

**CITY OF MONTEBELLO
PLANNING COMMISSION
MINUTES**

December 1, 2020

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

6:39 P.M. by Chair Lomeli

2. ROLL CALL

Commissioners Present: Chair Lomeli, Vice-Chair Briseno, Commissioner Mooradian, and Commissioner Ramirez

Absent: Commissioner Aliksanian

MOTION: Commissioner Ramirez motions to excuse Commissioner Aliksanians absence for December 1, 2020.

SECOND: Commissioner Mooradian

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

Also present:

Director of Planning and Community Development – Joseph Palombi

Planning Commission Legal Counsel – Gloria Ramirez

Staff - Maria Roman, Josephine Pham, Saara Chaudry and Michael Donovan

3. PLEDGE OF ALLEGIANCE

Commissioner Mooradian

4. PLANNING COMMISSION SECRETARY –CORRECTION TO AGENDA

None

5. STATEMENT OF PUBLIC ORAL COMMUNICATIONS

Director Palombi - Good evening Madam Chair and Members of the Commission. As authorized by the Governor's Executive Order No. N-29-20, members of the public wishing to speak or provide public comments during today's Planning Commission meeting were allowed to submit a public comment card via telephone and/or email per the instructions provided in the agenda and notification material available to the public. The City has also established a dial-in number to accommodate members of the public who are interested in observing the Planning Commission meeting via a telephonic dial-in process. The dial-in information was provided in the Agenda for today's meeting.

6. APPROVAL OF MINUTES:

A. November 4, 2020

MOTION: Commissioner Ramirez motions to approve minutes for November 4, 2020.

SECOND: Chair Lomeli

ACTION: 3-0-1-1 (Aliksanian, Mooradian)

Commissioner Mooradian – I will have to abstain as I was not present.

7. STAFF COMMUNICATIONS ON ITEMS OF COMMUNITY INTEREST

None

8. PUBLIC HEARINGS

A. General Plan Amendment, Zone Change, Planned Development District, Parking Management Plan, Development Agreement, and Vesting Tentative Tract Map

Case No.: PC-2020-0018-GPA-ZC-PDD-PMP/DA No. 02-20/VTM No. 83239/ ENV No. 113-20-MND

Chair Lomeli – I will open the public hearing. Does anyone have any conflict of interests that they would like to address for item 8A?

Commissioner Ramirez – None.

Commissioner Briseno - None.

Commissioner Mooradian – None.

Chair Lomeli – I have none as well.

Director Palombi – Thank you Madam Chair. Item 8A relates to a request from Brandywine Homes for a General Plan Amendment, Zone Change, Planning Development District, Parking Management Plan, Development Agreement, and Vesting Tentative Tract Map for the property located at 301 Jacmar Drive. Josephine Pham will provide a presentation regarding this item.

Josephine Pham (Associate Planner) - Thank you, Joseph, and good evening, Commissioner Chair Lomeli and members of the Planning Commission.

I will be presenting the proposed project at 301 Jacmar Drive by the Applicant, Brandywine Acquisition Group, LLC or Brandywine Homes. Before we begin I would like to correct two errors in the staff report. First, on the last

sentence of page two, there is language regarding a density bonus which will be removed. The Applicant will pay an affordable “in-lieu” fee which will be further discussed in the presentation. Secondly, on page four, paragraph “F” the sentence states that the project will provide 11 tandem visitor parking stalls which in fact should be 11 open visitor parking stalls. With that being said, let continue to the next slide of the presentation. The total lot area of the subject site is approximately 60,000 square feet, or 1.38 acres. The property is generally bounded by Jacmar Drive to the north, Washington Boulevard to the south, South Bluff Road to the east, and 4th Street to the west. The subject property is zoned R-1. The surrounding properties are comprised of other R-1 zoned lots to the north, east, and west and a previously approved Planned Development Project zoned R-3-PD directly to the south abutting the subject site. It is important to note that the multi-family zoned property to the abutting the subject site to the south has been fully improved with 60 residential dwelling units on approximately 104,000 square feet, or 2.39 acres, of land. The characteristics of the surrounding properties including a mix of single family two-to-three-story properties are consistent with the proposed project. Next slide.

