MEETING AGENDA

MONTEBELLO PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
1600 W. BEVERLY BOULEVARD
MONTEBELLO, CALIFORNIA
TUESDAY, FEBRUARY 4, 2020
6:30 P.M.

MONTEBELLO PLANNING COMMISSION
SONA MOORADIAN
CHAIRPERSON

BERJ ALIKSANIAN
VICE CHAIR

ALEXANDRA BRISENO
PLANNING COMMISSIONER

MARLENE RAMIREZ
PLANNING COMMISSIONER

NATALIA LOMELI
PLANNING COMMISSIONER

CITY STAFF

JOSEPH PALOMBI
INTERIM DIRECTOR OF PLANNING
AND COMMUNITY DEVELOPMENT

GLORIA RAMIREZ
PLANNING COMMISSION LEGAL
COUNSEL

MARIA ROMAN
ADMINISTRATIVE SECRETARY

1. MEETING CALLED TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. PLANNING DIRECTOR
   A. CORRECTION TO AGENDA
5. STATEMENT OF PUBLIC ORAL COMMUNICATIONS:

Members of the public interested in addressing the Planning Commission on any agenda item or topic must fill out a form provided at the door, and turn it into the Planning Commission Secretary prior to the beginning Oral Communications. A form does not need to be submitted for public hearing items.

Speakers wishing to address the Planning Commission on an item that is not on the agenda will be called upon in the order that their speaker card was received. Those persons not accommodated during this thirty (30) minute period will have an opportunity to speak under “Oral Communications – Continued” after all scheduled matters have been considered.
Please be aware that the maximum time allotted for individuals to speak shall not exceed three (3) minutes per speaker. Please be aware that in accordance with State Law, the Planning Commission may not take action or entertain extended discussion on a topic not listed on the agenda. Please show courtesy to others and direct all of your comments to the Planning Commission Chair.

6. MINUTES

A. November 19, 2019
B. December 3, 2019
C. December 17, 2019
D. January 7, 2020
E. January 21, 2020

7. STAFF COMMUNICATIONS ON ITEMS OF COMMUNITY INTEREST

A. None

8. PUBLIC HEARING(S)

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 is allowed to speak and the public is allowed three (3) minutes per person to speak on issues relating to the case. After all persons have spoken, the applicant is allowed to rebut and/or summarize, and then the hearing is closed.

A. Conditional Use Permit (CUP 06-20)

Project Applicant
7825 Telegraph Road

Project Description:
A Conditional Use Permit application to allow off-site sales of general alcohol (Type 21) that will replace an existing off-site sales of alcohol; beer and wine (Type 20) previously approved under CUP 03-18, within the existing mini-mart located at 7825 Telegraph Road.

B. Conditional Use Permit (CUP 2-71-M1)

Project Applicant
1761 Paramount Boulevard

Project Description:
A Conditional Use Permit application to allow the consolidation of an existing service station (1,262 sq. ft.) and snack shop store (781 sq. ft.) into one 2,043 square-foot convenience store within the existing Arco Service station located at 1761 Paramount Boulevard.
9.  CONSENT ITEM(S)

    A.  None

10.  STAFF COMMUNICATIONS TO THE PLANNING COMMISSION

    A.  None

11.  ORAL COMMUNICATIONS – CONTINUED (IF NEEDED)

12.  PLANNING COMMISSION ORALS

    A.  Chair, Sona Mooradian
    B.  Vice Chair, Berj Alikian
    C.  Commissioner, Alexandra Briseno
    D.  Commissioner, Natalia Lomeli
    E.  Commissioner, Marlene Ramirez

13.  ADJOURNMENT

    The next regularly scheduled meeting on February 21, 2020

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Building Official at 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)

Please note that the information contained in this agenda is a summary of the staff report prepared for each item. Complete copies of each staff report are available in the Office of the City Clerk.
CITY OF MONTEBELLO
PLANNING COMMISSION
MINUTES

November 19, 2019

Planning Commission meets at 6:30 p.m., on the day scheduled in City Hall Council Chambers

1. CALL MEETING TO ORDER
   6:38 P.M. by Chair Mooradian

2. ROLL CALL
   Commissioner Present: Chair Mooradian, Vice Chair Aliksanian and Commissioner Ramirez
   Absent: Commissioner Briseno and Commissioner Lomeli
   Also present:
   Director of Planning and Community Development – Manuel Mancha
   Deputy Director of Planning and Community Development – Joseph Palombi
   Planning Commission Legal Counsel – Gloria Ramirez and John Lam

** Record to reflect this meeting will start at 6:30pm instead of 6:00pm as there was a typo.

3. PLEDGE OF ALLEGIANCE
   Commissioner Ramirez

4. PLANNING COMMISSION SECRETARY –CORRECTION TO AGENDA
   NONE

5. STATEMENT OF PUBLIC ORAL COMMUNICATIONS

   Margot Eiser - Is not in favor of the development. People of Montebello want this land left as open space.

   Jim Flournoy - We need to stay on top of the constantly changing building codes.

   Tila Gregorian – Voiced her concern regarding the health risks of people living near and on top of oil fields. Traffic study is old and a new one should be done.
Peter Marizcurrena – Voiced his concerned regarding traffic

Michael Popoff – largest development done in Montebello and should have attention of all 5 commissioners. Traffic report is 10-15 years old and there needs to be a new traffic study done.

Linda Strong – voiced concerned and urged that this matter be continued due to project of this size. A list of everyone who wanted to be kept inform of this project did not receive a letter. There’s a potentially active earthquake fault that underlies this active oil field. The Environmental Impact ignores that earthquake fault and trenching needs to be done to find out exactly where it is.

6. APPROVAL OF MINUTES:
   A. November 5, 2019 – Approved

7. STAFF COMMUNICATIONS ON ITEMS OF COMMUNITY INTEREST
   NONE

8. PUBLIC HEARINGS

   A. Site Plan Review 01-19 and Vesting Tentative Tract Map No. 82724
      Site Plan Review for the development of 349 residential units and related amenities pursuant to the approved Montebello Hills Specific Plan (“MHSP”).

