impacts would occur in regards to this matter.

4.11 NOISE. *Would the project result in:*

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

Less Than Significant Impact. Project-related construction would result in short-term increases in noise levels. Project construction would consist of demolishing the 2-story office building that occupies the northernmost portion of the site, its parking lot, re-grading the area, then paving it for the expanded parking lot and drive-through lane. The nearest noise-sensitive receptors are the neighboring residents that reside in the single-family dwellings north and west of the project site; three residences abut the site's northerly and westerly boundaries. The project site is also adjacent to a small, 20-room hotel, which is also a noise-sensitive receptor. Construction-generated noise impacts should not exceed the City's permissible construction noise threshold for transmitting construction-related noise across property lines: 85 decibels (see Municipal Code Section 4606.5). In addition, the city's Noise Ordinance exempts construction-related noise impacts, provided the applicant has obtained a valid construction permit and the activity does not transmit noise across a property line that 85 (decibels) dBA. Moreover, the impacts would be temporary, given the nature of construction, and cease when construction ends (the project is expected to be completed in two months, according to the applicant).

Following construction, the project will generate long-term, day-to-day noise impacts. Noise generated by activities associated with the expanded parking lot and extended drive-through lane will be identical to the noise events that occur at the In-N-Out Burger next door. Sources of noise include vehicles entering/exiting the site, vehicle doors opening and closing, car engines starting and cars idling in the drive-through lane. Yet as is currently with the case of In-N-Out Burger, the potential impacts are not expected to expose neighboring sensitive receptors to noise that exceeds the city standard. Downey's standard for a maximum permissible noise impact prohibits a noise event that exceeds 5 decibels above the ambient noise level (any time during the course of a 24-hour period) to cross an adjoining boundary [see Municipal Code Section 4606.3(a)]. The project is not expected to cause an exceedance of the City's noise standard, nor would the increase be audible. Clearly the most dominant noise source in the vicinity of the project site, overshadowing all others, is Firestone and Lakewood Boulevard-generated traffic. In the vicinity of the project site, Firestone carries about 48,000 vehicles daily, while Lakewood carries approximately 42,000.

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

No Impact. The vibration environment in the vicinity of the project is generated by traffic. In particular, heavy trucks using Lakewood and Firestone Boulevard generate groundborne vibration of varying magnitude, depending on vehicle type and weight. However, those impacts are generated offsite. Activities associated with the project will not generate groundborne vibration during its day-to-day operations. The proposed project involves enlarging both the parking lot of an existing In-N-Out Burger and lengthening its drive-through lane. Specifically, increasing its parking supply from 42 to 61 spaces and stacking space of the drive-through lane from 9 to 14 vehicles. Construction activities could also result in a temporary increase in vibration levels in the project area. However, this should not be the case with the project; project construction consists of expanding a parking lot, which does not involve the use of pile driving and other high impact construction equipment.

- c) *A substantial permanent increase in ambient noise levels in the project vicinity above*

levels without the project?

No Impact. As discussed in 4.11a), the project's day-to-day operations will not have a significant impact on nearby noise-sensitive receptors.

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

Less Than Significant Impact. See the responses in Section 4.11 a).

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

No Impact. The project site or City of Downey is not located within an airport land use plan nor is there a public airport within two miles of the site. As such, people affiliated with the project will not be subject to excessive noise levels in this regard.

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

No Impact. The project site or City of Downey is not in the vicinity of a private airstrip.

4.12 POPULATION AND HOUSING. *Would the project:*

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

No Impact. Implementing the proposed project, increasing the size of the parking area of an In-N-Out Burger by 19 stalls and lengthening the stacking space of its drive-through by five spaces, will not directly or indirectly increase the area's population.

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

No Impact. Project implementation, which as noted above involves expanding the parking lot and drive-through lane of an existing parking lot, will not displace housing units. According to the development proposal, a 2-story, 4,580 square foot office building will be razed to make way for the expanded parking lot, not housing.

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

No Impact. Implementing the project does not involve the displacement of a substantial number of people. Rather it consists of razing a small office building to make room for an existing In-N-Out Burger to expand its parking lot.

4.13 PUBLIC SERVICES.

- a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

1) *Fire Protection*

No Impact. Project implementation in terms of its effects on the city's fire fighting resources is expected to be negligible. Implementing the project, as noted previously, will take the form of increasing the size of the parking area of an existing restaurant by 19 stalls and adding stacking space to its drive-through lane for five more vehicles. The project as described is not expected to increase the demand for fire services and the impacts in this area will be negligible.

2) *Police Protection?*

No Impact. Police protection for the project site is provided by the City of Downey Police Department. Expanding its parking facilities as described above will not result in an increase in the number of service calls to the department. Therefore, the project's impacts on Police resources will be negligible.

3) *Schools?*

No Impact. The project site is located within the boundaries of the Downey Unified School District. Yet the development proposal (i.e., enlarging an existing restaurant's parking and drive-through facilities), will not affect student enrollment, and thus it will not impact the school district.

4) *Parks?*

No Impact. Project implementation does not involve developing residential uses. Thus, it will not impact existing park facilities, nor will it generate additional demand for new park facilities.

5) *Other public facilities?*

No Impact. Due to the nature of the development proposal, project implementation will not impact other public facilities within the city, such that the need would arise for new or physically altered facilities.

4.14 RECREATION

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*
- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

a-b) No Impact. The project, as discussed in previous sections, consists of expanding the parking lot and drive-thru lane of an existing fast-food restaurant; it does not involve the development of residential uses, or the construction of commercial or institutional uses. In short, the proposal does not involve the development of additional building square footage, which attracts people. Consequently, project development and its long-term operation will not produce the kind of impacts that result in the increased use of the city's parks or recreational facilities.