The 1.38 acre site is currently improved with a one-story single family residential unit with a total floor area of approximately 2,968 square feet. The Applicant submitted its application in September 2020. The proposed project includes a request to allow 31 residential dwelling units. Next slide. As mentioned, the Applicant is proposing to demolish the existing single-family home and construct six, 3-story buildings with a total of 31 “for-sale” residential dwelling units, with related amenities, on an approximately 60,101 square foot parcel located at 301 Jacmar Drive. Next slide.

The proposed Project will include an affordability component as outlined in the Development Agreement. The Applicant has agreed to pay an affordable housing in-lieu fee in the amount of \$75,000, which has been divided up equally per unit, as stipulated in the draft Development Agreement included in the staff report. This public benefit will help the City with future affordable housing projects to help satisfy the Regional Housing Needs Assessment, or “RHNA”, provided by the Southern California Association of Governments. Next slide.

In addition to the Development Agreement, the following entitlements are required for this proposal: General Plan Amendment, Zone Change with a Density Overlay and Height Overlay, Planned Development District, Parking Management Plan, and Vesting Tentative Tract Map under VTTM No. 83239. With the exception of the Parking Management Plan, all of the entitlements

will require further action from the City Council. The General Plan Amendment will change the existing General Plan Land Use Designation from Low Density Residential, shown on the left, to Medium Density Residential, shown on the right. Next slide.

Additionally, the proposed Zone Change will change the existing R-1 zoning to R-3-PD zoning with a Density Overlay to allow for 22.5 dwelling units per acre and Height Overlay to allow the height to increase from 25 ft. per R-3 development standards to a maximum of 39 ft.

The City's policy, with respect to density along major commercial corridors, is to permit a wide range in multiple family density from R-2, Medium Density, to R-4, Very High Density. Given the dramatic increase in land values located along major commercial corridors, the high to very high-density development is not unexpected.

The previously mentioned project to the south was improved with 60 units at 30 dwelling units per acre. Please note that multi-family homes to the south are comprised of two- to three-story buildings with a maximum height of 36 feet. It is also important to note that the maximum height for the R-1 Zone is currently 35 feet per the Montebello Municipal Code which will be consistent with the surrounding R1 zones.

Therefore, the General Plan Amendment and Zone Change would be consistent with the intent of the General Plan to allow higher residential density along major corridors such as Washington Boulevard. Next slide.

Here is the site plan for the proposed project. The proposal will include 6 different buildings at 3 stories within a private gated community regulated by a Home Owners Association and the agreed upon Covenants, Conditions, and Restrictions, or "CC&Rs". The proposed project meets all setback requirements, lot coverage, open space, and landscaping requirements per the Montebello Municipal Code. Landscaping was provided in consideration of privacy to the adjacent properties. With the proposed overlays and Planned Development District standards, any variations will be remedied to allow for the proposed project. Next slide.

The project will provide 73 total on-site parking stalls, 62 for residents and 11 for guests, meeting the minimum requirement for parking. Six of the 31 residential garages shall be tandem, which is outlined in blue in the image to the right. The proposed tandem parking garages would be self-managed by the owner/resident of each the respective dwelling unit which would not require coordination with other vehicle owners to access the tandem spaces.

The six dwelling units with proposed tandem garages are located off the primary internal roadway. The project site provides 11 unreserved/open parking spaces for guests and visitors, which is consistent the Municipal Code parking requirements. The guest parking spaces are not affected by the request for tandem parking garages for the six units. Next slide.

Public comments raised concerns over privacy to the neighboring properties northeast of the property. In addition to the landscaping, Condition No. 49 was added to the Resolution to revise the third story windows along the East portion of the property with Privacy Windows. The Privacy Window shall be placed 6 feet high and extend to 8 feet in height, as shown in this slide. The total height to the sill from the ground is about 28 and a half feet. Next slide.

