

CITY OF MONTEBELLO
July 19, 2011

TO: Planning Commission
FROM: Planning Division
SUBJECT: Revocation of Conditional Use Permit 6-76
LOCATION: 2412 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 6-76.

REQUEST: Revocation of Conditional Use Permit 6-76

**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 6-76 - To allow the establishment of a recreational facility in the C-2 (General Commercial) zone. The proposal was approved with conditions by the City Council on September 13, 1976.

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 6-76 that allowed the establishment of a recreational facility 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 or City Council 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 recreational facility on the subject site has not existed since 1987. As such, the recreational facility has ceased to exist on the subject site for a period greater than six months. Therefore, the rights granted by Conditional Use Permit 6-76 are no longer applicable or necessary for the subject site, and staff is recommending that the Planning Commission revoke Conditional Use Permit 6-76 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, including this one. 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 previous 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 6-76 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 recreational facility that was approved in 1976 has ceased to exist since 1987, 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 also 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 6-76 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 6-76

ATTACHMENTS & EXHIBITS

1. Draft Resolution PC 9-11
2. Location Map
3. Environmental Document - Notice of Exemption

RESOLUTION NO. PC 9-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO, REVOKING A CONDITIONAL USE PERMIT FOR A RECREATIONAL FACILITY

Case No: Revocation of Conditional Use Permit 6-76
Applicant: City Initiated
Location: 2412 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 City Council on September 13, 1976, to allow the establishment of a recreational facility on property located within the C-2 (General Commercial) zoning district;
2. That the use authorized by Conditional Use Permit 6-76 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 6-76 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 recreational facility has not existed at the subject site since 1987. As such, the use approved as part of Conditional Use Permit 6-76 has ceased to exist on the site more than six months, and the rights granted by Conditional Use Permit 6-76 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):

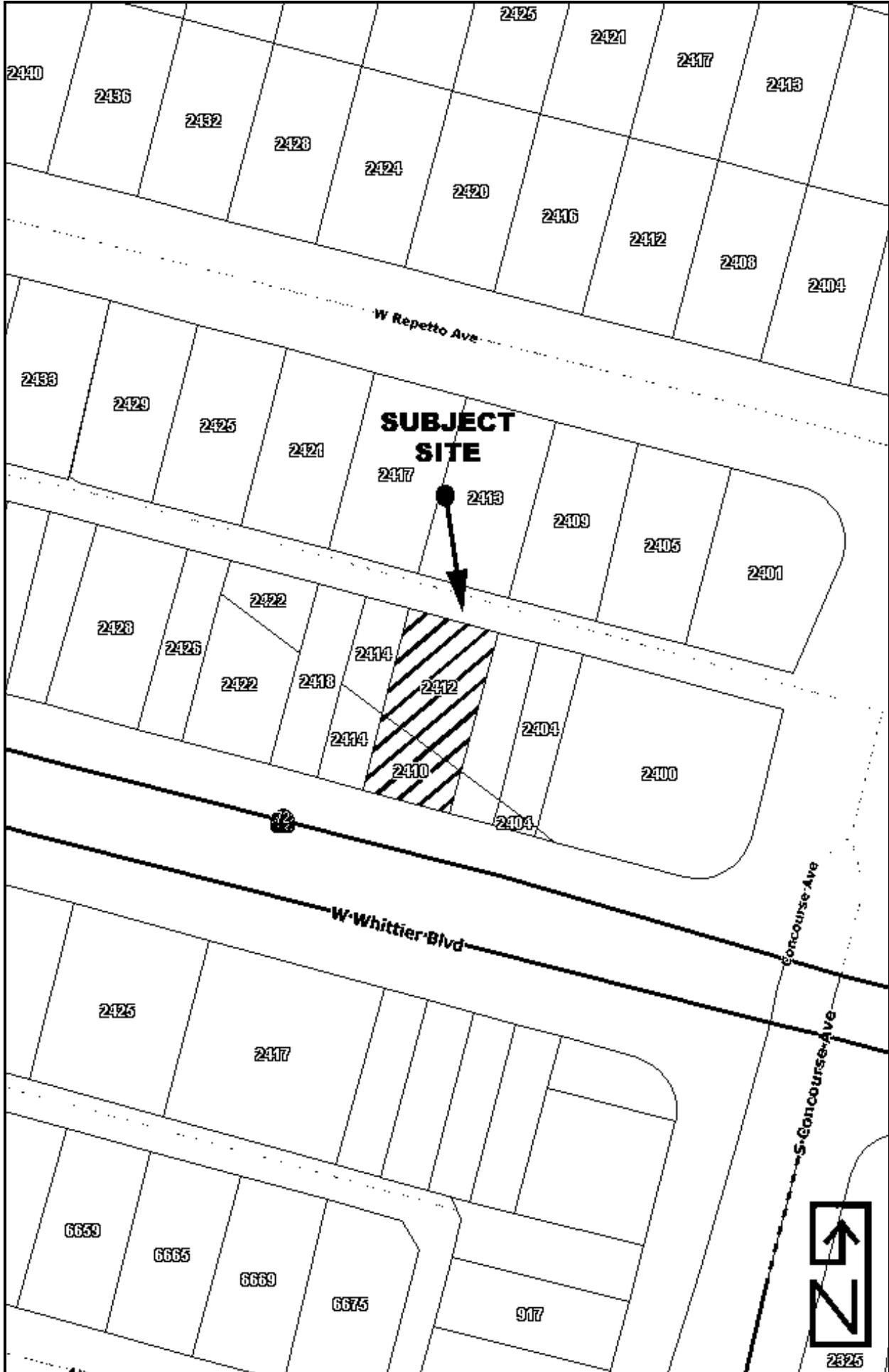
NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

Ariel Socarras, Planning Manager and
Secretary to the Planning Commission

CITY OF MONTEBELLO
Conditional Use Permit 6-76
2412 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

Project Title

Revocation of Conditional Use Permit 6-76

Project Location - Specific

2412 West Whittier Boulevard

Project Location - City

Montebello

Project Location - County

Los Angeles

Description of nature, purpose and beneficiaries of project

The City of Montebello is initiating a revocation of Conditional Use Permit 6-76 that allowed the establishment of a recreational facility 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.

Name of public agency approving project:

City of Montebello

Name of person or agency carrying out project:

City initiated

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)

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.

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

Signature

Date Received for Filing: July 19, 2011