      Vesting Tentative Tract Map No. 82724 (commonly referred to as the “B-Map”) to permit the subdivision of a portion of 78 lots originally established under Vesting Tentative Tract Map No. 70420 (commonly referred to as the “A-Map”) resulting in the creation of 92 new legal lots for the B-Map (Phase A) consistent with the approved MHSP”.

      In accordance with the California Environmental Quality Act (“CEQA”), the proposed entitlements are exempt under CEQA pursuant to CEQA Guidelines Section 15182 and Government Code Section 65457 (residential projects pursuant to a specific plan for which an Environmental Impact Report was certified after January 1, 1980).

Deputy Director Palombi - Good evening Madam Chair and members of the Commission. I'm Joseph Palombi, the Deputy Director for the City's Planning and Community Development Department.
Item 8A before you today is a request from Toll Brothers regarding Vesting Tentative Tract Map No. 82724, commonly referred to as a “B level neighborhood map or the B-Map”; and Site Plan Review 01-19, collectively referred to as the B-Map-Phase A.

Just for the record, public notice was provided per municipal code chapter 17.78 we did everything according to the code; it is in your staff report on page 5. With that said the notice of public hearing was released and subsequently Toll Brothers informed the city of a change to the unit mix. This minor revision changed the number of attached residential units from 243 to 244 and the number of detached residential units from 106 to 105. Nevertheless, the overall number of residential units contemplated for the B-Map-Phase A remains the same. The staff report and material before you today reflects the most current information available regarding the proposed project.

Vesting Tentative Tract Map No. 82724 or the “B-Map” would permit the subdivision of a portion of 78 lots originally established under Vesting Tentative Tract Map No. 70420, commonly referred to the A-Map, which was approved by the City on July 10, 2019. The B-Map which is before you today would further subdivide the A-Map into 72 numbered and 20 letter lots resulting in the creation of 92 new legal lots to implement the residential development and related amenities contemplated under the approved Montebello Hills Specific Plan.

With regard to Site Plan Review No. 01-19, the Applicant seeks approval to allow the development of 349 residential units consisting of 244 attached residential dwelling units, 105 detached single family residential dwelling units, recreational facilities, and related amenities in Planning Area 1, Planning Area 2, and a portion of Planning Area 3 within the approved Montebello Hills Specific Plan.

The project site is comprised of approximately 43.39 acres and the development associated with the B-Map-Phase A was contemplated in the phasing program approved for the Montebello Hills Specific Plan Project which is a master planned residential development consisting of up to 1,200 residential dwelling units; public and private parks; walking trails; open space; an internal infrastructure and circulation network, a community center and 343 combined acres of open space. Approximately 263 of the 343 acres which will be dedicated as a habitat reserve for the California Gnatcatcher. The entitlements before you today will not
increase the development area or maximum number of dwelling units approved under the Specific Plan.

An Environmental Impact Report, including a Mitigation Monitoring and Reporting Program, was previously approved and certified by the City Council for the Montebello Hills Specific Plan Project pursuant to the California Environmental Quality Act or "CEQA." Therefore, the proposed entitlements associated with the B-Map-Phase A are exempt under CEQA pursuant to CEQA Guidelines Section 15182, California Government Code Section 65457, and California Public Resources Code Section 21083.3. The B-Map-Phase A would implement the Montebello Hills Specific Plan Project.

Therefore, the recommendation from staff is that you determine and find that this action is consistent with the previously certified Environmental Impact Report for the Montebello Hills Specific Plan Project and exempt from CEQA and adopt resolutions included under attachment 2 and attachment 3 to the Staff Report recommending to the City Council approval of Site Plan Review 01-19 and Vesting Tentative Tract Map No. 82724. At this time Toll Brothers will provide a brief presentation and overview regarding the proposed project. Staff is available to answer any questions you may have.

Chair Mooradian – Before we continue I want to make sure with all the commissioners here, do any of you have a conflict related to this item?

Commissioner Aliksanian – None

Commissioner Ramirez – None

Chair Mooradian - None

Brian Harrelson (Toll brothers) – We hosted community outreach event held at the Montebello Senior Center. Tonight we have two premier architects who designed community from scratch. Mike Whitley, owner of Whittley Architecture Group, developed the land plan and designed the road towns. Dave Costco, Senior Principal and Director of Design designed and developed the recreation center, the ten plex product, six plex, forty-four by sixty four detached and fifty-four by seventy-five detached product.

Mike Whitley – Presented the land plan.

Dave Costco – Presented and proposed the architecture.

Tila Gregorian – Commented on issues that occurred regarding several lots in
Montebello with gas leaking into homes and having to be destroyed. Who will be responsible for any of these problems occurring? Will it be the City or the developer?

Jim Flournoy – Document is not consistent with prior document in several places. We want to make sure the project does not cost the city more to operate than we taken in from it. The problem with sales tax is there is no southern entrance that points towards the city for people to get to the city and spend money. They go out towards the Northside, towards Monterey Park and Rosemead. I’d like to see a southern entrance. Same with Police and Fire, they have to go around getting in.

Michael Popoff – Toll Brothers says this project will be different than what was originally planned. If this is going to be different then we need a new Environmental Impact report. Their current materials are in English only in a city which is 78% Hispanic. It’s an insult that none of their material is in Spanish. In regards to being properly noticed, I live 8 houses from the project and I was not noticed. There was a mailing list at the City Council meeting that approved the Environmental Impact report in 2015; it was promised that anyone who was on the comment list for the Environmental Impact report would be noticed by mail regarding the Montebello Hills Project and that has not been done.

