

CITY OF MONTEBELLO  
July 19, 2011

**TO:** Planning Commission  
**FROM:** Planning Division  
**SUBJECT:** Revocation of Conditional Use Permit 17-72  
**LOCATION:** 2410 West Whittier Boulevard  
**APPLICANT:** City Initiated  
**CASE PLANNER:** Nancy Lee, Assistant Planner

**STAFF RECOMMENDATION:** Acknowledge the Environmental Determination and the specific finding to revoke Conditional Use Permit 17-72.

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**REQUEST:** Revocation of Conditional Use Permit 17-72

**ENVIRONMENTAL  
DETERMINATION:**

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, Class 21 §15321 (Enforcement Actions by Regulatory Agencies). This exemption applies to actions by regulatory agencies to revoke an entitlement for a use.

**SITE CHARACTERISTICS**

**Site Location and Size**

The subject site is located on the north side of Whittier Boulevard between Concourse Avenue and Via Vista. The affected lots have a total lot area of approximately 7,538 square feet and are currently developed with a commercial building and off-street parking area.

**Zoning**

Subject Site: C-2 (General Commercial)  
North: R-2 (Two-Family Residential)  
South: C-2 (General Commercial)  
East: C-2 (General Commercial)  
West: C-2 (General Commercial)

**Land Use**

Subject Site: Retail  
North: Single-Family Residential  
South: Financial Institution  
East: Professional Office  
West: Retail

**Previous Entitlements**

Conditional Use Permit 17-72 - To allow the establishment of a print shop in the C-2 (General Commercial) zone. The proposal was approved with conditions by the Planning Commission on October 2, 1972.

Conditional Use Permit 6-79 - To allow the establishment of a private educational institution in the C-2 (General Commercial) zone. The proposal was approved with conditions by the Planning Commission on August 21, 1979.

Lot Line Adjustment 1-11 – To allow the consolidation of four existing commercial lots into one. The proposal was approved with conditions by the Planning Commission on June 21, 2011.

## **PROJECT DESCRIPTION**

The City of Montebello is initiating a revocation of Conditional Use Permit 17-72 that allowed the establishment of a print shop at the location identified above. According to Section 17.80.020, a Conditional Use Permit may be revoked if the use for which approval was granted has ceased to exist for more than six months. In this case, the use has ceased operations on the site for more than six months.

## **ANALYSIS**

Approval of a Conditional Use Permit, and the rights granted therein, is a land use entitlement that runs with the existence of the land. According to the Montebello Municipal Code, the formal revocation of a Conditional Use Permit is necessary to remove the entitlement authorized by the approval. According to Section 17.80.020 of the Zoning Code, any Conditional Use Permit granted by the Planning Commission may be revoked and nullified if the use for which approval was granted has ceased to exist (or has been suspended) for six months. In this case, City records indicate that an active business license for a print shop on the subject site has not existed since 1974. As such, the print shop has ceased to exist on the subject site for a period greater than six months. Therefore, the rights granted by Conditional Use Permit 17-72 are no longer applicable or necessary for the subject site, and staff is recommending that the Planning Commission revoke Conditional Use Permit 17-72 to formally remove all rights granted to the property as part of the Conditional Use Permit approval and to ensure that all new, similar types of uses are required to go through the Conditional Use Permit process to analyze their own specific operation and potential impacts.

A Lot Line Adjustment (LLA 1-11) was recently approved for the subject site and adjoining lots, which affects the previous entitlements approved on the subject property. The revocation of this entitlement is necessary to ensure that future uses established on the site are covered by the current Zoning Code requirements and not dated entitlements that will inadequately address potential issues related to operations and compatibility to the surrounding area.

## **SUMMARY/CONCLUSION**

Based on the above information, it is staff's determination that the use for which Conditional Use Permit 17-72 was originally granted no longer exists on the subject site, and the use for which approval was granted has ceased to exist for more than six months. In this case, the print shop that was approved in 1972 has ceased to exist since 1974, and the rights granted are no longer applicable or necessary for the property. According to Section 17.80.020 of the Montebello Municipal Code, the Planning Commission has the discretion to revoke any Conditional Use Permit if the use has ceased to exist for more than six months. The recently approved LLA 1-11 affects the previous entitlements on the subject property, making this revocation necessary to ensure that future uses established will be covered by the Zoning Code requirements instead of dated entitlements. Therefore, it is staff's recommendation that the Planning Commission revoke Conditional Use Permit 17-72 based on the finding listed in the Planning Commission Draft Resolution.

