

# Appendix A

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Notice of Preparation and Comment Letters



**May 25, 2023**

**NOTICE OF PREPARATION AND NOTICE OF PUBLIC SCOPING  
MEETING FOR AN ENVIRONMENTAL IMPACT REPORT**

**PROJECT NAME:** City of Montebello General Plan Update and Downtown Montebello Specific Plan

**PROJECT LOCATION/ADDRESS:** [Citywide and within the Montebello Downtown Specific Plan Area as shown in Exhibits A and B of this notice]

**DUE DATE FOR PUBLIC COMMENTS:** July 13, 2023

The City of Montebello (“City”) will be the lead agency and will prepare an Environmental Impact Report (EIR) for the project identified above (proposed Project). The City requests your comments as to the scope and content of the EIR. The purpose of the scoping meeting is to receive input from the public regarding the areas that will be studied in the EIR. No decisions about the proposed Project are made at the scoping meeting.

The proposed Project description and potential environmental effects are set forth below. Also included below is the date, time, and location of the scoping meeting that will be held in order to solicit input regarding the content of the Draft EIR. The EIR will analyze the environmental effects associated with a proposed update to the City’s General Plan and adoption of the Downtown Montebello Specific Plan. These two related actions are described below. More information on the General Plan Update and the Downtown Montebello Specific Plan are available on the project website at: <https://planmontebello.com/>. The Plan Area for the General Plan Update (Citywide) and the boundaries of the Downtown Montebello Specific Plan are shown in the map attached as Exhibit A.

**PROJECT DESCRIPTION:** The proposed Project is a comprehensive update of the City’s General Plan. The City’s General Plan currently has twelve elements, listed below with the year in which they were adopted.

- Circulation Element (1973)
- Conservation Element (1975)
- Land Use Element (1973)
- Noise Element (1975)
- Open Space Element (1973)
- Parks & Recreation (1974, amended 1993)
- Population Element (1973)
- Redevelopment Element (1973)
- Safety Element (2017)
- Scenic Highways Element (1975)
- Seismic Safety Element (1975)
- Housing Element (2022)

Under the proposed Project, the City’s General Plan will be reorganized and reformatted, with updated goals and policies that reflect the community’s vision of Montebello that the General Plan seeks to achieve. The General Plan Land Use Map will also be updated.

The General Plan Update includes the following eight chapters:

- Our Natural Community
- Our Prosperous Community
- Our Well Planned Community
- Our Accessible Community
- Our Healthy Community
- Our Safe Community
- Our Active Community
- Our Creative Community

The General Plan Update includes an update of the City’s 6<sup>th</sup> Cycle Housing Element (2021-2029), in compliance with the requirements of State Housing Element law. In an effort to meet deadlines imposed by the California Department of Housing and Community Development (“HCD”), the City’s Housing Element update was advanced and ultimately adopted by the City Council in June 2022 and subsequently certified by HCD on July 11, 2022. While an Initial Study/Negative Declaration (IS-ND) was prepared and adopted concurrently with the Housing Element, the Housing Element is a component of the General Plan and will also be analyzed in the EIR.

The goals of the General Plan Update and Downtown Montebello Specific Plan are, among other things, listed as follows:

- Thrive in balance with the natural ecosystems.
- Attract and retain high-wage and high value enterprises and diversify and increase the local tax base.
- Reinvest in key opportunity areas like the Downtown, Corridors, and large parcels along the highway, while protecting natural resources, respecting stable residential neighborhoods and making great places by insisting on the highest standard in architecture, landscaping, and urban design.
- Strengthen and balance pedestrian, bike, and transit connections in the City and surrounding region.
- Build effective partnerships that improve physical and mental health and social well being.
- Increase awareness for emergency, minimize threat to life and damage to structures from hazards.

- Provide enriching recreational options for the entire community.
- Weave arts, cultural events, and community programs into everyday life.

Based on its objectives and input from the community, the General Plan includes the overarching purposes listed below to establish a vision and guide policies and City decision-making. Each purpose is a vision statement that provides general direction for the chapter. The goals in each chapter specify ends that help achieve the overarching purpose of the General Plan. The policies are specific statements that guide decision-making.

- *Our Natural Community.* Promote clean air and clean water, prevent urban heat islands, reduce stormwater runoff, and promote greener neighborhoods, and nature based recreation.
- *Our Prosperous Community.* Attract and retain jobs within growth industries; nurture small entrepreneurial businesses; redevelop underutilized properties along key corridors and districts; and build the city's fiscal capacity.
- *Our Well Planned Community.* Conserve and enhance stable areas, promote contextual infill, and direct productive growth to downtown, commercial districts, and corridors.
- *Our Accessible Community.* Provide safe and convenient multimodal travel options for residents, employees, and visitors of all ages and abilities through creative reimagining of the City's transportation facilities.
- *Our Healthy Community.* Promote preventative health and well-being for all through inclusive approaches where healthy habits are encouraged.
- *Our Safe Community.* Focus on holistic, equitable, and preventative public safety measures, increase awareness, and be prepared for natural or human-caused hazards.
- *Our Active Community.* Create environments that incorporate physical activity into daily activity that support health, wellness, and social connections, and provide children and adults a range of high-quality recreational opportunities.
- *Our Creative Community.* Nurture and promote arts and cultural activities, organizations, and events and give them more visibility and prominence in the region.

### **Downtown Montebello Specific Plan**

The Downtown Montebello Specific Plan is a component of the General Plan and focuses on downtown Montebello, which is roughly bounded by Greenwood Avenue on the west, Los Angeles Avenue on the south, the Rio Hondo Channel on the east, and Cleveland Avenue on the north. The boundaries of the Downtown Montebello Specific Plan area are shown with the red line on the map attached as Exhibit A, and in a more close-up view on the map attached as Exhibit B. The Specific Plan area includes a walkable core area around the Montebello Boulevard/Whittier Boulevard intersection. The Downtown Montebello Specific Plan is an integrated plan that implements the community driven vision, direction, and policy guidance set in the Montebello General Plan. The Downtown Montebello Specific Plan would establish a vision that is intended to restore and leverage downtown Montebello's natural, built, and social assets to build resilient

prosperity with a focus on quality of place as a key competitive advantage. The Specific Plan includes a focus on walkable and mixed-use development in the downtown area; preserving and adding to the supply of affordable and supportive housing; providing proximity to daily necessities within a reasonable pedestrian journey; introducing more organic and less ordered spaces along the Rio Hondo Channel; creating a distinct and equitable downtown within a landscape that takes advantage of Montebello’s mild climate with parklets, bicycle lanes, and passive and active outdoor recreation; and creating strategic mobility hubs throughout downtown to offer more mobility options and help reduce automobile dependence.

### **Environmental Impact Report**

In accordance with the California Environmental Quality Act (“CEQA”), the Draft EIR will be a program EIR pursuant to Section 15168 of the State *CEQA Guidelines*. A program EIR is an EIR that may be prepared on a series of actions that can be characterized as one large project. The purpose of a program EIR is to allow the lead agency to consider broad policy alternatives and program wide mitigation measures early on when the agency has greater flexibility to deal with basic problems or cumulative impacts.

The EIR will examine each of the issue areas on the City’s environmental checklist. Issues to be discussed include the following:

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

In addition to the CEQA-required “no project” alternative, the EIR will examine a range of land use scenarios that address one or more of the projects’ potential environmental effects.

The City of Montebello would like to know the views of your organization as to the scope and content of the environmental information that should be addressed in connection with the proposed project. Public agencies may need to use the EIR prepared by the City of Montebello when considering permits or other approvals regarding certain aspects of the proposed actions.