Linda Strong – The mailing list that the city has should be used. This meeting should be continued. I’m aware planning staffing handling this matter are brand new and so they probably don’t even know about that list but that needs to be done. The wells in the project area Cook Hill planned to put 8 well cellars within 200 feet, for some of them, of homes. A well cellar is a depressed space about 10-15 feet long, 3 feet wide about 2-3 feet in depth that would have about 10-15 wells. So they would have 10-15 wells 150 feet from property line of the homes and 170 feet from the homes. The state of California only requires 100 foot setback, that’s what the city requires. Culver City has 400 feet; Los Angeles City is looking at 1200 feet and that’s one well. There’s also a fire issue. There are only 3 exits and all to the north.

Margot Eiser – You have entrances like that at cemeteries so considering all the health problems that are caused by the oil fields and oil wells, you might consider this to be a cemetery, why not. The houses look like the same like downtown LA. We already have some of these condos down by the railroad tracks in Montebello. Look at their reviews on the internet, there are some criticisms of the Toll Brothers. People in Armenia are saying please do not let corporations take away that mountain where it has the pure water. We can do that here. We have our natural hills, we don’t want ugly plateau. We want this preserved. You don’t have to do this. They can still make money but it would be at a rate of open space
being sold to a nature conservancy. You have the right to say no with all the technical things and all the dangers. We who have been doing this for many years and you’re new we want you to know that we have put a lot of time, money and energy in our own weight. This is a bad project and the hills should remain open space.

Chair Mooradian – Can we have staff address or applicant address questions?

Deputy Director Palombi – We should defer to the applicant to address the Infrastructure questions.

Peter Kim (Toll Brothers) - In terms of the oil well question, this project is conditioned to have basically all of the oil wells within the active residential zone be abandoned. That is already in process by Centennial, the oil operator. All according to DOGGR regulations, this is the Division of Oil, Gas and Geothermal Resources. That is all within the boundaries of any residential development, all oil wells are being abandoned and there will be no active oil wells within the residential development. We will also be processing the site plan through the DOGGR site plan review process. We have already confirmed with our Environmental Consultants on set back requirements meeting all city code requirements in terms of oil well setbacks for abandoned wells, active wells and all other state regulations that are required for residential development. All safety precautions have been given. In terms of brush management and fire concerns, we do have 5 fire accessible access ways. We do have emergency access road going down to the backside down Lincoln. That has been reviewed and approved by city fire department. We also have three main access roads. Our two main access roads on Montebello and one on Plaza Drive; as well as another emergency fire access on Montebello Boulevard to provide full fire circulation. That has been fully reviewed by the fire department. We also have fuel modification plans that have been reviewed and approved by the fire department that makes sure we have proper clearance and brush management around the proposed residential development. They will be maintained on a regular basis by the HOA we will be forming to maintain amenities for the community.

Deputy Director Palombi – Just to expand on that, the Planning department did consult with the Fire Department as well as with Public Work. In your Staff Report on page 5, the fire department reports that the conditions associated with the approved A-Map including, but not limited to, the mitigation measures will be incorporated into the B-Map - Phase A request for compliance with the Fire Master Plan, Fuel Modification Plan and its related Fire Behavior Analysis Report and Fire Hydrant Plan and compliance with the Uniform and California Fire Code, Montebello Municipal Code, and the National Fire Protection Associations Standards. Just to expand on Mr. Kim’s comments.
Commissioner Ramirez – I just want to clarify to our audience what we are approving here. We are recommending council to approve, is that correct?

Legal Counsel Gloria Ramirez - That is correct. You are not recommending the actual site map or site plan. You are recommending that it basically be moved to city council for their review.

Commissioner Ramirez – So we will review it first and then they would review it after.

Legal Counsel Gloria Ramirez – Correct.

Commissioner Ramirez - We cannot change what has been approved in the specific plan. Our review is based on seeing if this conforms to an approved specific plan. Planning Area 1 has 107 units; Planning Area 2 has 226 units that are in the Specific Plan and you are conforming to both those?

Peter Kim (Toll Brothers) - That is correct.

Commissioner Ramirez - I see two parks that are proposed. In the Specific Plan it says that those are for HOA in planning areas 1 and 2, is that correct? Or are those open to the public?

Peter Kim (Toll Brothers) – They are HOA community parks but they are accessible to the public through pedestrian means.

Commissioner Ramirez – I see your plan that show the public trails. I see something that is called multiuse trails and scenic promenade. Can you define what’s under multiuse trails?

Peter Kim (Toll Brothers) – The multiuse trails and scenic promenade are very similar in terms of it’s an all circulation around the entire community, it does an loop starting from Montebello Boulevard all the way down to Plaza Drive on the other end of the project as well as connection down to Lincoln emergency access pathway. It also serves as a pedestrian access for the trail system. The scenic promenade is along B Street which flows along the reserve which is the conservation reserve that will be conserved and perpetuity for natural habitat reservation. There is a scenic view corridor along B Street that is called the scenic promenade.

Commissioner Ramirez – The multiuse trail, is that pedestrian, bicycle, what does that entail?

Peter Kim (Toll Brothers) - Yes, that is pedestrian and bicycle. Meeting the specific plan guidelines it’s open to the public and it will circulate throughout the entire community.
Commissioner Ramirez – Is the scenic promenade the same, bicycle and pedestrian?

Peter Kim (Toll Brothers) – That is also connected, correct.

Commissioner Ramirez – But because this is conceptual there’s no details on the materials?

Peter Kim (Toll Brothers) – That is correct. All of those constructions drawings and improvement plans will still be processed through the planning department as well as the engineering department and all the other departments for its appropriate processing.

Commissioner Ramirez - If somebody was coming down Montebello Blvd that doesn’t live in Montebello Hills how would they access the trail? Where would they park?

Peter Kim (Toll Brothers) – We do have, in the later phases, a public park that will be open to the public that comes out in planning area 4. There is a public park with parking available to the public and they will be able to access the trail system from there.

Commissioner Ramirez - So that is the only way that someone from the public can access this trail?

Peter Kim (Toll Brothers) – In terms of public parking, yes.

