

MEETING AGENDA

**MONTEBELLO PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
1600 W. BEVERLY BOULEVARD
MONTEBELLO, CALIFORNIA
TUESDAY, MAY 15, 2018
6:30 P.M.**

MONTEBELLO PLANNING COMMISSION

**BRISSA SOTELO
CHAIR**

**SERGIO ZAZUETA
VICE CHAIR**

**DANIEL GONZALES
PLANNING COMMISSIONER**

**SHANNAN CALLAND
PLANNING COMMISSIONER**

**SONA MOORADIAN
PLANNING COMMISSIONER**

CITY STAFF

**MATTHEW FESKE
PLANNING MANAGER**

**CHRIS CARDINALE
PLANNING COMMISSION LEGAL
COUNSEL**

**CAMILA EASLAND
ADMINISTRATIVE ANALYST**

1. **MEETING CALLED TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **PLANNING COMMISSION SECRETARY – 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 in to 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. April 3, 2018
- B. May 1, 2018

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. NONE

9. CONSENT ITEM(S)

- A. **City Purchase of Certain Successor Agency Properties; General Plan Consistency**

Project Applicant

City of Montebello

Project Description:

City's acquisition of the following Successor Agency-owned properties at 701-705 West Whittier Blvd. (Jimmies Restaurant) and 121 South 6th Street (the "Properties") is consistent with the General Plan of the City of Montebello.

Recommended Action:

Adopt a Resolution pursuant to Government Code section 65402(a), finding that the City's acquisition of the following Successor Agency-owned properties is consistent with the General Plan of the City of Montebello: 701-705 West Whittier Blvd. (Jimmies Restaurant) and 121 South 6th Street (the "Properties")

10. STAFF COMMUNICATIONS TO THE PLANNING COMMISSION

- A. Camila Easland

11. ORAL COMMUNICATIONS – CONTINUED (IF NEEDED)

12. PLANNING COMMISSION ORALS

- A. Chair Sotelo
- B. Vice Chair Zazueta
- C. Commissioner Calland
- D. Commissioner Gonzales
- E. Commissioner Mooradian

13. ADJOURNMENT

The next regularly scheduled meeting on June 5, 2018

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 1203+)

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
April 3, 2018**

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

1. CALL MEETING TO ORDER
6:40 P.M. by Chair Sotelo

2. ROLL CALL
Commissioner Present: Commissioner Mooradian, Commissioner Gonzales, and Vice Chair Zazueta

Absent: None: Commissioner Calland and Chair Sotelo

Also present: Planning Commission Counsel – Christopher Cardinale
Administrative Analyst – Camila Easland

Commissioner Gonzales provided a handout for the Commissioners and staff.

Commissioner Gonzales stated that he did not feel that the agenda item should be discussed without all of the Planning Commissioners.

Planning Commission Counsel advised the Planning Commission that is a quorum and the meeting can proceed.

Commissioner Gonzales left the meeting and did not return.

Without a quorum, the meeting was adjourned and all agenda items forwarded to the next Regular Meeting of the Planning Commission

Matthew Feske, Planning Manager

**CITY OF MONTEBELLO
PLANNING COMMISSION
MINUTES
May 1, 2018**

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

1. CALL MEETING TO ORDER
6:45 P.M. by Chair Sotelo

2. ROLL CALL
Commissioner Present: Commissioner Mooradian, Commissioner Calland,
Commissioner Gonzales, and Vice Chair Zazueta, Chair Sotelo.