**PUBLIC SCOPING MEETING DATE AND LOCATION:** A Public scoping meeting in an open house format will be held to receive public comment regarding the scope and content of the environmental information to be included in the Draft EIR. The City encourages all interested individuals and organizations to attend this meeting. The location, date, and time of the public scoping for the proposed Project is as follows:

**Date and Time:** June 13, 2023, 6:00 pm – 8:00 pm

**Location:** Montebello City Hall, 1600 W. Beverly Blvd., City Council Chambers, Montebello, California 90640

The City welcomes all comments regarding potential impacts of the proposed Project and the issues to be addressed in the EIR. All comments will be considered in the preparation of the EIR. Written comments must be submitted to the City by July 13, 2023. Written comments will also be accepted at the public scoping meeting described above.

Please direct your comments to:

Joseph Palombi, Director  
City of Montebello, Planning and Community Development Department  
1600 West Beverly Boulevard  
Montebello, California 90640  
Phone: (323) 887-1200  
Email: [jpalombi@Montebelloca.gov](mailto:jpalombi@Montebelloca.gov)  
Website: [www.PlanMontebello.com](http://www.PlanMontebello.com)

Project Title: City of Montebello General Plan Update and Downtown Specific Plan

Project Sponsor: City of Montebello

Date 05/24/2023

Signature 

Title Director

Telephone (323) 887-1200



**EXHIBIT B**

**Plan Area for City of Montebello  
Downtown Specific Plan**





# NATIVE AMERICAN HERITAGE COMMISSION

June 2, 2023

Joseph Palombi  
City of Montebello  
1600 W Beverly Blvd.  
Montebello, CA 90640

**Re: 2023050665, City of Montebello General Plan Update and Downtown Montebello Specific Plan, Los Angeles County**

Dear Mr. Palombi:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

ACTING CHAIRPERSON  
**Reginald Pagaling**  
Chumash

SECRETARY  
**Sara Dutschke**  
Miwok

COMMISSIONER  
**Isaac Bojorquez**  
Ohlone-Costanoan

COMMISSIONER  
**Buffy McQuillen**  
Yokayo Pomo, Yuki,  
Nomlaki

COMMISSIONER  
**Wayne Nelson**  
Luiseño

COMMISSIONER  
**Stanley Rodriguez**  
Kumeyaay

COMMISSIONER  
**Vacant**

COMMISSIONER  
**Vacant**

COMMISSIONER  
**Vacant**

EXECUTIVE SECRETARY  
**Raymond C. Hitchcock**  
Miwok, Nisenan

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
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West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

## AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
  
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
  
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
  
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
  
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
  
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
    - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i.** Protecting the cultural character and integrity of the resource.
    - ii.** Protecting the traditional use of the resource.
    - iii.** Protecting the confidentiality of the resource.
  - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([https://ohp.parks.ca.gov/?page\\_id=30331](https://ohp.parks.ca.gov/?page_id=30331)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
  
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:

[Andrew.Green@nahc.ca.gov](mailto:Andrew.Green@nahc.ca.gov)

Sincerely,

*Andrew Green*

Andrew Green  
Cultural Resources Analyst

cc: State Clearinghouse

## Greg Martin

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**From:** Gabrieleno Administration <admin@gabrielenoindians.org>  
**Sent:** Tuesday, June 6, 2023 12:11 PM  
**To:** Mercado-Rodriguez, Monica  
**Subject:** Re: [External Email] Scoping Meeting- General Plan Update\_Downtown Specific Plan

Hello Monica

Thank you for your email. If this is just a general plan update we are okay with it and do not need to have a meeting. We do ask that you please notify us in the future if any ground disturbances will be taking place.

Thank you

Brandy Salas

Admin Specialist  
Gabrieleno Band of Mission Indians - Kizh Nation  
PO Box 393  
Covina, CA 91723  
Office: 844-390-0787  
website: [www.gabrielenoindians.org](http://www.gabrielenoindians.org)



*The region where Gabrieleño culture thrived for more than eight centuries encompassed most of Los Angeles County, more than half of Orange County and portions of Riverside and San Bernardino counties. It was the labor of the Gabrieleño who built the missions, ranchos and the pueblos of Los Angeles. They were trained in the trades, and they did the construction and maintenance, as well as the farming and managing of herds of livestock. “The Gabrieleño are the ones who did all this work, and they really are the foundation of the early economy of the Los Angeles area “. “That’s a contribution that Los Angeles has not recognized--the fact that in its early decades, without the Gabrieleño, the community simply would not have survived.”*

On Mon, Jun 5, 2023 at 4:48 PM Mercado-Rodriguez, Monica <[mmrodriguez@montebelloca.gov](mailto:mmrodriguez@montebelloca.gov)> wrote:

Dear resident/business owner,

You are receiving this email because you have indicated that you would like to be informed and/or updated related to the General Plan Update and Downtown Specific Plan.

The Planning and Community Development Department will conduct a **public scoping meeting** to solicit public comments on the Environmental Impact Report (EIR) for the General Plan Update and Downtown

Montebello Specific Plan. All interested parties are invited to attend the scoping meeting to assist in the review of the EIR. The scoping meeting will include a brief overview of the General Plan and Downtown Specific Plan and will provide attendees with an opportunity to provide input to the scope of the EIR either orally or written comments.

The scoping meeting has been scheduled for **June 13, 2023, at 6:00 PM, at the City of Montebello Council Chambers, 1600 W. Beverly Blvd, CA 90640.**

Due date for public comments is July 13, 2023. For additional information, please contact Monica Rodriguez at 323-887-1200 ext. 494.

For reference, the Notice of Preparation and Notice of Public Scoping Meeting is enclosed.

Thank you,



**Monica Mercado-Rodriguez**

Planning Manager

**Planning & Community Development**

1600 W Beverly Blvd., Montebello, CA 90640

**p:** 323-887-1200 Ext. 494

**w:** [www.MontebelloCA.gov](http://www.MontebelloCA.gov) **e:** [mmercado-rodriguez@MontebelloCA.gov](mailto:mmercado-rodriguez@MontebelloCA.gov)



Office Hours – Monday-Thursday 8:00 a.m. – 5:00 p.m. Closed every Friday.

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**\*\*\*PLEASE DO NOT CLICK ON UNKNOWN LINKS. Contact Montebello IT Division if you are unsure.\*\*\***

**DEPARTMENT OF TRANSPORTATION**  
DISTRICT 7- OFFICE OF REGIONAL PLANNING  
100 S. MAIN STREET, SUITE 100  
LOS ANGELES, CA 90012  
PHONE (213) 897-0067  
FAX (213) 897-1337  
TTY 711  
www.dot.ca.gov



*Making Conservation  
a California Way of Life.*

June 9, 2023

Joseph Palombi  
City of Montebello, Planning and Community Development Department  
1600 West Beverly Boulevard  
Montebello, CA 90640

RE: City of Montebello General Plan Update  
and Downtown Montebello Specific  
Plan – NOP (Notice of Preparation)  
SCH #2023050665  
GTS #07-LA-2023-04238  
Vic. LA Multiple

Dear Joseph Palombi,

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The City of Montebello is preparing a comprehensive update to its existing General Plan for the implementation of the proposed update to the City's General Plan and adoption of the Downtown Montebello Specific Plan. The plan is intended to attract and retain high-wage and high value enterprises; diversify and increase the local tax base; and reinvest in key opportunity areas like the Downtown, Corridors, and large parcels along the highway, while protecting natural resources and respecting stable residential neighborhoods. Additional goals stated include strengthening and balancing pedestrian, bike, and transit connections in the City and surrounding region while building effective partnerships that improve physical and mental health and social well-being.