## **RECOMMENDATION**

Pending public testimony and Planning Commission input:

1. Find that the revocation is categorically exempt from the California Environmental Quality Act (CEQA) guidelines under Class 21(a) of Section 15321 and approve the Notice of Exemption.
2. Approve the finding listed in the attached Draft Resolution; and
3. Revoke Conditional Use Permit 17-72

## **ATTACHMENTS & EXHIBITS**

1. Draft Resolution PC 8-11
2. Location Map
3. Environmental Document - Notice of Exemption

**RESOLUTION NO. PC 8-11**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO, REVOKING A CONDITIONAL USE PERMIT FOR A PRINT SHOP**

**Case No:** Revocation of Conditional Use Permit 17-72  
**Applicant:** City Initiated  
**Location:** 2410 West Whittier Boulevard

**THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO DOES HEREBY RESOLVES AS FOLLOWS:**

**SECTION 1.** That the Planning Commission of the City of Montebello does find, determine, and declare as follows:

1. That a Conditional Use Permit was approved by the Planning Commission on October 2, 1972, to allow the establishment of a print shop on property located within the C-2 (General Commercial) zoning district;
2. That the use authorized by Conditional Use Permit 17-72 has ceased to exist for more than six months; and
3. That the Planning Commission conducted a duly noticed public hearing upon said application on July 19, 2011 and based on evidence presented in the staff report, the Planning Commission being familiar with the subject site, has determined that the finding necessary to support the revocation of Conditional Use Permit 17-72 can be made.

**SECTION 2.** Based on the entire record before the Planning Commission and all written and oral evidence presented, the Planning Commission finds that the proposed project complies with the California Environmental Quality Act (CEQA) and hereby adopts the Notice of Exemption for the following reasons:

1. This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, Class 21 §15321 (Enforcement Actions by Regulatory Agencies). This exemption applies to actions by regulatory agencies to revoke an entitlement for a use.

**SECTION 3.** That the following finding is hereby adopted as the Finding of the Planning Commission as follows:

1. *That the use for which approval was granted has ceased to exist or has been suspended for six months.* According to City records, an active business license for a print shop has not existed at the subject site since 1974. As such, the use approved as part of Conditional Use Permit 17-72 has ceased to exist on the site more than six months, and the rights granted by Conditional Use Permit 17-72 are no longer applicable or necessary for the subject site.

**SECTION 4. BE IT FINALLY RESOLVED,** that the Planning Commission Secretary shall certify the adoption of this Resolution.

**PASSED AND APPROVED THIS 19th DAY OF JULY, 2011.**

\_\_\_\_\_  
Murad Minasian, Chairman

I hereby certify that the foregoing is a true copy of a resolution adopted by the Planning Commission of the City of Montebello at a meeting held on the 19th day of July, 2011, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