4.15 TRANSPORTATION/TRAFFIC. *Would the project:*

a) *Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance or the circulation system, taking into account all modes*

of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

No Impact. Because the project does not involve the construction of building floor area and won't generate traffic, project implementation will not affect the level of service, or operating condition of intersections or roadway sections in the vicinity of the site (the project as noted above involves expanding the parking lot and drive-through lane of an existing drive-through restaurant). In fact, the purpose of the project is just the opposite with respect to traffic conditions. Its goal is to improve onsite traffic circulation for In-N-Out Burger, which in turn, should improve traffic flow on Lakewood Boulevard. Due to the popularity of In-N-Out, coupled with the layout of its drive-through lane, vehicles queuing in the drive-through lane occasionally back out onto Lakewood Boulevard. To avert this, the applicant plans to increase the capacity of the drive-through lane by adding stacking space for five more vehicles (from 9 vehicles to 15 vehicles); plus reconfigure the lane so it parallels the boundaries of the project site. Reconfiguring it as proposed will increase the distance between the entrance to the drive-through lane and Lakewood Boulevard, and thus decrease the possibility queues conflicting with Lakewood Boulevard traffic (see attached site plan). Increasing the number of onsite parking spaces, the other part of the proposal, will also improve onsite circulation by reducing the amount of time customers search for parking spaces, which should clear the aisles quicker.

A component of the city's circulation network the project would impact is the public alley that traverses the two lots that make up the project site. As indicated in the Project Description section, the development proposal includes an application to vacate the 20-foot wide alley that overlays the properties' common east/west boundary (10 feet on each side of the property line); it also parallels the westernmost portion of the site's northerly lot: 11101 Lakewood Boulevard. The applicant is requesting the city abandon the public alley so the easement does not conflict with the development proposal (the site's former property owners granted the alley easement when the properties recycled to commercial uses). The city is supporting the vacation because the alley only serves the affected properties (the office building on northerly lot uses it for parking). That is, the alley does not extend beyond the boundaries of the affected site, like originally intended. In the late 1970s, the city planned to extend a 20-foot wide alley along the backside of the lots that front on the west side of Lakewood Boulevard, between

Firestone Boulevard and 5th Street. And purpose of the alley corresponded with the development trend, which at the time focused on those properties: a couple of the lots had been converted to commercial uses from single-family residences, plus the city had rezoned them to Professional Office, from R1, to support the trend. According to the plan, as properties recycled from residential to commercial uses, they would dedicate an easement in the rear for the alley purposes; and the purpose in developing it was to reduce number of driveway approaches on Lakewood and divert onsite traffic to the rear of the properties, which would smooth traffic flow on Lakewood Boulevard. However, most of the properties between Firestone and 5th Street are still residential, primarily due to the constraints posed by their reduced size, and the alley has not been implemented.

In addition to abandoning the alley, the vacation also includes vacating a portion of excess Lakewood Boulevard right-of-way that covers the front of 11101 Lakewood Boulevard. The approved and developed right-of-way for this section of Lakewood Boulevard, pursuant to the approved Lakewood Boulevard Improvement Plan is 114 feet, while the actual right-of-way width there is 116 feet. The additional two feet is therefore considered excess and is not required for street and highway purposes.

- b) *Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*

No Impact. The adjacent Lakewood/Firestone intersection is one of the intersection's that makes up the Congestion Management Program (CMP); the CMP network is administered by the Los Angeles County Metropolitan Transportation Authority. The project, however, will not impact the intersection's level of service since the proposed improvements will not generate traffic. Moreover, since it will not generate traffic, a CMP analysis is not required; a CMP traffic analysis is required when a project directs 50 or more trips to a CMP intersection during either the AM or PM peak hour.

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

No Impact. Implementing the contemplated project will not impact air traffic patterns. The scope and magnitude of the project is site specific, and as such, it will not change existing air traffic flights.

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

No Impact. Developing the project will not increase hazards related to the design and layout of the various components that make up the project's onsite circulation network. The city's Traffic Engineer has approved the location of project's drive approach, its new parking lot layout, the alignment of the drive-through lane, and the interface of In-N-Out's existing and proposed parking areas. In addition to reviewing the onsite network, it will be designed and constructed in accordance with the city's engineering standards.

- e) *Result in inadequate emergency access?*

No Impact. The project will be designed in accordance with the provisions of the Fire Department to ensure that all on-site project components are accessible to Fire Department personnel, fire-fighting equipment and emergency medical vehicles.

- f) *Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?*

No Impact. The proposed improvements will be confined to the project site. Moreover, the scope of the project is limited to expanding an existing parking lot and drive-through lane, and is not expected to conflict with a plan, policy or program that supports alternative transportation modes.

4.16 UTILITIES AND SERVICE SYSTEMS. *Would the project:*

- a) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

No Impact. Construction and operation of the proposed project will not exceed wastewater treatment requirements of the Regional Water Quality Control Board (RWQCB). The proposed project involves demolishing a 2-level, 4,580 square foot office building and replacing it with a parking lot and drive-through lane to augment the parking area of the neighboring In-N-Out Burger. And soil will be disturbed during the project's grading phase. Nevertheless, the city's Engineering and Building & Safety Divisions will issue a grading permit which will include requirements to control erosion. Project development will comply with the applicable provisions in Article VIII, Chapter 8 of the Municipal Code which addresses grading. In addition to the municipal code provisions, the applicant will prepare a Standard Urban Stormwater Mitigation Plan (SUSMP), for the Engineering Division's approval, which guides post construction best management practices (BMPs) for new development for the purpose of maintaining water quality. The proposed project will incorporate BMPs into the project design to insure it meets the water quality requirements of the RWQCB. Therefore, any impacts will be negligible.

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

No Impact. The contemplated project includes expanding a parking lot and increasing the stacking space of an existing drive-through lane. As such, it will not produce wastewater thus it will not require the construction or expansion of a wastewater treatment facility.

- c) *Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

No Impact. Improvements occupying the site to date consist of a small, 2-story office building, a parking area and accompanying driveway, plus turf lawn in the front setback. The project contemplated to replace the existing improvements consists of a parking lot, a drive-through lane extension for a fast food restaurant and landscape planters. By

comparison, the amount of impervious surface that covers the site currently and the amount the project is considering will not change. Since there is little difference in the amount of impervious surface between the two conditions, the volume of stormwater generated by the project should be the same. Moreover, the existing stormdrain network serving the site can accommodate the volume of runoff that the existing improvements produce; therefore, the network can handle the volume the project will produce.