After reviewing the NOP, Caltrans has the following comments:

The Downtown Montebello Specific Plan includes a focus on walkable and mixed-use development in the downtown area; preserving and adding to the supply of affordable and supportive housing; providing proximity to daily necessities within a reasonable pedestrian journey; introducing more organic and less ordered spaces along the Rio Hondo Channel; and creating a distinct and equitable downtown within a landscape that takes advantage of Montebello's mild climate with parklets, bicycle lanes, and passive and active outdoor recreation.

Caltrans concurs with the Specific Plan's vision for strategic mobility hubs throughout downtown to offer more active transportation options and reduce automobile dependence. To best support a walkable core area in the downtown, the most effective methods to reduce pedestrian and

bicyclist exposure to vehicles is through physical design and geometrics. These methods include the construction of physically separated facilities such as Class IV bike lanes, wide sidewalks, pedestrian refuge islands, landscaping, street furniture, and reductions in crossing distances through roadway narrowing.

Caltrans encourages the implementation of Transportation Demand Management (TDM) strategies as an alternative to building excess parking. We recommend employing parking management strategies, such as shared parking in mixed use areas, on-street residential parking, and spill-over parking to avoid unnecessary parking construction. Reducing the amount of excess car parking supplied acts against enabling driving over other methods of transit. Research indicates that removing car parking is a proven method of reducing trip demand, improving housing affordability, and encouraging active modes of transportation.

These elements can help the City of Montebello General Plan Update and Downtown Montebello Specific Plan meet its objectives as well as Caltrans' targets of tripling trips made by bicycle, doubling trips made by walking and public transit, and a 15% reduction in statewide Vehicle Miles Traveled (VMT). By removing barriers to walking, biking, and taking transit, this Plan engages Californians in shifting towards transit-oriented communities, and help the State meet its policy goals to reduce the number of trips made by driving and Greenhouse Gas (GHG) emissions.

Caltrans looks forward to reviewing the forthcoming Environmental Impact Report (EIR) to confirm that the Project will contribute towards widespread safe and convenient multimodal travel options for safe and prosperous communities.

If you have any questions, please contact project coordinator Anthony Higgins, at [anthony.higgins@dot.ca.gov](mailto:anthony.higgins@dot.ca.gov) and refer to GTS# 07-LA-2023-04238.

Sincerely,



MIYA EDMONSON  
LDR Branch Chief

cc: State Clearinghouse



STATE OF CALIFORNIA • NATURAL RESOURCES AGENCY Gavin Newsom, Governor  
DEPARTMENT OF FISH AND WILDLIFE Charlton H. Bonham, Director

South Coast Region  
3883 Ruffin Road | San Diego, CA 92123  
wildlife.ca.gov

Via Electronic Mail Only

June 11, 2023

Joseph Palombi  
City of Montebello  
1600 West Beverly Boulevard  
Montebello, CA 90640  
[JPalombi@Montebelloca.gov](mailto:JPalombi@Montebelloca.gov)

**Subject: City of Montebello General Plan Update and Downtown Montebello Specific Plan, Notice of Preparation, SCH #2023050665, City of Montebello, Los Angeles County**

Dear Mr. Palombi:

The California Department of Fish and Wildlife (CDFW) has reviewed a Notice of Preparation (NOP) from the City of Montebello (City) for the City of Montebello General Plan Update and Downtown Montebello Specific Plan (Project). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under the Fish and Game Code.

### **CDFW's Role**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

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CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in “take”, as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 *et seq.*), CDFW recommends the Project Applicant obtain appropriate authorization under the Fish and Game Code.

### **Project Description and Summary**

**Objective:** The Project would be both a comprehensive update of the City's General Plan and preparation of the Downtown Montebello Specific Plan, which is a component of the City's General Plan.

### **General Plan Update**

The City's General Plan consists of twelve elements. Below is a list of elements and the year in which that element was adopted.

- Circulation Element (1973)
- Conservation Element (1975)
- Land Use Element (1973)
- Noise Element (1975)
- Open Space Element (1973)
- Parks & Recreation (1974, amended 1993)
- Population Element (1973)
- Redevelopment Element (1973)
- Safety Element (2017)
- Scenic Highways Element (1975)
- Seismic Safety Element (1975)
- Housing Element (2022)

The Project would include the following: reorganize and reformat the General Plan and update goals and policies that reflect the community's vision of Montebello that the General Plan seeks to achieve; update the General Plan Land Use Map; and update the 6<sup>th</sup> Cycle Housing Element (2021-2029) in compliance with the requirements of State Housing Element law.

### **Downtown Montebello Specific Plan**

The Downtown Montebello Specific Plan would establish a vision that is intended to restore and leverage downtown Montebello's natural, built, and social assets to build resilient prosperity with a focus on quality of place as a key competitive

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advantage. The Downtown Montebello Specific Plan would include a focus on walkable and mixed-use development in the downtown area; preserving and adding to the supply of affordable and supportive housing; providing proximity to daily necessities within a reasonable pedestrian journey; introducing more organic and less ordered spaces along the Rio Hondo Channel; creating a distinct and equitable downtown within a landscape that takes advantage of Montebello's mild climate with parklets, bicycle lanes, and passive and active outdoor recreation; and creating strategic mobility hubs throughout downtown to offer more mobility options and help reduce automobile dependence.

**Location:** The Project's General Plan Update is for the entire City of Montebello while the Downtown Montebello Specific Plan focuses on downtown Montebello, which is bounded by Greenwood Avenue on the west, Los Angeles Avenue on the south, the Rio Hondo Channel on the east, and Cleveland Avenue on the north (collectively, Project Area).

## **Comments and Recommendations**

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. The DEIR should provide adequate and complete disclosure of the Project's potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151]. CDFW looks forward to commenting on the DEIR when it is available.

## **Specific Comments**

- 1) Natural Areas and Open Space. The Project Area contains and is adjacent to natural areas and open space. One of these natural areas is the Whittier Narrows Recreation Area. The Project, specifically the Land Use, Redevelopment, and Housing Elements, could result in future development within the Project Area. Depending on location, future development could impact natural areas and open space.
  - a) Analysis and Disclosure. CDFW recommends the DEIR discuss the Project's potential direct and indirect impacts on natural areas and open space, in particular, impacts that may occur as a result of updates to elements including, but not limited to, Land Use, Redevelopment, and Housing Elements. The DEIR should discuss whether and to what extent the Project would facilitate future development and encroachment into natural

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areas and open space, including impacts from fuel modification.