Absent: None

Also present: Planning Manager – Matthew Feske
Planning Commission Counsel – Christopher Cardinale
Administrative Analyst – Camila Easland

3. PLEDGE OF ALLEGIANCE
Commissioner Calland

4. STATEMENT OF PUBLIC ORAL COMMUNICATIONS
None

5. APPROVAL OF MINUTES:
 - A. March 20, 2018
 - B. April 17, 2018 – No Minutes – Meeting cancelled due to lack of quorum
MOTION: Commissioner Mooradian
SECOND: Commissioner Calland
ACTION: Motion passed, 5-0

6. STAFF COMMUNICATIONS ON ITEMS OF COMMUNITY INTEREST
None

7. PUBLIC HEARINGS

A. Code Zone Amendment (ZCA02-18)

Project Applicant: City of Montebello

Project Description:

The City has initiated a Zoning Code Amendment to the Montebello Municipal Code Title 17 (“Zoning”) and Appendix A (“Index of Primary Uses”) pertaining to commercial cannabis activities authorized by the Adult Use of Marijuana Act (Proposition 64), and specially consideration of adding cannabis distributors

and/or delivery-only cannabis retailers as conditionally permitted uses in the M-1 (Light Manufacturing) and M-2 (Heavy Manufacturing) zones. The Zoning Code Amendment will also propose adding a “buffer” requirement between commercial cannabis activities and residentially zoned areas.

Recommended Action:

It is recommended that the Planning Commission conduct a public hearing, and thereafter adopt the following Resolution: A RESOLUTION OF THE PLANNING COMMISSION FOR THE CITY OF MONTEBELLO, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A ZONE CODE AMENDMENT ADDING CANNABIS DISTRIBUTORS AND DELIVERY-ONLY RETAILERS AS CONDITIONALLY PERMITTED LAND USES, AND ESTABLISHING A SENSATIVE USE BUFFER FROM RESIDENTIAL ZONES

Presentation

Mr. Chris Cardinale, Planning Commission Counsel, pointed out that the item before the Planning Commission is a Resolution recommending the City Council to adopt a Zone Code Amendment adding cannabis distributors and delivery-only retailers, as a conditionally permitted land use in the M1 and M2 zoning districts and establishing a sensitive use buffer from residential zones.

Disclosures:

None

Speaker(s) In Support:

None

Speaker(s) In Opposition:

Ms. Yvette mentioned that, as a resident of the community, she doesn't want this at all in the City. According to Ms. Yvette, from January 1, 2018 to yesterday (April 31, 2018), the City of Montebello has had 340 crimes reported. She asked for the Planning Commission to vote against this item in order to protect the health and safety of children and residents of the community.

Ms. Rosemary Torres, a resident of the community, mentioned that she is afraid of bringing cannabis to the City. She lives in South Montebello and she doesn't want to have cannabis business close to her home.

Mr. Mike Torres, a resident of the community, pointed out that he knows that Proposition 64 passed; however, he thinks that the community should also be able to vote and choose if they want this type of business in the community.

Rose Vascus, former councilwoman and mayor, mentioned that she is against allowing cannabis businesses in the City, and that the job of the representatives of Montebello is to protect the community and the children. She pointed out that 9 out of 10 young teens end up in drug clinics, and that she does not want this to

happen in Montebello. Additionally, she mentioned that there is no evidence that allowing these businesses will bring any money to the City.

Linda Nichols, a resident of Montebello, pointed out that the City should ask its residents if they want this type of business being allowed in their community. She mentioned that, according to the Money Magazine, Montebello is the 22nd worst city to live in while Monterrey Park is 3rd best in Southern California. She asked to have access to all applications that the City has received for cannabis related businesses.

Marisel Percenio, a resident of the community, asked for clarifications that were later addressed by staff and the Planning Commission Council.

Robert Crownet, a business owner in Montebello, questioned the Council's decision of creating a buffer zone from schools when a cannabis business could be allowed to operate on across the same street where children reside. He stated that he would like the Planning Commission to increase the buffer zone.

Ms. Kimberley Ann Cobos, a Montebello resident, mentioned that under Federal law, cannabis is considered a controlled substance. As a result, she asked if allowing cannabis use could create legal issues for the City. She also showed concern with the lack of police resources and code enforcement resources to enforce cannabis regulations.

Jonathan Parkston, resident of Redondo Beach and representative of Angeles Emeralds, mentioned that before voting on this topic, people should first educate themselves. He mentioned that Angeles Emeralds is organizing a seminar to discuss cannabis policy, and invited members of the community and Planning Commission to participate.

Pearle Gergoner, a resident of the community, mentioned that the City is setting a bad example by allowing cannabis uses in the community.