Commissioner Ramirez – It doesn’t show yet but it’s mentioned in the specific plan whether or not these are going to be gated communities?

Peter Kim (Toll Brothers) – These are going to be gated communities.

Commissioner Ramirez – All of them?

Peter Kim (Toll Brothers) – Yes.

Commissioner Ramirez – HOA’s?

Peter Kim (Toll Brothers) – Yes.

Commissioner Ramirez – We are getting a new building code January 1st and it’s going to affect some of the design, specifically also the landscape. I feel as though the landscape that’s shown in these plans is not consistent with what our current Green Building Code is going to show. I know these are conceptual.
Peter Kim (Toll Brothers) – The conceptual drawing are in conformance with the Specific Plan. As we get into the construction drawings, all of the construction plans will be under review from current codes. All of the building codes will be based on current building code requirements, landscape and all other requirements will be under review with the planning department to make sure that they confirm with city requirements today. As long as they meet all of the fire requirements and all federal agency requirements that is already approved.

Commissioner Ramirez – What’s the percentage of the plant list that you’re using is going to be California Native landscape would you guess?

Peter Kim (Toll Brothers) – All of the habitat which is approximately over 250 acres of the property will be California Native. On the development side we haven’t really gone over the precise landscape pallet yet. Those kinds of decisions haven’t been determined. That will go through the planning department review and will adhere to whatever the city requirements are.

Commissioner Ramirez – Another thing that will be big in legislation next year will be the ADU ordinance. We have approved 1200 max single family dwellings. This is for staff, how is the ADU ordinance going to come into play when we have a maximum amount of units for this community?

Deputy Director Palombi – The ADU is dependent upon on we address the new state legislation that’s taking effect in January and I believe that is in the works now. I cannot give a definite answer to that now but what I can say is that there could be potentially be some issues with ADU’s in this area if the city fully complies with the new state law.

Peter Kim (Toll Brothers) – In terms of parking we have done a parking analysis for the site plan as well as every local street within the development that we are proposing has parking on both sides of the street. We have incorporated stall parking in multiple family locations as well as incorporated driveways within some of the multifamily units as well.

Commissioner Ramirez – On the masterplan, I see you have the retaining walls on the rear of the properties and then there’s a space and it looks like you’re keeping the natural slope there or what is that space used for?

Peter Kim (Toll Brothers) – Yes, there is a space there for fuel modification zone, this is our buffer zone in order for fire protection. In terms of native planting we are doing 100% native planting within the fuel medication zone which buffers the habitat reserve area from development. There is that transition there that encircles the entire property for fuel modification.
Commissioner Aliksanian – Is there a mailing list with the people that are concerned with the homes?

John Lam (Deputy City Attorney) – I’ve worked with staff with on this project for about a year. With respect to the question regarding the mailing list I can’t attest to that but I can attest to the fact that we have complied with requirements that is required under the law. As you see in the staff report there is 3 ways of notice in which the city has provided. There is the 300 radius map which is required under state law. The city also has its agenda listed on its website and thirdly also publishing it in the local newspaper. All three of those methods comply with the state law.

Commissioner Aliksanian – Is this going to be an active oil field after development?

Peter Kim (Toll Brothers) – There will no active oil wells within the residential development there will remain active oil wells around the development around along the perimeter outside within the open space areas that will still be land that belongs to Sentinel, the oil operator. Any oil wells within the close proximity to the development, Sentinel will be modernizing those oil wells to put them underground.

Commissioner Aliksanian– Who is responsible for any damages or leaks from the oil wells?

Peter Kim (Toll Brothers) – That will still be Sentinel, as the oil operator.

Commissioner Aliksanian– Has a new traffic report been made after Monterey Park?

Deputy Director Palombi – The traffic analysis that would have been associated with the Environmental report would have specifically focused on the project site. I can’t speak for other projects or other cities how the traffic analysis would relate to what goes on Montebello Boulevard regarding the subject property.

Commissioner Ramirez – With the worst case scenario, traffic study is not worst case scenario, people adding 2nd units to their property. So it’s something that we really need to think about because every single time we’ve done a traffic studies, they don’t work for us. We live on a car culture; unfortunately that rail line isn’t going to go through our city it’s going to go through Commerce. So our cars are not going away. So I think worst case scenario traffic study needs to be relooked.

Chair Mooradian – I had questions some of which were already asked by both commissioners and were also brought on by the audience and the members of the public that spoke at the podium. I want to bring this to a full circle, with one question that was previously asked, why we are here today,
what are we voting on. Could you please repeat what we are voting on just so everyone is clear why we are here? We talked about a lot of issues that are very important but not why we are here today as far as my understanding is. So can we please make that clear?

John Lam (Deputy City Attorney) – Tonight what’s before you is two recommendations that the planning commission makes a recommendation to the City Council to approve the Site Plan. The second recommendation presented to you is to recommend to the City Council approval of the Vested Tentative Tract Map and those are the two recommendations. You are not taking final action on either of the items although typically the Site Plan review is within your jurisdiction to approve but because the Vested Tentative Tract Map requires Council approval we’re taking both to Council so in the event of any kind of appeal; the appeal periods are concurrent with each other. And so that way it didn’t create separate appeal period for entitlements, related to the same action. So tonight those are the two items that are before you is to recommend the Site Plan Review approval to Council and also to recommend Vested Tentative Tract Map approval to Council.

Chair Mooradian – One of the concerns that came a few times was there are only 3 commissioners here at the dais. If the city attorney can explain whether it is sufficient to have 3 commissioners vote on it and as a result of us voting for or against because it’s a recommendation what happens?

Legal Counsel Gloria Ramirez – Because we have a resolution before us, the law requires the majority of the commissioners approve. If a resolution is not what we are looking for today, a motion can also be passed just to recommend that it be sent to City Council and on the alternative the commission can also recommend that it be continued to a later time.