- b) Avoidance and Setback. Where future development facilitated by the Project may occur near natural areas and open space, CDFW recommends the DEIR provide minimum standards for effective unobstructed vegetated setbacks adjoining natural areas and open space. The DEIR should provide justifications for the effectiveness of chosen setback distances. The Project should require future development facilitated by the Project to implement setbacks and increase setbacks as needed.
  - c) Alternatives. CDFW recommends the City maximize development where it already exists in order to protect natural lands and open space from further development and encroachment. CDFW recommends the DEIR provide Project alternatives that would avoid converting natural areas and open space into developed areas even if such an alternative would impede to some degree the attainment of the Project's objectives (CEQA Guidelines, § 15126.6).
  - d) Mitigation. If avoidance is not feasible, CDFW recommends the DEIR provide measures where future development facilitated by the Project would mitigate impacts on natural areas and open space not previously identified in the DEIR. The DEIR should provide justifications for the effectiveness of proposed mitigation measures and sufficient information to facilitate meaningful public review and comment on the adequacy of mitigation measures to offset Project-related impacts on natural areas and open space.
- 2) Coastal California Gnatcatcher. According to the California Natural Diversity Database (CNDDDB), there is a coastal California gnatcatcher (gnatcatcher) occurrence in the northwest corner of the Project Area (CDFW 2023a). The Project, specifically the Land Use, Redevelopment, and Housing Elements, could result in future development within or adjacent to gnatcatcher habitat.
- a) Protection Status. Gnatcatcher is a California Species of Special Concern (SSC) and a species listed as threatened under the ESA. CEQA provides protection not only for CESA-listed species, but for any species including, but not limited, to SSC which can be shown to meet the criteria for State listing (CEQA Guidelines, § 15380). As an ESA-listed species, gnatcatcher is considered an endangered, rare, or threatened species under CEQA

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(CEQA Guidelines, § 15380). Take under the ESA is more broadly defined than CESA. Take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.

Project-related impacts on gnatcatcher could potentially be significant because the Project could impact one remaining local population of gnatcatcher. Impacts could occur from development facilitated by the Project that would result in permanent loss of coastal scrub habitat supporting gnatcatcher. Impacts on gnatcatcher could potentially substantially reduce the habitat of a fish or wildlife species, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of an endangered, rare, or threatened species, therefore resulting in the Project potentially having significant impact on gnatcatcher (CEQA Guidelines, § 15065).

- b) Disclosure and Mitigation. The DEIR should discuss the Project's potential impact on gnatcatcher and habitat. CDFW recommends the DEIR provide Project alternatives that would avoid impacting gnatcatcher. The DEIR should provide mitigation measures that would require future development facilitated by the Project to avoid impacts on gnatcatcher. If avoidance is not feasible, an individual project may need to obtain take authorization from the U.S. Fish and Wildlife Service (USFWS). In addition, an individual project should provide replacement habitat to ensure no net loss of gnatcatcher habitat in the Project Area. The DEIR should discuss why mitigation measures proposed would be adequate to avoid or offset impacts to gnatcatcher and habitat.
- 3) Rio Hondo. The Rio Hondo flows through the western extent of the Project Area. Future development facilitated by the Project's Land Use, Redevelopment, and Housing Elements at sites adjacent to Rio Hondo could impact the water course.
- a) Stream Delineation and Impact Assessment. CDFW recommends the DEIR provide a stream delineation and analysis of impacts on any river, stream, or lake<sup>1</sup>. The delineation should be conducted pursuant to the USFWS

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<sup>1</sup> "Any river, stream, or lake" includes those that are dry for periods of time (ephemeral/episodic) as well as those that flow year-round (perennial). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a water body.

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wetland definition adopted by CDFW (Cowardin et al. 1979). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification.

- b) Avoidance and Setbacks. Where future development may occur near a stream, CDFW recommends the DEIR provide minimum standards for effective unobstructed vegetated setbacks adjoining streams and associated vegetation. The DEIR should provide justifications for the effectiveness of chosen setback distances. The Project should require future development facilitated by the Project to implement setbacks and increase setbacks as needed.
- c) Mitigation. If avoidance is not feasible, the DEIR should provide a measure where future development facilitated by the Project would provide the following:
  - 1) A stream delineation and analysis of impacts, and
  - 2) A Lake and Streambed Alteration (LSA) Notification to CDFW pursuant to Fish and Game Code Section 1600 et seq. (CDFW 2023b). As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the project applicant (or "entity") must notify CDFW<sup>2</sup>.
- 4) Biological Resources Assessment for Development Facilitated by the Project. Future development facilitated by the Project's Land Use, Redevelopment, and Housing Elements could impact biological resources including, but not limited to biological resources discussed in this letter. Therefore, CDFW recommends the DEIR include a mitigation measure that would require future development facilitated by the Project to prepare a biological resources

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<sup>2</sup> CDFW's issuance of a LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the environmental document of the local jurisdiction (lead agency) for the project. To minimize additional requirements by CDFW pursuant to section 1600 et seq. and/or under CEQA, the environmental document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

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assessment in order to identify and mitigate impacts on biological resources. A biological resources assessment should follow the guidance provided under General Comment #4.

- 5) California 30×30. In October 2020, Governor Newsom signed the Nature Based Solutions [Executive Order N-82-20](#), elevating the role of natural and working lands in the fight against climate change and advancing biodiversity conservation as an administration priority. As part of this Executive Order, California committed to the goal of conserving 30 percent of our lands and coastal waters by 2030 (30×30). For the Los Angeles Region, a pathway to support 30×30 is to conserve coastal sage scrub, shrublands and chapparal, oak woodlands, and grasslands (CNRA 2021). Natural lands provide habitat for plants and wildlife, connect large landscape blocks, and enable wildlife movement across the landscape.

The City has very few natural lands remaining, which are limited to the northwest corner of the City. CDFW recommends the City design the Project to conserve remaining natural lands and create/restore natural lands and open space to the maximum extent feasible. This may help to achieve the Project's goal to promote clean air and clean water, prevent urban heat islands, reduce stormwater runoff, promote greener neighborhoods, and nature-based recreation.

## General Comments

- 1) Disclosure. The DEIR should provide an adequate, complete, and detailed disclosure about the effect which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, § 15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the impact and significance of the specific impact relative to plant and wildlife species (e.g., current range, distribution, population trends, and connectivity).
- 2) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in a project through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental document "shall describe feasible measures which could mitigate for impacts below a significant level under CEQA."

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- a) Level of Detail. Mitigation measures must be feasible, effective, and fully enforceable by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4). The DEIR should provide mitigation measures that are specific and detailed (i.e., responsible party, timing, specific actions, location) in order for a mitigation measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).
  - b) Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects in addition to impacts caused by the proposed Project, the DEIR should include a discussion of the effects of a proposed mitigation measure [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the DEIR should provide an adequate, complete, and detailed disclosure about the Project's proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures on biological resources.
- 3) Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project Area and where the Project may facilitate ground disturbance. The assessment and analysis should place emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. A biological resources assessment will aid in determining the Project's potential direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information:
- a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities. CDFW considers Sensitive Natural Communities as threatened habitats having both regional and local significance. Natural communities, alliances, and associations with a State-wide rarity ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation](#)

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[Classification and Mapping Program - Natural Communities](#) webpage (CDFW 2023c);

- b) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Botanical field surveys should be comprehensive over the entire Project Area, including areas that will be directly or indirectly impacted by the Project. Adjoining areas (where accessible) should also be surveyed where direct or indirect Project effects could occur, such as those from fuel modification, herbicide application, invasive species, and altered hydrology. Botanical field surveys should be conducted in the field at times of year when plants will be both evident and identifiable. Usually, this is during flowering or fruiting. Botanical field survey visits should be spaced throughout the growing season to accurately determine what plants exist in the Project Area. This usually involves multiple visits to the Project Area (e.g., in early, mid, and late-season) to capture the floristic diversity at a level necessary to determine if special status plants are present;
- c) Floristic alliance- and/or association-based mapping and vegetation impact assessments conducted in the Project Area and within adjacent areas. The [Manual of California Vegetation](#) (MCV), second edition, should also be used to inform this mapping and assessment (CNPS 2023). Adjoining areas should be included in this assessment where the Project-related construction and activities could lead to direct or indirect impacts off site;
- d) A complete and recent assessment of the biological resources associated with each habitat type in the Project Area and adjacent areas. CDFW's [California Natural Diversity Database](#) should be accessed to obtain current information on any previously reported sensitive species and habitat<sup>3</sup> (CDFW 2023d). An assessment should include a minimum nine-quadrangle search of the CNDDDB to determine a list of species potentially present in the Project Area. A nine-quadrangle search should be provided in the Project's CEQA document for adequate disclosure of the Project's potential impact on biological resources. Please see [CNDDDB Data Use](#)

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<sup>3</sup> A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review [CEQA Guidelines, § 15003(i)].

