MEETING AGENDA

MONTEBELLO PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
1600 W. BEVERLY BOULEVARD
MONTEBELLO, CALIFORNIA
TUESDAY, NOVEMBER 5, 2019
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

MANUEL MANCHA
DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

GLORIA RAMIREZ
PLANNING COMMISSION LEGAL COUNSEL

JOSEPH PALOMBI
DEPUTY DIRECTOR

MARIA ROMAN
ADMINISTRATIVE SECRETARY

1. MEETING CALLED TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. PLANNING MANANGER
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. October 15, 2019

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. General Plan Amendment (GPA012-19) and Zone Change (ZCA02-19) - Continued

Project Applicant
429 North Montebello Boulevard

Project Description:
A General Plan Amendment (GPA02-19) to change the Land Use Designation from HDR (High Density Residential) to BLVD (Commercial Boulevard) and Zone Change (ZC02-19) from R-1 (Residential) to C-R (Commercial Residential) of the property located at 429 North Montebello Boulevard for consistency with the surrounding properties. No property or building modifications are a part of this zone change.

B. Zone Code Amendment (ZCA07-19) - Continued

Project Applicant
City of Montebello

Project Description:
A Zone Code Amendment by Electric Guard Dog, LLC to amend Title 17 of the Montebello Municipal Code to add electric fences as an allowed fence material.
C. Conditional Use Permit (CUP 26-19)

**Project Applicant**
8127 Slauson Avenue

**Project Description:**
A Conditional Use Permit application to allow indoor cannabis Non-Store Front Retail delivery and Distribution within an existing commercial building on the property located at 8127 Slauson Avenue, APN 6354-030-003.

D. Conditional Use Permit (CUP 27-19)

**Project Applicant**
1040 S. Vail Avenue

**Project Description:**
A Conditional Use Permit application to allow indoor cannabis Cultivation, Distribution, and Non-Store Front Retail delivery, within an existing commercial building on the property located at 1040 S. Vail Avenue, APN 6353-015-002.

E. Conditional Use Permit (CUP 28-19)

**Project Applicant**
8040 Slauson Avenue

**Project Description:**
A Conditional Use Permit application to allow indoor cannabis Cultivation, Manufacturing, Distribution, and Non-Store Front Retail delivery, within an existing commercial building on the property located at 8040 Slauson Avenue, APN 6368-001-002.

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 Alksanian
C. Commissioner, Alexandra Briseno
D. Commissioner, Natalia Lomeli
E. Commissioner, Marlene Ramirez
13. ADJOURNMENT

The next regularly scheduled meeting on November 19, 2019

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

October 15, 2019

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 Mooradian

2. ROLL CALL
   Commissioner Present: Chair Mooradian, Vice Chair Aliksanian,
   Commissioner Briseno and Commissioner Ramirez

   Absent: Commissioner Lomeli

   Also present:
   Director of Planning and Community Development – Manuel Mancha
   Planning Manager – Matthew Feske
   Planning Commission Legal Counsel

3. PLEDGE OF ALLEGIANCE
   Commissioner Ramirez

4. PLANNING COMMISSION SECRETARY – CORRECTION TO AGENDA
   NONE

5. STATEMENT OF PUBLIC ORAL COMMUNICATIONS
   NONE

6. APPROVAL OF MINUTES:
   A. October 1, 2019 – Approved with corrections

7. STAFF COMMUNICATIONS ON ITEMS OF COMMUNITY INTEREST
   NONE
8. PUBLIC HEARINGS

A. Zone Code Amendment (ZCA07-19)
A Zone Code Amendment by Electric Guard Dog, LLC to amend Title 17 of the Montebello Municipal Code to add electric fences as an allowed fence material.

Planning Commission Legal Counsel - Recommending development standards be set

Commissioner Ramirez – Include a condition applied that would require a site plan review

Planning Manager – Conditions can be set by planning commissions per the application

MOTION: Commissioner Ramirez motions approve for staff to provide resolution for ZCA07-19 and to continue item to the next scheduled meeting.
SECOND: Commissioner Aliksanian
ACTION: 4-0-0-1 (Lomeii)

B. General Plan Amendment (GPA012-19) and Zone Change (ZCA02-19)
A General Plan Amendment (GPA02-19) to change the Land Use Designation from HDR (High Density Residential) to BLVD (Commercial Boulevard) and Zone Change (ZC02-19) from R-1 (Residential) to C-R (Commercial Residential) of the property located at 429 North Montebello Boulevard for consistency with the surrounding properties. No property or building modifications are a part of this zone change.

Planning Manager - Eminent Domain is not allowed in the city. Mailers were sent and notice was published per the municipal code.

Commissioner Ramirez – What type of business?

Planning Manager – Real Estate office will be occupy the new unit.

Commissioner Briseno – Why commercial restricted?

Planning Manager – If C1-C2 zoned, residential would not be an allowed use. Staff felt it would be appropriate residential allowed and restricting commercial use.

Chair Mooradian – This would affect the address specific?

Planning Manager – That is correct the single property 429 N. Montebello Blvd.
William Moreno – Is any property south subject to this? Supports both neighbors.

Edwina Garcia – Its next door to my home. The work has already been done. Chair Mooradian should not vote.

Planning Manager – Conflict of Interest has been advised. Planning commission at their own will advise if there is conflict of interest. Meeting someone does not mean its conflict of interest. Discretion up to Chair to vote.

Planning Manager – For the record Chair Mooradian has recused herself for the remainder of the meeting for this item. Vice Chair Aliksanian to continue meeting.

Will Cervera – Chair Mooradian is courageous for recusing herself. It shows valid effort of trying to be transparent. If approved how it will affect taxes?

Planning Manager - Your property tax will remain the same.

Will Cervera – It looks like a 2nd Story

Staff - It’s a garage conversion, if not approved it will remain as a modified garage.

Rosie Vazquez – What about the General Plan and the corner vacant lot?

Planning Manager– Corner property is privately owned, can’t force to rent or sale property, only maintain property.

Linda Nicholas- Eminent Domain, 13 business lost with the grade separation. Where is Montebello News? It’s a service company, no one sees it. Property was red tagged and work was being done.


Commissioner Ramirez – What was the red tag for?

Planning Manager- Technically not red tag, it was to stop work over the weekend.

Commissioner Aliksanian – Permit to work on weekend?

Planning Manager- Construction is allowed on weekends per municipal code.

Commissioner Briseno – Are neighbors notified of permit?
Planning Manager– Not required for standard permit for neighbors to be notified.

MOTION: Commissioner Aliksanian motions to approve a General Plan Amendment (GPA02-19) to change the Land Use Designation from HCR (High Density Residential) to BLVD (Commercial Boulevard) and Zone Change (ZC02-19) from R-1 (Residential) to C-R (Commercial Residential) of the property located at 429 North Montebello Boulevard for consistency with the surrounding properties. No property or building modifications are a part of this zone change.
SECOND: Commissioner
ACTION: motioned failed due to lack of 2nd motion.

MOTION: Commissioner Ramirez motions to deny a General Plan Amendment (GPA02-19) to change the Land Use Designation from HCR (High Density Residential) to BLVD (Commercial Boulevard) and Zone Change (ZC02-19) from R-1 (Residential) to C-R (Commercial Residential) of the property located at 429 North Montebello Boulevard for consistency with the surrounding properties. No property or building modifications are a part of this zone change.
SECOND: Commissioner Briseno
ACTION: 2-1-1-1 (Aliksanian, Mooradian, Lomeli)

MOTION: Commissioner Ramirez motions to continue item to the next regularly scheduled meeting
SECOND: Commissioner Aliksanian
ACTION: 3-0-1-1 (Mooradian, Lomeli)

Planning Manager – For the record Chair Mooradian has returned.

C. Conditional Use Permit (CUP23-19)
A Conditional Use Permit application to allow indoor cannabis Manufacturing, Distribution, and Non-Store Front delivery, within an existing commercial building on the property located at 7733 Telegraph Road, APN 6354-028-033.

Consultant – Presented

Commissioner Ramirez – Any improvement to the façade?
Christina Di Angelo (applicant) – security façade

Commissioner Briseno – Are you representing the applicant or the owner?

Christina Di Angelo (applicant) – I’m the owner

Chair Mooradian – Are you going to hire Montebello residents?

Aaron Di Angelo (applicant) – Number one priority is to grab local applicants, train in facility which takes time and we will phase it in.

Linda Nichols - How long before they see revenue?

Aaron Di Angelo (applicant) – Approximately an eight month window, no more than twelve months from state issuance to start seeing revenue.

MOTION: Commissioner Ramirez motions to approve a Conditional Use Permit application to allow indoor cannabis Manufacturing, Distribution, and Non-Store Front delivery, within an existing commercial building on the property located at 7733 Telegraph Road, APN 6354-028-033.

SECOND: Commissioner Briseno

ACTION: 4-0-0-1 (Lomeli)

9. CONSENT ITEM (S)

None

10. STAFF COMMUNICATIONS TO THE PLANNING COMMISSION

Looking to upgrade technology, Planning Commission should consider. IPads will be available to them and recommended to use city iPads, can be subpoena anytime. Notice went out for City Council, item will not go out on October 23, 2019. No special meeting, no planning commission meeting on October 29, 2019 and regular meeting will be in November.

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 8:25 p.m.

   ————

   Manuel A. Mancha, Planning Commission Secretary
Planning Commission Agenda Report

TO: Honorable Chair and Members of the Planning Commission

FROM: Manuel A. Mancha, Community Development Director

SUBJECT: General Plan Amendment (GPA02-19) Land Use Designation from High-Density Residential to Boulevard and Zone Change (ZC02-19) from R-1 (Single Family Residential) zone to C-R (Commercial Residential) zone for consistency for the property located at 429 North Montebello Boulevard and certify the Negative Declaration.

DATE: November 5, 2019
(Continued from October 15, 2019)

RECOMMENDATION

Adopt Planning Commission Resolution recommending that the City Council conduct a public hearing and approve the General Plan Amendment (GPA02-19) to change the Land Use Designation from High-Density Residential to Boulevard and Zone Change (ZC02-19) to change the zone from R-1 to C-R for consistency for the property located at 429 North Montebello Boulevard; and certify the Negative Declaration.

BACKGROUND

On October 15, 2019, the Planning Commission reviewed a General Plan Amendment (GPA02-19) to change the Land Use Designation from High-Density Residential to Boulevard and Zone Change (ZC02-19) to from R-1 to C-R for consistency with adjacent properties located at 429 North Montebello Boulevard; and certifies the Negative Declaration.

During a public hearing, staff presented a staff report and gave a verbal presentation on the proposed amendment. The Planning Commission was also given an opportunity to hear public testimony from five (5) residents on the proposed amendment before making a decision to support or deny the applicant's request.

Upon the staff information and public testimony, the Planning Commission made a motion to approve the GPA and CZ, the motion died for a lack of a second. A second motion was made to deny, it died for a lack of a majority vote (2 1 1 1 vote). Due to a lack of a majority vote, the item must be re-scheduled for the following Planning Commission meeting in order to get the votes needed to approve or deny the applicant request. The Planning Commission verbally scheduled this item for November 5, 2019 P. C. Meeting.

PROJECT DESCRIPTION

A General Plan Amendment to the Land Use Element Map changing the Land Use Designation from HDR (High-Density Residential) to Boulevard (Commercial) and a Zone Change from R-1 (Single Family Residential) zone and C-R (Commercial Residential) zone for consistency between the General Plan Land Use Map and the Zone Map for the property located at 429 North Montebello Boulevard.
DISCUSSION

The proposed General Plan Amendment and Zone Change are in conformance with the General Plan goals 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.

The subject property is currently developed with residential use. The properties to the North and East and West are all commercial-zoned properties with commercial development and the subject property with the General Plan Amendment and Zone Change will be consistent. Montebello Boulevard is designed for a high level of traffic that is typically associated with commercial uses. Residential uses are not appropriate for Boulevards; however, the properties to the South have been residential for some time.

AFFECTED PROPERTIES

The zone change affects only (1) one property, located at 429 N. Montebello Boulevard, and done so at the request of the property owner. The other properties within the city block expressed their displeasure when a previous General Plan Amendment and Zone Change was brought forward. In respect of the other properties, no other properties are included in this General Plan Amendment and Zone Change. No other properties are included or affected by this General Plan Amendment and Zone Change.

FISCAL IMPACT

No fiscal impact to the General Fund.

ATTACHMENT(S)

- DRAFT Resolution
- Staff Report for October 15, 2019
RESOLUTION NO. 39-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO RECOMMENDING THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND APPROVE THE GENERAL PLAN AMENDMENT (GPA02-19) TO CHANGE THE LAND USE DESIGNATION FROM HIGH-DENSITY RESIDENTIAL TO BOULEVARD AND ZONE CHANGE (ZC02-19) TO CHANGE THE ZONE FROM R-1 TO C-R FOR CONSISTENCY FOR THE PROPERTY LOCATED AT 429 NORTH MONTEBELLO BOULEVARD, AND CERTIFY THE NEGATIVE DECLARATION

WHEREAS, the City has initiated a General Plan Amendment (GPA02-19) Land Use Designation from High-Density Residential to Boulevard and Zone Change (ZC02-19) from R-1 (Single Family Residential) zone to C-R (Commercial Residential) zone for consistency for the property located at 429 North Montebello Boulevard;

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 sec.), the City of Montebello is the lead agency for the proposed Project;

WHEREAS, the said project is considered a “project”, per the California Environmental Quality Act definition of a “project”;

WHEREAS, an Initial Study was prepared that analyzed the potential environmental impacts and found no environmental impacts. A Negative Declaration was prepared and circulated for public review from September 26, 2019, to October 5, 2019;

WHEREAS, a Public Hearing Notice was published in the local newspaper (Montebello News) on October 3, 2019, and a Public Hearing Notice was mailed out on October 3, 2019, via the United States Postal Service (USPS);

WHEREAS, a duly noticed public hearing has been held, at which the Planning Commission received and considered staff presentations, recommendations, public testimony, and all other matters presented at the public hearing and included in the record for this matter, and all other legal prerequisites to the adoption of this Resolution have occurred; 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. The foregoing recitals are true and correct and are hereby
incorporated as substantive findings in this Resolution.

SECTION 2. The Planning Commission finds that pursuant to the Guidelines for Implementation of the California Environmental Quality Act, a Negative Declaration has been prepared and circulated for public review between September 26, 2019 to October 15, 2019, and found that the proposed project will not have any impact on the environment because no construction or development is a part of this general plan amendment and zone change and any future construction or development will be analyzed at the time of application for significant environmental impacts.

SECTION 3. The Planning Commission finds that the Public Hearing was properly noticed per the Montebello Municipal Code Section 17.78-030 – Notice of Public Hearing – Publication and Section 17.78.040 – Notice of Public Hearing – Notification of Surrounding Property Owners:
- Published in the local newspaper (Montebello News) on October 3, 2019, providing 12 days prior to the public hearing.
- Public Hearing Notice mailed to a 300-foot radius for both the property owners and property occupants on October 3, 2019 (per the data recorded with the Los Angeles County Assessor Office)

SECTION 4. The Planning Commission finds that the General Plan Amendment and Zone Change are in conformance with the General Plan goals 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.

SECTION 5. The Planning Commission finds that the General Plan Amendment and Zone Change affect only one property per the request of the property owner and will not include any other properties because the other properties expressed their displeasure previously and as such are not a part of this General plan Amendment and Zone Change.

SECTION 6. The Planning Commission finds that the General Plan Amendment and Zone Change does not authorize any form of eminent domain and as such no eminent domain is allowed through the General Plan Amendment and Zone Change.

SECTION 7. The Secretary to the Planning Commission shall attest to the adoption of this Resolution and forward the original to the City Clerk.

PASSED, APPROVED AND ADOPTED this 5th day of November 2019.

AYES:
NOES:
ABSENT:
ABSTAIN:
Sona Mooradian, Chair

ATTEST:

__________________________
Manue A. Mancha
Secretary to the Planning Commission
Planning Commission Agenda Report

TO: Honorable Chair and Members of the Planning Commission

FROM: Matthew Feske, Planning Manager

SUBJECT: General Plan Amendment (GPA02-19) Land Use Designation from High-Density Residential to Boulevard and Zone Change (ZC02-19) from R-1 (Single Family Residential) zone to C-R (Commercial Residential) zone for consistency for the property located at 429 North Montebello Boulevard and certify the Negative Declaration.

DATE: October 15, 2019

RECOMMENDATION

Adopt Planning Commission Resolution recommending that the City Council conduct a public hearing and approve the General Plan Amendment (GPA02-19) to change the Land Use Designation from High-Density Residential to Boulevard and Zone Change (ZC02-19) to change the zone from R-1 to C-R for consistency for the property located at 429 North Montebello Boulevard; and certify the Negative Declaration.

PROJECT DESCRIPTION

A General Plan Amendment to the Land Use Element Map changing the Land Use Designation from HDR (High-Density Residential) to Boulevard (Commercial) and a Zone Change from R-1 (Single Family Residential) zone and C-R (Commercial Residential) zone for consistency between the General Plan Land Use Map and the Zone Map for the property located at 429 North Montebello Boulevard.

ENVIRONMENTAL

The General Plan Amendment (GPA02-19) and Zone Change (ZC02-19) are considered a "project", per the California Environmental Quality Act definition of a "project". An Initial Study analyzed potential environmental impacts and found no impacts because no development is a part of this project and any future development or construction will be evaluated for environmental impacts at the time of application, therefore a Negative Declaration was prepared and was circulated from September 26, 2019, to October 15, 2019.

As the writing of this report, no comments have been received.

NOTICES

A Public Hearing was properly noticed per the Montebello Municipal Code Section 17.78-030 – Notice of Public Hearing – Publication and Section 17.78.040 – Notice of Public Hearing – Notification of Surrounding Property Owners:

1. October 3, 2019 - Published in the local newspaper (Montebello News), providing 12
days prior to the public hearing.

2. October 3, 2019 - Public Hearing Notice mailed to a 300-foot radius for both the property owners and property occupants. The property ownership and property occupant information are per the data recorded with the Los Angeles County Assessor Office.

As the writing of this report, one comment was received by email (attached)

SURROUNDING LAND USE

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zone</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>C-2 (General Commercial)</td>
<td>Commercial</td>
</tr>
<tr>
<td>South</td>
<td>R-1 (Single-Family Residential)</td>
<td>Residential</td>
</tr>
<tr>
<td>West</td>
<td>R-1 (Single-Family Residential)</td>
<td>Residential</td>
</tr>
<tr>
<td></td>
<td>C-1 (General Commercial)</td>
<td>Commercial/Multi-Family Residential</td>
</tr>
<tr>
<td>East</td>
<td>R-3 (Multiple-Family Residential)</td>
<td>Multi-Family Residential</td>
</tr>
<tr>
<td></td>
<td>C-2 (Commercial)</td>
<td>Commercial/Offices</td>
</tr>
</tbody>
</table>

ANALYSIS

The proposed General Plan Amendment and Zone Change are in conformance with the General Plan goals 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.

The subject property is currently developed with residential use. The properties to the North and East and West are all commercial-zoned properties with commercial development and the subject property with the General Plan Amendment and Zone Change will be consistent. Montebello Boulevard is designed for a high level of traffic that is typically associated with commercial uses. Residential uses are not appropriate for Boulevards, however the properties to the South have been and are residential and will remain residential.

AFFECTED PROPERTIES

The zone change affects only one property, located at 429 N. Montebello Boulevard, and at the request of the property owner. The other properties within the city block expressed their displeasure when a previous General Plan Amendment and Zone Change was brought forward. In respect of the other properties, no other properties are included in this General Plan Amendment and Zone Change. No other properties are included or affected by this General Plan Amendment and Zone Change.