The Applicant also provided this graphic to show the distances between buildings directly adjacent to the project. As previously noted, the buildings facing the properties to the east, along the bottom of this slide, shall be revised to add the privacy windows. The following Elevations shall be revised to depict this change before moving forward to plan submittal. Next slide.

Here are the Elevations for Building A. The Spanish contemporary style, colors, and materials will complement the surrounding neighborhoods. Next slide. Here is Building B. Next slide. Building C. Next slide. Building D. Next slide. Buildings E & F. Next slide. Here is the proposed development diagram associated with Vesting Tentative Tract Map. Staff has reviewed the map and found that the map is sufficient for the proposed "for-sale" development. Next slide. The proposal is considered a "project" per the California Environmental Quality Act or "CEQA". An Initial Study was prepared in connection with the proposed project. The Initial Study concluded that the Project may have less than significant impacts on the environment. Therefore, a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program was prepared and circulated for public review and comment pursuant to CEQA. Next slide.

The following Public Hearing Notifications were conducted. On October 29th, the proposed Mitigated Negative Declaration was filed and posted with the Los Angeles County Clerk's office for 20-days beginning on October 29 through November 19, 2020. In addition, the document was posted on the City's website, and mailed to adjacent neighboring properties. The Public Hearing Notice was mailed to owners/occupants within a 300-ft radius of the property on November 10th, and published in the Whittier Daily News on November 19th. Next Slide.

In conclusion, staff recommends that the Planning Commission adopt a Resolution to approve and recommend that the City Council approve the project as presented in the staff report. Actions' following this adoption includes recommending the City Council to approve all Entitlements under the project, approve the Development Agreement, and to adopt the Mitigated Negative Declaration. Staff did receive five comments and concerns in form of phone calls, letters, and e-mail communications which were attached to the staff report. We also received two requests for comments regarding the project and will be in the call with us shortly. I will now defer to the Applicant for a brief presentation. Staff is available to answer any questions and the Environmental Consultant is also available to answer any questions as well. Thank you.

Josephine Pham – Hi Alex, you may go ahead and start with your presentation.

Alex Hernandez – Chair and members of the Planning Commission, this is Alex Hernandez President of Brandywine Homes. We are here before you to request approval of this exciting development. Staff should have my presentation. Brandywine Homes has been in business for 26 years and developing properties throughout Los Angeles and Orange County. We specialize in working with cities to provide housing solutions via for sale, rental, affordable, non-affordable and mixed use. In your slides we chose some examples in Carson. We have some communities out in construction Placentia that are three stories. We also have projects in Fullerton, housing projects in La Verne and Whittier and others. We have experience in working with cities and mitigating those developments. Next slide.

This is the location map. I think staff has already covered that. But I will stop at the slide that shows the colored site plan. I would like to add more emphasis to the site and give more description. All the parking would be self-contained on this property. All the parking meets City codes. Will resident parking and guest parking will be onsite. We have no offsite parking required or allowed for this development. The units, in addition up front, there is a community park for this area of the community. As you can see there on the exhibits there is a picnic table area, a barbeque spot for the people that live here and there will also be benches in key locations for the residents who will be living in this community. There is also the common space that is available to all the residents of this community. Next slide.

Just to highlight some of the benefits have been outlined. Again, this is a gated community, self-contained, 31 townhomes, two- and four-bedroom units, each unit provides a 2-car garage, 11 guest parking spaces, private