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

No Impact. The project is expected to have a negligible impact on available water supplies, given the nature and characteristics of the proposed parking lot expansion.

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

No Impact. The project will not produce wastewater, hence it will not impact the facilities (sewer mains; treatment plant) of the wastewater treatment provider (Sanitation Districts of Los Angeles County, District No. 2) that serves the project site.

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

No Impact. The project will not generate solid waste therefore it will not impact the Puente Hills Landfill, which is the landfill that serves the project site.

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

No Impact. See response to 4.16 f).

5.0 MANDATORY FINDINGS OF SIGNIFICANCE

The following findings have been made regarding the mandatory findings of significance set forth in Section 15065 of the CEQA Guidelines, based on the results of this environmental assessment.

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

No Impact. The project site is urban in character and part of the City' of Downey's builtout environment; it does not contain any biological resources that would be affected by the implementation of the contemplated project. Improvements that cover the project site to date consist of small office building, a parking lot and its accompanying driveway. The project that would replace these improvements consists of a 38-space parking lot,

that will serve an adjacent drive-through restaurant, along with a drive-through lane and landscape planters. Therefore, developing the proposal does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major proceeds of California History or prehistory.

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

No Impact. Project implementation would not produce impacts that would be cumulatively considerable. The project does not involve constructing building square footage which generates traffic, along with its accompanying impacts; instead it is intended to accommodate the parking and drive-through demand of an existing fast-food restaurant. The project involves developing a parking lot that augments the restaurant's parking supply and increases the capacity of the drive-through lane so it is better able to serve its customers. This environmental document provides a determination of whether a cumulative analysis exists and whether the proposed project would contribute to a significant cumulative impacts to a considerable degree. Only project impacts that are deemed cumulatively considerable are considered potentially significant impacts in the context of this analysis. As concluded throughout this document, project implementation would result in no impacts or less-than-significant environmental impacts. Additionally, the impacts from the proposed project when combined with cumulative development projects would not result in a significant contribution to cumulative impacts. Thus, the impacts associated with the proposed project would not be cumulatively considerable.

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

No Impact. Project implementation is not anticipated to have any direct or indirect adverse effects on humans working or residing in the vicinity of the project site.

A NEGATIVE DECLARATION SHALL BE PREPARED FOR PLN – 13 – 00064 (In-N-Out Burger Parking Lot Expansion).

H:msell/In-N-Out/initialstudy

Exhibit "A"

Aerial Photograph



Exhibit "B"

