AGENDA

MONTEBELLO PLANNING COMMISSION

JUNE 16, 2009

6:30 P.M.
City Council Chambers, 1600 W. Beverly Boulevard

PLANNING COMMISSION

CHAIRPERSON
THOMAS M. CALDERON

CYNTHIA DIAZ
COMMISSIONER

MARIA C. HALPERN
VICE CHAIRWOMAN

MINERVA GUTIERREZ
COMMISSIONER

LINDA D. PAYAN
COMMISSIONER

CITY STAFF

ARIEL SOCARRAS
PLANNING MANAGER

MATTHEW M. GORMAN
PLANNING COMMISSION COUNSEL

1. **MEETING CALLED TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **APPROVAL OF MINUTES**: Minutes of the June 2, 2009 meeting.

5. **HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED IN THE AGENDA**

   In order to expedite Planning Commission business, we ask all persons wishing to address the Commission on items other than the public hearings to fill out a form provided at the door, and turn it in to the Commission Secretary. Failure to file such a form will prohibit you from addressing the Commission in the absence of unanimous consent of the Commission.

   Please limit your comments to a maximum of five (5) minutes. If you have an item that will require extended discussion, please request that the item be included on the regular agenda.

6. **STAFF BRIEFING**

   A. Agenda additions and deletions: None

   B. Items to be continued: None

[1] In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the Building Services Manager (323/887-1497). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)

7. **PUBLIC HEARINGS**

For each of the following items, the public will be given an opportunity to speak, following Planning staff's presentation of its report and the Planning Commissioners' disclosures (if any) of site visits to the location at issue and any relevant information obtained during same. The applicant, proponents and opponents will be allowed to speak on issues relating to the case. At the Chairperson's discretion, reasonable time limitations may be placed upon individual testimony. After all persons have spoken, the applicant is allowed to rebut and/or summarize, and then the hearing is closed.

A. Conditional Use Permit 8-66, Modification 1-09 and Zone variance 2-09

Applicant:	Express Drive Thru Dairy
Location:	544 N. Montebello Boulevard
Proposal:	A Conditional Use Permit Modification and a Zone Variance to re-establish the off-site sale of alcohol (beer & wine) in conjunction with an existing drive-thru dairy on property located in the C-1 (Neighborhood Commercial) zoning district. A Conditional Use Permit Modification is required to introduce the off-site sale of alcohol (beer & wine) to the existing Conditional Use Permit for the dairy, and a Zone Variance is necessary to deviate from Section 17.61.040 (Distance Requirements) of the Montebello Municipal Code that does not allow the off-site sale of alcohol within 300 feet of a residential use.
Recommendation:	Pending public testimony and Planning Commission input approve Modification 1-09 to Conditional use Permit 8-66 and Zone Variance 2-09.

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8. **SCHEDULED MATTER**

None

9. **PLANNING COMMISSION AND STAFF COMMENTS**

A. Planning Manager's Comments
- Update on City Council meeting
- Update on Community Redevelopment Agency meeting

B. Planning Commissioners' Comments

10. **ADJOURNMENT**

Adjourn to the July 21, 2009 meeting.

PLANNING COMMISSION PROCEDURE

For those in the audience who are not familiar with the operation of a Planning Commission, the following summarizes the procedure.

For each item this evening, the Planning staff will present a report to the Planning Commission. On items for public hearing, the audience will be asked for comment. Those wishing to speak are asked to come forward, speak into the microphone, and give their name and address for the taped record. Those speaking in favor are asked to speak first, then those in opposition. After those speaking in opposition are heard, the applicant or one person speaking in favor may be allowed a rebuttal.

The Planning Commission is interested to hear all persons wishing to give testimony. However, it is requested that each new speaker add new information, and not repeat points which previous speakers have made. Persons not desiring to speak, but wishing to be recorded as proponents or opponents of record, may do so by submitting their name and address to the secretary.

On matters concerning amendments to the Zoning Ordinance, the General Plan, Planned Developments (PDs), Tentative Subdivision Maps, Zone Changes, Hillside Plan Reviews, and Civic Center Reviews, the Planning Commission acts in an advisory capacity to the City Council. Items that are recommended for approval are automatically forwarded to the City Council. Items that are denied must be appealed if they are to go forward to the City Council, with the exception of Tentative Subdivision Maps.

On matters concerning Variances, Conditional Use Permits, Tentative Parcel Maps and Lot Line Adjustments, the Planning Commission is delegated the authority to take final action unless these items are appealed to the City Council. Regarding all types of appeals, applicants or other interested persons should take note of the following appeals procedures and, in case of questions, contact the Planning Department staff for further information on the right of appeal.

ITEMS NOT LISTED ON THE AGENDA

No action or discussion shall be taken on any item not appearing on the posted agenda, except that members of the legislative body may briefly respond to the statements made or questions posed. In addition, on their own initiative, or in response to questions posed by the public, members of the legislative body may ask a question for clarification, provide a reference to staff or other resources for factual information, or request staff to report back to the body at a subsequent meeting concerning any matter. Furthermore, a member of a legislative body, or the body itself, may take action to direct staff to place matter of business on a future agenda (Gov. Code Section 54954.2).

PLANNING COMMISSION AND STAFF COMMENTS (Agenda Item Nos. 9A & 9B)

Agenda Item No. 9A is reserved for the Planning Director's announcements, comments or brief reports on items not listed on the agenda, and an update to the Planning Commission on actions taken by the City Council at their recent meeting. No action will be taken.

Agenda Item No. 9B is reserved for Planning Commissioners' announcements, comments or brief reports regarding items not listed on the agenda including report on meetings attended pursuant to Gov. Code Section 53232.3 (d). No action will be taken.

APPEAL PROCEDURE

1) **Conditional Use Permits and Zone Variances**.

   In accordance with the Montebello Municipal Code Section 17.78.070, any person aggrieved with the decision of the Planning Commission may file a written appeal with the City Clerk. The appeal fee is $540.00. The timeframe for filing an appeal is **20 days after Planning Commission's action, or the day of the first regular City Council meeting after Planning Commission action, whichever shall occur first** (generally 10 days).

2) **Tentative Parcel Maps and Lot Line Adjustments.** Any person aggrieved with the decision of the Planning Commission may file a written appeal with the City Clerk **no later than 15 days** after the Planning Commission action. The appeal fee is $540.00.

3) Civic Center Reviews are considered by both the Planning Commission and City Council.

4) When recommended for approval by the Planning Commission, Zone Changes, General Plan Amendments, Planned Developments, Zoning Code text Amendments, Tentative Subdivision Maps, and Hillside Plan Reviews are automatically scheduled before the City Council for a second public hearing. Tentative Subdivision Maps will be automatically scheduled before the City Council when the Planning Commission recommends denial.

   In the event of a Planning Commission denial, the decision of the Planning Commission is final, except with Tentative Subdivision Maps, or in the absence of a written appeal and $540.00 fee filed with the City Clerk within the following time limits:

   a) **Zone Changes and Amendments**: **20 days** following the date of decision by the Planning Commission (Section 17.78.070 Montebello Municipal Code).

   b) **Planned Developments**: **30 days** after the date of the action taken by the Planning Commission (Section 17.78.070 Montebello Municipal Code).

   c) **Hillside Plan Reviews**: The day of the next regularly scheduled City Council meeting following the Planning Commission action (Section 17.78.070 Montebello Municipal Code).

   d) **General Plan Amendments**: No specific provision for General Plan amendment appeals is made in the Montebello Municipal Code or in State Law.