open space for each unit, common open space as I described. We will be required to underground the powerlines, so the connection point will be underground and all services internal to the project will be undergrounded for future services. We are also providing substantial setbacks all the way around. Staff outlined in the exhibits it shows you 80 feet setbacks from adjacent properties down to about 35-40 feet on average of separation of our homes to the adjacent homes. We heard that there was a concern about privacy; again, this is our specialty we work with cities and jurisdictions throughout Southern California. There was a concern with someone's backyard and we immediately knew how to mitigate the situation, a proven solution that has worked with other jurisdictions and we supplied staff with the mitigation measures on the windows, to ensure privacy. People cannot be standing in their bedroom windows peering down on the neighbors. However, for egress and ingress and for fire purposes we did put those windows on the north south elevations of the buildings and bedrooms, which still allow natural light into the bedrooms from the east. We heard that there was a desire to have affordability and we worked with staff on a development agreement and that is also a part of this development that we agreed to an in-lieu fee for affordable. Also the City desired to achieve in-lieu numbers for the region and the City. I know that the City is in the process of updating its Housing Element and housing is in big demand for the City. Not only are we looking at this property but we are looking for others to provide housing solutions to the City and its residents. Last slide, regarding the conditions of approval, staff did outline in the presentation and they made a couple of adjustments to the staff report. However there are a couple of conditions of approval that we had mentioned to staff and wanted to make changes to. I just want to confirm with staff if those changes were made because I did not receive a revised resolution but those corrections related to conditions no. 35, 36, 39, 54 and 58. We discussed those and we understood those were going to be occurring, I would like to confirm because I had not seen the revised conditions.

Josephine Pham (Associate Planner) – We did make those changes. I spoke to Angela regarding those conditions. Would you like to go over them very quickly?

Alex Hernandez– No, that's fine. As long as I know that those corrections were made I wanted to confirm that had been done. With that I want to complement the staff. They have been very professional, very responsive in working and responding on finding solutions. We worked with all the City departments on this site plan, Fire Department, Building Department, and Public Works. We contacted all the utility companies' sewer, water, storm drain service for this property. We did all that in conjunction with teamwork with the City so I want

to compliment the staff with their assistance and cooperation. With that I will leave it open to the Commission for any questions that they may have.

Director Palombi - So we do have two speakers that we need to call that would like to speak on this item. So we will go ahead and call them now in order.

Arlene Andrade – Hello?

Director Palombi – Hello, Mrs. Andrade this is Joseph Palombi with the City of Montebello Planning and Community Development Department. I have you on speaker. We are in the Planning Commissioner meeting tonight on item 8A, which you have requested to speak on, is before the Commission. So I will go ahead and allow you three minutes to provide your comments to the Commission, so go ahead. Thank you.

Arlene Andrade - Thank you very much. Hi, good evening Chairperson Lomeli and Chair Members. My name is Arlene Andrade and I reside at 901 S. Bluff Road. I have been a resident of Montebello for more than 50 years and while I have already submitted my objections to this project in writing I felt compelled say them verbally as well. There are many areas of impact that are to consider. Prior to moving forward with a major project like this Brandywines proposed project. Even just listening to the comments in the presentation I couldn't even keep up fast enough because what I saw on the website is a little bit different from the presentation that was just made. So, I hope that there is time for public review to the amendments that were just presented. I also would like to ask that you consider any alternatives to this project which would maybe enhance and better serve the constituents in Montebello. For example, it is my understanding from speaking to some of the people in government there in Montebello that they are considering opening a dog park for residents to enjoy. I would submit to you that this 301 Jacmar location is an ideal location for a project like that. While it may not bring the revenue that you are looking for I would also suggest as a 50 plus year resident that you look into the business community for any type of revenue enhancements prior to placing this type of project that residents would have to deal with all the repercussions from. The size of the lot, the Jacmar lot, would allow for ample onsite parking, which would greatly reduce any negative impacts on neighborhoods that the Brandywine Project might have, as well as plenty of open space for dogs and their owners to enjoy. Using the land this way will also allow for existing living conditions to remain largely intact additionally a dog park would also help to maintain the habitat of the wild birds of prey which are already nesting in the trees at the 301 Jacmar property, birds of prey which are protected under the California Fish & Game code section 305,

3503 and 3503.5. Now, while ideal I do realize that this is a suggested alternatively may not prevail.

Director Palombi - Mrs. Andrade...

Arlene Andrade – I'm winding it up. Can you hear me?

Director Palombi - Yes.