Site Plan

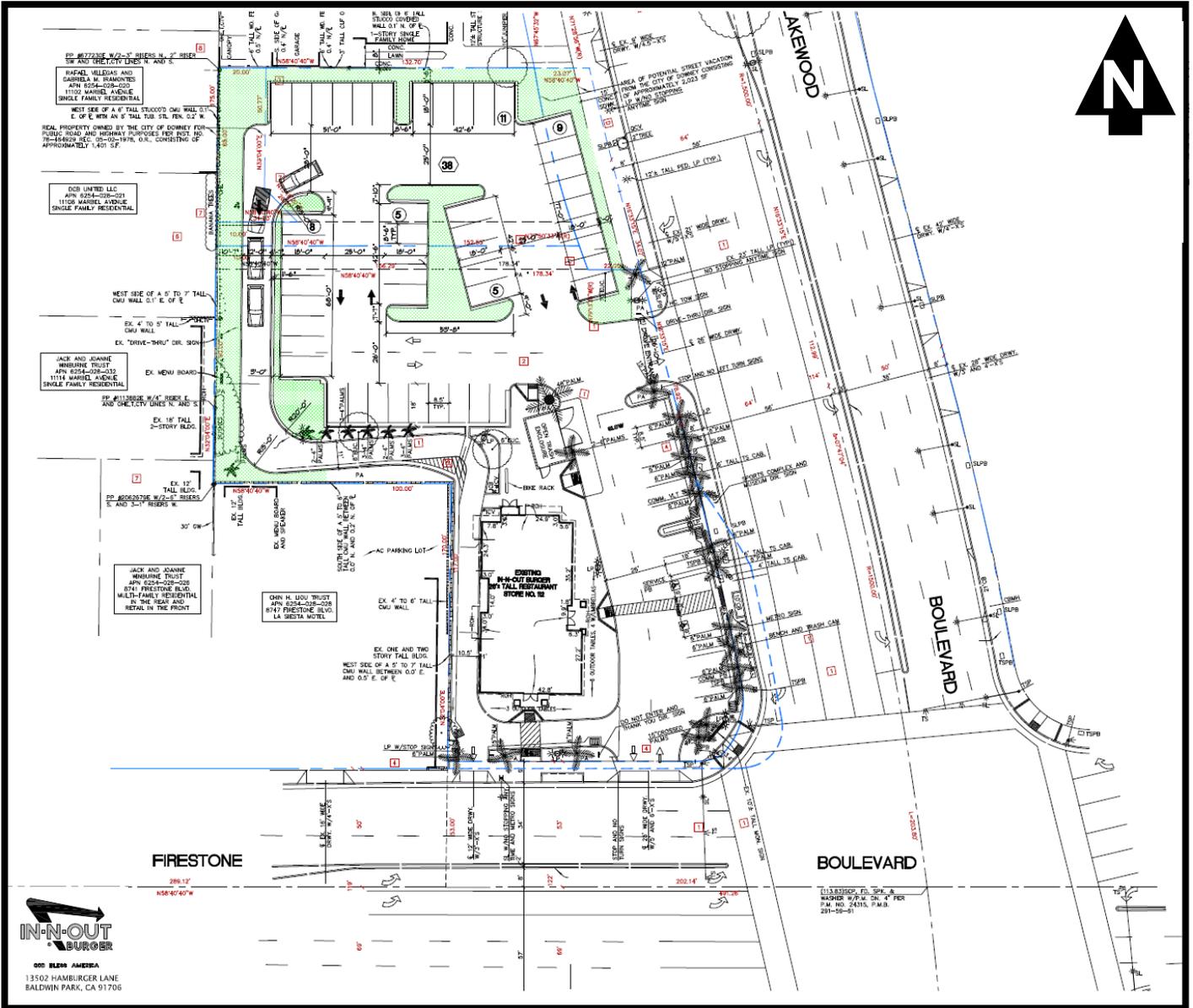
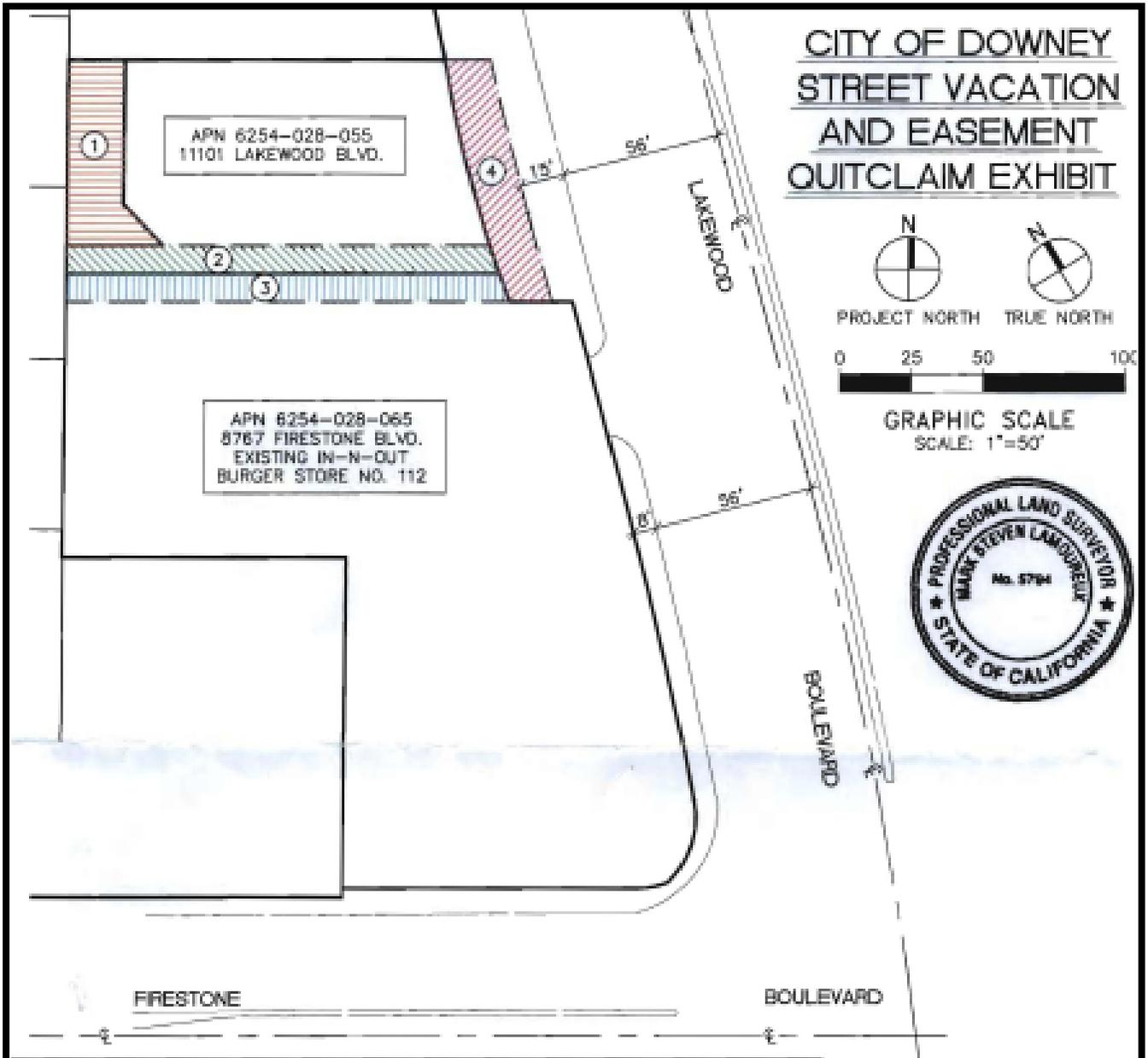
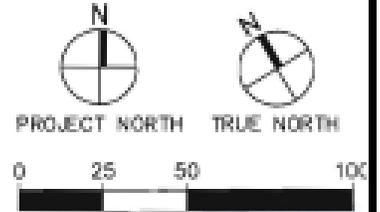


Exhibit "C"

Vacation Easement



CITY OF DOWNEY STREET VACATION AND EASEMENT QUITCLAIM EXHIBIT



GRAPHIC SCALE
SCALE: 1"=50'



PARTIAL LEGEND

- 

LIMITS OF THE REAL PROPERTY OWNED BY THE CITY OF DOWNEY FOR PUBLIC ROAD AND HIGHWAY PURPOSES PER INST. NO. 78-464829 RECORDED 05-02-1978, O.R. CONSISTING OF APPROXIMATELY 1,401 SQUARE FEET TO BE VACATED BY THE CITY OF DOWNEY.
- 

LIMITS OF A 10' WIDE EASEMENT IN FAVOR OF THE CITY OF DOWNEY FOR PUBLIC ROAD AND HIGHWAY PURPOSES PER INST. NO. 78-464828 RECORDED 05-02-1978, O.R. CONSISTING OF APPROXIMATELY 1,508 SQUARE FEET TO BE QUITCLAIMED BY THE CITY OF DOWNEY.
- 

LIMITS OF AN IRREVOCABLE OFFER TO DEDICATE A 10' WIDE EASEMENT IN FAVOR OF THE CITY OF DOWNEY FOR PUBLIC ROAD AND HIGHWAY PURPOSES PER INST. NO. 3645 RECORDED 09-18-1972, O.R. CONSISTING OF APPROXIMATELY 1,544 SQUARE FEET TO BE QUITCLAIMED BY THE CITY OF DOWNEY.
- 

LIMITS OF LAKEWOOD BOULEVARD TO BE VACATED BY THE CITY OF DOWNEY CONSISTING OF APPROXIMATELY 1,409 SQUARE FEET.