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[Guidelines – Why do I need to do this?](#) for additional information (CDFW 2011);

- e) A complete, recent, assessment of endangered, rare, or threatened species and other sensitive species within the Project Area and adjacent areas, including SSC and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project Area should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's [Survey and Monitoring Protocols and Guidelines](#) for established survey protocol (CDFW 2023e). Acceptable species-specific survey procedures may be developed in consultation with CDFW and USFWS; and
  - f) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if Project implementation build out could occur over a protracted time frame or in phases.
- 4) Direct and Indirect Impacts on Biological Resources. The DEIR should provide a thorough discussion of direct and indirect impacts expected to adversely affect biological resources with specific measures to offset such impacts. The DEIR should address the following:
- a) A discussion regarding Project-related indirect impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the Project, should be fully analyzed and discussed in the DEIR;

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- b) A discussion of both the short-term and long-term effects of the Project on species population distribution and concentration, as well as alterations of the ecosystem supporting those species impacted [CEQA Guidelines, § 15126.2(a)];
  - c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;
  - d) A discussion of post-Project fate of drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. The discussion should also address the potential water extraction activities and the potential resulting impacts on habitat (if any) supported by the groundwater. Measures to mitigate such impacts should be included; and
  - e) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR.
- 5) Project Description and Alternatives. To enable adequate review and comment on the proposed Project from the standpoint of the protection of fish, wildlife, and plants, CDFW recommends the following information be included in the DEIR:
- a) A complete discussion of the purpose and need for, and description of the proposed Project;
  - b) Pursuant to CEQA Guidelines section 15126.6(a), an environmental document “shall describe a reasonable range of potentially feasible alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project.” CEQA Guidelines section 15126.6(f)(2) states if the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion; and
  - c) A range of feasible alternatives to the Project to avoid or otherwise minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends the City select Project

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designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends the City design the Project to have appropriate setbacks from biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes from any future Project-related construction, activities, maintenance, and development. As a general rule, CDFW recommends reducing or clustering a development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The DEIR "shall" include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).

- d) Where the Project may impact aquatic and riparian resources, CDFW recommends the City select Project designs and alternatives that would fully avoid impacts to such resources. CDFW also recommends an alternative that would not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and natural communities. Project designs should consider elevated crossings to avoid channelizing or narrowing of watercourses. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level and cause the watercourse to alter its course of flow.
- 6) Cumulative Impact. Cumulative impacts on biological resources can result from collectively significant projects. The Project, when considered collectively with prior, concurrent, and probable future projects, may have a significant cumulative effect on biological resources. The Project may have the potential to substantially reduce the number or restrict the range of endangered, rare, or threatened species. Species that may be impacted by the Project include, but are not limited to, the biological resources described in this letter.

Accordingly, CDFW recommends the DEIR evaluate the Project's potential cumulative impacts on biological resources. The Project may have a "significant effect on the environment" if the possible effects of the Project are individually limited but cumulatively considerable. "Cumulatively

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considerable” means that the incremental effects of an individual 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 [Pub. Resources Code, § 21083(b)]. The City’s conclusions regarding the significance of the Project’s cumulative impact should be justified and supported by evidence to make those conclusions. Specifically, if the City concludes that the Project would not result in cumulative impacts on biological resources, the City “shall identify facts and analysis supporting the City’s conclusion that the cumulative impact is less than significant” [CEQA Guidelines section § 15130(a)(2)].

When using a threshold of significance, the DEIR should briefly explain how compliance with the threshold means that the Project’s impacts are less than significant. A threshold of significance is an identifiable quantitative, qualitative, or performance level of a particular environmental effect [CEQA Guidelines, § 15064.7]. Compliance with the threshold does not relieve the City’s obligation to consider substantial evidence indicating that the Project’s environmental effects may still be significant [CEQA Guidelines, § 15064(b)(2)]. Alternatively, if the City concludes that the Project might contribute to a significant cumulative impact, but the contribution will be rendered less than cumulatively considerable through implementation of mitigation measures, the DEIR should briefly explain how the contribution has been rendered by the City to be less than cumulatively considerable. The City “shall identify facts and analysis supporting the City’s conclusion that the contribution will be rendered less than cumulatively considerable” [CEQA Guidelines section, § 15130(a)(3)].

- 7) Data. CEQA requires that information developed in environmental impact reports be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and sensitive natural communities detected by completing and submitting [CNDDB Field Survey Forms](#) (CDFW 2023f). To submit information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW’s Vegetation Classification and Mapping Program (CDFW 2023g). The City should ensure data collected for the preparation of the DEIR is properly submitted, with all data fields applicable filled out.
- 8) CESA. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any

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endangered, threatened, candidate species, or CESA-listed plant species that results from a project is prohibited, except as authorized by State law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9).

Consequently, if the Project and any future development facilitated by the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless a project's CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP.

- 9) Compensatory Mitigation. The DEIR should include compensatory mitigation measures for the Project's significant direct and indirect impacts to sensitive and special status plants, animals, and natural communities. Mitigation measures should emphasize avoidance and minimization of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore inadequate to mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement and financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.
- 10) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset Project-induced qualitative and quantitative

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losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate endowment should be set aside to provide for long-term management of mitigation lands.

- 11) Wildlife Friendly Fencing. Fencing could obstruct wildlife movement and result in wildlife injury or mortality due to impalement and entanglement (e.g., chain link fencing). If the Project includes temporary and/or permanent fencing, the City should incorporate wildlife friendly fencing designs into the Project and implemented at an individual project-level. Fencing designs should be disclosed and evaluated in the DEIR for potential impacts on biological resources and wildlife movement. The DEIR should discuss how fencing proposed for the Project would minimize impacts on biological resources, specifically wildlife movement. CDFW supports the use of wildlife-friendly fencing. Wildlife-friendly fencing should be used and strategically placed in areas of high biological resource value in order to protect biological resources, habitat, and wildlife movement. CDFW recommends [A Landowner's Guide to Wildlife Friendly Fences](#) for information wildlife-friendly fences (MFWP 2012).
- 12) Use of Native Plants and Trees. CDFW supports the use of native plants for the Project if the Project would include landscaping or restoration requirements at a project-level. CDFW strongly recommends avoiding non-native, invasive species for landscaping and restoration, particularly any species listed as 'Moderate' or 'High' by the [California Invasive Plant Council](#) (Cal-IPC 2023). CDFW supports the use of native species found in naturally occurring plant communities within or adjacent to the Project Area. In addition, CDFW supports planting species of trees, such as oaks (*Quercus* genus), and understory vegetation (e.g., ground cover, subshrubs, and shrubs) that create habitat and provide a food source for birds. CDFW recommends retaining any standing, dead, or dying tree (snags) where possible because snags provide perching and nesting habitat for birds and raptors. Finally, CDFW supports planting species of vegetation with high insect and pollinator value.
- 13) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of removing plants and wildlife from one location and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to endangered, rare, or

Joseph Palombi  
City of Montebello  
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threatened plants and animals. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving plants and animals and their habitats.

14) Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's (Commission) policies. The [Wetlands Resources](#) policy the Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement, and expansion of wetland habitat in California" (CFGC 2020). Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."

a) The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, a project should include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions benefiting local and transient wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.

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- b) The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this State; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).

## Conclusion

We appreciate the opportunity to comment on the NOP to assist the City of Montebello in identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at [Ruby.Kwan-Davis@wildlife.ca.gov](mailto:Ruby.Kwan-Davis@wildlife.ca.gov) or (562) 619-2230.

Sincerely,

DocuSigned by:  
  
B0E58CFE24724F5...

Erinn Wilson-Olgin  
Environmental Program Manager I  
South Coast Region

ec: CDFW

Victoria Tang, Seal Beach – [Victoria.Tang@wildlife.ca.gov](mailto:Victoria.Tang@wildlife.ca.gov)  
Ruby Kwan-Davis, Seal Beach – [Ruby.Kwan-Davis@wildlife.ca.gov](mailto:Ruby.Kwan-Davis@wildlife.ca.gov)  
Felicia Silva, Seal Beach – [Felicia.Silva@wildlife.ca.gov](mailto:Felicia.Silva@wildlife.ca.gov)  
Julisa Portugal, Seal Beach – [Julisa.Portugal@wildlife.ca.gov](mailto:Julisa.Portugal@wildlife.ca.gov)  
Cindy Hailey, San Diego – [Cindy.Hailey@wildlife.ca.gov](mailto:Cindy.Hailey@wildlife.ca.gov)  
CEQA Program Coordinator, Sacramento –  
[CEQAComentLetters@wildlife.ca.gov](mailto:CEQAComentLetters@wildlife.ca.gov)

OPR

State Clearinghouse – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

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Rincon Consultants, Inc.  
Greg Martin – [GMartin@rinconconsultants.com](mailto:GMartin@rinconconsultants.com)

## References:

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<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=134713&inline>



GABRIELENO BAND OF MISSION INDIANS - KIZH NATION  
Historically known as The San Gabriel Band of Mission Indians recognized by  
the State of California as the aboriginal tribe of the Los Angeles basin

July 11, 2023

Project Name: City of Montebello General Plan Update and Downtown Montebello Specific Plan Project,  
Montebello, Los Angeles County, CA

Thank you for your letter dated July 6, 2023. Regarding the project above. This is to concur that we agree with the General Plan Amendment, Specific Plan. However, our Tribal government would like to request consultation for all future projects within this location.

Andrew Salas, Chairman  
Gabrieleno Band of Mission Indians – Kizh Nation

Andrew Salas, Chairman  
Albert Perez, treasurer I

Nadine Salas, Vice-Chairman  
Martha Gonzalez Lemos, treasurer II

Dr. Christina Swindall Martinez, secretary  
Richard Gradias, Chairman of the council of Elders

PO Box 393 Covina, CA 91723

[www.gabrielenoindians@yahoo.com](http://www.gabrielenoindians@yahoo.com)

[gabrielenoindians@yahoo.com](mailto:gabrielenoindians@yahoo.com)

## Greg Martin

---

**From:** Palombi, Joseph <JPalombi@montebelloca.gov>  
**Sent:** Tuesday, June 13, 2023 4:14 PM  
**To:** Mercado-Rodriguez, Monica; Greg Martin; Kaizer Rangwala (rangwalaassoc@gmail.com)  
**Cc:** Ramos, Matthew; Nevarez, Samantha  
**Subject:** [EXT] FW: [External Email] Montebello Downtown plan Input

**CAUTION:** This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

Please see below for comments regarding the draft Downtown Montebello Specific Plan/General Plan Update. Let's make sure we are logging these comments in the order received.

Thank you.



**Joseph A. Palombi** | Director

**Planning & Community Development**

1600 W Beverly Blvd., Montebello, CA 90640

p: 323-887-1200

w: [www.MontebelloCA.gov](http://www.MontebelloCA.gov) e: [jpalombi@MontebelloCA.gov](mailto:jpalombi@MontebelloCA.gov)



Office Hours – Monday-Thursday 8:00 a.m. – 5:00 p.m. Closed every Friday.

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**From:** Palombi, Joseph  
**Sent:** Tuesday, June 13, 2023 4:04 PM  
**To:** billmoreno@gmail.com  
**Cc:** Torres, David <DTorres@montebelloca.gov>; Peralta, Scarlet <SPeralta@montebelloca.gov>; Melendez, Salvador <SMelendez@montebelloca.gov>; Jimenez, Angie <AJimenez@montebelloca.gov>; Tamayo, Georgina <GTamayo@montebelloca.gov>; Salazar, Arlene <ASalazar@montebelloca.gov>; Mercado-Rodriguez, Monica <mmrodriguez@montebelloca.gov>  
**Subject:** RE: [External Email] Montebello Downtown plan Input

Hello Mr. Moreno,

Thank you for your comments regarding the draft General Plan and draft Downtown Montebello Specific Plan. The City is in receipt of these comments and will provide responses in accordance with the California Environmental Quality Act ("CEQA") as part of the draft Environmental Impact Report. Please note that the public comment period associated with this process is currently underway and will remain open through Thursday, July 13, 2023.

If there are any questions or if you require any additional information, please contact me via email or directly at (323) 887-4503.

Thank you.



Joseph A. Palombi | Director

Planning & Community Development

1600 W Beverly Blvd., Montebello, CA 90640

p: 323-887-1200

w: [www.MontebelloCA.gov](http://www.MontebelloCA.gov) e: [jpalombi@MontebelloCA.gov](mailto:jpalombi@MontebelloCA.gov)



Office Hours – Monday-Thursday 8:00 a.m. – 5:00 p.m. Closed every Friday.

**From:** William Moreno <[billmoreno@gmail.com](mailto:billmoreno@gmail.com)>

**Sent:** Tuesday, June 13, 2023 3:14 PM

**To:** Mercado-Rodriguez, Monica <[mmrodriguez@montebelloca.gov](mailto:mmrodriguez@montebelloca.gov)>; [jpolimbi@montebelloca.gov](mailto:jpolimbi@montebelloca.gov)

**Cc:** Torres, David <[DTorres@montebelloca.gov](mailto:DTorres@montebelloca.gov)>; Peralta, Scarlet <[SPeralta@montebelloca.gov](mailto:SPeralta@montebelloca.gov)>; Melendez, Salvador <[SMelendez@montebelloca.gov](mailto:SMelendez@montebelloca.gov)>; Jimenez, Angie <[AJimenez@montebelloca.gov](mailto:AJimenez@montebelloca.gov)>; [georginaformontebello@gmail.com](mailto:georginaformontebello@gmail.com)

**Subject:** [External Email] Montebello Downtown plan Input

Director Polimbi;

I looked at the plan - but am confused about what kind of input you are looking for, exactly - but, given that, here are my thoughts:

1. RE: Our Creative Community. Nurture and promote arts and cultural activities, organizations, and events and give them more visibility and prominence in the region. **I don't see an implementation plan for cultural elements** - it's named but absent from this plan as far as I can discern. This element is critical. And I believe all the electeds know it is often a critical factor in civic planning success. Where is the cultural nexus? - a gallery/center - something. Let's get a bit more sophisticated here please.
2. What are the **architectural parameters** of the overall aesthetic plan? What do we want DT to look like? Right now, it's a mess of stucco and cheap looking mediocre facades.
3. Consider permanently and **partially closing some side streets** for pedestrian activity.
4. Get rid of those palm trees **and install in shading trees** - (that was the worst remodel ever back a few years)
5. **Compel owners via zoning or enforcement to take care of and remodel their store fronts** - part of the issue is that they look like a third world shopping area. The Blvd MRKT model needs to be emulated. for example: beyond DT plan, the façade at the strip mall @ 1106 W Beverly Blvd, is literally deteriorating; This mall has an impact on surrounding homes/values and is a messy, ugly eyesore. I think we need to consider redevelopment where necessary - focusing on the DT is not sufficient. Let's get a handle on current problem areas. (and please stop using 7-11 as a development tactic.)
6. **Buy the old Vogue Theater building and turn it into a performing art space** or cultural center - use eminent domain if must. That landlord isn't doing the city any favors.