Arlene Andrade – I hear interference, okay. If the Commission and the City Council do decide to [inaudible] project. I ask that you carefully and thoughtfully consider commissioning a full environmental impact report, not a report prepared by Brandywines but a real full environmental impact report to examine all the areas of concerns such as traffic [inaudible] and pollution, physical development standards for maintaining privacy, impact on limiting natural lighting to existing landscapes, which are the backyards of the neighbors. And due to time constraints unfortunately, this is not a comprehensive list, however, it is a starting point and I do look forward to additional dialogue. Thank you.

Chair Lomeli – Thank you.

Director Palombi – Madam Chair, we will call the second public speaker which is Mr. Tim Kassouni.

Chair Lomeli – Okay.

Tim Kassouni– Hello, this is Tim.

Director Palombi – Hello Mr. Kassouni this is Director Joseph Palombi with the City of Montebello Planning & Community Development Department. I have you on speaker phone during tonight's Planning Commission meeting and we are discussing item 8A which you have requested provide public comment on. Please provide your name and address for the record. You are on and you have three minutes to speak. Thank you.

Tim Kassouni - Thank you Mr. Director. My name is Timothy Kassouni. I am the senior attorney at Kassouni Law at 621 Capitol Mall, Suite 2025 in Sacramento California. I am representing Arlene Andrade, one of the neighboring property owners of the single family residence next to the project. These comments are intended to be a brief synopsis and supplement to my letter to the City of November 19, 2020, which should be in the record. I am submitting my comments to urge the preparation of a full environmental impact report and not a mitigated negative declaration for several reasons. First, in terms of

the general legal frame work the issue is whether a fair argument can be made that this project may have a significant effect on the environment. And it's really irrelevant that there might be other conclusions that can be reached. The question is whether there simply a fair argument. Without obviously reading my letter in full which is in the record, I wanted to highlight a few points. Number one, the Montebello City Code itself requires projects such as the one on the table, to minimize impacts on privacy. Yet, privacy was not even addressed in the ISMND, which is a fatal flaw. Secondly, this is a huge multi-family project surrounded on three sides by single family residences and actually requires a zone change and a general plan amendment yet there is a conclusion of no impact on the issue of the physical division of the community. It's rather astonishing that there can be a conclusion of no impact on a physical division of the community when it's surrounded on three sides by single family residences. So obviously you're going to have privacy issues which were not even addressed and which are required to be addressed and minimized in the Montebello Zone Code, that's 1778.040, and it's also irrelevant that the issue of privacy is not in the ISMND check list. There's law that I cite in my letter that even if something is not included in the checklist it still can be and should be included if relevant and it is in this case. Finally, I want to discuss the issue of cumulative impacts. There has to be an assessment of the cumulative impact of traffic and related traffic concern. There's going to be the city's own assessment 200 additional traffic counts but there's also going to be a future Metropolitan Transportation Authority Project. So these 200 additional traffic counts have to be assessed.

Director Palombi – Mr. Kassouni, you're three minutes. Please wrap it up.

Tim Kassouni– Okay, wrap it up. So there has to be a cumulative assessment, this was not done. There has to be consideration of the MTA project and also related noise impacts based on a cumulative effect of traffic noise. Those are my comments verbally and I appreciate the opportunity to provide that input to this Planning Commission. Thank you.

Director Palombi – Thank you.

Tim Kassouni– Thank you.

Director Palombi – Madam Chair, this concludes our public speakers for this item. I will go ahead and turn it back to Josephine.

Josephine Pham (Associate Planner) – Commissioners, are there any questions?

Commissioner Mooradian - I have a couple of questions. If I may, Madam Chair?

Chair Lomeli – Yes, please do.

Commissioner Mooradian – First of all before I start my questions, I read the letters, I read the proposals inside the renderings. It's difficult in the neighborhood because I know where this location is. When you have a single family house in such a large lot surrounded by single family homes to have this type of [inaudible] concerned about traffic noise and wants the full CEQA versus a NEG DEC. One of my questions is, on the other hand, on the issue of housing. We definitely need it with the in-lieu fees which would help City develop its affordable housing which is required. So my question is traffic, because I know where the location is, there's entrance from Bluff or Jacmar? I wasn't clear as to where the entrance would be to parking. Is it from all around it or, I couldn't tell. So could I get that question answered as far as would the entrance be from Jacmar itself?