PREPARED BY
MARK S. LAMOUREUX
PRESIDENT, PE, PLS
MSL ENGINEERING, INC.
402 W. ARROW HWY. SUITE 4
SAN DIMAS, CA. 91773
(909) 305-2395
FAX (909) 305-2397

Mark S. Lamoureux 05-15-13
MARK S. LAMOUREUX DATE
JN 12034-12034 vacation.dwg
PLOT DATE 05-15-13

Exhibit “D”

**IN-N-OUT BURGER
PARKING LOT EXPANSION PROJECT
LOCALIZED SIGNIFICANCE THRESHOLD ANALYSIS**

Prepared For:

In-N-Out Burger
13502 Hamburger Lane
Baldwin Park, California 91706

Prepared By:

Air Quality Dynamics
(818) 703-3294

July 2013

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1.0 INTRODUCTION

The South Coast Air Quality Management District (SCAQMD) provides voluntary guidance on the evaluation of localized air quality impacts to public agencies conducting environmental review of projects located within its jurisdiction. Localized air quality impacts are evaluated by examining the on-site generation of pollutants and their resulting downwind concentrations. Pollutant concentrations are compared to significance thresholds for particulates (PM₁₀ and PM_{2.5}), carbon monoxide (CO) and nitrogen dioxide (NO₂). For construction, significance thresholds for PM₁₀ and PM_{2.5} represent compliance with SCAQMD Rule 403 (Fugitive Dust). For operational impacts, PM₁₀ and PM_{2.5} significance thresholds are based upon the allowable change criteria listed in Table A-2 of Rule 1303. Thresholds for CO and NO₂ represent the allowable increase in concentrations above background levels that would not cause or contribute to an exceedance of their respective ambient air quality standards.

Based upon a preliminary review of the proposed In-N-Out Burger parking lot expansion project, the City of Downey Planning Division (City) determined that additional analysis is required to determine the project's potential environment effects on local air quality. In consideration of the City's request and available guidance from the SCAQMD, a Localized Significance Threshold (LST) analysis was prepared. The technical approach and dispersion modeling methodologies used in the preparation of the LST analysis were composed of all relevant and appropriate procedures presented by the U.S. Environmental Protection Agency (U.S. EPA), California Environmental Protection Agency and SCAQMD. The methodologies and assumptions offered under this regulatory guidance were used to ensure that the analysis effectively quantified exposures to sensitive receptors associated with the generation of pollutant emissions from on-site construction and operational activities.

Results of the LST analysis reveal that maximum pollutant concentrations associated with construction and operation are within acceptable limits and not anticipated to exceed established significance thresholds at any receptor location.

This report summarizes the protocol used to evaluate pollutant exposures and presents the results of the LST analysis.

2.0 SITE DESCRIPTION

The proposed project entails the acquisition of an adjoining 0.32 acre commercial parcel located at 11101 Lakewood Boulevard in the City of Downey consisting of a two story office building with surface parking. The project involves the demolition of the existing building structure and associated site improvements to extend and redesign an existing parking lot located at 8767 Firestone Boulevard. Once completed, 20 additional on-site parking stalls will be added, increasing current capacity from 42 to 61. The drive-thru service lane will also be extended to accommodate additional vehicles eliminating the potential for vehicles to queue onto Lakewood Boulevard.

The site is bound by residential housing to the north, Firestone Boulevard to the south, Lakewood Boulevard to the east and mixed commercial/residential to the west. The current

Downey General Plan land use designation for the project site is general commercial. Figure 1 presents an aerial photograph of the proposed project location and adjoining community.

Figure 1
Site Location /Vicinity Aerial Photograph



3.0 LOCALIZED SIGNIFICANCE THRESHOLD ANALYSIS

Based upon a preliminary review of the proposed project, the City identified air quality as one area subject to further analysis whereby emissions associated with project construction and operation may result in the generation of pollutant concentrations that exceed significance thresholds for PM_{10} , $PM_{2.5}$, CO and NO_2 established by the SCAQMD. Specifically, the City expressed concern that by extending the parking lot, on-site vehicles and their subsequent emissions would immediately adjoin residential occupancies and expose sensitive receptors to elevated pollutant concentrations. To determine if these incremental emissions create a significant impact, an LST analysis was prepared.

The SCAQMD provides two discrete methodologies to conduct an LST analysis. For small construction projects that are less than or equal to five acres, a screening procedure is recommended which includes use of calculation worksheets and mass emission rate look up tables to compare predicted emissions to significance thresholds. Should more precise results be desired or the calculation worksheets not address site conditions, available emission and air dispersion models should be used to conduct the analysis. In consideration of SCAQMD

guidance, the screening procedure was used to assess construction related impacts. For operational impacts, site conditions do not meet SCAQMD criteria to allow use of the screening procedure (e.g., emissions are not steady-state nor limited to 8 hours per day). As such, operational impacts were assessed utilizing a refined modeling approach. The following section outlines the LST methodology utilized for each project phase.

3.1 Estimation of Emissions - Construction

The localized impacts from construction activities were evaluated based on the maximum daily emissions generated during each construction phase. To determine maximum daily emissions, the one acre sample construction scenario spreadsheet developed by the SCAQMD was used as the basis to estimate project specific emissions. Due to the limited scope of the project, emissions associated with demolition, site preparation/grading and asphalt paving were assessed. Minor adjustments were made to the SCAQMD construction scenarios to accommodate unique characteristics of the proposed project. These revisions addressed building size, site dimensions and wind speed.

Table 1 provides a summary of estimated maximum daily emissions for each construction phase. Appendix A presents the emission calculation worksheets used to quantify pollutant source strength.