John Lam (Deputy City Attorney) – If I may also add what deputy city attorney Gloria Ramirez said is with respect to what your question was. Under the Brown Act it requires a majority of the board to conduct a lawful meeting and take lawful action. So based on the five member board you have three members present, that a quorum. And the law allows you to conduct business. Otherwise, cities would not be able to get work done if they had three or fewer. So the law allows for three members of a quorum or three members sitting as a quorum to conduct business.

Chair Mooradian – Another question is if the EIR current it’s over 4 years, it doesn’t include certain elements that came up those are concerns that came up. My question is and staff addressed it a little bit, when a project at this magnitude comes it doesn’t happen overnight. Throughout the course of it progressing, things may come up and correct me if I am wrong, you don’t stop the process of the analysis and restart it over and over again.
because that means you are starting the clock over and over again and this will never finish. We can’t require a development project to restart its clock every time something new comes up. So I understand your concerns but we have to also understand the whole concept and not just the tunnel vision that concerns us specifically. If I am wrong in that, and we can ask the applicant that, because they are developers that have developed in many different communities, and I’m sure you come across this before. What do you do in that instance, are you resetting your clock or how do you address it because we had very valid questions and comments by the commissioners and by the audience.

Deputy Director Palombi – This project is consistent with what was studied in the EIR, we are in the implementation phase of the specific plan through the site plan review and the tract map. The tract map lays out your development diagram and the site plan provide you with the development of the proposed project.

Peter Kim (Toll Brothers) – In terms of this being a B level tentative map and a site plan review in the previous City Council action in July where we had a formal City Council approval of the A final map that basically certified all of the previous tentative map, the EIR, environmental studies, traffic reports and everything else that went along with a formal approval of this project that has already been approved by City Council back in July. And so what we are presenting today is not really subject to CEQA. What we are presenting here today is the design aspect in terms of aesthetics, the lot layout, our architectural features and the kind of product we are proposing here today with the architects in the presentation we made, the look and feel of the community. We are not here for approval of the project itself. We are here to request approval of the aesthetics of the project that we are proposing with acceptable to planning commission to recommend to City Council to move forward with the project. This is not a CEQA hearing. This is not a going back in history to relook at engineering and environmental studies, that’s already been approved by City Council. We are here for the next step in terms of design, look and feel and the amenities we are proposing to provide, the parks, the landscape, plant pallets and comments and different aesthetics features. We are not requesting a project approval, that stage is already passed and approved. We are requesting a design approval in terms of the look and feel.

Chair Mooradian – Is everything done ADA compliant including the parks and everything in the development?

Peter Kim (Toll Brothers) – ADA compliance is always a mandatory requirement regardless of City Council or Planning Commission actions. There are ADA codes that update every year; we are required to abide by any updated ADA requirements and codes that constantly update every year.
As we get into the final design and engineering and go through plan check with planning and engineering there are strict guidelines in terms of ADA requirements we would have to abide by. If there is a new update in 2020 we would have to abide by the updated codes and so that is something that we are constantly aware of.

Chair Mooradian – Is the project environmentally friendly as far as green?

Brian Harrelson (Toll brothers) – There is a California Green Code that requires the builder to provide mini Title 24 features. We are working with two consultants and we intend to provide many Title 24 features a handful of them would be a tank less water heater, solar, 2x6 walls with upgraded insulation, high efficiency HVAC systems, cool roof and the list goes on and on. The way this works is we get a certain points for each feature depending on which region we are in and that adds up and that is basically what requires us to meet the code and we usually go between 10-25% above the code.

MOTION: Commissioner Ramirez motions to recommended approval of VTTM No. 82724 and Site Plan Review 01-19 (B-Map-Phase A). This recommendation included a request to consider the following items: 1) incorporating a an adequate percentage of transitional landscaping with California Native Plants into the proposed project to provide seamless transition between native and non-native landscaping; 2) study the issues associated with the potential accessory dwelling unit conversions; 3) adherence to the California Green Building Code; and 4) additional detail to the architectural renderings associated with the site plan review.
SECOND: Commissioner Aliksanian
ACTION: 3-0-2-0 (Lomeli and Briseno)

9. CONSENT ITEM (S)
   None

10. STAFF COMMUNICATIONS TO THE PLANNING COMMISSION
   None

11. ORAL COMMUNICATIONS –CONTINUED
   None
12. PLANNING COMMISSION ORALS

Chair Mooradian
Vice Chair Aliksanian
Commissioner Briseno
Commissioner Lomeli
Commissioner Ramirez

13. ADJOURNMENT
The meeting adjourned at 8:26p.m.

Joseph Palombi, Planning Commission Secretary
CITY OF MONTEBELLO
PLANNING COMMISSION
MINUTES

December 3, 2019

Planning Commission meets at 6:30 p.m., on the day scheduled in City Hall Council Chambers

MEETING CANCELLED

__________________________________________
Joseph Palombi, Planning Commission Secretary
CITY OF MONTEBELLO
PLANNING COMMISSION
MINUTES

December 17, 2019

Planning Commission meets at 6:30 p.m., on the day scheduled in City Hall Council Chambers

MEETING CANCELLED

Joseph Palombi, Planning Commission Secretary
CITY OF MONTEBELLO
PLANNING COMMISSION
MINUTES

January 7, 2020

Planning Commission meets at 6:30 p.m., on the day scheduled in City Hall Council Chambers

MEETING CANCELLED

________________________________________

Joseph Palombi, Planning Commission Secretary
Planning Commission meets at 6:30 p.m., on the day scheduled in City Hall Council Chambers

MEETING CANCELLED

________________________________________
Joseph Palombi, Planning Commission Secretary
TO: Honorable Chair and Planning Commissioners

DATE: February 4, 2020

FROM: Joseph A. Palombi, Interim Director of the Planning & Community Development Department

BY: Louis Morales, Planning & Economic Development Consultant

SUBJECT: Conditional Use Permit (CUP 2-71-M1) application to modify previously approved conditional use permit (CUP-2-71) to allow for consolidation of an existing Arco service station and snack shop store into a 2,043 square-foot convenience store located at 1761 Paramount Blvd.