7. **As far as housing is concerned - we need to put a moratorium on more apartments** - as I remember the Planning consultant noted that Montebello has an excess number for a city its size. And yet we insist on erecting more low-income apts housing apts - why is that? Apts DO NOT build wealth.

thank you - Bill Moreno  
Dist 4  
c: 213/804.5901

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\*\*\*PLEASE DO NOT CLICK ON UNKNOWN LINKS. Contact Montebello IT Division if you are unsure.\*\*\*



July 13, 2023

Joseph Palombi, Director  
City of Montebello, Planning and Community Development Department  
1600 West Beverly Boulevard  
Montebello, CA 90640  
[jpalombi@montebelloca.gov](mailto:jpalombi@montebelloca.gov)

Dear Joseph:

As you know, Mercy Housing California (Mercy) has partnered with the Western Province of the Vincentian Fathers and Brothers (the Vincentians), owners of the approximately 12.5-acre De Paul Campus located at 420 Date Street, to pursue the redevelopment of this property with a new mixed-income residential community. As currently envisioned, Mercy and the Vincentians anticipate creating a diverse range of new for-sale and rental housing opportunities at the property, including affordable, workforce, and market-rate homes, as well as new community-oriented open space.

Mercy and the Vincentians are committed to incorporating input from the local community into our site planning process which will, in turn, guide how the De Paul Campus will be repurposed. Neighbors, neighborhood associations, and local leaders have been invited to share their feedback and opinions regarding the redevelopment of the property through written and electronic communications, surveys, and a series of ongoing community meetings. Mercy and the Vincentians also wish to work collaboratively with City decisionmakers to advance a development proposal that harmonizes with the City's long-range planning efforts. To that end, and as a continuation of the preliminary discussions that Mercy has had with the City's Planning and Community Development staff regarding the future development of the De Paul Campus, we appreciate the opportunity to provide this comment letter regarding the potential future rezoning of the property in coordination with the City's current General Plan Update process.

#### Housing Element and Draft General Plan Update Discussion of De Paul Campus

The De Paul Campus is currently zoned for single-family residential uses pursuant to an R-1 zoning designation. The City has recognized the property's high potential to accommodate new housing by including the De Paul Campus in the City's Housing Element suitable sites inventory. Specifically, the Housing Element identifies an approximately 6.26-acre portion of the De Paul Campus as being suitable for the development of up to 360 new units of housing, including 234 very low income (VLI) units and 126 low income (LI) units, pursuant to the City's contemplated rezoning of the property to a new "Mixed-Use Neighborhood" zoning designation. The Housing Element further identifies the resulting density of this 6.26-acre portion of the De Paul Campus as ranging from 40 to 60 dwelling units per acre (du/acre), along with average building heights of three stories and maximum building heights of four stories.

The City's Draft General Plan Update, released for public review on April 26, 2023, also reflects the City's anticipated increase in residential density at the De Paul Campus. However, while the Draft General Plan Update at times corresponds to the information shown in the adopted Housing Element, there are several instances where different information is provided, including the following:

#### **Mercy Housing California**

1500 S. Grand Avenue, Suite 100, Los Angeles, California 90015 o | 213-743-5820 f | 213-743-5828

TTY | 800-877-8973 or 711

[mercyhousing.org](http://mercyhousing.org)

Mercy Housing is sponsored by communities of Catholic Sisters

LIVE IN HOPE



- Figure C3.6 of the Draft General Plan Update appears to show the De Paul Campus as being subject to a “Civic” land use designation, not the “Mixed-Use Neighborhood” designation that is identified by the Housing Element;
- The Draft General Plan Update does not appear to include the “Mixed-Use Neighborhood” land use designation described by the Housing Element; instead, page 93 of the Draft General Plan Update describes a “Neighborhood” land use category that is associated with a density range of 15 to 40 du/acre and building heights of 1-3 stories; and
- Page 99 of the Draft General Plan Update identifies a potential residential capacity of 465 units for the De Paul Campus, which exceeds the contemplated density of 360 units identified by the Housing Element.

In addition to the above items, the Draft General Plan Update also contains several references to a six-acre park being provided at the De Paul Center (e.g., pages 44 and 190 of the document); this presumably correlates with the Housing Element’s identification of only approximately half of the property being utilized for housing.

#### Mercy’s Comments Regarding Initial Density and Planning Concepts for De Paul Campus

In light of the above-described long-range planning efforts being undertaken by the City, Mercy appreciates the opportunity to provide a summary of feedback received from neighbors and other stakeholders during our initial community engagement efforts regarding the De Paul Campus. These efforts have demonstrated significant support, from residents of the neighborhood and the City at large, for a mix of housing types and income levels that fit with the local look and feel of this south Montebello neighborhood. However, while we believe it appears feasible for an increase in residential density at the De Paul Campus to receive community support, some of the density and development scale projections included in the Housing Element and Draft General Plan Update may be seen as too intensive when compared with surrounding land use patterns.

Specifically, the Housing Element’s contemplated residential unit count of 360 units on only a 6.26-acre portion of the property would result in an average density of over 57 du/acre, which is at the highest range of existing density in the City. Moreover, the Housing Element’s contemplated average building height of three stories, with a maximum anticipated height of four stories, would far exceed the heights of the existing residential uses surrounding the De Paul Campus, which are limited to one- and two-story single-family homes and multifamily apartment buildings.

In addition, as noted above, the Draft General Plan Update contemplates an even higher residential unit count for the De Paul Campus (465 units compared to the Housing Element’s 360 units), which if developed on the same approximately 6.26-acre portion of the property, would represent an average density of over 74 du/acre, which would accordingly require even taller residential building heights to accommodate this density.

Mercy certainly understands the City’s need for affordable housing development, but also wants to ensure that the proposed redevelopment of the De Paul Campus can attract both City and community support by proposing appropriate and compatible residential densities and providing sensitive



transitions to existing development patterns in the surrounding neighborhood. In addition, based upon our long history of developing successful residential communities, we believe that a residential community of approximately 360 units at the De Paul Campus consisting of only VLI and LI units will present significant funding challenges for the proposed development, and instead recommend that a market-rate residential component be included as part of the property's overall residential development plan.