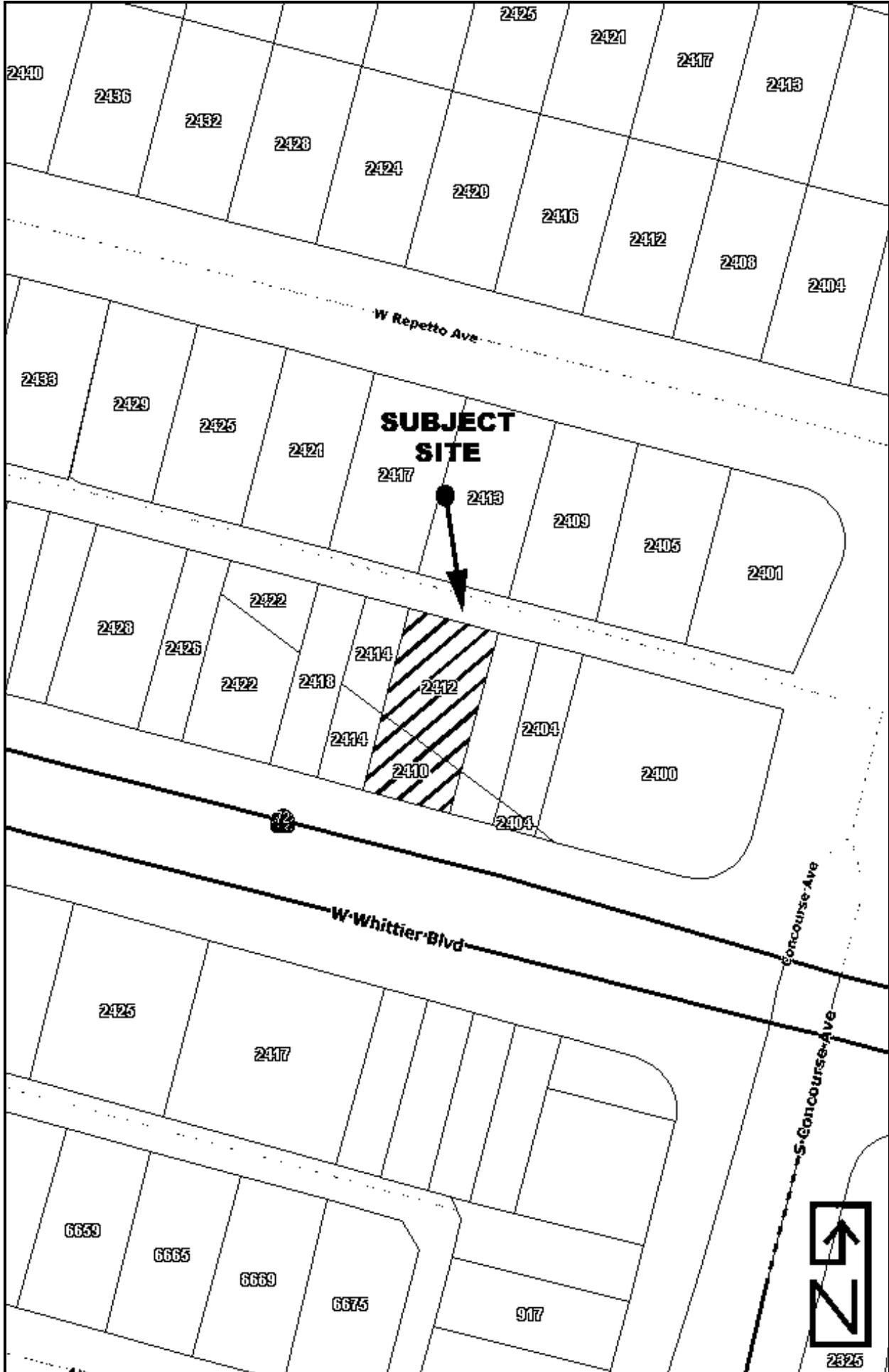
ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

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Ariel Socarras, Planning Manager and  
Secretary to the Planning Commission

CITY OF MONTEBELLO  
Conditional Use Permit 17-72  
2410 West Whittier Boulevard



Location Map

**California Environmental Quality Act  
NOTICE OF EXEMPTION**

TO: \_\_\_\_\_ Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

FROM: City of Montebello  
1600 W. Beverly Blvd.  
Montebello, CA 90640

  X   County Clerk  
County of Los Angeles

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*Project Title*

Revocation of Conditional Use Permit 17-72

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*Project Location - Specific*

2410 West Whittier Boulevard

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*Project Location - City*

Montebello

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*Project Location - County*

Los Angeles

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*Description of nature, purpose and beneficiaries of project*

The City of Montebello is initiating a revocation of Conditional Use Permit 17-72 that allowed the establishment of a print shop at the location identified above. According to Section 17.80.020, a Conditional Use Permit may be revoked if the use for which approval was granted has ceased to exist for more than six months. In this case, the use has ceased operations on the site for more than six months.

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*Name of public agency approving project:*

City of Montebello

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*Name of person or agency carrying out project:*

City initiated

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*Exempt Status (check one)*

- Ministerial – Section 15268  
       Declared Emergency – Section 15269 (a)  
       Emergency Project – Section 15269 (b) and (c)  
  X   Categorical Exemption – Section 15321, Class 21 (a)

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*Reasons why project is exempt:*

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, Class 21 §15321 (Enforcement Actions by Regulatory Agencies). This exemption applies to actions by regulatory agencies to revoke an entitlement for a use.

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|----------------|-------------------|----------------|
| Nancy Lee      | Assistant Planner | (323) 887-1484 |
| Contact Person | Title             | Telephone      |

Determination of Exemption made on:   July 7, 2011  

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project?  
Yes   X   No

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Signature

Date Received for Filing:   July 19, 2011