RECOMMENDATION:

Conduct a public hearing and upon conclusion adopt a Resolution approving Conditional Use Permit (CUP 2-71-M1) with conditions to allow the consolidation of an existing Arco service station and snack shop store into a 2,043 square-foot convenience store located at 1761 Paramount Blvd.

PROJECT/APPLICANT INFORMATION

Project Location: 1761 Paramount Boulevard
Project Applicant: Meana Agaiby
Property Owner: Abdelmalak Atef
General Plan Designation: General Commercial
Zoning: C-2 (General Commercial)
Existing Use on Property: Arco 8-pump service station with three auto repair bays and snack shop store approximately 2,043 square feet built in 1971.

PRIOR PLANNING COMMISSION ACTIONS

On May 17, 1971, the Planning Commission approved a conditional use permit (CUP-2-71) to allow the development of a service station.

SURROUNDING LAND USE

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<tr>
<th>Direction</th>
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<tbody>
<tr>
<td>North</td>
<td>Commercial</td>
<td>Commercial/Restaurants/Retail</td>
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<td>South</td>
<td>R-3</td>
<td>Multi-Family</td>
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<tr>
<td>East</td>
<td>R-3</td>
<td>Multi-Family</td>
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<tr>
<td>West</td>
<td>R-3</td>
<td>Multi-Family</td>
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BACKGROUND
On May 17, 1971, the Planning Commission approved a conditional use permit (CUP-2-71) to allow the development of a service station.

On December 2, 2019, Meana Agaiby (the “Applicant”) filed a Conditional Use Permit application (CUP 2-71-M1) to modify the previously approved CUP-2-71 to convert the auto service bays and snack shop store into a 2,043 square-foot convenience store.

On January 13, 2020, staff deemed the application for CUP 2-71-M1 to be complete.

PROJECT DESCRIPTION

The project site is located at the southeast corner of Paramount Boulevard and Arroyo Drive commonly known at 1761 Paramount Boulevard and is approximately 24,967 square feet (the “Site”). The Site is located within the General Commercial (C-2) zone and is improved with a 8-pump Arco service station, auto service bays approximately 1,262 sq. ft., and a snack shop store approximately 781 sq. ft.

The Applicant proposes to convert the existing 2,043 square-foot building currently comprised of a 1,262 square-foot auto service bay and 780 square-foot snack shop store into a convenience store. The proposed improvements will be limited to interior tenant improvements which, will include a walk-in cooler, merchandise area, cashier counter, and restroom. No alcoholic sales are proposed. The exterior improvements will be minor and will include a new entry and windows along the southern elevation (front façade).

Access and Parking

The Site is approximately 24,967 square feet and has four (4) existing driveways for ingress and egress. The driveways are adequate in width to accommodate the proposed use.

The proposed project will be developed as a 2,043 square-foot convenience store and requires 8 parking spaces. The project is providing 9 parking spaces.

INTER DEPARTMENTAL REVIEW

On January 15, 2020, the project plans and request for the consolidation of an existing Arco service station and snack shop store into a 2,043 square-foot convenience was forwarded to the Fire Department, Police Department, and Public Works for review, comments, and conditions. The Planning and Community Development Department did not receive any comments, objections, or new conditions for the request under CUP 2-71-M1.

ANALYSIS

GENERAL PLAN

The proposed project conforms with the Montebello General Plan, Land Use Element in that the proposed use will provide additional amenities for an existing business that will increase the taxable revenue from these properties to the City.

Goal #1: To Formulate a plan which is responsive to the needs of the community and which permits the orderly arrangement of land uses, permitting sufficient areas for reasonable development. Objective #3: “cluster” type commercial development is preferential to
proliferation of strip commercial. Commercial Policy #5: The City should contain ample commercial facilities to meet the needs of its residents as well as provide taxable revenues to the City.

**MONTEBELLO MUNICIPAL CODE (MMC)**

Pursuant to Appendix A – Index of Primary Uses of the Montebello Municipal Code, Conditional Use Permit approval is required for service station or any use within a converted or existing service station in the C-2, C-M, M-1, and M-2 zones.

The proposed project is in compliance with the C-2 (General Commercial) zone because:

- Per the Index of Primary Uses, service stations uses or any use within a converted or existing service station in the C-2, C-M, M-1, and M-2 zones are conditionally permitted uses.

- Proposed use meets the development standards set forth in the Montebello Municipal Code Chapter 17.32.

The proposed design is compatible with the surrounding properties because:

- There is not a distinct Architectural style or design to the area.

- Proposed use is being proposed in an existing building(s) and only minor façade changes are proposed to the exterior of the building. The use will convert service auto bays to a convenience store and will reduce the ambient noise level in the area.

Per the Montebello Municipal Code Chapter 17.70.070 the required findings:

- The site for the proposed use is adequate in size and shape and meets the development standards for parking, landscaping, and ingress and egress.

- The site has sufficient access to streets and highways, and is adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use.

- The proposed use will not have an adverse effect upon adjacent or abutting properties as the proposed improvements are interior improvements and the ambient noise level will be reduced.

- Is in conformance with the goals, policies, and objectives of the general plan and the purpose and intent of this code and any applicable specific plan.

**CEQA**

The Conditional Use Permit (CUP 2-71-M1) application is considered a “project,” per the California Environmental Quality Act definition of a “project.” The project is Categorically Exempt per Section §15301 (a) (Existing Facilities) because Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination such as interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.
PUBLIC COMMENTS RECEIVED

Pursuant to Section 17.78 (Public Hearings, Notices, and Appeals), the following noticing was performed:

- Public Hearing Noticing was published in the Daily Journal (Whittier Daily News) newspaper on January 23, 2020;
- Public Hearing Notice was mailed on January 23, 2020 to all property owners within a radius of three hundred (300) feet of the exterior boundaries of the subject property.