EMINENT DOMAIN

At previous Planning Commission meetings, eminent domain was raised as a question and concern when it came to General Plan Amendment and/or Zone Change proposals.

A General Plan Amendment does not and cannot authorize the City to use eminent domain.

A Zone Change does not and cannot authorize the City to use eminent domain.
Should the City desire to consider eminent domain, the City would have to have the approval by the vote of the citizens of Montebello.

The proposed General Plan Amendment and Zone Change is not any form of eminent domain.

FISCAL IMPACT

No fiscal impact to the General Fund.

ATTACHMENT(S)

- DRAFT Resolution
- Public Hearing Notice
- Notice of Intent, Initial Study, and Negative Declaration
RESOLUTION NO. 39-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO RECOMMENDING THAT THE CITY COUNCIL CONDUCT A PUBLIC HEARING AND APPROVE THE GENERAL PLAN AMENDMENT (GPA02-19) TO CHANGE THE LAND USE DESIGNATION FROM HIGH-DENSITY RESIDENTIAL TO BOULEVARD AND ZONE CHANGE (ZC02-19) TO CHANGE THE ZONE FROM R-1 TO C-R FOR CONSISTENCY FOR THE PROPERTY LOCATED AT 429 NORTH MONTEBELLO BOULEVARD, AND CERTIFY THE NEGATIVE DECLARATION.

WHEREAS, the City has initiated a General Plan Amendment (GPA02-19) Land Use Designation from High-Density Residential to Boulevard and Zone Change (ZC02-19) from R-1 (Single Family Residential) zone to C-R (Commercial Residential) zone for consistency for the property located at 429 North Montebello Boulevard;

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 said project is considered a “project”, per the California Environmental Quality Act definition of a "project";

WHEREAS, an Initial Study was prepared that analyzed the potential environmental impacts and found no environmental impacts. A Negative Declaration was prepared and circulated for public review from September 26, 2019, to October 5, 2019;

WHEREAS, a Public Hearing Notice was published in the local newspaper (Montebello News) on October 3, 2019, and a Public Hearing Notice was mailed out on October 3, 2019 via the United States Postal Service (USPS);

WHEREAS, a duly noticed public hearing has been held, at which the Planning Commission received and considered staff presentations, recommendations, public testimony, and all other matters presented at the public hearing and included in the record for this matter, and all other legal prerequisites to the adoption of this Resolution have occurred; 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. The foregoing recitals are true and correct and are hereby
incorporated as substantive findings in this Resolution.

SECTION 2. The Planning Commission finds that pursuant to the Guidelines for Implementation of the California Environmental Quality Act, a Negative Declaration has been prepared and circulated for public review between September 26, 2019 to October 15, 2019, and found that the proposed project will not have any impact on the environment because no construction or development is a part of this general plan amendment and zone change and any future construction or development will be analyzed at the time of application for significant environmental impacts.

SECTION 3. The Planning Commission finds that the Public Hearing was properly noticed per the Montebello Municipal Code Section 17.78-030 – Notice of Public Hearing – Publication and Section 17.78.040 – Notice of Public Hearing – Notification of Surrounding Property Owners:

- Published in the local newspaper (Montebello News) on October 3, 2019, providing 12 days prior to the public hearing.
- Public Hearing Notice mailed to a 300-foot radius for both the property owners and property occupants on October 3, 2019 (per the data recorded with the Los Angeles County Assessor Office).

SECTION 4. The Planning Commission finds that the General Plan Amendment and Zone Change are in conformance with the General Plan goals 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.

SECTION 5. The Planning Commission finds that the General Plan Amendment and Zone Change affect only one property per the request of the property owner and will not include any other properties because the other properties expressed their displeasure previously and as such are not a part of this General plan Amendment and Zone Change.

SECTION 6. The Planning Commission finds that the General Plan Amendment and Zone Change does not authorize any form of eminent domain and as such no eminent domain is allowed through the General Plan Amendment and Zone Change.

SECTION 7. The Secretary to the Planning Commission shall attest to the adoption of this Resolution and forward the original to the City Clerk.

PASSED, APPROVED AND ADOPTED this 15th day of October 2019.

AYES:
NOES:
ABSENT:
ABSTAIN:
Sona Mooradian, Chair

ATTEST:

Matthew Feske
Secretary to the Planning Commission
NOTICE OF INTENT TO ADOPT
NEGATIVE DECLARATION

NOTICE OF PUBLIC HEARING
CITY OF MONTEBELLO PLANNING COMMISSION

CORRECTED

General Plan Amendment (GPA012-19) and Zone Change (ZCA02-19)
429 North Montebello Boulevard

Project Description: A General Plan Amendment (GPA02-19) to change the Land Use Designation from HDR (High Density Residential) to BLVD (Commercial Boulevard) and Zone Change (ZC02-19) from R-1 (Residential) to C-R (Commercial Residential) of the property located at 429 North Montebello Boulevard for consistency with the surrounding properties. No property or building modifications are a part of this zone change.

Environmental: An Initial Study recommending a Negative Declaration has been prepared and posted. The General Plan Amendment and Zone Change will have No Impact because no construction or development is a part of the General Plan Amendment and Zone Change. Any future development or construction will be analyzed for environmental impacts at the time of application. The 20-day public review period for the Initial Study of Environmental Impacts and Negative Declaration begins September 26, 2019, and ends October 15, 2019. Comments on the project and the related documents may be received in writing during this period and orally at the public hearing.

NOTICE IS HEREBY GIVEN that the City of Montebello Planning Commission will hold a public hearing on the Initial Study, Negative Declaration and proposed. The meeting is scheduled on:

Date: Tuesday, October 15, 2019
Time: 6:30 p.m.
Place: City Hall Council Chambers
1600 W. Beverly Blvd.
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: Matthew Feske
Phone: 323.887.1200 Fax: 323.887.1488
Email: mheske@cityofmontebello.com
Address: City of Montebello, City Hall, Planning Division, 1600 W. Beverly Blvd, Montebello, CA 90640
City Website: www.cityofmontebello.com
1. Project Title:
   Zone Change (ZC02-19)

2. Lead Agency Name and Address:
   City of Montebello
   1600 West Beverly Boulevard
   Montebello, CA 90640

3. Contact Person and Phone Number:
   Matthew Fesse
   323-887-1200

4. Project Location:
   The property 429 North Montebello Boulevard, Montebello, CA 90640

5. Project Sponsor's Name and Address:
   City of Montebello
   1600 West Beverly Boulevard
   Montebello, CA 90640

6. General Plan Designation:
   HDR (High Density Residential)

7. Zoning:
   R-1 (Single-Family Residential)

8. Description of Project:
   A General Plan Amendment (GPA02-19) to change the Land Use Designation from HDR
   (High-Density Residential) to BLVD (Commercial Boulevard) and Zone Change (ZC02-
   19) from R-1 (Residential) to C-R (Commercial Residential) of the property located at
   429 North Montebello Boulevard for consistency with the surrounding properties. No
   property or building modifications are a part of this zone change.

9. Surrounding Land Uses:
   Zoning
   North: C-2 (Commercial)
South: R-1 (Single-Family Residential)
East: C-2 (Commercial)
West: C-R (Commercial-Residential)

10. Land Use

   North: BLVD (Commercial Boulevard)
   South: LDR (Low-Density Residential)
   East: BLVD (Commercial Boulevard)
   West: HDR (High-Density Residential)

11. Other agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

   NONE
Environmental Factors Potentially Affected:
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

<table>
<thead>
<tr>
<th>Aesthetics</th>
<th>Agriculture Resources</th>
<th>Air Quality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biological Resources</td>
<td>Cultural Resources</td>
<td>Geology/Soils</td>
</tr>
<tr>
<td>Land Use/Planning</td>
<td>Mineral Resources</td>
<td>Noise</td>
</tr>
<tr>
<td>Population</td>
<td>Public Services</td>
<td>Recreation</td>
</tr>
<tr>
<td>Transportation/Traffic</td>
<td>Utilities/Service Systems</td>
<td>Mandatory Findings of Significance</td>
</tr>
</tbody>
</table>

**Determination:**
On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.  

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Prepared by:  
Signature  
Date  

Matthew Feske, Planning Manager  
Printed Name
Evaluation of Environmental Impacts:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," maybe cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XVII at the end of the checklist.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached and other sources used or individuals contacted should be cited in the discussion.
<table>
<thead>
<tr>
<th>Issues (and Supporting Information Sources):</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td><strong>I. AESTHETICS. Would the project:</strong></td>
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<tr>
<td>a. Have a substantial adverse effect on a scenic vista?</td>
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<td>X</td>
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<tr>
<td>b. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>c. Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?</td>
<td></td>
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<td>X</td>
</tr>
</tbody>
</table>

**Discussion:**

a. **No Impact.**
The proposed general plan amendment and zone change is not within a known or identified scenic vista.

b. **No impact.**
There are no state or county scenic highways in the City of Montebello.

c. **No Impact.**
The proposed general plan amendment and zone change will not degrade the existing visual character or quality of the site and its surroundings because there is not a proposed development with the zone change. Any future developments will be analyzed at the time of application.

d. **No Impact.**
The proposed general plan amendment and zone change do not include any lighting.

<table>
<thead>
<tr>
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<tbody>
<tr>
<td><strong>II. AGRICULTURE RESOURCES. Would the project:</strong></td>
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<tr>
<td>a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use?</td>
<td></td>
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<td>X</td>
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<tr>
<td>b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
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<td>X</td>
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<tr>
<td>c. Involve other changes in the existing environment that, due to their location or nature, could result in the conversion of Farmland to non-agricultural use?</td>
<td></td>
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<td></td>
<td>X</td>
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</tbody>
</table>
**Discussion:**

a. **No Impact.**
No Prime Farmland, Unique Farmland, or Farmland of Statewide Importance will be converted to a non-agricultural use because no farmland exists on-site and no farmland is within proximity to the subject site.

b. **No Impact.**
The proposed general plan amendment and zone change will not conflict with existing zoning for agricultural uses because the project site and surrounding area are not used for agricultural purposes and there is no conflict to the Williamson Act because no portion of the project site is within an agricultural zone.

c. **No Impact.**
The proposed general plan amendment and zone change are not located in or adjacent to any agricultural land.

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<tr>
<td>III. AIR QUALITY. Would the project:</td>
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<tr>
<td>a. Conflict with or obstruct implementation of the applicable air quality plan?</td>
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<tr>
<td>b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
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<td>X</td>
</tr>
<tr>
<td>c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?</td>
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<tr>
<td>d. Expose sensitive receptors to substantial pollutant concentrations?</td>
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<tr>
<td>e. Create objectionable odors affecting a substantial number of people?</td>
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</table>

**Discussion:**

a.–e. **No Impact.**
The proposed general plan amendment and zone change do not include any development.

<table>
<thead>
<tr>
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<tr>
<td>IV. BIOLOGICAL RESOURCES. Would the project:</td>
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<tr>
<td>a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td></td>
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<tr>
<td>b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
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<td>X</td>
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</table>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?  

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d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with an established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?  

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e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  

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</table>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation?  

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**Discussion:**

a. - f. No Impact  
The proposed general plan amendment and zone change is located in a developed, urbanized area that has been developed with commercial and residential land uses and no development is a part of the zone change. Any future proposed development will be analyzed at that time for any impacts. There are not any federally protected wetlands as defined by Section 404 of the Clean Water Act on the subject site or in the vicinity. Further, the proposed would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. Moreover, the proposed will not conflict with any local policies or ordinances protecting biological resources, provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation.

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<tr>
<td>V. CULTURAL RESOURCES. Would the project:</td>
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<tr>
<td>a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
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<tr>
<td>b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
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<td>X</td>
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<tr>
<td>c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td></td>
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<td>X</td>
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<tr>
<td>d. Disturb any human remains, including those interred outside of formal cemeteries?</td>
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</table>

**Discussion:**

a. – d. No Impact  
The proposed general plan amendment and zone change do not include any development.

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<tr>
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<tr>
<td>VI. GEOLOGY AND SOILS. Would the project:</td>
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</tr>
<tr>
<td>a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving (see items i through iv below):</td>
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</tbody>
</table>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication #2.

<table>
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<tr>
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ii) Strong seismic ground shaking?

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<tr>
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iii) Seismic-related ground failure, including liquefaction?

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iv) Landslides?

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</table>

b. Result in substantial soil erosion or the loss of topsoil?

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</table>

c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

<table>
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<tr>
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</table>

d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

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</table>

Discussion:

a. – d. **No Impact**
The proposed general plan amendment and zone change do not include any development.

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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>VII. GREENHOUSE GAS EMISSIONS. Would the project:</td>
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</tr>
<tr>
<td>a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
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<td>X</td>
</tr>
<tr>
<td>b. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?</td>
<td></td>
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Discussion:

a. – b. **No Impacts.**
The proposed general plan amendment and zone change do not include any development.

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<thead>
<tr>
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<tbody>
<tr>
<td>VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:</td>
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</tr>
<tr>
<td>a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
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<td>X</td>
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<tr>
<td>b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
<td></td>
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</table>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  

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d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?  

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e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?  

<table>
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</table>

f. For a project within the vicinity of a private airport, would the project result in a safety hazard for people residing or working in the project area?  

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<tr>
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g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  

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h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?  

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**Discussion:**

a.- h. **No Impact.**

The proposed general plan amendment and zone change do not include any development.

### ISSUES (AND SUPPORTING INFORMATION SOURCES):

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</table>

### VIII. HYDROLOGY AND WATER QUALITY. Would the project:

a. Violate any water quality standards or waste discharge requirements?  

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<tr>
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<th>No Impact</th>
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</table>

b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?  

<table>
<thead>
<tr>
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<th>No Impact</th>
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</table>

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?  

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
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<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</table>

d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?  

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
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<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</tbody>
</table>
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?  

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
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<th>No Impact</th>
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<tbody>
<tr>
<td>X</td>
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f. Otherwise substantially degrade water quality?  

<table>
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<th>No Impact</th>
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<tbody>
<tr>
<td>X</td>
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</table>

g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  

<table>
<thead>
<tr>
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<tr>
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</table>

h. Place within a 100 year flood hazard area structures that would impede or redirect flood flows?  

<table>
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<tr>
<th>Potentially Significant Impact</th>
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<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>X</td>
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</table>

i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?  

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
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<th>No Impact</th>
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<tbody>
<tr>
<td>X</td>
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</table>

j. Inundation of seiche, tsunami, or mudflow?  

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>X</td>
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</table>

Discussion:

a. - j. No Impact.
The proposed general plan amendment and zone change do not include any development.

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<thead>
<tr>
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<tbody>
<tr>
<td>IX. LAND USE AND PLANNING. Would the project:</td>
<td></td>
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<tr>
<td>a. Physically divide an established community?</td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c. Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
</tbody>
</table>

Discussion:

a. - c. No Impact.
The proposed general plan amendment and zone change do not include any development.

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>X. MINERAL RESOURCES. Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land-use plan?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Discussion:

a. - b. No Impact.
The proposed is located in a developed urbanized area and has partially been developed with residential use for many years and does not contain any known mineral resources that will be of value to the region and the residents of the State as a whole.
<table>
<thead>
<tr>
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<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>XI. NOISE. Would the project result in:</td>
<td></td>
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</tr>
<tr>
<td>a. Exposure of persons to or generation of</td>
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<td></td>
<td></td>
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<tr>
<td>noise levels in excess of standards</td>
<td></td>
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<tr>
<td>established in the local general plan or</td>
<td></td>
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<tr>
<td>noise ordinance, or applicable standards</td>
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<tr>
<td>of other agencies?</td>
<td></td>
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<td></td>
<td>X</td>
</tr>
<tr>
<td>b. Exposure of persons to or generation of</td>
<td></td>
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<td>X</td>
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<tr>
<td>excessive groundborne vibration or</td>
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<tr>
<td>groundborne noise levels?</td>
<td></td>
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<tr>
<td>c. A substantial permanent increase in</td>
<td></td>
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<tr>
<td>ambient noise levels in the project vicinity</td>
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<tr>
<td>above levels existing without the project?</td>
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<tr>
<td>d. A substantial temporary or periodic</td>
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<tr>
<td>increase in ambient noise levels in the</td>
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<tr>
<td>project vicinity above levels existing</td>
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<tr>
<td>without the project?</td>
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<td>X</td>
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<tr>
<td>e. For a project located within an airport</td>
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<tr>
<td>land use plan or, where such a plan has</td>
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<td>X</td>
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<tr>
<td>not been adopted, within two miles of a</td>
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<tr>
<td>public airport or public use airport, would</td>
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<tr>
<td>the project expose people residing or</td>
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<tr>
<td>working in the project area to excessive</td>
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<tr>
<td>noise levels?</td>
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<tr>
<td>f. For a project within the vicinity of a</td>
<td></td>
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<td>X</td>
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<tr>
<td>private airstrip, would the project</td>
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<tr>
<td>expose people residing or working in the</td>
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<tr>
<td>project area to excessive noise levels?</td>
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</tbody>
</table>

Discussion:

a. and f. **No Impact**.

The proposed general plan amendment and zone change do not include any development.

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<thead>
<tr>
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<tbody>
<tr>
<td>XII. POPULATION AND HOUSING. Would the project:</td>
<td></td>
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</tr>
<tr>
<td>a. Induce substantial population growth in</td>
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<tr>
<td>an area, either directly (for example, b</td>
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<tr>
<td>proposing new homes and businesses) or</td>
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<tr>
<td>indirectly (for example, through</td>
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<td>X</td>
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<tr>
<td>extension of roads or other infrastructure)?</td>
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<tr>
<td>b. Displace substantial numbers of existing</td>
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<td>X</td>
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<tr>
<td>housing, necessitating the construction of</td>
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<tr>
<td>replacement housing elsewhere?</td>
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<tr>
<td>c. Displace substantial number of people,</td>
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<tr>
<td>necessitating the construction of</td>
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<tr>
<td>replacement housing elsewhere?</td>
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Discussion:

a. – c. **No Impact**.

The proposed general plan amendment and zone change do not include any development.

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<tbody>
<tr>
<td>XIII. PUBLIC SERVICES.</td>
<td></td>
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</tr>
</tbody>
</table>
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

<table>
<thead>
<tr>
<th>Service</th>
<th>Impact</th>
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<tbody>
<tr>
<td>Fire protection?</td>
<td>X</td>
</tr>
<tr>
<td>Police protection?</td>
<td>X</td>
</tr>
<tr>
<td>Schools?</td>
<td>X</td>
</tr>
<tr>
<td>Parks?</td>
<td>X</td>
</tr>
<tr>
<td>Other public facilities?</td>
<td>X</td>
</tr>
</tbody>
</table>

**Discussion:**

a. Fire Protection: **No Impact**
The proposed general plan amendment and zone change do not include any development.

Police Protection: **No Impact**
The proposed general plan amendment and zone change do not include any development.

Schools: **No Impact**
The proposed general plan amendment and zone change do not include any development.

Parks and other Public Facilities: **No Impact**
The proposed general plan amendment and zone change do not include any development.

---

**XIV. RECREATION.**

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?</td>
<td>X</td>
<td></td>
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</tbody>
</table>

**Discussion:**
a. - b. **No Impact.**
The proposed general plan amendment and zone change do not include any development.

---

**XV. TRANSPORTATION/TRAFFIC.** Would the project:

a. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio or roads, or congestion at intersections)?