MOTION: Commissioner Sotelo – adopt a Resolution recommending that the City Council approve an increase in the buffer zone for cannabis related business, and adding other sensitive uses, such as parks, any residential units, dance studios, religious institutions, libraries and others.

SECOND: Commissioner Calland

ACTION: Motion passed, 4-1-0 (Commissioner Gonzales)

MOTION: Commissioner Gonzales – adopt a Resolution recommending that the City Council deny delivery-only retailers as conditionally permitted land uses for cannabis related businesses.

SECOND: Commissioner Calland

ACTION: Motion passed, 3-2-0 (Commissioner Mooradian, and Commissioner Zazueta).

MOTION: Commissioner Gonzales – adopt a Resolution recommending that the City Council deny distribution use for cannabis related businesses.

SECOND: Commissioner Sotelo

ACTION: Motion passed, 3-2-0 (Commissioner Mooradian, and Commissioner Zazueta.

8. CONSENT ITEM (S)

None

9. STAFF COMMUNICATIONS TO THE PLANNING COMMISSION

None

10. ORAL COMMUNICATIONS – CONTINUED

None

11. PLANNING COMMISSION ORALS

Commissioner Gonzales – None

Commissioner Calland – None

Commissioner Mooradian - None

Vice Chair Zazueta – None

Chair Sotelo – None

12. ADJOURNMENT

The meeting adjourned at 10:25 p.m.

Matthew Feske, Planning Manager



**PLANNING COMMISSION
STAFF REPORT**

Consent Item 9A

TO: Honorable Chair and Planning Commissioners
DATE: May 15, 2018
FROM: Matt Feske, Planning and Community Development
BY: Christopher G. Cardinale, Assistant City Attorney
SUBJECT: City Purchase of Certain Successor Agency Properties; General Plan Consistency

RECOMMENDATION:

Adopt a Resolution pursuant to Government Code section 65402(a), finding that the City's acquisition of the following Successor Agency-owned properties is consistent with the General Plan of the City of Montebello: 701-705 West Whittier Blvd. (Jimmies Restaurant) and 121 South 6th Street (the "Properties")

BACKGROUND

The Properties were originally acquired by the former Community Redevelopment Agency ("RDA") of the City of Montebello ("City") in furtherance of remediating blight and facilitating economic development in the "Downtown" area.

The property at 701-705 West Whittier is well-known in the community as "Jimmies Restaurant." It is improved with a "restaurant shell" that has been vacant for a number of years. The property is comprised of 9,750 square feet, fronts the south-side of Whittier Blvd, and is in the "General Commercial" zoning district.

The property at 121 S. 6th Street is a vacant parcel comprised of 6,050 square feet, and is zoned "General Commercial." The property is located mid-block on South 6th Street, just south of Whittier Blvd.

When the RDA was dissolved by the California Legislature, title to the Properties, and all others, was transferred to the Montebello "Successor Agency." The Successor Agency is required by law to sell or otherwise dispose of all real property assets of the former RDA "expeditiously" and in "a manner aimed to maximize their value."

DISCUSSION

Since the RDA was dissolved, the Successor Agency has marketed the Properties to various third-parties in efforts to facilitate their development consistent with the City Council / RDA's

vision for Downtown. Though there has been interest from private developers in the Properties, to date no sale or project has materialized. As the process for "winding down" the affairs of the RDA continue, the City now desires to preserve "local control" of these Properties to ensure their productive use; even though no specific project or development proposal is contemplated at this point.

To that end, in the coming weeks the City Council will consider acquiring the Properties from the Successor Agency. The purchase price for the Properties is still under negotiation, but preliminary action by the Planning Commission is necessary before the transaction may move forward.