Staff has not received any public comments regarding the project, as of the writing of this report.

FISCAL IMPACT

None

ATTACHMENT(S)

A. Draft Resolution
B. Public Hearing Notice
C. Project Plans
CITY OF MONTEBELLO
PLANNING COMMISSION

RESOLUTION NO. 01-20

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO APPROVING CONDITIONAL USE PERMIT NO. CUP 2-71-M1 TO ALLOW THE CONSOLIDATION OF AN EXISTING SERVICE STATION/ AUTO REPAIR AND SNACK SHOP STORE INTO A 2,043 SQUARE-FOOT CONVENIENCE STORE WITHIN AN EXISTING 8-PUMP SERVICE STATION LOCATED AT 1761 PARAMOUNT BOULEVARD.

WHEREAS, a Condition Use Permit (CUP 2-71) was previously approved allowing the development of a service station with auto service bays within a 2,043 square-foot building at 1761 Paramount Blvd., Montebello, California (the "Site"); and

WHEREAS, a Conditional Use Permit (CUP 2-71-M1) application has been received and accepted for the Site; and

WHEREAS, the Conditional Use Permit would allow conversion of auto service bays (1,262 sq. ft.) and a snack shop store (781 sq. ft.) into a 2,043 square-foot convenience store at the Site; and

WHEREAS, CUP 2-71-M1 will supersede the previously approved conditional use permit (CUP 2-71); and

WHEREAS, pursuant to section 21067 of the Public Resources Code, and section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the City of Montebello is the lead agency for the proposed Project;

WHEREAS, the Conditional Use Permit (CUP 2-71-M1) is considered a "project," as per the California Environmental Quality Act definition of a "project";

WHEREAS, the project is Categorically Exempt per CEQA Section §15301, Class 1 (Existing Facilities); and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the Planning Commission of the City of Montebello resolves that:

SECTION 1. RECITALS. The foregoing recitals are true and correct and are hereby incorporated as substantive findings in this Resolution.

SECTION 2. FINDINGS. After conducting a duly noticed public hearing, and considering the evidence submitted by the applicant, public testimony, staff presentations, and such other matters properly presented during the hearing on this matter, the Planning Commission makes the following findings:
a. The proposed use would conform with the City of Montebello General Plan Land Use Element, Goal 1, "To formulate a plan which is responsive to the needs of the community and which permits the orderly arrangement of land uses, permitting sufficient areas for reasonable development;" Objective #3, "cluster" type commercial development is preferential to proliferation of strip commercial;" Policy Commercial #1, "Commercial development in the City should be sited in appropriate locations according to need," and Commercial Policy #5. "The City should contain ample commercial facilities to meet the needs of its residents as well as provide taxable revenues to the City;" because the project site is developed with commercial uses and the development will occupy the existing commercial space and provide a service to the community and bring taxable revenue to the City.

b. The design of the building is compatible with the surrounding neighborhood because the building already exists and there will be limited façade upgrades to the building.

c. Per MMC 17.70.070, before and conditional use permit shall be granted, all of the following findings must be made:

1. The site for the proposed use is adequate in size and shape;

   The site and building are adequate in size and meets the development standards set forth in the Montebello Municipal Code Chapter 17.32 relative to parking, landscaping, and ingress and egress.

2. The site has sufficient access to streets and highways, and is adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use;

   The site is developed with four existing driveways for ingress and egress. The driveways are adequate in width to accommodate the proposed use. In addition, the site exceeds the parking requirement for the proposed use.

3. The proposed use will not have an adverse effect upon adjacent or abutting properties;

   The proposed improvements will be limited to interior type tenant improvements. The change in use from auto service bays to a convenience store will minimize ambient noise level throughout the day and will be a more harmonious use for the predominant residential area.

4. Is in conformance with the goals, policies, and objectives of the general plan and the purpose and intent of this code and any applicable specific plan;

   The proposed project conforms with the Montebello General Plan, Land Use Element in that the proposed use will provide additional amenities for
an existing business that will increase the taxable revenue from these properties to the City.

Goal #1: To Formulate a plan which is responsive to the needs of the community and which permits the orderly arrangement of land uses, permitting sufficient areas for reasonable development. Objective #3: "cluster" type commercial development is preferential to proliferation of strip commercial. Commercial Policy #5: The City should contain ample commercial facilities to meet the needs of its residents as well as provide taxable revenues to the City.

SECTION 3. CEQA. The Planning Commission approves and adopts the CEQA Categorical Exemption §15301 (Existing Facilities) Class 1 exemption, as the proposed use constitutes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structure involving negligible or no expansion of use.

SECTION 4. APPROVALS. The Planning Commission hereby approves Conditional Use Permit (CUP 2-71-M1) for the Off-Sale General of alcohol (Type 21 License) subject to the conditions of approval set forth in Section 5 of this Resolution.

SECTION 5. CONDITIONS. The Planning Commission finds that the foregoing conditions of approval are necessary and appropriate.

1. The applicant shall defend, indemnify, and hold harmless the city, its elected and appointed officials, agents, officers, and employees from any claim, action, or proceeding brought against the city, its elected and appointed officials, agents, officers, or employees arising out of, or which are related to the applicant's project or application (collectively referred to as "proceedings"). The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the city, if any, and cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred or awarded in connection with the proceedings whether incurred by the applicant, the city and/or the parties initiating or bringing such proceedings. This indemnity provision shall include the applicant's obligation to indemnify the city for all the city's costs, fees, and damages that the city incurs in enforcing the indemnification provisions set forth herein. The city shall have the right to choose its own legal counsel to represent the city's interest in the proceedings.

2. The utilization of the subject site shall conform to the allowed use, except as provided for herein and by subsequent revisions found by the Director of Planning and Community Development to be in substantial compliance with these provisions.