<table>
<thead>
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<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>a. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio or roads, or congestion at intersections)?</td>
<td></td>
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</tbody>
</table>

19
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?  

<table>
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</thead>
<tbody>
<tr>
<td>b. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
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<td>x</td>
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<tr>
<td>e. Result in inadequate emergency access?</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>f. Result in inadequate parking capacity?</td>
<td></td>
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<td>x</td>
</tr>
<tr>
<td>g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus, turnouts, bicycle racks)?</td>
<td></td>
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<td>x</td>
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</table>

Discussion:

a. – g. No Impact
The proposed general plan amendment and zone change do not include any development.

XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing significant environmental effects?</td>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td></td>
<td></td>
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<td>x</td>
</tr>
<tr>
<td>d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td></td>
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<td>x</td>
</tr>
<tr>
<td>e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</td>
<td></td>
<td></td>
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<td>x</td>
</tr>
<tr>
<td>f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</td>
<td></td>
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<tr>
<td>g. Comply with federal, state, and local statutes and regulations related to solid waste?</td>
<td></td>
<td></td>
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</table>

Discussion:

a. – g. No Impact
The proposed general plan amendment and zone change do not include any development.
<table>
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<tr>
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</thead>
<tbody>
<tr>
<td>a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b. Does the project have impacts that are individually limited, but cumulatively considerable? (&quot;Cumulatively considerable&quot; means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**Discussion:**

a.- c. **NO IMPACT**

The proposed general plan amendment and zone change do not include any development.

**INITIAL STUDY REFERENCE DOCUMENTS**

1. CEQA Air Quality Handbook, South Coast Air Quality Management District, revised 1993
2. FEMA Flood Insurance Rate Map, the City of Montebello, Community Panel Number 060141-0002C, Panel 2 of 2, January 2002
3. City of Montebello General Plan
City of Montebello
Planning Commission Agenda Staff Report

TO: Honorable Chair and Members of the Planning Commission
FROM: Manuel A. Mancha, Community Development Director
SUBJECT: Zone Code Amendment (ZCA07-19) to amend Title 17 of the Montebello Municipal Code to allow Electric Fence in Commercial and Industrial zones.
DATE: November 5, 2019

RECOMMENDATION

Adopt Planning Commission Resolution approving Zone Code Amendment (ZCA07-19) to amend Title 17 of the Montebello Municipal Code to allow electric fence within the City's Commercial and Industrial zones with development standards.

Background

On October 1, 2019, the Planning Commission reviewed a Zone Text Amendment to allow electric fences within the City's Commercial and Industrial zones. During the public hearing, staff presented a staff report and gave a verbal presentation on the proposed amendment. The Planning Commission was given an opportunity to hear public testimony on the proposed amendment before deciding to support or deny the applicant's request. Upon the information provided during the meeting, the Planning Commission directed the City Attorney's to research the issue of the property owners indemnify and hold harmless the City of Montebello if approved.

On October 15, 2019, the City Attorney presented her research on the issue of the property owner indemnify and hold harmless the City of Montebello. The information provided was discussed, and the Planning Commission directed staff to prepare a resolution and ordinance to allow electrical fences in Commercial and Industrial zones. An Ordinance was prepared along with development standards to ensure electric fences do not become a nuisance to the City as well as protect the health, safety, and welfare of its residents. The Planning Commission verbally schedule the proposed Zone Code Amendment to the November 5, 2019, Planning Commission Meeting for review.

DISCUSSION

Staff has created development standards for electric fences which will amend Title 17, Section 17.10.130 to add electric fences with development standards in the Municipal Code are as follow:

17.10.130 - Development standards—Walls, fences, and hedges.

D. All screening or fencing visible from the public rights-of-way shall be composed of:

1. Decorative masonry walls (slumpstone, stuccoed, split-face or similar):
2. Evergreen shrubs closed spaced and maintained in a healthy and
attractive state;
3. Wooden fencing of adequate aesthetic and structural quality (no plywood sheeting);
4. Decorative wrought iron,
5. Electric Fence, or
5-6. Other materials, if found by the planning commission to be architecturally or aesthetically in keeping with the building and the neighborhood.

However, in no event shall corrugated or sheet metal, fiberglass, or any plastic material ...

E. Electric Fences. No electric fence shall be installed or used unless first approved by the Community Development Planning Director or his designee as used herein,

1. “Electric Fence” means any fence that meets the following requirements.
   a. The fence is powered by an electrical energizer with both of the following output characteristics:
      (1) The impulse repetition rate does not exceed 1 hertz (Hz).
      (2) The impulse duration does not exceed ten milliseconds or 10/10,000 of a second.
   b. The fence is used to protect and secure commercial or industrial property.

2. An owner of real property may install and operate an electrified fence on their property subject to all of the following:
   a. The property is located in a Commercial and Industrial zone.
   c. The fence is identified by prominently placed warning signs that are legible from both sides of the fence. At a minimum, the warning signs shall meet all of the following criteria:
      (1) The warning signs are placed at each gate and access point, and at intervals along the fence not exceeding 30 FT.
      (2) The warning signs are adjacent to any other signs relating to chemical, radiological, or biological hazards.
      (3) The warning signs are marked with a written warning or a commonly recognized symbol for shock, a written warning or a commonly recognized symbol to warn people with pacemakers, and a written warning or commonly recognized symbol about the danger of touching the fence in wet conditions.
   d. Within Commercial zoning districts, an electrified fence shall not exceed 10 ft. in height.
   e. Within industrial zoning districts, an electrified fence shall not exceed 16 ft. in height.
f. The proposed fence shall be located behind a fully enclosed perimeter wall or fence that is no less than 2 ft below the height of the electrified fence.

g. A "Knox Box Electrical Shunt Switch" and a "Knox Box" or other similarly approved devices, shall be installed for emergency access of Police and Fire Departments.

h. By issuance of a building and/or electrical permit to install or use an electric fence as provided by this subsection, the applicant and property owner shall agree, as a condition of permit issuance, to defend, indemnify and hold harmless the City of Montebello and its agents, officers, consultants, independent contractors, and employees, from any and all claims, actions, or proceedings arising out of any personal injury, including death or property damage caused by the electrified fence.

i. In the event that access by the City of Montebello Fire Department and/or Police Department personnel to a property where a permitted electrified fence has been installed and is operating required due to an emergency or urgent circumstances, and the Knox Box or other similar approved device referred to in this Subsection is absent or non-functional, and an owner, manager, employee, custodian, or any other person with control over the property, is not present to disable the electric fence, the fire or police personnel shall be authorized to disable the electrified fence in order to gain access to the property. As a condition of the permit issued, the applicant shall install or use the electric fence as provided in this Subsection. The applicant will agree to waive any and all claims for damages of the electric fence against the City of Montebello and/or its personnel under such circumstances.

j. It shall be unlawful, and a misdemeanor for any person to install maintains or operates an electrified fence in violation of this Subsection.

ENVIRONMENTAL

Zone Code Amendment (ZCA16-19) is not considered a "project," per the California Environmental Quality Act definition of a "project," and no further CEQA analysis is required.

FISCAL IMPACT

No fiscal impact.

ATTACHMENT(S)

- Draft Resolution
- Draft Ordinance
- Staff Report for October 1, 2019
RESOLUTION NO. 38-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO RECOMMENDING TO THAT THE CITY COUNCIL APPROVE ZONE CODE AMENDMENT (ZCA07-19) TO THE MONTEBELLO MUNICIPAL CODE TO ALLOW ELECTRIC FENCE IN THE COMMERCIAL AND INDUSTRIAL ZONES

WHEREAS, the City of Montebello ("City") is a general law city, incorporated under the laws of the State of California, and has the power to make and enforce with its jurisdictional limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws of the state;

WHEREAS, the applicant, Electric Guard Dog, LLC has initiated a Zone Code Amendment (ZCA07-19) to allow electric fence in commercial and industrial zones;

WHEREAS, the Planning Commission of the City of Montebello has giving notice as required by law, held a public hearing concerning Zone Code Amendment (ZCA07-19) on November 5, 2019;

WHEREAS, the Zone Code Amendment (ZCA07-19) is not considered a "project," per the California Environmental Quality Act definition of a "project";

WHEREAS, a duly noticed public hearing has been held, at which the Planning Commission received and considered testimony, all other matters presented at the public hearing, and included in the record for this matter; 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. The foregoing recitals are true and correct and are hereby incorporated as substantive findings in this Resolution.

1. The proposed amendment will promote the public health, safety and general welfare of the citizens of the City,
2. The proposed change is in conformance with the purpose of all applicable, officially adopted policies and plans;
3. The proposed amendment will not be detrimental to the persons or properties in the immediate vicinity nor to the City in general, as conditioned.
4. The proposed amendment will be consistent with the City’s General Plan’s goals and objectives and the Zoning Ordinance’s intent and purpose.
SECTION 2. That the Planning Commission finds and declares that the Zoning Code Amendment (ZCA07-19) is not subject to environmental review pursuant to Sections 15060(c)(2) and 15060(c)(3) of the State Guidelines for Implementation of the California Environmental Quality Act ("CEQA"). Sections 15060(c)(2) and 15060(c)(3) pertain to activities that will not result in a direct or reasonably foreseeable indirect change to the environment and that are not defined as a project under Section 15378.

SECTION 3. That the Planning Commission hereby finds that the attached Ordinance is consistent with and furthers the objectives and policies of the City’s General Plan and therefore recommends that the City Council adopt and approve said Ordinance.

PASSED, APPROVED, AND ADOPTED this 5th day of November 2019.

AYES:
NOES:
ABSENT:
ABSTAIN:

________________________________________
Sona Mooradian, Chair

ATTEST:

________________________________________
Manuel A. Mancha
Secretary to the Planning Commission
ORDINANCE NO. ___

AN ORDINANCE OF THE CITY OF MONTEBELLO, CALIFORNIA, FOR A ZONE CODE AMENDMENT (ZCA07-19) TO AMEND TITLE 17 OF THE MONTEBELLO MUNICIPAL CODE TO ALLOW ELECTRIC FENCES IN COMMERCIAL AND INDUSTRIAL ZONES

WHEREAS, the City of Montebello ("City") is a general law city, incorporated under the laws of the State of California, and has the power to make and enforce with its jurisdictional limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws of the State;

WHEREAS, the City has initiated a Zone Code Amendment (ZCA07-19) which would allow electric fences in commercial and industrial zones;

WHEREAS, on November 5, 2019, the Planning Commission conducted a duly noticed public hearing and adopted a Planning Commission Resolution to recommend that the City Council of the City of Montebello approve the Zone Code Amendment (ZCA07-19); and

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

NOW, THEREFORE, the City Council of the City of Montebello ordains as follows:

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

1. The proposed amendment will promote the public health, safety and general welfare of the citizens of the city;
2. The proposed change is in conformance with the purpose of all applicable, officially adopted policies and plans;
3. The proposed amendment will not be detrimental to the persons or properties in the immediate vicinity nor to the City in general, as conditioned.
4. The proposed amendment will be consistent with the City's General Plan's goals and objectives and the Zoning Ordinance's intent and purpose.

SECTION 2. Section 17.10.130, of Chapter 17 of the Municipal Code is hereby amended as follows:

17.10.130 - Development standards—Walls, fences, and hedges.
D. All screening or fencing visible from the public rights-of-way shall be composed of:

1. Decorative masonry walls (slumpstone, stuccoed, split-face or similar);
2. Evergreen shrubs closed spaced and maintained in a healthy and attractive state;
3. Wooden fencing of adequate aesthetic and structural quality (no plywood sheeting);
4. Decorative wrought iron.
5. Electric Fence, or
6. Other materials if found by the planning commission to be architecturally or aesthetically in keeping with the building and the neighborhood.

However, in no event shall corrugated or sheet metal, fiberglass or any plastic material ...

E. Electric Fences: No electric fence shall be installed or used unless first approved by the Community Development Planning Director or his designee as used herein.

1. "Electric Fence" means any fence that meets the following requirements.

   a. The fence is powered by an electrical energizer with both of the following output characteristics:
      (1) The impulse repetition rate does not exceed 1 hertz (Hz).
      (2) The impulse duration does not exceed 10 milliseconds or 10/10,000 of a second.
   b. The fence is used to protect and secure commercial or industrial property.

2. An owner of real property may install and operate an electrified fence on their property subject to all of the following:

   a. The property is located in a Commercial and Industrial zone.
   c. The fence is identified by prominently placed warning signs that are legible from both sides of the fence. At a minimum, the warning signs shall meet all of the following criteria:

      (1) The warning signs are placed at each gate and access point, and at intervals along the fence not exceeding 30 FT.
      (2) The warning signs are adjacent to any other signs relating to chemical, radiological, or biological hazards.
      (3) The warning signs are marked with a written warning or a commonly recognized symbol for shock, a written warning or a commonly recognized symbol to warn people with pacemakers, and a written
warning or commonly recognized symbol about the danger of touching the fence in wet conditions.

d. Within Commercial zoning districts, an electrified fence shall not exceed 10 ft. in height.

e. Within industrial zoning districts, an electrified fence shall not exceed 16 ft. in height.

f. The proposed fence shall be located behind a fully enclosed perimeter wall or fence that is no less than 2 ft. below the height of the electrified fence.

g. A "Knox Box Electrical Shunt Switch" and a "Knox Box" or other similarly approved devices, shall be installed for emergency access of Police and Fire Departments.

h. By issuance of a building and/or electrical permit to install or use an electric fence as provided by this subsection, the applicant and property owner shall agree, as a condition of permit issuance, to defend, indemnify and hold harmless the City of Montebello and its agents, officers, consultants, independent contractors, and employees, from any and all claims, actions, or proceedings arising out of any personal injury, including death or property damage caused by the electrified fence.

i. In the event that access by the City of Montebello Fire Department and/or Police Department personnel to a property where a permitted electrified fence has been installed and is operating required due to an emergency or urgent circumstances, and the Knox Box or other similar approved device referred to in this Subsection is absent or non-functional, and an owner, manager, employee, custodian, or any other person with control over the property, is not present to disable the electric fence, the fire or police personnel shall be authorized to disable the electrified fence in order to gain access to the property. As a condition of the permit issued, the applicant shall install or use the electric fence as provided in this Subsection. The applicant will agree to waive any and all claims for damages of the electric fence against the City of Montebello and/or its personnel under such circumstances.

j. It shall be unlawful, and a misdemeanor for any person to install maintains or operates an electrified fence in violation of this Subsection.

SECTION 3. CEQA. The Zoning Code Amendment is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines. Sections 15060(c)(2) and 15060(c)(3) pertain to activities that will not result in a direct or reasonably foreseeable indirect change to the environment and that are not defined as a project under Section 15378.
SECTION 4. SEVERABILITY. If any section, subsection, line, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid or unconstitutional, either facially or as applied, by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Montebello hereby declares that it would have passed this Ordinance, and each and every individual section, subsection, line, sentence, clause, phrase, or word without regard to any such decision.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after approval by the City Council.

SECTION 6. PUBLICATION. The City Clerk shall certify to the adoption of this Ordinance causing it to be posted as required by law.

PASSED AND ADOPTED this DAY _____ day of _____, 2019.

________________________________
Jack Hadjinian, Mayor

APPROVED AS TO FORM: ATTEST:

________________________________
Arnold M. Alvarez-Glasman Irma Barajas
City Attorney City Clerk

OA:PLANNING\DIV\Zone Code Amendment\2019\PC 10-15-2019 - ZCA - Electric Fence\PC 10-15-2019\Electric Fence 2019- ORD_ g*
edit 16 29 2019.docx
CERTIFICATION

STATE OF CALIFORNIA )
COUNTY OF LOS ANGELES ) ss.
CITY OF MONTEBELLO )

I, Irma Barajas, City Clerk of the City of Montebello, do hereby certify that the foregoing Ordinance No. ________ was introduced on ________ ____, 2019, and duly adopted by the City Council of the City of Montebello at their regular meeting on ________ ____, 2019, and carried by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City on this ____ day of ________ 2019.

________________________
Irma Barajas, City Clerk
City of Montebello

Planning Commission Agenda Staff Report

TO: Honorable Chair and Members of the Planning Commission

FROM: Matthew Feske, Planning Manager

SUBJECT: CONTINUED - Zone Code Amendment (ZCA07 19) to amend Title 17 of the Montebello Municipal Code to add electric fence as an allowed fence material.

DATE: October 1, 2019

RECOMMENDATION

Adopt Planning Commission Resolution denying Zone Code Amendment (ZCA07-19) to amend Title 17 of the Montebello Municipal Code to add electric fence as an allowed fence material.

SUMMARY FROM PREVIOUS STAFF REPORT

Staff and the Planning Commissions have been consistent in not allowing razor wire or barb wire due to safety concerns and liability concerns to the City. Electric fence material would be the same as razor wire or barb wire. Electric fences produce an electrical current that when in contact creates an electrical shock with the purpose to cause enough harm or discomfort to prevent additional contact.

Staff has expressed concern of the safety and liability issues with the applicant and at a previous Planning Commission meeting, where the Planning Commission denied the electric fence material.

ATTACHMENT(S)

- July 16, 2019 Staff Report, Resolution, and Survey
- August 6, 2019 Staff Report – Continuation
- September 17, 2019 Staff Report - Continuation
City of Montebello

Planning Commission Agenda Staff Report

TO: Honorable Chair and Members of the Planning Commission
FROM: Matthew Feske, Planning Manager
SUBJECT: Zone Code Amendment (ZCA07-19) to amend Title 17 of the Montebello Municipal Code to add electric fence as an allowed fence material.
DATE: July 16, 2019

RECOMMENDATION

Adopt Planning Commission Resolution denying Zone Code Amendment (ZCA07-19) to amend Title 17 of the Montebello Municipal Code to add electric fence as an allowed fence material.

PROJECT DESCRIPTION

The Zone Code Amendment would amend the Montebello Municipal Code, Title 17, Section 17.10.130 to add electric fence as an allowed fence material.

17.10.130 - Development standards—Walls, fences and hedges.
D. All screening or fencing visible from the public rights-of-way shall be composed of:
1. Decorative masonry walls (slumpstone, stuccoed, split-face or similar);
2. Evergreen shrubs closed spaced and maintained in a healthy and attractive state;
3. Wooden fencing of adequate aesthetic and structural quality (no plywood sheeting);
4. Decorative wrought iron,
5. Electric Fence, or
6. Other materials if found by the planning commission to be architecturally or aesthetically in keeping with the building and the neighborhood.

However, in no event shall corrugated or sheet metal, fiberglass or any plastic material...

ANALYSIS

Zone Code Amendment is being requested by the applicant so that additional security options can be installed. In addition, the applicant has stated that the electric fence is safe in that the electric fence can be grabbed and the electricity goes in pulses, but does not generate enough electricity to do bodily harm or damage.

Property owners have requested previously for razor wire or barb wire stating security reasons...
and that these types of fence material will only cause minimal damage. The same type of statements as the electric fence. Staff and the Planning Commission have been consistent in not allowing razor wire or barb wire due to safety concerns and liability concerns to the City.

Electric fence material would be the same as razor wire or barb wire. Electric fences produce an electrical current that when in contact creates an electrical shock with the purpose to cause enough harm or discomfort to prevent additional contact. There are many advances and safety elements that have been introduced over the years for electric fences, however the main function of electric fences remains the same – produce an electrical current and when contacted discharge an electric current.

Staff has expressed concern, with the applicant and at a previous Planning Commission meeting, the safety and liability with electric fences. The safety concerns are: (i) injury to person(s) or animal(s) who come in contact with the electric fence; (ii) electrical archs to nearby person(s), animal(s), and/or material(s); and (iii) potential fire hazard. The liability concerns placed with the City or the electric fence that causes damage or harm or fire.