Table 1
Maximum Daily Construction Emissions

Construction Phase	Pollutant			
	PM ₁₀ (Lbs/Day)	PM _{2.5} (Lbs/Day)	CO (Lbs/Day)	NO _x (Lbs/Day)
Demolition	1.107	1.004	10.500	15.630
Site Preparation/Grading	1.303	1.178	13.383	26.199
Asphalt Paving	1.815	1.671	16.544	26.200

3.2 Estimation of Emissions - Operation

In urban communities, vehicle emissions contribute significantly to localized concentrations of air pollutants. Typically, emissions generated from these sources are characterized by vehicle mix, the rate pollutants are generated during the course of travel and the number of vehicles traversing the roadway network.

Currently, emission factors are generated from a series of computer based programs to produce a composite emission rate for vehicles traveling at various speeds within a defined geographical area or along a discrete roadway segment. To account for the emission standards imposed on the California fleet, the California Air Resources Board (CARB) has developed the EMFAC2011 emission factor model. EMFAC2011 was utilized to identify pollutant emission rates for PM₁₀, PM_{2.5}, CO and nitrogen oxide (NO_x) compounds. To produce a representative vehicle fleet distribution, the assessment relied upon CARB's Los

Angeles County population estimates for the 2014 calendar year for vehicle classes anticipated to access the drive-thru and/or parking facilities. This approach provides an estimate of vehicle mix associated with operational profiles at the link or intersection level. Table 2 lists the identified fleet mix and corresponding vehicle percentages considered in the analysis.

Table 2
Vehicle Fleet Mix Profile

Vehicle Class	Fuel	Percent
LDA	Diesel	0.20
LDA	Gas	56.64
LDT1	Diesel	0.01
LDT1	Gas	6.28
LDT2	Diesel	0.01
LDT2	Gas	17.88
LHD1	Diesel	0.57
LHD1	Gas	2.44
LHD2	Diesel	0.22
LHD2	Gas	0.27
MCY	Gas	1.93
MDV	Diesel	0.01
MDV	Gas	13.53

Note: Vehicle category descriptions can be found on the California Air Resources Board website at <http://www.arb.ca.gov/msei/modeling.htm>.

Idle and 5 mile per hour (mph) emission rates were assumed for the drive-thru lane and transient vehicles accessing the parking lot, respectively.

Based upon the fleet mix and vehicular activity profiles, composite emission rates for each pollutant were developed. Table 3 provides a summary of the emission rates utilized in the analysis. Appendix A presents the EMFAC2011 calculation worksheets.

Table 3
Composite Vehicle Emission Rates

Activity	Pollutant			
	PM ₁₀	PM _{2.5}	CO	NO _x
Drive-Thru (idle)	0.0715	0.0655	22.9360	2.1120
Transient (parking)	0.0143	0.0131	4.5870	0.4220

Note: Idle emission rates are expressed in grams per hour (gr/hr). Transient emission rates assume a 5 mph lot speed and are expressed in grams per mile (gr/mi).

3.3 Estimation of Pollutant Concentrations - Operation

In order to assess the impact of PM₁₀, PM_{2.5}, and CO emissions on the adjoining residents, air quality modeling utilizing the Industrial Source Complex-Short Term (ISCST3) model was performed. This model is a steady state Gaussian plume model used by the SCAQMD to develop the LST Methodology. For NO₂, the AMS/EPA Regulatory Model AERMOD was used to assess the downwind extent of nitrogen oxide (NO_x) emissions and determine their subsequent conversion to ambient NO₂ concentrations. AERMOD offers a refinement over the conversion rate ratios presented in the LST Methodology as adapted from the work of Arellano et al. The model incorporates two methodologies to perform the NO_x to NO₂ conversion. In a recent clarification memorandum (U.S. EPA, 2011), the Office of Air Quality Planning and Standards provides guidance on the use and performance of the two algorithms referred to as the ozone limiting (OLM) and plume volume molar ratio (PVMRM) methods. Based upon this guidance, the OLM algorithm with the OLMGROUP ALL option was identified as the preferred method to perform the analysis.

Source treatment outlined in the LST methodology was assumed whereby exhaust emissions were treated as a set of side-by-side volume sources. The release height was set to zero with an initial vertical dimension of one meter.

For PM₁₀ and PM_{2.5}, plume depletion due to dry removal mechanisms was assumed (i.e., DRYDPLT). PM₁₀ emissions were assigned particle size bins of 2.5 and 10 microns with corresponding weight fractions of 0.92 and 0.08. PM_{2.5} emissions were limited to an aerodynamic diameter of 2.5 μm. A particle density of 2.3 grams per cubic centimeter was assigned to all size bins.

Air dispersion models require additional input parameters including pollutant emission data and local meteorology. Due to their sensitivity to individual meteorological parameters such as wind speed and direction, the U.S. EPA recommends that meteorological data used as input into dispersion models be selected on the basis of relative spatial and temporal conditions that exist in the area of concern. In response to this recommendation, meteorological data from the SCAQMD Pico Rivera monitoring station (Source Receptor Area 5) was used to represent local weather conditions and prevailing winds. For ISCST3, a preprocessed 1981 data set was utilized. Four years (2006-2009) of available AERMOD meteorological data were reviewed to identify the calendar year which produced the highest pollutant concentrations. Based on this review, the 2009 data set was identified as producing the highest pollutant concentrations and was used for the analysis of NO₂.

Model scalar options were programmed into the dispersion model to address hourly traffic counts for vehicles utilizing the drive-thru and/or parking facilities.

To accommodate a Cartesian grid format, direction dependent calculations were obtained by identifying the universal transverse mercator (UTM) coordinates for each source location. Off-site receptors were uniformly placed to provide discrete coverage throughout the adjoining community. A flagpole receptor height of two meters was also assumed and assigned to each receptor location. A graphical representation of the source and receptor grid networks is presented in Figures 2 and 3.