Josephine Pham (Associate Planner) – There will be one entrance from Jacmar Drive.

Commissioner Mooradian – So the rest of the entrances will be from Bluff?

Josephine Pham (Associate Planner) – No, there is just one entrance from Jacmar and there is no other entries from any other part of the property.

Commissioner Mooradian – Okay and these are larger units they are not like studios or one bedroom. So with larger units come larger families which mean more cars more parking. So that was one if the issues also raised with tandem parking behind of the other by one of the residents. The parking issue is something that the applicant is asking for changed, to be able to get that, correct?

Josephine Pham (Associate Planner) – Yes, and basically from the Montebello Municipal Code it is all the parking that they provided is consistent with the code having the two garage parking per each unit and also providing the guest parking which I know was quite strenuous to add into the report, I mean this project. I can also defer this question to the consultant, if they have any comments on traffic as well.

Commissioner Mooradian – Okay, and height was an issue because of the entire privacy concern as well. All the houses there seem to be mostly single story homes. So these with the parking underneath look like they are three levels up. So again, concessions for a zone change is required for the height issue. This is going to be consistent with the General Plan that we are working on correct?

Director Palombi – That is correct, that will be consistent. I believe there will be a traffic analysis done that concluded there were I think 17 traffic trips triggered as a result of this proposed project. So we are trying to get our CEQA and environmental consultant who prepared the mitigated negative declaration on the line to address those questions. Jeremy, are you there?

Jeremy Krout- Yes, I'm here. Can you hear me okay?

Director Palombi – Yes, we just wanted to get some clarification on the traffic analysis associated with the project and maybe if you could help us understand on the ingress, egress and what that means overall for the parking?

Jeremy Krout- [inaudible] solutions [inaudible] the CEQA consultant on the project and sorry for the background noise. As far as the project is concerned, the project is analyzed with a single entry on Jacmar and Third. Staff made specifically address any fire comments as far as circulation on the [inaudible] but as far as the [inaudible].

Commissioner Briseno – Excuse me, Madam Chair. It's hard to hear him. If he's on speaker can he get off speaker, it sounds very muffled.

Chair Lomeli – Are you on speaker by any chance?

Jeremy Krout - No I am not. I'll try to speak a little bit louder. Is that better?

Chair Lomeli – That sounds better actually. Is that good for you Commissioner Briseno?

Commissioner Briseno – Yeah, sounds better.

Chair Lomeli – Okay perfect. You may continue, I apologize for the interruption.

Jeremy Krout- No problem. I don't know where you were able to hear or were not able to hear but I will start just a little bit from the beginning that the initial study an MND does have a traffic analysis section. There was a traffic study that was performed for the project. They did analyze the entry at Jacmar and Third with a single entry there and if there's any traffic circulation [inaudible] to fire or other elements from Public Works perspective as well that might be a better question for staff. But from the MND perspective the CEQA document we analyze based on the traffic study and the traffic flows on the site and coordinate for CEQA we focus on the vehicle miles traveled with different analysis. Now it's a little different than in past CEQA documents but we still look at the amount of travel going in and out of the project site to confirm that the entrance was sufficient to accommodate the number of vehicles it proposed.

Director Palombi – Jeremy, what was the number of trips that the analysis revealed, net new?

Jeremy Krout- One other point that I wanted to make was an additional memorandum. I believe it was included in the staff report in response to the comments to the provided during the public review period. So that document also has additional information in responding to the comments that were provided by the commenter during the public comment period that we just heard and there was comments about the total number of trips. As far as the total number of trips that's, that 227 trips, that daily trips throughout the entire day including outbound and inbound trips for a 24 hour period.

Director Palombi – Thank you.

Josephine Pham (Associate Planner) – Thank you. I believe Mrs. Mooradian you had another questions about height?