In addition, as the applicant previously stated, the electric fence produces electric pulses that are uncomfortable but not strong enough to do harm. If the purpose of the electric fence is to prevent intruders, being momentarily uncomfortable would not be much of a diterant.

ENVIRONMENTAL

Zone Code Amendment (ZCA16-19) are not considered a “project”, per the California Environmental Quality Act definition of a “project” and no further CEQA analysis is required.

FISCAL IMPACT

No fiscal impact.

ATTACHMENT(S)

- Resolution
- Public Hearing Notice
- Surrounding Cities Survey
RESOLUTION NO. ##-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO DENYING ZONE CODE AMENDMENT (ZCA07-19) TO THE MONTEBELLO MUNICIPAL CODE TO ADD ELECTRIC FENCE AS AN ALLOWED FENCE MATERIAL.

WHEREAS, the City of Montebello ("City") is a general law city, incorporated under the laws of the State of California, and has the power to make and enforce with its jurisdictional limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws of the state;

WHEREAS, the applicant, Electric Guard Dog, LLC has initiated a Zone Code Amendment (ZCA07-19) to add electric fence as an allowed fence material;

WHEREAS, the Planning Commission of the City of Montebello, after giving notice as required by law, held a public hearing concerning Zone Code Amendment (ZCA07-19) on July 16, 2019;

WHEREAS, the Zone Code Amendment (ZCA07-19) is not considered a "project", per the California Environmental Quality Act definition of a "project";

WHEREAS, a duly notice public hearing has been held, at which the Planning Commission received and considered testimony, all other matters presented at the public hearing, and included in the record for this matter; 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. The foregoing recitals are true and correct and are hereby incorporated as substantive findings in this Resolution.

SECTION 2. That the Planning Commission hereby finds that Zone Code Amendment (ZCA07-19) is denied because the proposed electric fence material poses a safety issue for the public, is not aesthetically in keeping with the surrounding neighborhood, and is not consistent with the objectives and policies General Plan.

PASSED, APPROVED AND ADOPTED this 16th day of July, 2019.

AYES:

NOES:
ABSENT:

ABSTAIN:

ATTEST:

Sona Mooradian, Chair

Matthew Feske
Secretary to the Planning Commission
NOTICE OF PUBLIC HEARING
CITY OF MONTEBELLO PLANNING COMMISSION

Zone Code Amendment (ZCA07-19)
Citywide

Project Description: A Zone Code Amendment by Electric Guard Dog, LLC to amend Title 17 of the Montebello Municipal Code to add electric fences as an allowed fence material.

Environmental: The proposal is not considered a "Project" under the California Environmental Act (CEQA).

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, July 16, 2019
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: Matthew Feske
Phone: 323.887.1200 Fax: 323.887.1488
Email: mjeske@cityofmontebello.com
Address: City of Montebello, City Hall, Planning Division, 1600 W. Beverly Blvd, Montebello, CA 90640
City Website: www.cityofmontebello.com
Electric Fencing Requirements Survey

**Commerce**
Prohibited

**Pico Rivera**
Prohibited

**Rosemead**
Prohibited

**Downey**
Prohibited

**La Mirada**
Prohibited

**El Monte**
Prohibited

**South El Monte**
Prohibited

**Baldwin Park**
Prohibited

**Ontario**
Allowed for commercial and industrial zones, prohibited for residential zones
TO: Honorable Chair and Planning Commissioners

DATE: November 5, 2019

FROM: Manuel Mancha, Director of Planning and Community Development

BY: Louis Morales, Planning Project Consultant

SUBJECT: Conditional Use Permit No. CUP 26-19 to allow a cannabis Non-Store Front Retail Delivery service and Distribution within an existing building located at 8127 Slauson Avenue (APN 6354-030-003)

RECOMMENDATION:

Conduct a public hearing and, upon conclusion, adopt Resolution: (1) approving Conditional Use Permit No. CUP 26-19 with conditions and adopting a CEQA exemption; (2) denying Conditional Use Permit No. CUP 26-19); or (3) continue or table the public hearing to a date certain.

PROJECT/APPLICANT INFORMATION

Project Location: 8127 Slauson Avenue.
APN Information: 6354-030-003.
Project Applicant: Telem Enterprises, LLC (Jonatan Cvetko, Representative).
Property Owner: Slauson Avenue Properties.
General Plan Designation: Industrial.
Zoning: M-2 (Heavy Manufacturing).
Existing Use on Property: The property is 19,810 square feet (.45 acres) and is developed with an existing 1-story 16,415 square-foot industrial type building that was built in 1957. The building is currently occupied with an industrial use (Allied Exhaust Systems).

PRIOR PLANNING COMMISSION ACTIONS

None.

SURROUNDING LAND USE

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<tr>
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</tr>
<tr>
<td>West</td>
<td>M-2</td>
<td>Industrial</td>
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**BACKGROUND**

On September 13, 2017, the City adopted Ordinance No. 2399 adding Chapter 5.90 entitled Cannabis Cultivation, Manufacturing, Distribution, and Testing with a required Development Agreement and Conditional Use Permit.

On June 13, 2018, the City adopted Ordinance No. 2404 adding Delivery-Only retailers along with Cultivation, Manufacturing, and Testing as conditionally approved activities/uses in the M-1 and M-2 zones with a Development Agreement (DA) and also adding a sensitive use buffer of 600-feet from residential zones.

On February 13, 2019 the City Council held a public hearing and recommended the selection of potential cannabis operators for Phase 3 consideration and adoption of fees. The City Council selected 21 potential operators and established a Conditional Use Permit filing due date of March 4, 2019 for said operators. During this process a list of Phase 2 applicants was established, which contained three applicants. One of the applicants was Telem Enterprise, LLC.

On July 3, 2019 the Cannabis Ad Hoc Committee provided the Phase 2 applicants with the opportunity to submit for a conditional use permit.

On October 7, 2019, CUP 26-19 application submitted by Telem Enterprises, LLC for cannabis Non-Store Front Retail delivery and Distribution was determined to be complete.

**PROJECT DESCRIPTION**

The project site is located on the north side of Slauson Avenue between Chapin Road and Bluff Road and commonly known as 8127 Slauson Avenue in the M-2 (Heavy Manufacturing) zone. The project site is approximately 19,810 square feet (.45 acres) and is improved with an existing 16,415 square feet.

The project under CUP 26-19 by Telem Enterprises, LLC will use a portion of the existing building, approximately 7,600 square feet and will consist of Non-Store Front Retail delivery and Distribution only. The proposed cannabis use will have access to 4 parking spaces that are being created by the applicant along with 1 loading space. The property is considered nonconforming relative to parking and is being considered under Chapter 17.54 Nonconforming Uses and Structures of the Montebello Code. The project does not propose any additions or exterior improvements and will only consists of interior tenant improvements with uses broken down as follows:

| Distribution and Non-Store Front retail delivery | 1,500 sq. ft. |
| Distribution | 2,702 sq. ft. |
| Storage area | 3,398 sq. ft. |
| Total Area | 7,600 sq. ft. |
Traffic and Parking

The site is approximately 45 acres and has two existing access points (driveways) for ingress and egress located on Slauson Avenue. The driveways lead into each of the two existing loading spaces located at each corner of the building. The project is proposed for cannabis Non-Store Front Retail delivery and Distribution and falls under the category of a warehouse/distribution use. Thus, the operation will have limited employees compared to other typical industrial, warehouse, and distribution uses. This translates to less AM and PM peak hour trips.

The building space proposed for the business is 7,600 square feet. The current parking requirement for warehouse/distribution is 1 parking space/1000 square feet or 8 parking spaces. Currently there is no vehicle circulation nor any parking provided on-site. Vehicles currently park in the front of the buildings in unmarked stalls where the minimum parking standards are not met. The proposed parking layout allows for the inclusion of 4 legal parking spaces and 1 loading space that meet the minimum parking standards. Although the proposed parking falls short of meeting the minimum parking requirements, it will improve the existing conditions and enable vehicles to maneuver on-site and drive forward off the site without backing onto Slauson Avenue.

The property was developed with the existing 16,415 square-foot building in 1957 at a time when parking was less restrictive and under different conditions. As a result, the building is considered a nonconforming structure. Chapter 17.54 Nonconforming Uses and Structures of the Montebello Code of Ordinances states that, "Nonconforming uses and structures that were lawful when prior to any amendments applying current standards through ordinances may be used and maintained, provided there is no alteration, addition or enlargement to any use, building or structure." The Applicant is not proposing and will not be making any alterations to enlarge the existing building and will continue to operate under the nonconforming provision of the Montebello Code.

The cannabis operation will not be open to the public, there will be limited to no visitors to the site/business location and therefore minimizes additional parking. This will also be a condition of approval. To ensure compliance, this will also be a condition of approval.

CEQA

The Conditional Use Permit No. CUP 26-19 application is considered a "project", per the California Environmental Quality Act definition of a "project and is categorically exempt under the California Environmental Act (CEQA) Section §15301 (Existing Facilities) Class 1 consists of projects characterized as existing facilities meeting the conditions described in this section:

1. The project consist of the operation repair, maintenance, permitting, leasing, licensing, or minor alterations of existing private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing of former use.

2. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The proposed use is a conditionally approved with the established M-2 zone designation.

3. The proposed development occurs within city limits on a project site of no more than five
acres substantially surrounded by urban uses. The proposed project will be located with the existing structures and does not proposed any additions. The project site is .45 acres.

4. The project site has no value as habitat for endangered, rare or threatened species. The Site is completely developed with an approximately 16,415 square-foot building.

5. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The proposed project as cannabis Non-Store Front Retail delivery and distribution will reduce traffic as this type of use has less employees than typical industrial uses and will have limited to zero customers/visitors from the general public, which will further reduce vehicle trip counts for AM and PM peak hours.

6. The site can be adequately served by all required utilities and public services. The building(s) exists and currently has all the necessary and required utilities.

ANALYSIS

The subject project site is located at 8127 Slauson Avenue (APN 6354-030-003). The General Plan Land Use Designation is Industrial and the zone is M-2 (Heavy Manufacturing). The following is a code analysis of the proposed project:

<table>
<thead>
<tr>
<th>Code</th>
<th>Standard</th>
<th>Proposed/Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>None</td>
<td>19,810 sq. ft. or .45 acres</td>
</tr>
<tr>
<td>Lot Width</td>
<td>None</td>
<td>103.66 ft. +/- (existing)</td>
</tr>
<tr>
<td>Lot Depth</td>
<td>None</td>
<td>160 ft. +/- (existing)</td>
</tr>
<tr>
<td>Building Height</td>
<td>35 feet</td>
<td>20 ft. (existing)</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>3:1 (59,430 sq. ft. max)</td>
<td>16,415 +/- sq. ft. (existing) 7,600 sq. ft. CUP 26-19</td>
</tr>
<tr>
<td>Loading Spaces</td>
<td>1 space</td>
<td>1 space (existing)</td>
</tr>
<tr>
<td>Required Building Setback</td>
<td>10 ft. or 5 ft. with decorative façade</td>
<td>25 ft. (existing)</td>
</tr>
<tr>
<td>Front, Slauson Avenue</td>
<td>10 ft. or 5 ft. with decorative façade</td>
<td>0 ft. (west) and 0 ft. (east) (existing)</td>
</tr>
<tr>
<td>Sides west &amp; east</td>
<td>5 ft. or none if no windows or doors</td>
<td>3 ft. (existing)</td>
</tr>
<tr>
<td>Rear, north</td>
<td>8 parking spaces</td>
<td>4 parking spaces (existing) under Section 15.54 Nonconforming Uses and Structures</td>
</tr>
</tbody>
</table>
The proposed project conforms with the Montebello General Plan, Land Use Element in that the proposed will develop under-utilized or vacant properties with a cohesive development that will increase the taxable revenue from these properties to the City.

- Goal #1: 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 Industrial #1: The City's industrial area should be preserved and maintained.

The proposed project is in compliance with the M-2 (Heavy Manufacturing) zone because:

- Per the Index of Primary Uses, Cannabis uses are a conditionally permitted use in the M-1 and M-2 zone and the project site is not within six hundred feet of a R-zone.

- Proposed meets the development standards set forth in the Montebello Municipal Code Chapter 17.32 and 17.54.

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 no changes are proposed to the exterior of the building.

Per the Montebello Municipal Code Chapter 17.70 the required findings:

- Would not adversely affect the general welfare of the surrounding property owners because there are no sensitive types of properties in the area, the area is mostly industrial.

- Would not result in an undesirable concentration of premises for cannabis uses, including Nor-Store Front Retail delivery and Distribution, in the area because cannabis establishments are inconspicuous with limited signage and limited visitors with restrictions.

- Would not detrimentally affect the nearby surrounding area after giving special consideration to the proximity and nature of the proposed use with respect to schools providing instruction in kindergarten of any grades 1 through 12, a day care center, or youth center, or a property zoned residential.

- Would not aggravate existing problems created by the transport of cannabis (e.g. littering, loitering, noise, calls for service, and sales to minors) because the general public is not allowed at the facility and the business is required to have a security plan submitted by a licensed and bonded security company.
- 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.

Police Department Review

The Montebello Police Department reviewed the proposed project and does not object to the proposed Conditional Use Permit and stated that they will be incorporating conditions and comments into the required Development Agreement between the City and Applicant.

PUBLIC COMMENTS RECEIVED

Pursuant to MMC Chapter 17.78 (Public Hearings, Notices, and Appeals), public hearing notices:

- On October 17, 2019, a Public Hearing Notice was published in the Montebello News.

- On October 17, 2019, a Public Hearing Notice was mailed to property owners and occupants within three hundred feet of the site boundaries.

Staff has not received any inquiries or correspondence from the general public expressing concern.

PLANNING COMMISSION OPTIONS

The following are options should the Planning Commission take action on this Conditional Use Permit No. CUP 26-19 application:

1. Conduct a Public Hearing and adopt a Resolution adopting a CEQA exemption and approving Conditional Use Permit No. CUP 26-19 and adopting a CEQA exemption to allow the development of indoor cannabis Non-Store Front Retail delivery and Distribution at 8127 Slauson Avenue.

2. Conduct a Public Hearing and adopt a Resolution denying Conditional Use Permit No. CUP 26-19 to allow the development of indoor cannabis Non-Store Front Retail delivery and Distribution at 8127 Slauson Avenue.

3. Open a Public Hearing and table the item to a date certain

FISCAL IMPACT

None

ATTACHMENT(S)

A. Public Hearing Notice
B. Resolution
C. NOE
D. Assessor's Map
E. Plans
NOTICE OF PUBLIC HEARING
CITY OF MONTEBELLO PLANNING COMMISSION

Conditional Use Permit No. CUP 26-19
8127 Slauson Avenue

Project Description: A Conditional Use Permit application to allow indoor cannabis Non-Store Front Retail delivery and Distribution within an existing commercial building on the property located at 8127 Slauson Avenue, APN 3354-030-003.

Zone: M-2 (Heavy Manufacturing)

General Plan Designation: Industrial

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, November 5, 2019
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
Phone: 323.480.8145, ext. 482 Fax: 323.887.1488
Email: imorales@cityofmontebello.com
Address: City of Montebello, City Hall, Planning Division, 1600 W. Beverly Blvd, Montebello, CA 90640
City Website: www.cityofmontebello.com
CITY OF MONTEBELLO
PLANNING COMMISSION

RESOLUTION NO. 41-19

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO ADOPTING CEQA EXEMPTION AND APPROVING CONDITIONAL USE PERMIT NO. CUP 26-19 TO ALLOW A NON-STORE FRONT RETAIL DELIVERY AND DISTRIBUTION LOCATED AT 8127 SLAUSON AVENUE (APN 6354-030-003)

WHEREAS, a Conditional Use Permit No. CUP 26-19 application was submitted by Telem Enterprises, LLC. and has been received and accepted;

WHEREAS, the Conditional Use Permit would allow a new cannabis Non-Store Front Retail delivery and Distribution located at 8127 Slauson Avenue (APN 6354-030-003);

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 No. CUP 26-19 is considered a “project”, per the California Environmental Quality Act definition of a “project”;

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

1. The project consist of the operation repair, maintenance, permitting, leasing, licensing, or minor alterations of existing private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing of former use.

2. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

3. Approval of the project would not result in any reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

WHEREAS, 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:

1. The proposed use would conform with the City of Montebello General Plan Land Use Element, Goal 1, “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 Industrial 4, “The City's industrial area should be preserved and maintained”; because the proposed project will occupy an existing building and clean up a property that is not properly maintained and generate taxable revenue to the City.

2. The proposed cannabis Non-Store Front Retail Delivery and Distribution is in compliance with the M-2 (Heavy Manufacturing) zone because:

   a. Per the Index of Primary Uses, Cannabis uses are conditionally permitted in the M-1 and M-2 zones and the project site is not within six hundred feet of a R-zone.


3. The design of the building is compatible with the surrounding neighborhood because there is not a distinct Architectural style or design to the area. The cannabis uses being proposed are in an existing building and no changes are being made to the building exterior.

4. Per MMC 17.71.010, the proposed use:

   a. Is consistent with the purposes and intent of Chapter 17.71 – Permitted Zones; Distance from sensitive uses – of the Montebello Municipal Code;

   b. Would not adversely affect the general welfare of the surrounding property owners;

   c. Would not result in an undesirable concentration of premises for the sale of cannabis as cannabis uses are inconspicuous with limited signage and limited and restricted visitors, in the area;

   d. Would not detrimentally affect the nearby surrounding area after giving special consideration to the proximity and nature of the proposed use with respect to schools providing instruction in kindergarten of any grades 1 through 12, a day care center, or youth center, or a properties zoned residential;

   e. Would not aggravate existing problems created by the transport of cannabis (e.g. littering, loitering, noise, calls for service, and sales to minors); and
f. 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.

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

SECTION 2. The Planning Commission approves and adopts the CEQA Categorical Exemption §15301 (Existing Facilities) Class 1 exemption. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

1. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

SECTION 3. The Planning Commission hereby approves Conditional Use Permit No. CUP 26-19 to allow cannabis Non-Store Front Retail delivery and Distribution subject to the conditions of approval set forth in Section 4 of this Resolution.

SECTION 4. 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 applicant shall sign, notarize, and return to the Planning Department an affidavit accepting all Conditions of Approval of Conditional Use Permit (CUP 26-19) within 30 days from the date of the approval in accordance with Montebello Municipal Code Sections 17.71.010, 17-32, and 17.54. The applicant acknowledges and understands that all conditions set forth in this Resolution are conditions precedent to the grant of approval and failure to
comply with any condition contained herein shall render this approval non-binding as against the city and shall confer applicant no legal rights under the law. The Applicant shall incorporate these conditions of approval in the project plans (constructions drawings) that are submitted for building plan check. Building Plans shall be reviewed and approved by the Planning Division for conformance to the Conditions of Approval and the approved Development Plan prior to the issuance of a building permit.

3. This approval shall be used within two years of the approval date of this project; by November 5, 2021. Otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction under this approval. The applicant will incorporate all conditions of approval in all plans that will be submitted for building plan check.

4. Approval of CUP 26-19 is subject to approval, adoption, and fully executed Development Agreement by and between the City and the Applicant.

5. This approval under CUP 26-19 is for cannabis Non-Store Front Retail delivery and Distribution that will occupy 7,600 square feet of an existing 16,415 square-foot building.