Figure 2
Source Grid Network

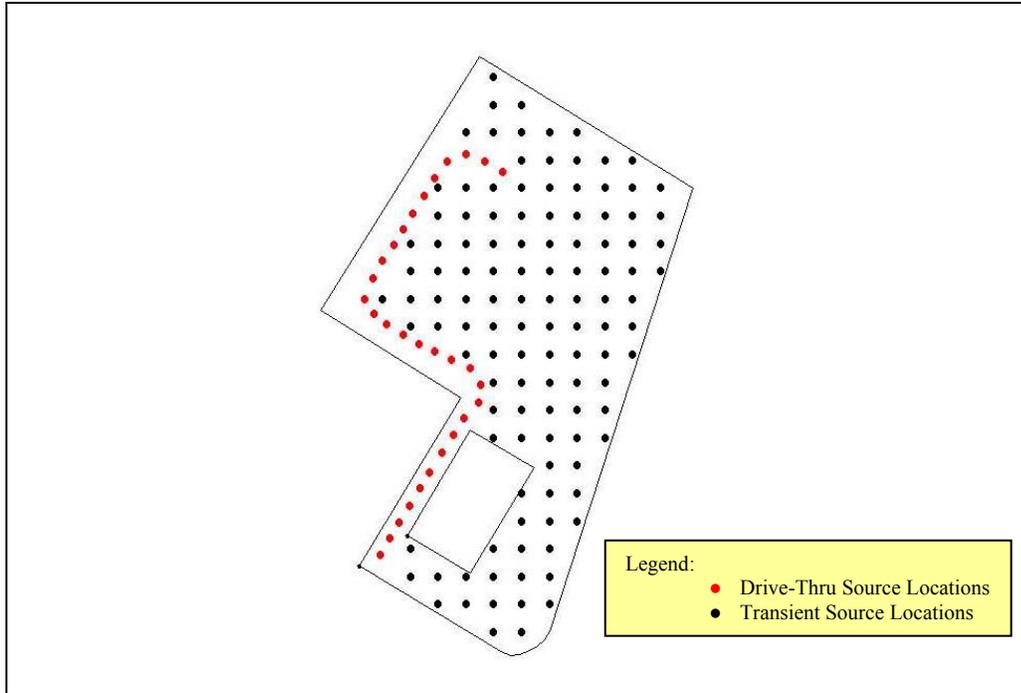
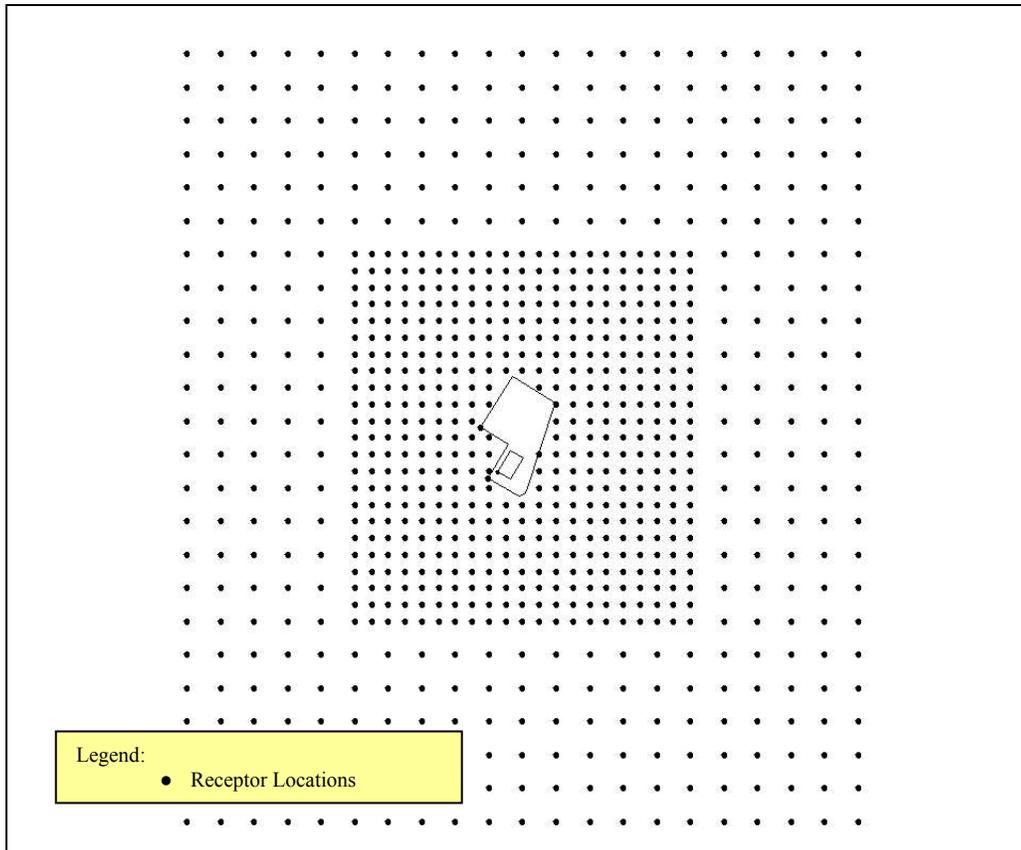


Figure 3
Receptor Grid Network



Pollutant emission rate and source data used to complete the dispersion analysis are provided in Appendix B. A complete listing of model input/output files are provided in electronic format in Appendix C.

4.0 POLLUTANT IMPACT ANALYSIS

For construction, the on-site emission estimates identified in Section 3.1 were compared to significance threshold reported by the SCAQMD for Source Receptor Area 5. In consideration of SCAQMD guidance, the identified thresholds for the one acre scenario were scaled by linear regression to accommodate a smaller construction area footprint (i.e., approximately 0.42 acres). Table 4 presents the adjusted LST thresholds.

Table 4
Construction Significance Thresholds

Activity	Pollutant			
	PM ₁₀	PM _{2.5}	CO	NO _x
Construction	2.3	2.4	402.8	60.3

Note: Units are expressed in pounds per day (lbs/day).

To assess operational impacts, thresholds are based upon the State of California’s ambient air quality standards. These standards were established to safeguard the public’s health and welfare with specific emphasis on protecting those individuals susceptible to respiratory distress, such as asthmatics, the young, the elderly and those with existing conditions which may be affected by increased pollutant concentrations. However, recent research has shown that unhealthy respiratory responses occur with exposures to pollutants at levels that only marginally exceed clean air standards. Table 3 presents the California Ambient Air Quality Standards (CAAQS) and averaging times for the criteria pollutants considered in the assessment.