Specifically, Government Code section 65402 provides that, before the City acquires any interest in real property, the Planning Commission must make a finding that the acquisition and any proposed use is consistent with the City's General Plan. Here, the proposed transactions furthers and is consistent with, among others, the following aspects of the General Plan:

- To formulate a plan which is responsive to the needs of the community which permits the orderly arrangement of land uses, permitting sufficient areas for reasonable development- Sale of the properties would assist and serve the residential and commercial uses in the vicinity, and remediate nuisance-like conditions experienced in the area.
- To provide for development of residential units and commercial development within the community in a manner compatible with other land uses. Sale of the properties will provide on-site parking for tenants and residents of the Property, while remediating traffic and safety issues associated with off-site parking, and nuisance-like conditions experienced in the area.

The City's purchase of the Properties will ensure their orderly development for a productive use.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached Resolution finding that the proposed acquisition of the Properties is consistent with the General Plan of the City of Montebello.

FISCAL IMPACT

None, via adoption of the attached Resolution.

ATTACHMENT(S)

1 – Proposed Resolution

RESOLUTION NO. ____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO, CALIFORNIA, FINDING THAT THE CITY'S ACQUISITION OF CERTAIN SUCCESSOR AGENCY PROPERTIES IS CONSISTENT WITH THE GENERAL PLAN, PURSUANT TO GOVERNMENT CODE SECTION 65402

WHEREAS, the former Community Redevelopment Agency ("RDA") of the City of Montebello acquired the properties located at 701-705 West Whittier Blvd., and 121 South 6th Street, (jointly the "Properties") pursuant to its powers under the California Redevelopment Law;

WHEREAS, the property at 701-705 West Whittier is well-known in the community as "Jimmies Restaurant," and is comprised of 9,750 square feet, is improved with a "restaurant shell" that has been vacant for a number of years, and is located in the "General Commercial" zoning district;

WHEREAS, the property at 121 S. 6th Street is a vacant parcel comprised of 6,050 square feet, and is zoned "General Commercial";

WHEREAS, the RDA was dissolved by legislation as of February 1, 2018, and title and ownership of all real property assets of the RDA, including the Properties, was passed to the Montebello "Successor Agency";

WHEREAS, the Successor Agency is required by law to sell or otherwise dispose of all real property assets of the former RDA "expeditiously" and in "a manner aimed to maximize their value";

WHEREAS, though there has been interest from private developers in the Properties, to date no sale or project has materialized, and as the process for "winding down" the affairs of the RDA continue, the City now desires to preserve "local control" of these Properties to ensure their productive use, even though no specific project or development proposal is contemplated at this time;

WHEREAS, the City Council is therefore considering acquiring the Properties from the Successor Agency, with the specific terms and conditions of acquisition unknown at this time;

WHEREAS, California law allows the City to purchase property if doing so furthers the common benefit, health, safety, and general welfare of its citizens, and provided the acquisition is consistent with the City's General Plan; and

WHEREAS, pursuant to Government Code Section 65402, the Planning Commission has hereby considered whether the City's acquisition of the Properties is consistent with the City's General Plan, and based on staff presentations and reports, and other evidence presented to and considered by the Planning Commission during the meeting on this matter, the Planning Commission finds as follows:

- a. The proposed acquisition would conform with and further the General Plan Land Use Element Goal "To formulate a plan which is responsive to the needs of the community which permits the orderly arrangement of land uses, permitting sufficient areas for reasonable development," and
- b. The proposed acquisition would conform with the City of Montebello General Plan Land Use Element Goal "To provide for development and

location of commercial shopping areas within the community in a manner compatible with other land uses," because:

- c. Among other things, the City's purchase of the Properties will ensure their orderly use and development for a productive use that is consistent with the needs, wants, desires of the community, as well as applicable land use regulations.

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

SECTION 1. The foregoing recitals are true and correct and incorporated fully herein this resolution.

SECTION 2. That pursuant to Government Code Section 65402(a), the Planning Commission finds that the City's acquisition of the Properties conforms to the City of Montebello General Plan.

SECTION 3. That this Planning Commission Resolution be submitted to the City Council as evidence of the Planning Commission's determination in this regard in connection with the City Council's consideration of thereof.

PASSED AND ADOPTED this 15th day of April, 2018 by the following vote of the Planning Commission.

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

Brissa Sotelo, Planning Commission Chair

ATTEST:

Matthew Feske
Secretary to the Planning Commission