6. Telem Enterprises, LLC must be a registered business or entity with the Secretary of State of the State of California. If Telem Enterprises, LLC is not registered in the State of California, this application and approval is invalid.

7. A Business License and a Certificate of Occupancy shall be applied for and approved by the Community Development Department Planning at this location prior to operations. If operations commence prior to approval of these applications, this approval will be invalid and will be subject to revocation and all activities will be considered illegal.

8. The Applicant and operation shall continually remain in compliance with all Montebello codes, Regulations, Ordinances and applicable State and Federal laws.

9. This approval is the result of review of your submitted application and plans. Further review may be required as the operations begins activity to inspect facilities and review Live Scan results of employees.

10. Within one year of approval, a review of the operation and facility will be performed to determine continued compliance with the most current Cannabis Ordinance. The approval shall remain valid indefinitely as long as the organization remains in good standing and complies with all requirements including any and all payments required under the requisite Development Agreement.

11. A Security Plan must be submitted by a certified, bonded, and licensed security company. The security plan will include but not be limited to security cameras on site, screened fencing, and a storage vault or safe. The security Plan must be reviewed and approved by the Police Chief or his designee before a Certificate of Occupancy is issued.
12. Access to the security cameras must be granted upon request by the City representatives seeking access to the building.

13. The applicant’s business of cannabis Non-Store Front Retail delivery and Distribution will not have any members of the public visit the premises at 8127 Slauson Avenue for acquisition or sale of any product.

14. The development and utilization of the subject site shall substantially conform to the plans submitted by Alex Gallegos dated October 2, 2019 for the 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.

15. Off-street parking. The project site currently does not provide any legal parking spaces. The property and existing structure that was built in 1957 is being considered under Chapter 17.54 Nonconforming Uses and Structures of the Montebello Code. The project under CUP 26-19 provides the 4 parking spaces and 1 loading space.

16. 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 26-19).

17. All storage shall be maintained indoors.

18. The Applicant shall submit three copies of construction level Landscape and Irrigation Plans to the Community Development Department. The plans must be prepared by a registered landscape architect and include the location, number, genus, species, and container size of plants. The cover page shall identify the total square footage to the landscape area and note how it is to be maintained. Use of water efficient fixtures and drought plants is encouraged.

19. Modification to Plans. Subsequent modification to this approval, which do not intensify the use, including but not limited to reorientation of structures, alteration of parking and circulation design, minor changes to the Conditions of Approval, interpretations of the Conditions of Approval relative to intent, necessity of, and timing, may be approved by the Community Development Director within a 25% deviation, unless the Director requires a Substantial Conformance or revised Permit application in accordance with the City Development Code.

20. 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 26-19) if sufficient cause is given.

21. No transfer or Change in ownership or location. Applicant/owner may not transfer, sell, pledge, assign, grant an option, or other dispose of his or her ownership interest in the business or development agreement, without the advanced approval of the City Council.
22. The applicant or successor in interest shall meet the applicable Code requirements and all other City Departments regulations.

23. Applicant shall repair any and all damaged sidewalk along street frontage of property (Slauson Avenue). A permit from the Montebello Public Works Department shall be secured before any work may commence within the public right away.

24. Any and all cannabis waste will and may not be discharged into public sewer. Provide a report that identifies waste materials that are going to be discharged into public sewer.

25. Provide report on how any toxic or hazardous waste materials or by products will disposed. Provide an ongoing program for monitoring the disposition of any identified hazardous or toxic materials.

26. Must obtain approval from LA County Sanitation District for any required Industrial Waste permit(s).

27. 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.

28. The Applicant 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.

29. 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.

30. The Applicant shall have all graffiti on-site removed within 24 hours of its appearance.

31. The operation of the said use shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions. All activities must be conducted within the building.

32. 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.

33. No loitering in the parking area and Applicant shall control all employees leaving the premises. Signs shall be posted notifying employees. 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.

34. The Applicant and business operator shall take the necessary steps to assure the orderly conduct of employees. No members of the public are allowed to patronize and visit on the premises.
35. The parking area shall be sufficiently lit and secured to discourage loitering and/or late night activity.

36. All outdoor utilities, machinery, and equipment, including roof-mounted equipment, shall be completely screened from the public right-of-way, in a manner that is compatible with the structure. The method of screening shall be subject to the review and approval of the Director of Planning and Community Development and the Building Official prior to issuing building permits.

37. This approval shall not supersede the approval of any other responsible agencies. The applicant shall comply with all Federal, State and local laws.

38. The approval of this Conditional Use Permit (CUP 26-19) shall expire if the rights granted are not exercised within two (2) years from the effective date of this Resolution. Exercise of rights shall mean the issuance of a Building permit.

39. The approval of this Conditional Use Permit (CUP 26-19) 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.

40. Within 30 days of the City Planning Division transmittal of the Acceptance Form, the applicant shall sign and return a copy of the Acceptance Form, agreeing to the conditions of approval and acknowledging that failure to comply with such conditions shall constitute grounds for potential revocation of the permit approval. Failure to return the Acceptance Form within 30 days shall constitute grounds for terminating the permit.

41. 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.

42. Parking shall be provided in accordance with the regulations of Chapter 17.52 of the Montebello Municipal Zoning Code.

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

44. All screening must be reviewed and approved by the Planning Division prior to the issuance of any building permits to construct the screening.

45. If, at any time, a litter problem arises, the Director of 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.
46. The premises shall be kept clean and the operator of the establishment shall insure that no trash or litter originating from the site is deposited onto neighboring properties or onto the public right-of-way.

47. 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.

48. 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.

49. 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.

50. All signage is subject to final review and approval by the Planning Division and will be done under as separate permit. Signage depicting any kind of cannabis items or paraphernalia shall be prohibited.

51. All temporary signage is subject to the restrictions of the City’s sign ordinance.

52. No coin operated games or video machines maintained upon the premises at any time.

53. 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.

54. Compliance with the current edition of the California Fire Code.

55. Applicant shall adhere to all applicable codes, standards, and/or regulations. And shall meet any all conditions as may be required by South Coast Air Quality Management District, any and all water boards, Montebello Building Safety, Montebello Public Works, and Montebello Police and Fire.

56. Compliance with the current edition of the California Fire Code, Appendix B, titled "Fire-Flow Requirements for Buildings", as the standard for delivery of fire flow to the site.


58. Compliance with all nationally recognized standards, laws, and ordinances.

i. That a masonry wall of six feet in height shall be constructed around the parking area of such establishments when said area is adjacent to properties zones or used for residential purposes or any of the above referenced consideration points.
ii. That the noise levels generated by the operation of such establishment shall not exceed sixty-five dBA between the hours of seven a.m. to ten p.m., and not exceed sixty dBA between the hours of ten p.m. to seven a.m., so as to mitigate the impact on adjoining properties zoned or used for residential purposes. The measurement of noise levels shall be taken at the location of the shared property line.

iii. That exterior lighting of the parking area shall be kept at an intensity of between one- and two-foot candles, so as to provide adequate lighting for employees while not disturbing surrounding residential or commercial areas. Light sources shall be shielded from adjacent properties and from the sky.

iv. That special security measures such as security guards and burglar alarm systems as specified by the police department may be required, which must reflect in the submitted security plan.

v. Exterior storage of any kind shall be prohibited, except where allowed per the Montebello Municipal Code.

vi. That litter and trash receptacles shall be located at convenient locations inside and outside establishments, and operators of such establishments shall remove trash and debris on a daily basis.

vii. That no signs shall be installed on the site until a sign permit has been approved by the Planning Division and a building permit issued by the Building and Safety Division in conformance with the provisions set forth in Chapter 17.62 of the Montebello Municipal Code.

**PASSED AND ADOPTED** this 5th day of November, 2019 by the Planning Commission.

AYES:
NOES:
ABSENT:
ABSTAIN:

_________________________
Sona Mooradian, Chair

ATTEST:

_________________________
Manuel Mancha,
Director of Planning and Community Development
Notice of CEQA Exemption
Telem Enterprises, LLC.
16030 Valley Wood Road #327
Sherman Oaks, CA 91403

To:
Los Angeles County
Registrar-Recorder/County Clerk
12400 Imperial Highway
Norwalk CA 90650

From:
Community Development Director
Planning and Development Dept.
1600 West Beverly Boulevard
Montebello, CA 90640

Project Title: CUP 26-19
Project Address: 8127 Slauson Avenue, Montebello, CA 90640
Project Location – City: Montebello
Project Location – County: Los Angeles County

Description of Nature, Purpose, and Beneficiaries of Project: Conditional Use permit to allow cannabis Non-Store Front Retail delivery and Distribution in an 7,600 square-foot space within an existing 16,415 square-foot building located at 8127 Slauson Avenue in the M-2 (Heavy Manufacturing) zone.

Name of the Public Agency Approving the Project: City of Montebello.
Name of Person or Agency Carrying Out the Project: Telem Enterprises, LLC., 16030 Valley Wood Road #327, Sherman Oaks, CA 91403

Exempt Status (check one)
☐ Ministerial (Sec. 21080(b)(1); 15268); N/A
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a)); N/A
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c)); N/A
☒ Categorical Exemption. State type and section number: Class 1 Existing Facilities (CEQA Guidelines Sec. 15301)
☐ Statutory Exemptions. State code number: N/A

Reasons Project is Exempt: See attached.

Lead Agency Contact Person: Louis Morales
Area Code/Telephone/Extension: 323-867-1475

If filed by applicant:
1. Attach certified document of exemption finding. (Refer to Attachment A)
2. Has a Notice of Exemption been filed by the public agency approving the project? ☒ Yes ☐ No

Signature: __________________________ Date: ______________ Title: Project Planner

☒ Signed by Lead Agency ☐ Signed by Applicant
ATTACHMENT A FOR THE NOTICE OF CEQA EXEMPTION
CUP 26-19

1. INTRODUCTION

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, a Notice of Exemption (NOE) may be filed if the City of Montebello, in its capacity as the Lead Agency, determines that a proposed action or project is exempt from CEQA. According to the CEQA Guidelines, a NOE must contain the following information:

- A brief description of the action or project;
- A finding that the proposed action or project is exempt, including a citation of the State CEQA Guidelines section or statute under which the project is found to be exempt; and
- A brief statement in support of the finding.

This NOE provides a description of the proposed CUP 26-19, indicates the applicable sections of CEQA that support the findings for the CEQA exemption, and discusses the Lead Agency's findings that are applicable to the proposed project. The project is described herein (Section 2, Project Description).

2. PROJECT DESCRIPTION

Project Applicant: Telem Enterprises, LLC., 16030 Valley Wood Road #327, Sherman Oaks, CA 91403

Project Location: The project site encompasses approximately 4.02 acres and is located at 8127 Slauson Avenue, Montebello, CA 90640 (Assessor's Parcel Numbers (APN): 6354-030-003), Los Angeles County. The site is located on the north side of Slauson Avenue between Bluff Road and Chapin Road.

Surrounding Land Uses: The project site is located within an existing and well established industrial area. Industrial uses are located to the north, east, west, and south.

Physical Characteristics of the Project: The CUP under CUP 26-19 will allow the cannabis Non-Store Front Retail delivery and Distribution. The project will occupy 7,600 square feet of an existing 16,415 square-foot building. No additions or exterior work is proposed. All work is interior tenant improvements and construction would take approximately 6-12 months.

3. APPLICABLE CEQA EXEMPTIONS

The City of Montebello has reviewed the proposed project and has determined that it is categorically exempt and qualifies for a Class 1 Existing Facilities (CEQA Guidelines Sec 15301). Class 1 exemption consists of projects characterized as existing facilities that meet the following conditions:

- The project consist of the operation repair, maintenance, permitting, leasing, licensing, or minor alterations of existing private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing of former use.
- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

---

1 CEQA Guidelines California Code of Regulations, Title 14, Division 6, Chapter 3, Article 19. Categorical Exemptions (Section 15300)

City of Montebello
4. FINDINGS SUPPORTING THE APPLICABLE CEQA EXEMPTIONS

The City of Montebello, following a preliminary evaluation of the proposed project, determined that it would not result in any significant effects on the environment. This determination is based on the following:

- The applicant is seeking approval to utilize 7,600 square feet of an existing 16,415 SF building to deliver cannabis and distribute infused edible and consumable products. This is the first approval the application has sought in relationship to the use of this existing facility.
- The building located at 8127 Slauson Avenue is an existing private structure on a lot that is approximately .45 acres and will continue to be used as an industrial building.
- The applicant will conduct minor alterations to approximately 7,600 SF of the interior space.
- The applicant does not plan to perform any exterior alterations. The existing building footprint will remain unchanged.
- The manufacturing of the cannabis is consistent with the existing manufacturing zone uses and there is not a reasonable possibility that the non-storefront retail delivery and distribution of edible and consumable products consistent which is consistent with the manufacturing of other foods and edible products conducted in the Manufacturing Zone and will not have a significant effect on the environment.
- The existing structure is located in a designated manufacturing zone off of a local street which is not part of a highway designated as a state scenic highway.
- The site is not included on any list compiled pursuant to Section 65962.5 of the Government Code and has not been deemed a hazardous waste site.
- The existing facility has not been designated a historical resource and will not cause a substantial adverse change in the significance of a historical resource.
- The proposed project is consistent with both the General Plan and Zoning designations that are applicable to the site and the City of Montebello Zoning Ordinance Map. NO General Plan Amendment or Zone Change will be required to accommodate the proposed project.
- The proposed project is within the City limits and is less than 5 acres. The project site is .45 acres and is surrounded by urban uses. The project site is located within an established industrial area and is surrounded by industrial uses to the north, east, west, and south.
- No native or natural habitats are found within the project site or on adjacent parcels. Due to the urban, built-out nature of the urbanized projects in the City and surrounding area, there are no known natural biological resources in the vicinity of the project site. No known rare or endangered plant or animal species are located within the project site boundaries. The site's highly disturbed nature, small size, and its isolation from other open space areas limit its utility as a habitat or an animal migration corridor.
- The approval of the proposed project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The City oversaw the completion of an Environmental Checklist that considered the project's impacts pursuant to the CEQA Guidelines Appendix G Environmental Checklist Form.

As indicated in the studies completed for this project, and based on application of the existing Federal, State, and local laws and regulations, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. As a result, the following findings may be made by the City of Montebello:

- No significant dislocation of onsite or offsite uses will be required to accommodate the proposed project.
- The proposed project site does not contain any sensitive resources. The project site and surrounding areas have been disturbed as part of previous development.
- The proposed project site is located within an urbanized area of the City of Montebello. No scenic resources or scenic corridor will be affected by the proposed project.
- The proposed project site is not located within an area, nor does it include a site the Department of Toxic Substances Control and the Secretary for Environmental Protection has identified as being affected by hazardous wastes.
Notice of CEQA Exemption
Telem Enterprises, LLC.
16030 Valley Wood Road, #327
Sherman Oaks, CA 91403

- The proposed project will not result in any adverse impacts on historic resources.
- The proposed project will not involve the review of by a State trustee or responsible agency.

5. DISCUSSION OF THE LEAD AGENCIES FINDINGS

The City of Montebello may make the following findings with regard to the proposed project’s exemption from the environmental review requirements outlines in CEQA:

- The proposed project will be confined to the project site and no dislocation of offsite uses will occur.
- The proposed project does not have a possibility of creating a significant environmental effect. The bases for this determination was discussed in the preceding section.
- The proposed project will not result in any impacts to sensitive resources.
- The proposed project will not result in impacts on sensitive resources; result in a cumulative impacts; have the potential for damaging scenic resources; involve the placement of a project over a site the Department of Toxic Substances Control and the Secretary for Environmental Protection has identified as being affected by hazardous wastes; or result in any impacts to historic resources.
- The Lead Agency, based on the rule of common sense, “has determined that there is no possibility” that the proposed project will result in significant environmental effects.²

² CEQA Guidelines Sec. 15061(b)3
City of Montebello
STAFF REPORT

TO: Honorable Chair and Planning Commissioners
DATE: November 5, 2019
FROM: Manuel Mancha, Director of Planning and Community Development
BY: Louis Morales, Planning Project Consultant
SUBJECT: Conditional Use Permit No. CUP 27-19 to allow a cannabis Cultivation, Distribution, and Non-Store Front Retail delivery service within an existing building located at 1040 Vail Avenue (APN 6353-015-002)

RECOMMENDATION:

Conduct a public hearing and, upon conclusion, adopt Resolution: (1) approving Conditional Use Permit No. CUP 27-19 with conditions and adopting a CEQA exemption; (2) denying Conditional Use Permit No. CUP 27-19; or (3) continue or table the public hearing to a date certain.

PROJECT/APPLICANT INFORMATION

Project Location: 1040 Vail Avenue.
APN Information: 6353-015-002.
Project Applicant: Eppek, LLC (Chasom Brown and Andrew Angulo).
Property Owner: Big Junc Inc.
General Plan Designation: Industrial.
Zoning: M-1 (Light Manufacturing).
Existing Use on Property: The property is 3.43 acres and is developed with an existing 1-story 60,710 square-foot industrial type building that was built in 1957. The building is currently occupied by VFT Inc.

PRIOR PLANNING COMMISSION ACTIONS

None.

SURROUNDING LAND USE

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zone</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>M-1</td>
<td>Industrial</td>
</tr>
<tr>
<td>South</td>
<td>M-1</td>
<td>Industrial</td>
</tr>
<tr>
<td>East</td>
<td>M-1</td>
<td>Industrial</td>
</tr>
<tr>
<td>-----------</td>
<td>------------</td>
<td>------------</td>
</tr>
<tr>
<td>West</td>
<td>M-1</td>
<td>Industrial</td>
</tr>
</tbody>
</table>

**BACKGROUND**

On September 13, 2017, the City adopted Ordinance No. 2399 adding Chapter 5.90 entitled Cannabis Cultivation, Cultivation, Distribution, and Testing with a required Development Agreement and Conditional Use Permit.

On June 13, 2018, the City adopted Ordinance No. 2404 adding Delivery-Only retailers along with Cultivation, Cultivation, and Testing as conditionally approved activities/uses in the M-1 and M-2 zones with a Development Agreement (DA) and also adding a sensitive use buffer of 600-feet from residential zones.

On February 13, 2019 the City Council held a public hearing and recommended the selection of potential cannabis operators for Phase 3 consideration and adoption of fees. The City Council selected 21 potential operators and established a Conditional Use Permit filing due date of March 4, 2019 for said operators. During this process a list of Phase 2 applicants was established, which contained three applicants. One of the three applicants was Eppek, LLC.

On July 3, 2019 the Cannabis Ad Hoc Committee provided the Phase 2 applicants to opportunity to submit for a conditional use permit.

On October 17, 2019, CUP 27-19 submitted by Eppek, LLC for cannabis Cultivation, Distribution, and Non-Store Front Retail delivery was determined to be complete.

**PROJECT DESCRIPTION**

The project site is located on the east side of Vail Avenue just south of the south east corner of Washington Boulevard and Vail Avenue and commonly known at 1040 Vail Avenue in the M-1 (Light Manufacturing) zone. The project site is approximately 149,410 square feet (3.43 acres) and is improved with an existing 60,710 square-foot building currently occupied by a fiber manufacturing company.