Accordingly, Mercy respectfully suggests that as the Draft General Plan Update and its associated environmental review process moves forward, the City consider redesignating the entirety of the De Paul Campus for multi-family mixed-income residential development, instead of restricting this designation to only approximately half of the property. We believe that our contemplated planning approach to the property would have multiple positive benefits, as described below:

- Reducing Average Density – by designating the entirety of the 12.5-acre property for multi-family residential development, the development of the Housing Element's contemplated residential unit count of 360 units would represent an average density of approximately 29 du/acre, while the development of the Draft Housing Element's contemplated 465 units would represent an average density of approximately 37 du/acre. While both of these average density figures remain higher than surrounding development patterns, they are significantly lower than the 57 du/acre and 74 du/acre proposals currently reflected by the Housing Element and the Draft General Plan Update.
- Allowing for Transitional Height – by allowing the Site's density to be spread across the entirety of the De Paul Campus, it would be possible to provide lower two-story buildings at the property's perimeter, with taller three-story buildings located towards the center of the site. When density is constrained to only half of the property, it would push four-story (and potentially even taller buildings) to the site's edges, adjacent to one-story single-family homes.
- Maintaining Open Space Potential – by allowing sufficient room for multiple building types to be placed across the entirety of the De Paul Campus, a site plan can be pursued that both creates new publicly accessible open space adjacent to the Rio Hondo and facilitates direct connections between the proposed residential buildings and this open space through the utilization of multi-purpose paths, active and passive recreation areas, and other landscaping features. Based upon preliminary site planning concepts, Mercy believes that a substantive amount of publicly accessible open space linking to the Rio Hondo could be provided along the eastern portion of the De Paul Campus, while retaining sufficient land area further west to achieve the reduced density and transitional height concepts described above.

In closing, and to reiterate, Mercy and the Vincentians very much appreciate the chance to provide the City with these comments regarding our contemplated development plans for the De Paul Campus and our goal of helping to meet the City's housing needs. We also look forward to continuing our discussions with City staff regarding the optimal planning and entitlement pathway for this project





and how best to integrate these efforts with the City's General Plan update process. Thank you for your time and consideration of these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ed Holder".

Ed Holder  
Vice President  
Mercy Housing California



LIVE IN HOPE



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • [www.aqmd.gov](http://www.aqmd.gov)

SENT VIA E-MAIL:

July 13, 2023

[jpalombi@Montebelloca.gov](mailto:jpalombi@Montebelloca.gov)

Joseph Palombi, Director  
City of Montebello  
Planning and Community Development Department  
1600 West Beverly Boulevard  
Montebello, California 90640

**Notice of Preparation of a Draft Environmental Impact Report for the  
City of Montebello General Plan and Downtown Montebello Specific Plan  
(Proposed Project)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send a copy of the Draft EIR upon its completion and public release directly to South Coast AQMD as copies of the Draft EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

### **CEQA Air Quality Analysis**

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website<sup>1</sup> as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod<sup>2</sup> land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds<sup>3</sup> and localized significance thresholds (LSTs)<sup>4</sup> to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated.

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<sup>1</sup> South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

<sup>2</sup> CalEEMod is available free of charge at: [www.caleemod.com](http://www.caleemod.com).

<sup>3</sup> South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

<sup>4</sup> South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment<sup>5</sup>.

The California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*<sup>6</sup> is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process with additional guidance on strategies to reduce air pollution exposure near high-volume roadways available in CARB's technical advisory<sup>7</sup>.

The South Coast AQMD's *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*<sup>8</sup> includes suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. It is recommended that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions.

### **Mitigation Measures**

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook,<sup>9</sup> South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2022 Air Quality Management Plan,<sup>10</sup> and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy.<sup>11</sup>

Mitigation measures for operational air quality impacts from mobile sources that the Lead Agency should consider in the Draft EIR may include the following:

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<sup>5</sup> South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

<sup>6</sup> CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>.

<sup>7</sup> CARB's technical advisory can be found at: <https://www.arb.ca.gov/ch/landuse.htm>.

<sup>8</sup> South Coast AQMD. 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Available at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

<sup>9</sup> <https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>

<sup>10</sup> South Coast AQMD's 2022 Air Quality Management Plan can be found at: <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan> (Chapter 4 - Control Strategy and Implementation).

<sup>11</sup> Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: [https://www.connectsocial.org/Documents/PEIR/certified/Exhibit-A\\_ConnectSoCal\\_PEIR.pdf](https://www.connectsocial.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf).

- Require zero-emissions (ZE) or near-zero emission (NZE) on-road haul trucks such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. Given the state's clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks such as the Advanced Clean Trucks Rule<sup>12</sup> and the Heavy-Duty Low NOx Omnibus Regulation<sup>13</sup>, ZE and NZE trucks will become increasingly more available to use. The Lead Agency should require a phase-in schedule to incentive the use of these cleaner operating trucks to reduce any significant adverse air quality impacts. South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency. At a minimum, require the use of 2010 model year<sup>14</sup> that meet CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Include environmental analyses to evaluate and identify sufficient electricity and supportive infrastructures in the Energy and Utilities and Service Systems Sections in the CEQA document, where appropriate. Include the requirement in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards, and make the records available for inspection. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure compliance.
- Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final CEQA document. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this higher activity level.
- Provide electric vehicle (EV) charging stations or at a minimum, provide the electrical infrastructure and electrical panels should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.

Mitigation measures for operational air quality impacts from other area sources that the Lead Agency should consider in the Draft EIR may include the following:

- Maximize use of solar energy by installing solar energy arrays.
- Use light colored paving and roofing materials.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- Use of water-based or low VOC cleaning products that go beyond the requirements of South Coast AQMD Rule 1113.

Design considerations for the Proposed Project that the Lead Agency should consider to further reduce air quality and health risk impacts include the following:

- Clearly mark truck routes with trailblazer signs, so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, day care centers, etc.).

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<sup>12</sup> CARB. June 25, 2020. *Advanced Clean Trucks Rule*. Accessed at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>.

<sup>13</sup> CARB has recently passed a variety of new regulations that require new, cleaner heavy-duty truck technology to be sold and used in state. For example, on August 27, 2020, CARB approved the Heavy-Duty Low NOx Omnibus Regulation, which will require all trucks to meet the adopted emission standard of 0.05 g/hp-hr starting with engine model year 2024. Accessed at: <https://ww2.arb.ca.gov/rulemaking/2020/hdomnibuslownox>.

<sup>14</sup> CARB adopted the statewide Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB's Truck and Bus Regulation is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

- Design the Proposed Project such that truck entrances and exits are not facing sensitive receptors and trucks will not travel past sensitive land uses to enter or leave the Proposed Project site.
- Design the Proposed Project such that any check-in point for trucks is inside the Proposed Project site to ensure that there are no trucks queuing outside.
- Design the Proposed Project to ensure that truck traffic inside the Proposed Project site is as far away as feasible from sensitive receptors.
- Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Proposed Project site.

### **Health Risk Reduction Strategies**

Many strategies are available to reduce exposures, including, but are not limited to, building filtration systems with MERV 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Enhanced filtration units are capable of reducing exposures. However, enhanced filtration systems have limitations. For example, in a study that South Coast AQMD conducted to investigate filters<sup>15</sup>, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter panel. The initial start-up cost could substantially increase if an HVAC system needs to be installed and if standalone filter units are required. Installation costs may vary and include costs for conducting site assessments and obtaining permits and approvals before filters can be installed. Other costs may include filter life monitoring, annual maintenance, and training for conducting maintenance and reporting. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy consumption that the Lead Agency should evaluate in the Draft EIR. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. These filters have no ability to filter out any toxic gases. Furthermore, when used filters are replaced, replacement has the potential to result in emissions from the transportation of used filters at disposal sites and generate solid waste that the Lead Agency should evaluate in the Draft EIR. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to diesel particulate matter emissions.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at [swang1@aqmd.gov](mailto:swang1@aqmd.gov).

Sincerely,

*Sam Wang*

Sam Wang  
Program Supervisor, CEQA IGR  
Planning, Rule Development & Implementation

SW  
LAC230613-05  
Control Number

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<sup>15</sup> This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by South Coast AQMD: <https://onlinelibrary.wiley.com/doi/10.1111/ina.12013>.