3. The development of the subject site shall be consistent with all of the provisions of the Montebello Municipal Code (MMC) and Conditional Use Permit (CUP 2-71-M1).
4. The Director of Planning and Community Development, at any time, can call for a review of the approved conditions of approval at a duly noticed public hearing before the Planning Commission. These condition(s) may be modified, or new condition(s) added to reduce any impacts of the use. The Planning Commission may revoke the Conditional Use Permit (CUP 2-71-M1) if sufficient cause is given.

5. Any change in ownership, lease and/or any other change should be given written notice to the Director of Planning and Community Development prior to the change.

6. The applicant or successor in interest shall meet the applicable Code requirements and all other City Departments regulations.

7. All applicable conditions of approval from previous entitlements on the property shall remain in full force and effect, unless otherwise specifically noted in this Resolution.

8. The property owner will bear the full costs of all monitoring and inspection activities to be conducted by City staff, or its designated representative(s), as necessary to ensure compliance with the conditions of this Resolution.

9. Any change, expansion, intensification and/or modification to the proposed plans use, or mode of operations shall be subject to the review and approval by the Director of Planning and Community Development who may take action or call for review by the Planning Commission at a noticed public hearing.

10. The property owner shall have all graffiti on-site removed within 24 hours of its appearance.

11. The operation of the said use shall at all times be conducted in a manner not detrimental to surrounding properties or residents because of lights, noise, activities, parking or other actions.

12. All employees of the businesses on-site shall be out of the premises no later than one hour after closing. No "after hours" operations shall be permitted.

13. No loitering in the parking area and shall control noisy patrons leaving the location. Signs shall be posted notifying customers of the courtesy to adjacent residential uses. The size, content, and location of the sign(s) are subject to the review and approval of the Director of Planning and Community Development prior to installation.

14. All business operators shall take the necessary steps to assure the orderly conduct of employees, patrons, and visitors on the premises.

15. The parking area shall be sufficiently lit and secured to discourage loitering and/or late night activity.
16. This approval shall not supersede the approval of any other responsible agencies. The applicant shall comply with all Federal, State and local laws.

17. The approval of this Conditional Use Permit (CUP 2-71-M1) shall expire if the rights granted are not exercised within two (2) years from the effective date of this Resolution.

18. The approval of this Conditional Use Permit (CUP 2-71-M1) can be extended up to and not to exceed an additional two (2) years with a written request by the property owner stating the reason and need for an extension and upon review and approval by the Director of Planning and Community Development.

19. In the event of a violation of the conditions of approval, no further permits, licenses, approvals or certificates of occupancy shall be issued until such violation has been fully remedied.

20. The premises shall be kept clean, and the operator of the establishment shall ensure that no trash or litter originating from the site is deposited onto neighboring properties or public right-of-way.

21. If at any time, a litter problem arises, the Director of Planning and Community Development may require a litter clean-up plan to be submitted and reviewed. The litter clean-up plan shall include a schedule of time and frequency of litter clean-up activities. Upon approval of the plan by the Director of Planning and Community Development, the measures of the plan shall be implemented. This condition may require the operator of the use to post a bond to ensure litter compliance.

22. The development and utilization of the site shall comply with all the provisions of all of the current Building, Plumbing, Mechanical, Electrical Codes, and City Ordinances, as well as additional requirements from the Montebello Building and Safety Division.

23. The development and utilization of the site shall be subject to the review and approval of the Public Works Department. Additional Montebello Public Works Department requirements may be required prior to issuing building permits.

24. The development and utilization of the site shall comply with all the provisions of all of the California Fire Code, International Fire Code, and National Fire Protection Association standards as well as additional requirements from the Montebello Fire Department.

25. No pay telephone(s) on the exterior of the premises.

26. Exterior storage of any kind shall be prohibited.
27. No alcohol shall be consumed on the premises.

28. That no signs shall be installed on the site until a sign permit has been issued

29. The Planning Commission and the City Council on appeal shall have the right to impose additional conditions for the protection of the public health, safety, and welfare.

**PASSED AND ADOPTED** this 4th day of February, 2020 by the Planning Commission.

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

______________________________________
Sona Mooradian, Vice Chair

ATTEST:

______________________________________
Joseph A. Palombi, Interim Director
Planning & Community Development Department
NOTICE OF PUBLIC HEARING
CITY OF MONTEBELLO PLANNING COMMISSION

Conditional Use Permit (CUP 2-71-M1)
1761 Paramount Boulevard

Project Description: A Conditional Use Permit application to allow the consolidation of an existing service station (1,262 sq. ft.) and snack shop store (781 sq. ft.) into one 2,043 square-foot convenience store within the existing Arco Service station located at 1761 Paramount Boulevard.

Zone: C-2 (General Commercial)

General Plan Designation: General Commercial

Environmental: The proposal is considered a “Project” and is categorically exempt under the California Environmental Act (CEQA) Section §15301 (Existing Facilities).

NOTICE IS HEREBY GIVEN that the City of Montebello Planning Commission will hold a public hearing on the Conditional Use Permit application. The meeting is scheduled on:

Date: Tuesday, February 4, 2020
Time: 6:30 p.m.
Place: City Hall Council Chambers
1600 West Beverly Boulevard
Montebello, CA 90640

Any party interested in speaking may appear at the public hearing and comment on the project. Written comments may also be mailed or delivered to the City of Montebello Planning Commission at the Planning Division office address identified below. If you challenge the matter in court, you may be limited to raising those issues you or someone else raised at the public hearing, or in written correspondence delivered to the City of Montebello at, or prior to, the public hearing.

For more information about the project and the related environmental documentation please contact:

Contact Person: Louis Morales, Contract Planner
Phone: 323.887.1200 ext. 482 Fax: 323.887.1488
Email: lmorales@cityofmontebello.com
Address: City of Montebello, City Hall, Planning Division, 1600 W. Beverly Blvd, Montebello, CA 90640
City Website: www.cityofmontebello.com

Dated: January 14, 2020
Publish: January 23, 2020