Table 5
California Ambient Air Quality Standards

Pollutant	Standard	Health Effects
Particulates (PM ₁₀)	>50 µg/m ³ (24 hr avg.) >20 µg/m ³ (Annual)	1) Excess deaths from short-term exposures and the exacerbation of symptoms in sensitive individuals with respiratory disease. 2) Excess seasonal declines in pulmonary function especially in children.
Particulates (PM _{2.5})	>12 µg/m ³ (Annual)	1) Excess deaths and illness from long-term exposures and the exacerbation of symptoms in sensitive individuals with respiratory and cardio pulmonary disease.
Carbon Monoxide (CO)	>9.0 ppm (8 hr avg.) >20.0 ppm (1 hr avg.)	1) Aggravation of angina pectoris and other aspects of coronary heart disease. 2) Decreased exercise tolerance in persons with peripheral vascular disease and lung disease. 3) Impairment of central nervous system functions. 4) Possible increased risk to fetuses.
Nitrogen Dioxide (NO ₂)	>0.18 ppm (1 hr avg.)	1) Potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups. 2) Risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes.

Abbreviations: ppm: parts per million; µg/m³: micrograms per cubic meter.
Source: California Code of Regulations, Title 17, Section 70200.

Pollutant emissions are considered to have a significant effect on the environment if they result in concentrations that create either a violation of an ambient air quality standard, contribute to an existing air quality violation or expose sensitive receptors to substantive pollutant concentrations. Should ambient air quality already exceed existing standards, the SCAQMD has established significance criteria for selected compounds to account for the continued degradation of local air quality. Background concentrations are based upon the highest observed value for the most recent three year period.

For PM₁₀, background concentrations representative of the project area exceed the CAAQS for the 24-hour and annual averaging times. As a result, a significant impact is achieved when pollutant concentrations produce a measurable change over existing background levels. Although background concentrations exceed the CAAQS annual averaging time for fine particulates, no measurable change criteria currently exists. As a result, the SCAQMD significance threshold of 2.5 µg/m³ for the 24-hour averaging time is used to assess PM_{2.5} impacts.

For the CO 1 and 8-hour averaging times and NO₂ 1-hour averaging time, background concentrations are below the current air quality standards. As such, significance is achieved when pollutant concentrations add to existing levels and create an exceedance of the CAAQS. Table 6 shows the pollutant concentrations collected at the South San Gabriel Valley/Pico Rivera Monitoring Station for the last three years of available data. Table 7 outlines the relevant significance thresholds considered to affect local air quality.

Table 6
East San Gabriel Valley/Pico Rivera Monitoring Summary

Pollutant/ Averaging Time	Year			
	2010	2011	2012	Maximum
Particulates (PM ₁₀) 24-Hour	ND	ND	ND	>50
Particulates (PM _{2.5}) 24-Hour	34.9	41.2	45.3	45.3
Particulates (PM ₁₀) Annual	ND	ND	ND	>20
Carbon Monoxide (CO) 1-Hour 8-Hour	2.0 1.9	2.7 2.4	2.7 2.2	2.7 2.4
Nitrogen Dioxide (NO ₂) 1-Hour	0.079	0.091	0.081	0.091

Note: Particulate concentrations are expressed in micrograms per cubic meter (µg/m³). All others are expressed in parts per million (ppm). ND denotes no data collected.

Source: South Coast Air Quality Management District and U.S Environmental Protection Agency.

Table 7
SCAQMD Air Quality Significance Thresholds

Pollutant	Averaging Time	Pollutant Concentration
Particulates (PM ₁₀) Particulates (PM _{2.5})	24-Hours	2.5 µg/m ³ (operation)
Particulates (PM ₁₀)	Annual	1.0 µg/m ³
Carbon Monoxide (CO)	1/8-Hours	SCAQMD is in attainment; impacts are significant if they cause or contribute to an exceedance of the following attainment standards 20 ppm (1-hour) and 9 ppm (8-hour).
Nitrogen Dioxide (NO ₂)	1-Hour	SCAQMD is in attainment; impacts are significant if they cause or contribute to an exceedance of the following attainment standard 0.18 ppm.

Abbreviations: ppm: parts per million; µg/m³: micrograms per cubic meter
Source: South Coast Air Quality Management District.

5.0 FINDINGS

For construction, maximum daily emissions predicted for each construction phase and pollutant do not exceed SCAQMD's mass rate significance thresholds.

For the maximum exposed receptor, results of the operational analysis predicted vehicular emissions will produce PM₁₀ concentrations of 0.50461 µg/m³ and 0.11501 µg/m³ for the 24-hour and annual averaging times. These values do not exceed the SCAQMD significance thresholds of 2.5 µg/m³ and 1.0 µg/m³, respectively. For PM_{2.5}, a maximum 24-hour average concentration of 0.46530 µg/m³ was predicted. This value is well below the identified significance threshold of 2.5 µg/m³.

The maximum modeled 1-hour average concentration for CO of 0.65126 ppm when added to an existing background concentration of 2.7 ppm, will not cause an exceedance of the CAAQS of 20 ppm. For the 8-hour averaging time, the maximum predicted concentration of 0.31452 ppm, when added to an existing background level of 2.4 ppm, does not cause an exceedance of the CAAQS of 9 ppm.

For NO₂, a maximum one hour concentration of 0.02706 ppm (50.91263 µg/m³) was predicted. This concentration, when added to a background concentration of 0.091 ppm, will not cause an exceedance of the CAAQS of 0.18 ppm.

6.0 CONCLUSION

Results of the LST analysis indicate that maximum pollutant concentrations are predicted to be within acceptable limits for both construction and operational scenarios and are not anticipated to exceed identified significance thresholds at any receptor location.

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APPENDIX A

Emission Calculation Worksheets

APPENDIX B

Emission Rate Summary/Source Data Worksheets

APPENDIX C

Dispersion Model Input/Output Files (Electronic Format)