The project under CUP 27-19 by Eppek, LLC will consist of a 12,224 square-foot cannabis Cultivation, Distribution, and Non-Store Front Retail delivery and is proposed at the front (west) portion of the existing 60,710 square-foot building space located at 1040 Vail Avenue. The proposed cannabis use will have access to 20 existing and dedicated parking spaces and 2 loading spaces. The project does not propose any additions or exterior improvements and will only consists of interior tenant improvements with uses broken down as follows:

<table>
<thead>
<tr>
<th>Cultivation</th>
<th>7,091 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Store Front delivery</td>
<td>437 sq. ft.</td>
</tr>
<tr>
<td>Distribution</td>
<td>748 sq. ft.</td>
</tr>
<tr>
<td>Office, common space, storage, and misc.</td>
<td>3,948 sq. ft.</td>
</tr>
<tr>
<td>Total Area</td>
<td>12,224 sq. ft.</td>
</tr>
</tbody>
</table>

2 ITEM # 8D
Traffic and Parking

The site is an approximately 3.43 acre lot and has one existing access point (driveway) for ingress and egress on Vail Avenue. The existing driveway will be the access point for the proposed project and the existing manufacturing use and is adequate in width to accommodate the proposed project/business. The project is proposed for cannabis Cultivation, Distribution, and Non-Store Front Retail delivery and falls under the category of a warehouse/distribution use. Thus, the operation will have limited employees compared to other typical industrial, warehouse, and distribution uses. This translates to less AM and PM peak hour trips.

The building space proposed for the business is 12,224 square feet. The current parking requirement for warehouse/distribution is 1 parking space/1000 square feet or 13 parking spaces. The project provides 20 spaces and 2 loading spaces.

The cannabis operation will not be open to the public, there will be limited to no visitors to the site/business location and therefore minimizes additional parking. This will also be a condition of approval. To ensure compliance, this will also be a condition of approval.

CEQA

The Conditional Use Permit No. CUP 27-19 application is considered a “project”, per the California Environmental Quality Act definition of a “project and is categorically exempt under the California Environmental Act (CEQA) Section §15301 (Existing Facilities) Class 1 consists of projects characterized as existing facilities meeting the conditions described in this section:

1. The project consist of the operation repair, maintenance, permitting, leasing, licensing, or minor alterations of existing private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing of former use.

2. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The proposed use is a conditionally approved with the established M-1 zone designation.

3. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The proposed project will be located with the existing structures and does not proposed any additions. The project site is 3.43 acres.

4. The project site has no value as habitat for endangered, rare or threatened species. The site is completely developed with an approximately 60,710 square-foot building.

5. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The proposed project as cannabis Cultivation, Distribution, and Non-Store Front Retail delivery will reduce traffic as this type of use has less employees than typical industrial uses and will have limited to zero customers/visitors from the general public, which will further reduce vehicle trip counts for AM and PM peak hours.

6. The site can be adequately served by all required utilities and public services. The building(s) exists and currently has all the necessary and required utilities.
ANALYSIS

The subject project site is located at 1040 Vail Avenue (APN 6353-015-002). The General Plan Land Use Designation is Industrial and the zone is M-1 (Light Manufacturing). The following is a code analysis of the proposed project:

<table>
<thead>
<tr>
<th>Code Standard</th>
<th>Proposed/Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot Area</strong></td>
<td>None</td>
</tr>
<tr>
<td><strong>Lot Width</strong></td>
<td>None</td>
</tr>
<tr>
<td><strong>Lot Depth</strong></td>
<td>None</td>
</tr>
<tr>
<td><strong>Building Height</strong></td>
<td>35 feet</td>
</tr>
<tr>
<td><strong>Floor Area Ratio</strong></td>
<td>3:1 (448,230 sq. ft. max)</td>
</tr>
<tr>
<td><strong>Loading Spaces</strong></td>
<td>2 spaces</td>
</tr>
<tr>
<td><strong>Required Building Setback</strong></td>
<td><strong>Front, Vail Avenue</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Sides north &amp; south</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Rear, north</strong></td>
</tr>
<tr>
<td></td>
<td></td>
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<tr>
<td></td>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Parking 1 space/ 1,000 sq. ft.</strong></td>
<td>13 parking spaces</td>
</tr>
</tbody>
</table>

The proposed project conforms with the Montebello General Plan, Land Use Element in that the proposed will develop under-utilized or vacant properties with a cohesive development that will increase the taxable revenue from these properties to the City.

- **Goal #1:** 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 Industrial #1:** The City's industrial area should be preserved and maintained.

The proposed project is in compliance with the M-1 (Light Manufacturing) zone because:

- Per the Index of Primary Uses, Cannabis uses are a conditionally permitted use in the M-1 and M-2 zone and the project site is not within six hundred feet of a R-zone.
• Proposed 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 no changes are proposed to the exterior of the building.

Per the Montebello Municipal Code Chapter 17.70 the required findings:

• Would not adversely affect the general welfare of the surrounding property owners because there are no sensitive types of properties in the area, the area is mostly industrial.

• Would not result in an undesirable concentration of premises for cannabis uses, including Cultivation, Distribution, and Non-Store Front Retail delivery, in the area because cannabis establishments are inconspicuous with limited signage and limited visitors with restrictions.

• Would not detrimentally affect the nearby surrounding area after giving special consideration to the proximity and nature of the proposed use with respect to schools providing instruction in kindergarten of any grades 1 through 12, a day care center, or youth center, or a property zoned residential.

• Would not aggravate existing problems created by the transport of cannabis (e.g. littering, loitering, noise, calls for service, and sales to minors) because the general public is not allowed at the facility and the business is required to have a security plan submitted by a licensed and bonded security company.

• 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.

Police Department Review

The Montebello Police Department reviewed the proposed project and does not object to the proposed Conditional Use Permit and stated that they will be incorporating conditions and comments into the required Development Agreement between the City and Applicant.

PUBLIC COMMENTS RECEIVED

Pursuant to MMC Chapter 17.78 (Public Hearings, Notices, and Appeals), public hearing notices:

• On October 17, 2019, a Public Hearing Notice was published in the Montebello News.

• On October 17, 2019, a Public Hearing Notice was mailed to property owners and occupants within three hundred feet of the site boundaries.
Staff has not received any inquiries or correspondence from the general public expressing concern.

PLANNING COMMISSION OPTIONS

The following are options should the Planning Commission take action on this Conditional Use Permit No. CUP 27-19 application:

1. Conduct a Public Hearing and adopt a Resolution approving Conditional Use Permit No. CUP 27-19 and adopting a CEQA exemption to allow the development of indoor cannabis Cultivation, Distribution, and Non-Store Front Retail delivery at 1040 Vail Avenue.

2. Conduct a Public Hearing and adopt a Resolution denying Conditional Use Permit No. CUP 27-19 to allow the development of indoor cannabis Cultivation, Distribution, and Non-Store Front Retail delivery at 1040 Vail Avenue.

3. Open a Public Hearing and table the item to a date certain

FISCAL IMPACT

None

ATTACHMENT(S)

A. Public Hearing Notice
B. Resolution
C. NOE
D. Assessor's Map
E. Plans
NOTICE OF PUBLIC HEARING
CITY OF MONTEBELLO PLANNING COMMISSION

Conditional Use Permit No. CUP 27-19
1040 S. Vail Avenue

Project Description: A Conditional Use Permit application to allow indoor cannabis Cultivation, Distribution, and Non-Store Front Retail delivery, within an existing commercial building on the property located at 1040 S. Vail Avenue, APN 6353-015-002.

Zone: M-1 (Light Manufacturing)

General Plan Designation: Industrial

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, November 5, 2019
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
Phone: 323.480.8145, 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
CITY OF MONTEBELLO
PLANNING COMMISSION

RESOLUTION NO. 42-19

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MONTEBELLO ADOPTING CEQA EXEMPTION AND APPROVING
CONDITIONAL USE PERMIT NO. CUP 27-19 TO ALLOW A
CANNABIS CULTIVATION, DISTRIBUTION, AND NON-STORE FRONT
RETAIL DELIVERY LOCATED AT 1040 VAIL AVENUE (APN 6353-015-
002)

WHEREAS, a Conditional Use Permit No. CUP 27-19 application was
submitted by Chasom Brown and Andrew Angulo with Eppek, LLC and has been
received and accepted;

WHEREAS, the Conditional Use Permit would allow a new cannabis
Cultivation (7,091 sq. ft.), Distribution, and Non-Store Front Retail delivery located at
1040 Vail Avenue (APN 6353-015-002);

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 No. CUP 27-19 is considered a
"project", per the California Environmental Quality Act definition of a "project";

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

1. The project consist of the operation repair, maintenance, permitting,
leasing, licensing, or minor alterations of existing private structures,
facilities, mechanical equipment, or topographical features, involving
negligible or no expansion of existing of former use.

2. The project is consistent with the applicable general plan designation and
all applicable general plan policies as well as with applicable zoning
designation and regulations.

3. Approval of the project would not result in any reasonable possibility that
the activity will have a significant effect on the environment due to unusual
circumstances.

WHEREAS, 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:

1. The proposed use would conform with the City of Montebello
General Plan Land Use Element, Goal 1, "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 Industrial 4, "The City's industrial area should be preserved and maintained"; because the proposed project will occupy an existing building and clean up a property that is not properly maintained and generate taxable revenue to the City.

2. The proposed cannabis Manufacturing, Distribution, and Non-Store Front Retail Delivery is in compliance with the M-1 (Light Manufacturing) zone because:

   a. Per the Index of Primary Uses, Cannabis uses are conditionally permitted in the M-1 and M-2 zones and the project site is not within six hundred feet of a R-zone.


3. The design of the building is compatible with the surrounding neighborhood because there is not a distinct Architectural style or design to the area. The cannabis uses being proposed are in an existing building and no changes are being made to the building exterior.

4. Per MMC 17.71.010, the proposed use:

   a. Is consistent with the purposes and intent of Chapter 17.71 – Permitted Zones; Distance from sensitive uses – of the Montebello Municipal Code;

   b. Would not adversely affect the general welfare of the surrounding property owners;

   c. Would not result in an undesirable concentration of premises for the sale of cannabis as cannabis uses are inconspicuous with limited signage and limited and restricted visitors, in the area;

   d. Would not detrimentally affect the nearby surrounding area after giving special consideration to the proximity and nature of the proposed use with respect to schools providing instruction in kindergarten of any grades 1 through 12, a day care center, or youth center, or a properties zoned residential;

   e. Would not aggravate existing problems created by the
transport of cannabis (e.g. littering, loitering, noise, calls for service, and sales to minors); and

f. 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.

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

SECTION 2. The Planning Commission approves and adopts the CEQA Categorical Exemption §15301 (Existing Facilities) Class 1 exemption. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

1. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

SECTION 3. The Planning Commission hereby approves Conditional Use Permit No. CUP 27-19 to allow cannabis Cultivation, Distribution, and Non-Storefront delivery subject to the conditions of approval set forth in Section 4 of this Resolution.

SECTION 4. 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 applicant shall sign, notarize, and return to the Planning Department an affidavit accepting all Conditions of Approval of Conditional Use Permit (CUP
27-19) within 30 days from the date of the approval in accordance with Montebello Municipal Code Sections 17.71.010 and 17-32. The applicant acknowledges and understands that all conditions set forth in this Resolution are conditions precedent to the grant of approval and failure to comply with any condition contained herein shall render this approval non-binding as against the city and shall confer applicant no legal rights under the law. The Applicant shall incorporate these conditions of approval in the project plans (constructions drawings) that are submitted for building plan check. Building Plans shall be reviewed and approved by the Planning Division for conformance to the Conditions of Approval and the approved Development Plan prior to the issuance of a building permit.

3. This approval shall be used within two years of the approval date of this project; by November 5, 2021. Otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction under this approval. The applicant will incorporate all conditions of approval in all plans that will be submitted for building plan check.

4. Approval of CUP 27-19 is subject to approval, adoption, and fully executed Development Agreement by and between the City and the Applicant.

5. This approval under CUP 27-19 is for cannabis Cultivation (7,081 sq. ft.), Distribution, and Non-Store Front Retail delivery that will occupy an existing 12,224 square-foot space within an existing 60,710 square-foot building.

6. Eppek, LLC must be a registered business or entity with the Secretary of State of the State of California. If Eppek, LLC is not registered in the State of California, this application and approval is invalid.

7. A Business License and a Certificate of Occupancy shall be applied for and approved by the Community Development Department Planning at this location prior to operations. If operations commence prior to approval of these applications, this approval will be invalid and will be subject to revocation and all activities will be considered illegal.

8. The Applicant and operation shall continually remain in compliance with all Montebello codes, Regulations, Ordinances and applicable State and Federal laws.

9. This approval is the result of review of your submitted application and plans. Further review may be required as the operations begins activity to inspect facilities and review Live Scan results of employees.

10. Within one year of approval, a review of the operation and facility will be performed to determine continued compliance with the most current Cannabis Ordinance. The approval shall remain valid indefinitely as long as the organization remains in good standing and complies with all requirements including any and all payments required under the requisite Development Agreement.

11. A Security Plan must be submitted by a certified, bonded, and licensed security company. The security plan will include but not be limited to security cameras on site, screened fencing, and a storage vault or safe. The security
Plan must be reviewed and approved by the Police Chief or his designee before a Certificate of Occupancy is issued.

12. Access to the security cameras must be granted upon request by the City representatives seeking access to the building.

13. The applicant’s business of cannabis Cultivation (7,091 sq. ft.), Distribution, and Non-Store Front Retail delivery will not have any members of the public visit the premises at 1040 Vail Avenue for acquisition or sale of any product.

14. The development and utilization of the subject site shall substantially conform to the plans submitted by Pickard Architects dated October 23, 2019, for the 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.

15. Off-street parking. The project proposes to utilize 12,224 square feet of an existing 60,710 square-foot building. The total site is developed with 61 parking spaces. Cannabis uses require 1 parking space per 1,000 square feet requiring 13 parking spaces. The project under CUP 27-19 provides 22 parking spaces and will be required to provide 2 loading spaces.

16. 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 27-19).

17. All storage shall be maintained indoors.

18. The Applicant shall submit three copies of construction level Landscape and Irrigation Plans to the Community Development Department. The plans must be prepared by a registered landscape architect and include the location, number, genus, species, and container size of plants. The cover page shall identify the total square footage to the landscape area and note how it is to be maintained. Use of water efficient fixtures and drought plants is encouraged.

19. Modification to Plans. Subsequent modification to this approval, which do not intensify the use, including but not limited to reorientation of structures, alteration of parking and circulation design, minor changes to the Conditions of Approval, interpretations of the Conditions of Approval relative to intent, necessity of, and timing, may be approved by the Community Development Director within a 25% deviation, unless the Director requires a Substantial Conformance or revised Permit application in accordance with the City Development Code.

20. 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 27-19) if sufficient cause is given.
21. No transfer or Change in ownership or location. Applicant/owner may not transfer, sell, pledge, assign, grant an option, or other dispose of his or her ownership interest in the business or development agreement, without the advanced approval of the City Council.

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

23. Applicant shall repair any and all damaged sidewalk along street frontage of property (Vail Avenue). A permit from the Montebello Public Works Department shall be secured before any work may commence within the public right away.

24. Any and all cannabis waste will and may not be discharged into public sewer. Provide a report that identifies waste materials that are going to be discharge into public sewer.

25. Provide report on how any toxic or hazardous waste materials or by products will disposed. Provide an ongoing program for monitoring the disposition of any identified hazardous or toxic materials.

26. Must obtain approval from LA County Sanitation District for any required Industrial Waste permit(s).

27. 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.

28. The Applicant 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.

29. 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.

30. The Applicant shall have all graffiti on-site removed within 24 hours of its appearance.

31. The operation of the said use shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions. All activities must be conducted within the building.

32. 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.

33. No loitering in the parking area and Applicant shall control all employees leaving the premises. Signs shall be posted notifying employees. 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.
34. The Applicant and business operator shall take the necessary steps to assure the orderly conduct of employees. No members of the public are allowed to patronize and visit on the premises.

35. The parking area shall be sufficiently lit and secured to discourage loitering and/or late night activity.

36. All outdoor utilities, machinery, and equipment, including roof-mounted equipment, shall be completely screened from the public right-of-way, in a manner that is compatible with the structure. The method of screening shall be subject to the review and approval of the Director of Planning and Community Development and the Building Official prior to issuing building permits.

37. This approval shall not supersede the approval of any other responsible agencies. The applicant shall comply with all Federal, State and local laws.

38. The approval of this Conditional Use Permit (CUP 27-19) shall expire if the rights granted are not exercised within two (2) years from the effective date of this Resolution. Exercise of rights shall mean the issuance of a Building permit.

39. The approval of this Conditional Use Permit (CUP 27-19) 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.

40. Within 30 days of the City Planning Division transmittal of the Acceptance Form, the applicant shall sign and return a copy of the Acceptance Form, agreeing to the conditions of approval and acknowledging that failure to comply with such conditions shall constitute grounds for potential revocation of the permit approval. Failure to return the Acceptance Form within 30 days shall constitute grounds for terminating the permit.

41. 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.

42. Parking shall be provided in accordance with the regulations of Chapter 17.52 of the Montebello Municipal Zoning Code.

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

44. All screening must be reviewed and approved by the Planning Division prior to the issuance of any building permits to construct the screening.

45. If, at any time, a litter problem arises, the Director of 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.

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

47. 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.

48. 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.

49. 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.

50. All signage is subject to final review and approval by the Planning Division and will be done under as separate permit. Signage depicting any kind of cannabis items or paraphernalia shall be prohibited.

51. All temporary signage is subject to the restrictions of the City’s sign ordinance.

52. No coin operated games or video machines maintained upon the premises at any time.

53. 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.

54. Compliance with the current edition of the California Fire Code.

55. Applicant shall adhere to all applicable codes, standards, and/or regulations. And shall meet any all conditions as may be required by South Coast Air Quality Management District, any and all water boards, Montebello Building Safety, Montebello Public Works, and Montebello Police and Fire.

56. Compliance with the current edition of the California Fire Code, Appendix B, titled “Fire-Flow Requirements for Buildings”, as the standard for delivery of fire flow to the site.


58. Compliance with all nationally recognized standards, laws, and ordinances.
i. That a masonry wall of six feet in height shall be constructed around the parking area of such establishments when said area is adjacent to properties zones or used for residential purposes or any of the above referenced consideration points.

ii. That the noise levels generated by the operation of such establishment shall not exceed sixty-five dBA between the hours of seven a.m. to ten p.m., and not exceed sixty dBA between the hours of ten p.m. to seven a.m., so as to mitigate the impact on adjoining properties zoned or used for residential purposes. The measurement of noise levels shall be taken at the location of the shared property line.

iii. That exterior lighting of the parking area shall be kept at an intensity of between one- and two-foot candles, so as to provide adequate lighting for employees while not disturbing surrounding residential or commercial areas. Light sources shall be shielded from adjacent properties and from the sky.

iv. That special security measures such as security guards and burglar alarm systems as specified by the police department may be required, which must reflected in the submitted security plan.

v. Exterior storage of any kind shall be prohibited, except where allowed per the Montebello Municipal Code.

vi. That litter and trash receptacles shall be located at convenient locations inside and outside establishments, and operators of such establishments shall remove trash and debris on a daily basis.

vii. That no signs shall be installed on the site until a sign permit has been approved by the Planning Division and a building permit issued by the Building and Safety Division in conformance with the provisions set forth in Chapter 17.62 of the Montebello Municipal Code.

PASSED AND ADOPTED this 5th day of November, 2019 by the Planning Commission.