Commissioner Mooradian – Yes, because that issue was brought by the neighbors and there's privacy windows according to the rendering. But if you could give us more information again when you have single story single family homes even a two story structure you are basically looking down out of the window into your neighbor's yard, home and what not. If I can get more clarification on that as far as the height because it's currently requesting a change of the zoning to allow that height which would be consistent with the general plan but currently that's not the height requirement it's above that, correct?

Josephine Pham (Associate Planner) – Yes, that is correct. What they are proposing is a height maximum of 39 feet and just for the record as I mentioned in the presentation the surrounding R-1 zones are subject to a 35 foot height limit and also the properties to the south they are also at a 36 foot height as well.

Commissioner Mooradian – Do you know in the neighboring homes what the highest height of the structures are? Is any one of those neighboring homes surrounding the property exceed the limits now or actually at the limits now?

Josephine Pham (Associate Planner) – They do not exceed the limit. For the most part they are all single family homes if I'm not mistaken and they are one story.

Director Palombi – To answer your question Commissioner Mooradian, the project to the south abutting the proposed project site was approved under several entitlements. I want to say 2016 and it was the Olsen Project.

Josephine Pham (Associate Planner) – 2006.

Director Palombi – 2006, thank you. As part of that project, I believe there was a height overlay associated with it that allowed the project to exceed the height limit. Is that answering your question?

Commissioner Mooradian – Yes, those are my questions.

Commissioner Briseno – There are some new townhomes across the street from Salvatore's. I don't know if its 5th or 6th Street and I wondering if maybe Staff could describe the difference and similarities between those townhomes and those because I believe they also have a garage on the base level and I know it's not gated but if you could describe a little bit of the difference. Thank you.

Director Palombi – So I believe that you are referring to the BLVD Market Project and I believe that the product that Brandywines is proposing is a little different as it would be I think more private and more of a townhome style setting as opposed to the BLVD Markets, I want to say and I don't know this for a fact it is almost similar to what a condominium would look like. There's some interior, corridors and things like that whereas the Brandywines Project would be more of a single family setting in a gated community. But I believe they will have attached walls so it would be and situated in, I think you said Josephine, six buildings and each building would be three stories. So they wouldn't be, the second story wouldn't be a separate unit it would be part of the same unit.

Commissioner Briseno –Thank you.

Chair Lomeli – Do you have any questions for the applicant and for staff?

Commissioner Ramirez – Yes, if I may Madam Chair. I guess some of my questions are for staff and the applicant. So I'm look at the site plan and I see a lot of storm water run-off areas where the site right now there is a lot of infiltration. I also noticed that we didn't really get a complete landscape plan and we have a conceptual one but it doesn't really show where if all of those trees that on the perimeter or not to go along with the privacy conceptual section that was submitted. I know the windows were disclosed that they were going to be changed because it's not reflected on the elevations but we also didn't receive any floor plans so there's just a little bit of information that not being presented to use that can give us more insight on the project. I was also questioning the units' matrix. We have some two bedrooms units, four bedroom units, I think there is 12 two bedroom units and 19 four bedroom units which I feel is the reasoning behind it because there is no three bedroom units. I know that we are lacking housing in our City but it seems that if we are lacking housing in our City the two and three bedroom units

would make more sense, also because of parking concerns. I wanted to ask about the tandem parking. Are those serving the two bedrooms units because we didn't get any floor plans? I also wanted to know the type of trees and where on the site or percentage of the landscape is California native landscape because we didn't see any plans we couldn't see how much. I know you mentioned the square footage of the landscape but it's not something that we can see. Also for staff I wanted to ask if this is going to be a potential TOD District area in our future general plan because if we are changing our zone from R-1 to R-3 we must have a really good justification on top of conforming to our housing element. I wanted to know the reasoning behind having to do the in-lieu fee for the seventy-five thousand dollars as opposed to; I wanted to clarify if that's opposed to providing any affordable housing? I feel like we are approving 1,200 homes for the Montebello Hills Project that has zero affordable housing so this is another big development and I don't see any percentage of our development being allocated to affordable housing and why there's not more push for that? I don't see that it is big issue with the density if the Metro is going to be running on Washington Blvd. walking distance from this and if there is going to be a station post here which would also mitigate parking. I guess those are my questions for now but on top of that looking at the traffic study and the geology study and the documents that are presented before us I feel like because it was presented during a holiday weekend it's not a sufficient amount of time to be able to review this whole project in that timeframe. We have almost 1,600 pages in this PDF for tonight's meeting and to me I don't feel comfortable making a decision today on this limited amount of time. Those are my comments.