AYES: 
NOES:
ABSENT:
ABSTAIN:

Sona Mooradian, Chair

ATTEST:
Manuel Mancha,
Director of Planning and Community Development
Notice of CEQA Exemption
Eppek, LLC.
7071 Warner Ave. F346
Huntington Beach, CA 92647

To: Los Angeles County Registrar-Recorder/County Clerk
12400 Imperial Highway Norwalk CA 90650

From: Community Development Director
Planning and Development Dept.
1600 West Beverly Boulevard
Montebello, CA 90640

Project Title: CUP 27-19
Project Address: 1040 Vail Avenue, Montebello, CA 90640
Project Location – City: Montebello
Project Location – County: Los Angeles County

Description of Nature, Purpose, and Beneficiaries of Project: Conditional Use permit to allow cannabis Cultivation, Distribution, and Non-Store Front Retail delivery in an 12,224 square-foot space within an existing 60,710 square-foot building located at 1040 Vail Avenue in the M-1 (Light Manufacturing) zone.

Name of the Public Agency Approving the Project: City of Montebello.
Name of Person or Agency Carrying Out the Project: Eppek, LLC., 7071 Warner Ave., F346, Huntington Beach, CA 92647

Exempt Status (check one)
☐ Ministerial (Sec. 21080(b)(1); 15268); N/A
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a)); N/A
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c)); N/A
☒ Categorical Exemption. State type and section number: Class 1 Existing Facilities (CEQA Guidelines Sec. 15301)
☐ Statutory Exemptions. State code number: N/A

Reasons Project is Exempt: See attached.

Lead Agency Contact Person: Louis Morales
Area Code/Telephone/Extension: 323-887-1475

If filed by applicant:
1. Attach certified document of exemption finding. (Refer to Attachment A)
2. Has a Notice of Exemption been filed by the public agency approving the project? ☒ Yes ☐ No

Signature: ___________________________ Date: ___________ Title: Project Planner

☒ Signed by Lead Agency ☐ Signed by Applicant
ATTACHMENT A FOR THE NOTICE OF CEQA EXEMPTION
CUP 27-19

1. INTRODUCTION

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, a Notice of Exemption (NOE) may be filed if the City of Montebello, in its capacity as the Lead Agency, determines that a proposed action or project is exempt from CEQA. According to the CEQA Guidelines, a NOE must contain the following information:

- A brief description of the action or project;
- A finding that the proposed action or project is exempt, including a citation of the State CEQA Guidelines section or statute under which the project is found to be exempt; and
- A brief statement in support of the finding.

This NOE provides a description of the proposed CUP 27-19, indicates the applicable sections of CEQA that support the findings for the CEQA exemption, and discusses the Lead Agency’s findings that are applicable to the proposed project. The project is described herein (Section 2, Project Description).

2. PROJECT DESCRIPTION

Project Applicant: Eppek, LLC., 7071 Warner Avenue, F346, Huntington Beach, CA 92647

Project Location: The project site encompasses approximately 3.43 acres and is located at 1040 Vail Avenue, Montebello, CA 90640 (Assessor’s Parcel Numbers (APN): 6353-015-002), Los Angeles County. The site is located on the east side of Vail Avenue just south of the southeast corner of Washington Blvd. and Vail Avenue.

Surrounding Land Uses: The project site is located within an existing and well established industrial area. Industrial uses are located to the north, east, west, and south.

Physical Characteristics of the Project: The CUP under CUP 27-19 will allow the cannabis Cultivation, Distribution, and Non-Store Front Retail delivery. The project will occupy 12,224 square feet of an existing 60,710 square-foot building. No additions or exterior work is proposed. All work is interior tenant improvements and construction would take approximately 6-12 months.

3. APPLICABLE CEQA EXEMPTIONS

The City of Montebello has reviewed the proposed project and has determined that it is categorically exempt and qualifies for a Class 1 Existing Facilities (CEQA Guidelines Sec 15301). Class 1 exemption consists of projects characterized as existing facilities that meet the following conditions:

- The project consist of the operation repair, maintenance, permitting, leasing, licensing, or minor alterations of existing private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing of former use.
- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

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1 CEQA Guidelines California Code of Regulations, Title 14, Division 6, Chapter 3, Article 19. Categorical Exemptions (Section 15300).
4. FINDINGS SUPPORTING THE APPLICABLE CEQA EXEMPTIONS

The City of Montebello, following a preliminary evaluation of the proposed project, determined that it would not result in any significant effects on the environment. This determination is based on the following:

- The applicant is seeking approval to utilize 12,224 square feet of an existing 60,710 SF building to deliver and cultivate cannabis and distribute infused edible and consumable products. This is the first approval the application has sought in relationship to the use of this existing facility.
- The building located at 1040 Vail Avenue is an existing private structure on a lot that is approximately 3.43 acres and will continue to be used as an industrial building.
- The applicant will conduct minor alterations to approximately 12,224 SF of the interior space.
- The applicant does not plan to perform any exterior alterations. The existing building footprint will remain unchanged.
- The manufacturing of the cannabis is consistent with the existing manufacturing zone uses and there is not a reasonable possibility that the non-storefront retail delivery and distribution of edible and consumable products consistent which is consistent with the manufacturing of other foods and edible products conducted in the Manufacturing Zone and will not have a significant effect on the environment.
- The existing structure is located in a designated manufacturing zone off of a local street which is not part of a highway designated as a state scenic highway.
- The site is not included on any list compiled pursuant to Section 65962.5 of the Government Code and has not been deemed a hazardous waste site.
- The existing facility has not been designated a historical resource and will not cause a substantial adverse change in the significance of a historical resource.
- The proposed project is consistent with both the General Plan and Zoning designations that are applicable to the site and the City of Montebello Zoning Ordinance Map. NO General Plan Amendment or Zone Change will be required to accommodate the proposed project.
- The proposed project is within the City limits and is less than 5 acres. The project site is 3.43 acres and is surrounded by urban uses. The project site is located within an established industrial area and is surrounded by industrial uses to the north, east, west, and south.
- No native or natural habitats are found within the project site or on adjacent parcels. Due to the urban, built-out nature of the urbanized projects in the City and surrounding area, there are no known natural biological resources in the vicinity of the project site. No known rare or endangered plant or animal species are located within the project site boundaries. The site’s highly disturbed nature, small size, and its isolation from other open space areas limit its utility as a habitat or an animal migration corridor.
- The approval of the proposed project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The City oversaw the completion of an Environmental Checklist that considered the project’s impacts pursuant to the CEQA Guidelines Appendix G Environmental Checklist Form.

As indicated in the studies completed for this project, and based on application of the existing Federal, State, and local laws and regulations, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. As a result, the following findings may be made by the City of Montebello:

- No significant dislocation of onsite or offsite uses will be required to accommodate the proposed project.
- The proposed project site does not contain any sensitive resources. The project site and surrounding areas have been disturbed as part of previous development.
- The proposed project site is located within an urbanized area of the City of Montebello. No scenic resources or scenic corridor will be affected by the proposed project.
- The proposed project site is not located within an area, nor does it include a site the Department of Toxic Substances Control and the Secretary for Environmental Protection has identified as being affected by hazardous wastes.
Notice of CEQA Exemption
Eppek, LLC.
7071 Warner Ave. F346
Huntington Beach, CA 92647

- The proposed project will not result in any adverse impacts on historic resources.
- The proposed project will not involve the review of by a State trustee or responsible agency.

5. DISCUSSION OF THE LEAD AGENCIES FINDINGS

The City of Montebello may make the following findings with regard to the proposed project’s exemption from the environmental review requirements outlines in CEQA:

- The proposed project will be confined to the project site and no dislocation of offsite uses will occur.
- The proposed project does not have a possibility of creating a significant environmental effect. The bases for this determination was discussed in the preceding section.
- The proposed project will not result in any impacts to sensitive resources.
- The proposed project will not result in impacts on sensitive resources; result in a cumulative impacts; have the potential for damaging scenic resources; involve the placement of a project over a site the Department of Toxic Substances Control and the Secretary for Environmental Protection has identified as being affected by hazardous wastes; or result in any impacts to historic resources.
- The Lead Agency, based on the rule of common sense, “has determined that there is no possibility” that the proposed project will result in significant environmental effects.\(^2\)

\(^2\) CEQA Guidelines Sec. 15061(b)\(^3\)
TO: Honorable Chair and Planning Commissioners

DATE: November 5, 2019

FROM: Manuel Mancha, Director of Planning and Community Development

BY: Louis Morales, Planning Project Consultant

SUBJECT: Conditional Use Permit No. CUP 28-19 to allow a cannabis Cultivation, Manufacturing, Distribution, and Non-Store Front Retail delivery service within an existing building located at 8040 Slauson Avenue (APN 6368-001-002)

RECOMMENDATION:

Conduct a public hearing and, upon conclusion, adopt Resolution: (1) approving Conditional Use Permit No. CUP 28-19 with conditions and adopting a CEQA exemption; (2) denying Conditional Use Permit No. CUP 28-19); or (3) continue or table the public hearing to a date certain.

PROJECT/APPLICANT INFORMATION

Project Location: 8040Slauson Avenue.
APN Information: 6368-001-002.
Project Applicant: MTN Group, Inc. (Lambert Hahm).
Property Owner: William Salpaka.
General Plan Designation: Industrial.
Zoning: M-2 (Heavy Manufacturing).
Existing Use on Property: The property is .73 acres and is developed with an existing 1-stcry 14,000 square-foot industrial type building that was built in 1962. The building is currently occupied by Johnson Supply Heating & Air Conditioning.

PRIOR PLANNING COMMISSION ACTIONS

None.

SURROUNDING LAND USE

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zone</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>M-2</td>
<td>Industrial</td>
</tr>
<tr>
<td>South</td>
<td>M-2</td>
<td>Industrial</td>
</tr>
<tr>
<td>--------</td>
<td>---------</td>
<td>------------</td>
</tr>
<tr>
<td>East</td>
<td>M-2</td>
<td>Industrial</td>
</tr>
<tr>
<td>West</td>
<td>M-2</td>
<td>Industrial</td>
</tr>
</tbody>
</table>

**BACKGROUND**

On September 13, 2017, the City adopted Ordinance No. 2399 adding Chapter 5.90 entitled Cannabis Cultivation, Cultivation, Distribution, and Testing with a required Development Agreement and Conditional Use Permit.

On June 13, 2018, the City adopted Ordinance No. 2404 adding Delivery-Only retailers along with Cultivation, Cultivation, and Testing as conditionally approved activities/uses in the M-1 and M-2 zones with a Development Agreement (DA) and also adding a sensitive use buffer of 600-feet from residential zones.

On February 13, 2019 the City Council held a public hearing and recommended the selection of potential cannabis operators for Phase 3 consideration and adoption of fees. The City Council selected 21 potential operators and established a Conditional Use Permit filing due date of March 4, 2019 for said operators. During this process a list of Phase 2 applicants was established, which contained three applicants. One of the three applicants was MTN Group, Inc.

On July 3, 2019 the Cannabis Ad Hoc Committee provided the Phase 2 applicants to opportunity to submit for a conditional use permit.

On October 17, 2019, CUP 28-19 submitted by MTN Group, Inc. for cannabis Cultivation, Distribution, and Non-Store Front Retail delivery was determined to be complete.

**PROJECT DESCRIPTION**

The project site is located on the south of Slauson Avenue just east of the south east corner of Telegraph Road and Slauson Avenue and commonly known at 8040 Slauson Avenue in the M-2 (Heavy Manufacturing) zone. The project site is approximately 31,870 square feet (.73 acres) and is improved with an existing 14,000 square-foot building currently occupied by a heating & air conditioning company.

The project under CJP 28-19 by MTN Group, Inc. will occupy the entire existing 14,000 square-foot building for cannabis Cultivation, Manufacturing, Distribution, and Non-Store Front Retail delivery. The proposed cannabis use will have access to the entire site that is improved with 28 existing and dedicated parking spaces and 2 loading spaces. The project does not propose any additions or exterior improvements and will only consists of interior tenant improvements with uses broken down as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultivation</td>
<td>7,730 sq. ft.</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>2,310 sq. ft.</td>
</tr>
<tr>
<td>Distribution and Non-Store Front delivery</td>
<td>820 sq. ft.</td>
</tr>
<tr>
<td>Office, common space, storage, and</td>
<td>3,140 sq. ft.</td>
</tr>
</tbody>
</table>
Traffic and Parking

The site is an approximately .73 acre lot and has two existing access points (driveways) for ingress and egress on Slauson Avenue (front) and Bluff Road (rear). The existing driveways will be the access points for the proposed project and are adequate in width to accommodate the proposed project/business. The project is proposed for cannabis Cultivation, Manufacturing, Distribution, and Non-Store Front Retail delivery and falls under the category of a warehouse/distribution use. Thus, the operation will have limited employees compared to other typical industrial, warehouse, and distribution uses. This translates to less AM and PM peak hour trips.

The building space proposed for the business is 14,000 square feet. The current parking requirement for warehouse/distribution is 1 parking space/1000 square feet or 14 parking spaces. The project provides 28 spaces and 2 loading spaces.

The cannabis operation will not be open to the public, there will be limited to no visitors to the site/business location and therefore minimizes additional parking. This will also be a condition of approval. To ensure compliance, this will also be a condition of approval.

CEQA

The Conditional Use Permit No. CUP 28-19 application is considered a “project”, per the California Environmental Quality Act definition of a “project and is categorically exempt under the California Environmental Act (CEQA) Section §15301 (Existing Facilities) Class 1 consists of projects characterized as existing facilities meeting the conditions described in this section:

1. The project consist of the operation repair, maintenance, permitting, leasing, licensing, or minor alterations of existing private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing of former use.

2. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The proposed use is a conditionally approved with the established M-2 zone designation.

3. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The proposed project will be located with the existing structures and does not proposed any additions. The project site is .73 acres.

4. The project site has no value as habitat for endangered, rare or threatened species. The Site is completely developed with an approximately 14,000 square-foot building.

5. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The proposed project as cannabis Cultivation, Manufacturing Distribution, and Non-Store Front Retail delivery will reduce traffic as this type of use has less employees than typical industrial uses and will have limited to zero
customers/visitors from the general public, which will further reduce vehicle trip counts for AM and PM peak hours.

6. The site can be adequately served by all required utilities and public services. The building(s) exists and currently has all the necessary and required utilities.

ANALYSIS

The subject project site is located at 8040 Slauson Avenue (APN 6308-001-002). The General Plan Land Use Designation is Industrial and the zone is M-2 (Heavy Manufacturing). The following is a code analysis of the proposed project:

<table>
<thead>
<tr>
<th>Code Standard</th>
<th>Proposed/Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>31,870 sq. ft. or .73 acres</td>
</tr>
<tr>
<td>Lot Width</td>
<td>141 ft. +/- (existing)</td>
</tr>
<tr>
<td>Lot Depth</td>
<td>247 ft. +/- (existing)</td>
</tr>
<tr>
<td>Building Height</td>
<td>25 ft. +/- (existing)</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>14,000 +/- sq. ft. (existing)</td>
</tr>
<tr>
<td>Loading Spaces</td>
<td>2 spaces (existing)</td>
</tr>
<tr>
<td>Required Building Setback</td>
<td></td>
</tr>
<tr>
<td>Front, Slauson Avenue</td>
<td>10 ft. or 5 ft. with decorative facade</td>
</tr>
<tr>
<td>Sides east &amp; west</td>
<td>10 ft. or 5 ft. with decorative facade</td>
</tr>
<tr>
<td>Rear, south</td>
<td>5 ft. or none if no windows or doors</td>
</tr>
<tr>
<td>Parking 1 space/ 1,000 sq. ft.</td>
<td>28 parking spaces (existing)</td>
</tr>
</tbody>
</table>

The proposed project conforms with the Montebello General Plan, Land Use Element in that the proposed will develop under-utilized or vacant properties with a cohesive development that will increase the taxable revenue from those properties to the City.

- Goal #1: 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 Industrial #1: The City's industrial area should be preserved and
The proposed project is in compliance with the M-2 (Heavy Manufacturing) zone because:

- Per the Index of Primary Uses, Cannabis uses are a conditionally permitted use in the M-1 and M-2 zone and the project site is not within six hundred feet of a R-zone.
- Proposed 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 no changes are proposed to the exterior of the building.

Per the Montebello Municipal Code Chapter 17.70 the required findings:

- Would not adversely affect the general welfare of the surrounding property owners because there are no sensitive types of properties in the area, the area is mostly industrial.
- Would not result in an undesirable concentration of premises for cannabis uses, including Cultivation, Manufacturing, Distribution, and Non-Store Front Retail delivery, in the area because cannabis establishments are inconspicuous with limited signage and limited visitors with restrictions.
- Would not detrimentally affect the nearby surrounding area after giving special considerator to the proximity and nature of the proposed use with respect to schools providing instruction in kindergarten of any grades 1 through 12, a day care center, or youth center, or a property zoned residential.
- Would not aggravate existing problems created by the transport of cannabis (e.g. littering, loitering, noise, calls for service, and sales to minors) because the general public is not allowed at the facility and the business is required to have a security plan submitted by a licensed and bonded security company.
- 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.

**Police Department Review**

The Montebello Police Department reviewed the proposed project and does not object to the proposed Conditional Use Permit and stated that they will be incorporating conditions and comments into the required Development Agreement between the City and Applicant.
PUBLIC COMMENTS RECEIVED

Pursuant to MMC Chapter 17.78 (Public Hearings, Notices, and Appeals), public hearing notices:

- On October 7, 2019, a Public Hearing Notice was published in the Montebello News.
- On October 17, 2019, a Public Hearing Notice was mailed to property owners and occupants within three hundred feet of the site boundaries.

Staff has not received any inquiries or correspondence from the general public expressing concern.

PLANNING COMMISSION OPTIONS

The following are options should the Planning Commission take action on this Conditional Use Permit No. CUP 28-19 application:

1. Conduct a Public Hearing and adopt a Resolution approving Conditional Use Permit No. CUP 28-19 and adopting a CEQA exemption to allow the development of indoor cannabis Cultivation, Manufacturing, Distribution, and Non-Store Front Retail delivery at 8040 Slauson Avenue.

2. Conduct a Public Hearing and adopt a Resolution denying Conditional Use Permit No. CUP 28-19 to allow the development of indoor cannabis Cultivation, Manufacturing, Distribution, and Non-Store Front Retail delivery at 8040 Slauson Avenue.

3. Open a Public Hearing and table the item to a date certain

FISCAL IMPACT

None

ATTACHMENT(S)

A. Public Hearing Notice
B. Resolution
C. NOE
D. Assessor’s Map
E. Plans
NOTICE OF PUBLIC HEARING
CITY OF MONTEBELLO PLANNING COMMISSION

Conditional Use Permit No. CUP 28-19
8040 Slauson Avenue

Project Description: A Conditional Use Permit application to allow indoor cannabis Cultivation, Manufacturing, Distribution, and Non-Store Front Retail delivery, within an existing commercial building on the property located at 8040 Slauson Avenue, APN 6368-001-002.

Zone: M-2 (Heavy Manufacturing)

General Plan Designation: Industrial

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, November 5, 2019
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
Phone: 323.480.8145, ext. 482 Fax: 323.887.1468
Email: imorales@cityofmontebello.com
Address: City of Montebello, City Hall, Planning Division, 1600 W. Beverly Blvd, Montebello, CA 90640
City Website: www.cityofmontebello.com
CITY OF MONTEBELLO
PLANNING COMMISSION

RESOLUTION NO. 43-19

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO ADOPTING CEQA EXEMPTION AND APPROVING CONDITIONAL USE PERMIT NO. CUP 28-19 TO ALLOW A CANNABIS CULTIVATION, MANUFACTURING, DISTRIBUTION, AND NON-STORER FRONT RETAIL DELIVERY LOCATED AT 8040 SLAUSON AVENUE (APN 6368-001-002)

WHEREAS, a Conditional Use Permit No. CUP 28-19 application was submitted by Lambert Hahm with MTN Group, Inc. and has been received and accepted;

WHEREAS, the Conditional Use Permit would allow a new cannabis Cultivation (7,730 sq. ft.) Manufacturing, Distribution, and Non-Store Front Retail delivery located at 3040 Slauson Avenue (APN 6368-001-002);

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 No. CUP 28-19 is considered a “project”, per the California Environmental Quality Act definition of a “project”;

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

1. The project consist of the operation repair, maintenance, permitting, leasing, licensing, or minor alterations of existing private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing of former use.

2. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

3. Approval of the project would not result in any reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

WHEREAS, 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:

1. The proposed use would conform with the City of Montebello
General Plan Land Use Element, Goal 1, "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 Industrial 4, "The City's industrial area should be preserved and maintained"; because the proposed project will occupy an existing building and clean up a property that is not properly maintained and generate taxable revenue to the City.

2. The proposed cannabis Manufacturing, Distribution, and Non-Store Front Retail Delivery is in compliance with the M-2 (Heavy Manufacturing) zone because:

   a. Per the Index of Primary Uses, Cannabis uses are conditionally permitted in the M-1 and M-2 zones and the project site is not within six hundred feet of a R-zone.


3. The design of the building is compatible with the surrounding neighborhood because there is not a distinct Architectural style or design to the area. The cannabis uses being proposed are in an existing building and no changes are being made to the building exterior.

4. Per MMC 17.71.010, the proposed use:

   a. Is consistent with the purposes and intent of Chapter 17.71 – Permitted Zones; Distance from sensitive uses – of the Montebello Municipal Code;

   b. Would not adversely affect the general welfare of the surrounding property owners;

   c. Would not result in an undesirable concentration of premises for the sale of cannabis as cannabis uses are inconspicuous with limited signage and limited and restricted visitors, in the area;

   d. Would not detrimentally affect the nearby surrounding area after giving special consideration to the proximity and nature of the proposed use with respect to schools providing instruction in kindergarten of any grades 1 through 12, a day care center, or youth center, or a properties zoned residential;

   e. Would not aggravate existing problems created by the
transport of cannabis (e.g. littering, loitering, noise, calls for service, and sales to minors); and

f. 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.

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

SECTION 2. The Planning Commission approves and adopts the CEQA Categorical Exemption §15301 (Existing Facilities) Class 1 exemption. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

1. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

SECTION 3. The Planning Commission hereby approves Conditional Use Permit No. CUP 28-19 to allow cannabis Cultivation, Manufacturing, Distribution, and Non-Store-front delivery subject to the conditions of approval set forth in Section 4 of this Resolution.

SECTION 4. 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 applicant shall sign, notarize, and return to the Planning Department an affidavit accepting all Conditions of Approval of Conditional Use Permit (CUP
within 30 days from the date of the approval in accordance with Montebello Municipal Code Sections 17.71.010 and 17-32. The applicant acknowledges and understands that all conditions set forth in this Resolution are conditions precedent to the grant of approval and failure to comply with any condition contained herein shall render this approval non-binding as against the city and shall confer applicant no legal rights under the law. The Applicant shall incorporate these conditions of approval in the project plans (constructions drawings) that are submitted for building plan check. Building Plans shall be reviewed and approved by the Planning Division for conformance to the Conditions of Approval and the approved Development Plan prior to the issuance of a building permit.

3. This approval shall be used within two years of the approval date of this project; by **November 5, 2021**. Otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction under this approval. The applicant will incorporate all conditions of approval in all plans that will be submitted for building plan check.

4. Approval of CUP 28-19 is subject to approval, adoption, and fully executed Development Agreement by and between the City and the Applicant.

5. This approval under CUP 28-19 is for cannabis Cultivation (7,730 sq. ft.), Distribution, and Non-Store Front Retail delivery that will occupy an existing 12,224 square-foot space within an existing 60,710 square-foot building.

6. MTN Group, Inc. must be a registered business or entity with the Secretary of State of the State of California. If MTN Group, Inc. is not registered in the State of California, this application and approval is invalid.

7. A Business License and a Certificate of Occupancy shall be applied for and approved by the Community Development Department Planning at this location prior to operations. If operations commence prior to approval of these applications, this approval will be invalid and will be subject to revocation and all activities will be considered illegal.

8. The Applicant and operation shall continually remain in compliance with all Montebello codes, Regulations, Ordinances and applicable State and Federal laws.

9. This approval is the result of review of your submitted application and plans. Further review may be required as the operations begins activity to inspect facilities and review Live Scan results of employees.

10. Within one year of approval, a review of the operation and facility will be performed to determine continued compliance with the most current Cannabis Ordinance. The approval shall remain valid indefinitely as long as the organization remains in good standing and complies with all requirements including any and all payments required under the requisite Development Agreement.

11. A Security Plan must be submitted by a certified, bonded, and licensed security company. The security plan will include but not be limited to security cameras on site, screened fencing, and a storage vault or safe. The security
Plan must be reviewed and approved by the Police Chief or his designee before a Certificate of Occupancy is issued.

12. Access to the security cameras must be granted upon request by the City representatives seeking access to the building.

13. The applicant’s business of cannabis Cultivation (7,730 sq. ft.), Manufacturing, Distribution, and Non-Store Front Retail delivery will not have any members of the public visit the premises at 8040 Slauson Avenue for acquisition or sale of any product.

14. The development and utilization of the subject site shall substantially conform to the plans submitted by MO + RE Design Solutions dated August 8, 2019, for the 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.

15. Off-street parking. The project proposes to utilize an existing 14,000 square-foot building. The total site is developed with 28 parking spaces. Cannabis uses require 1 parking space per 1,000 square feet requiring 14 parking spaces. The project under CUP 28-19 provides 28 parking spaces and will be required to provide 2 loading spaces.

16. 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 28-19).

17. All storage shall be maintained indoors.

18. The Applicant shall submit three copies of construction level Landscape and Irrigation Plans to the Community Development Department. The plans must be prepared by a registered landscape architect and include the location, number, genus, species, and container size of plants. The cover page shall identify the total square footage to the landscape area and note how it is to be maintained. Use of water efficient fixtures and drought plants is encouraged.

19. Modification to Plans. Subsequent modification to this approval, which do not intensify the use, including but not limited to reorientation of structures, alteration of parking and circulation design, minor changes to the Conditions of Approval, interpretations of the Conditions of Approval relative to intent, necessity of, and timing, may be approved by the Community Development Director within a 25% deviation, unless the Director requires a Substantial Conformance or revised Permit application in accordance with the City Development Code.

20. 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 28-19) if sufficient cause is given.
21. No transfer or Change in ownership or location. Applicant/owner may not transfer, sell, pledge, assign, grant an option, or other dispose of his or her ownership interest in the business or development agreement, without the advanced approval of the City Council.

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

23. Applicant shall repair any and all damaged sidewalk along street frontage of property (Vail Avenue). A permit from the Montebello Public Works Department shall be secured before any work may commence within the public right away.

24. Any and all cannabis waste will and may not be discharged into public sewer. Provide a report that identifies waste materials that are going to be discharge into public sewer.

25. Provide report on how any toxic or hazardous waste materials or by products will disposed. Provide an ongoing program for monitoring the disposition of any identified hazardous or toxic materials.

26. Must obtain approval from LA County Sanitation District for any required Industrial Waste permit(s).

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

28. The Applicant 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.

29. 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.

30. The Applicant shall have all graffiti on-site removed within 24 hours of its appearance.

31. The operation of the said use shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions. All activities must be conducted within the building.

32. 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.

33. No loitering in the parking area and Applicant shall control all employees leaving the premises. Signs shall be posted notifying employees. 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.
34. The Applicant and business operator shall take the necessary steps to assure
the orderly conduct of employees. No members of the public are allowed to
patronize and visit on the premises.

35. The parking area shall be sufficiently lit and secured to discourage loitering
and/or late night activity.

36. All outdoor utilities, machinery, and equipment, including roof-mounted
equipment, shall be completely screened from the public right-of-way, in a
manner that is compatible with the structure. The method of screening shall
be subject to the review and approval of the Director of Planning and
Community Development and the Building Official prior to issuing building
permits.

37. This approval shall not supersede the approval of any other responsible
agencies. The applicant shall comply with all Federal, State and local laws.

38. The approval of this Conditional Use Permit (CUP 28-19) shall expire if the
rights granted are not exercised within two (2) years from the effective date of
this Resolution. Exercise of rights shall mean the issuance of a Building
permit.

39. The approval of this Conditional Use Permit (CUP 28-19) 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.

40. Within 30 days of the City Planning Division transmittal of the Acceptance
Form, the applicant shall sign and return a copy of the Acceptance Form,
agreeing to the conditions of approval and acknowledging that failure to
comply with such conditions shall constitute grounds for potential revocation
of the permit approval. Failure to return the Acceptance Form within 30 days
shall constitute grounds for terminating the permit.

41. 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.

42. Parking shall be provided in accordance with the regulations of Chapter 17.52
of the Montebello Municipal Zoning Code.

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

44. All screening must be reviewed and approved by the Planning Division prior
to the issuance of any building permits to construct the screening.

45. If, at any time, a litter problem arises, the Director of 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.

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

47. 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.

48. 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.

49. 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.

50. All signage is subject to final review and approval by the Planning Division and will be done under as separate permit. Signage depicting any kind of cannabis items or paraphernalia shall be prohibited.

51. All temporary signage is subject to the restrictions of the City’s sign ordinance.

52. No coin operated games or video machines maintained upon the premises at any time.

53. 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.

54. Compliance with the current edition of the California Fire Code.

55. Applicant shall adhere to all applicable codes, standards, and/or regulations. And shall meet any all conditions as may be required by South Coast Air Quality Management District, any and all water boards, Montebello Building Safety, Montebello Public Works, and Montebello Police and Fire.

56. Compliance with the current edition of the California Fire Code, Appendix B, titled “Fire-Flow Requirements for Buildings”, as the standard for delivery of fire flow to the site.


58. Compliance with all nationally recognized standards, laws, and ordinances.
i. That a masonry wall of six feet in height shall be constructed around the parking area of such establishments when said area is adjacent to properties zones or used for residential purposes or any of the above referenced consideration points.

ii. That the noise levels generated by the operation of such establishment shall not exceed sixty-five dBA between the hours of seven a.m. to ten p.m., and not exceed sixty dBA between the hours of ten p.m. to seven a.m., so as to mitigate the impact on adjoining properties zoned or used for residential purposes. The measurement of noise levels shall be taken at the location of the shared property line.

iii. That exterior lighting of the parking area shall be kept at an intensity of between one- and two-foot candles, so as to provide adequate lighting for employees while not disturbing surrounding residential or commercial areas. Light sources shall be shielded from adjacent properties and from the sky.

iv. That special security measures such as security guards and burglar alarm systems as specified by the police department may be required, which must reflected in the submitted security plan.

v. Exterior storage of any kind shall be prohibited, except where allowed per the Montebello Municipal Code.

vi. That litter and trash receptacles shall be located at convenient locations inside and outside establishments, and operators of such establishments shall remove trash and debris on a daily basis.

vii. That no signs shall be installed on the site until a sign permit has been approved by the Planning Division and a building permit issued by the Building and Safety Division in conformance with the provisions set forth in Chapter 17.62 of the Montebello Municipal Code.

PASSED AND ADOPTED this 5th day of November, 2019 by the Planning Commission.

AYES:
NOES:
ABSENT:
ABSTAIN:

Sona Mooradian, Chair

ATTEST:
Manuel Mancha,
Director of Planning and Community Development
Notice of CEQA Exemption
MTN Group, Inc.
8040 Slauson Avenue.
Montebello, CA 90640

To: Los Angeles County
Registrar-Recorder/County Clerk
12400 Imperial Highway
Norwalk CA 90650

From: Community Development Director
Planning and Development Dept.
1600 West Beverly Boulevard
Montebello, CA 90640

Project Title: CUP 28-19
Project Address: 8040 Slauson Avenue, Montebello, CA 90640
Project Location – City: Montebello
Project Location – County: Los Angeles County

Description of Nature, Purpose, and Beneficiaries of Project: Conditional Use permit to allow cannabis Cultivation, Manufacturing, Distribution, and Non-Store Front Retail delivery in an existing 14,000 square-foot building located at 8040 Slauson Avenue in the M-2 (Heavy Manufacturing) zone.

Name of the Public Agency Approving the Project: City of Montebello.
Name of Person or Agency Carrying Out the Project: MTN Group, Inc., 8040 Slauson Avenue, Montebello, CA 90640

Exempt Status (check one)
☐ Ministerial (Sec. 21080(b)(1); 15268); N/A
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a)); N/A
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c)); N/A
☒ Categorical Exemption. State type and section number: Class 1 Existing Facilities (CEQA Guidelines Sec. 15301)
☐ Statutory Exemptions. State code number: N/A

Reasons Project is Exempt: See attached.

Lead Agency Contact Person: Louis Morales Area Code/Telephone/Extension: 323-887-1475

If filed by applicant:
1. Attach certified document of exemption finding. (Refer to Attachment A)
2. Has a Notice of Exemption been filed by the public agency approving the project? ☒ Yes ☐ No

Signature: __________________________ Date: ________________ Title: Project Planner

☒ Signed by Lead Agency ☐ Signed by Applicant

City of Montebello
ATTACHMENT A FOR THE NOTICE OF CEQA EXEMPTION
CUP 28-19

1. INTRODUCTION

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, a Notice of Exemption (NOE) may be filed if the City of Montebello, in its capacity as the Lead Agency, determines that a proposed action or project is exempt from CEQA. According to the CEQA Guidelines, a NOE must contain the following information:

- A brief description of the action or project;
- A finding that the proposed action or project is exempt, including a citation of the State CEQA Guidelines section or statute under which the project is found to be exempt; and
- A brief statement in support of the finding.

This NOE provides a description of the proposed CUP 28-19, indicates the applicable sections of CEQA that support the findings for the CEQA exemption, and discusses the Lead Agency's findings that are applicable to the proposed project. The project is described herein (Section 2, Project Description).

2. PROJECT DESCRIPTION

Project Applicant: MTN Group, Inc., 8040 Slauson Avenue, Montebello, CA 90640

Project Location: The project site encompasses approximately .73 acres and is located at 8040 Slauson Avenue, Montebello, CA 90640 (Assessor's Parcel Numbers (APN): 6368-001-002), Los Angeles County. The site is located on the south side of Slauson Avenue just east of the southeast corner of Telegraph Road and Slauson Avenue.

Surrounding Land Uses: The project site is located within an existing and well established industrial area. Industrial uses are located to the north, east, west, and south.

Physical Characteristics of the Project: The CUP under CUP 28-19 will allow the cannabis Cultivation, Manufacturing, Distribution, and Non-Store Front Retail delivery. The project will occupy an existing 14,000 square-foot building. No additions or exterior work is proposed. All work is interior tenant improvements and construction would take approximately 6-12 months.

3. APPLICABLE CEQA EXEMPTIONS

The City of Montebello has reviewed the proposed project and has determined that it is categorically exempt and qualifies for a Class 1 Existing Facilities (CEQA Guidelines Sec 15301). Class 1 exemption consists of projects characterized as existing facilities that meet the following conditions:

- The project consist of the operation repair, maintenance, permitting, leasing, licensing, or minor alterations of existing private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing former use.
- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

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1 CEQA Guidelines California Code of Regulations, Title 14, Division 6, Chapter 3, Article 19. Categorical Exemptions (Section 15300)
City of Montebello 2
4. FINDINGS SUPPORTING THE APPLICABLE CEQA EXEMPTIONS

The City of Montebello, following a preliminary evaluation of the proposed project, determined that it would not result in any significant effects on the environment. This determination is based on the following:

- The applicant is seeking approval to utilize an existing 14,000 square-foot building to deliver, cultivate, manufacture cannabis and distribute infused edible and consumable products. This is the first approval the application has sought in relationship to the use of this existing facility.
- The building located at 8040 Slauson Avenue is an existing private structure on a lot that is approximately .73 acres and will continue to be used as an industrial building.
- The applicant will conduct minor alterations to approximately 14,000 SF of the interior space.
- The applicant does not plan to perform any exterior alterations. The existing building footprint will remain unchanged.
- The manufacturing of the cannabis is consistent with the existing manufacturing zone uses and there is not a reasonable possibility that the non-storefront retail delivery and distribution of edible and consumable products consistent which is consistent with the manufacturing of other food products conducted in the Manufacturing Zone and will not have a significant effect on the environment.
- The existing structure is located in a designated manufacturing zone off of a local street which is not part of a highway designated as a state scenic highway.
- The site is not included on any list compiled pursuant to Section 65962.5 of the Government Code and has not been deemed a hazardous waste site.
- The existing facility has not been designated a historical resource and will not cause a substantial adverse change in the significance of a historical resource.
- The proposed project is consistent with both the General Plan and Zoning designations that are applicable to the site and the City of Montebello Zoning Ordinance Map. NO General Plan Amendment or Zone Change will be required to accommodate the proposed project.
- The proposed project is within the City limits and is less than 5 acres. The project site is .73 acres and is surrounded by urban uses. The project site is located within an established industrial area and is surrounded by industrial uses to the north, east, west, and south.
- No native or natural habitats are found within the project site or on adjacent parcels. Due to the urban, built-out nature of the urbanized projects in the City and surrounding area, there are no known natural biological resources in the vicinity of the project site. No known rare or endangered plant or animal species are located within the project site boundaries. The site’s highly disturbed nature, small size, and its isolation from other open space areas limit its utility as a habitat or an animal migration corridor.
- The approval of the proposed project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The City oversaw the completion of an Environmental Checklist that considered the project’s impacts pursuant to the CEQA Guidelines Appendix G Environmental Checklist Form.

As indicated in the studies completed for this project, and based on application of the existing Federal, State, and local laws and regulations, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. As a result, the following findings may be made by the City of Montebello:

- No significant dislocation of onsite or offsite uses will be required to accommodate the proposed project.
- The proposed project site does not contain any sensitive resources. The project site and surrounding areas have been disturbed as part of previous development.
- The proposed project site is located within an urbanized area of the City of Montebello. No scenic resources or scenic corridor will be affected by the proposed project.
- The proposed project site is not located within an area, nor does it include a site the Department of Toxic Substances Control and the Secretary for Environmental Protection has identified as being affected by hazardous wastes.
Notice of CEQA Exemption
MTN Group, Inc.
8040 Slauson Avenue.
Montebello, CA 90640

- The proposed project will not result in any adverse impacts on historic resources.
- The proposed project will not involve the review of by a State trustee or responsible agency.

5. DISCUSSION OF THE LEAD AGENCIES FINDINGS

The City of Montebello may make the following findings with regard to the proposed project’s exemption from the environmental review requirements outlines in CEQA:

- The proposed project will be confined to the project site and no dislocation of offsite uses will occur.
- The proposed project does not have a possibility of creating a significant environmental effect. The bases for this determination was discussed in the preceding section.
- The proposed project will not result in any impacts to sensitive resources.
- The proposed project will not result in impacts on sensitive resources; result in a cumulative impacts; have the potential for damaging scenic resources; involve the placement of a project over a site the Department of Toxic Substances Control and the Secretary for Environmental Protection has identified as being affected by hazardous wastes; or result in any impacts to historic resources.
- The Lead Agency, based on the rule of common sense, “has determined that there is no possibility” that the proposed project will result in significant environmental effects.²

² CEQA Guidelines Sec. 15061(b)(3)
City of Montebello