Josephine Pham (Associate Planner) – For the storm water areas, I will defer that question to Jeremy. Jeremy, are you there?

Jeremy Krout – [inaudible] questions on the storm water.

Josephine Pham (Associate Planner) – Commissioner Ramirez?

Commissioner Ramirez – I'm sorry the audio was not clear, can he repeat the question or is he asking me to repeat my question?

Director Palombi – Did you have a question on storm water?

Commissioner Ramirez – Yes, I feel like in the mitigation report it states that there is no significant impact on the existing storm water run-off and I feel like there is, and why there wasn't more of an infiltration design. I think, is there a bile retention system that's going to be implemented on the project or more

previous pavers. We don't really see that in the plans because too much verbiage to reach every single thing in a small amount of time.

Jeremy Krout – Thank you for your question commissioner. As far as the storm water the one thing to note is that the City [inaudible] LA county water quality are controlled requirements for storm water runoff and [inaudible] by the engineer and it addressed the civil engineer and it address the [inaudible] low impact development design addressing water quality requirements within the site. The plan for the site, I don't believe the civil engineer is on the phone, but the [inaudible] was included with the MND and it does show the water storm runoff going to landscape areas and being treated by [inaudible] features that will clean the water prior to allowing it to exit the site. It meets these requirements and of which LA County and Montebello have to provide by don't allow increased flows in terms of [inaudible] run off the site. So what was leaving the site before cannot be increased by the project. Again the project has been designed to capture the storm water onsite, treat it and reduce the flows. The project cannot increase the pollutants [inaudible] project. All of that is address in the public quality management plan that we prepared for the project and included in the MND.

Josephine Pham (Associate Planner) – Thank you Jeremy. The other question about conceptual landscape plan that you had. So staff typically will give the planning commission more of a conceptual landscape plan but before the landscape plan can be fully approved staff will be subject to review and approval from the planning department a full robust review including the water, what was it, the MWELo requirements.

Director Palombi –MS4.

Josephine Pham (Associate Planner) – I think it's the MS4, yeah, those requirements as well. All though it's not as robust as you would like to commissioners it will be further reviewed before we approve it. I hope that answered your question.

Director Palombi – Madam Chair, if I may. I think I might take a crack at answering the affordable housing question from Commissioner Ramirez. As you know, the City's current Housing Element was recently certified by the California Department of Housing and Community Development and approved by the Commission and City Council earlier this year. Prior to this recent milestone, the Housing Element had not been updated since 1997. Therefore, as staff alluded to in the presentation, the City has not met its Regional Housing Needs Assessment for the 4th and 5th Cycles. With that said, as we enter the 6th Cycle beginning January 2021 with a current Housing Element, it is

imperative that staff makes every effort to encourage affordable housing in the City of Montebello. Our code is very limited right now as far as requiring affordable housing so as a result, these options were discussed early on and negotiated in connection with the proposed project, I believe it was back in February 2020 when we started the dialogue and this was obviously before we had a current housing element, so everyone involved concluded that the housing "in-lieu fee" in the amount of \$75,000 would be included as a public benefit as a part of this project. And again this was memorialized in the draft Development Agreement that's before the Commission today and included in the agenda package. The in-lieu public benefit would be used to incentivize affordable housing projects in the future here in the City, so that is the goal.

Commissioner Ramirez – So the \$75,000 is going to be more used to change our code or to bring more attention to developers to develop affordable housing?

Director Palombi – That is correct. It would be used to incentivize and obviously supplement affordable housing.

Commissioner Ramirez – Because we all know construction costs and how far \$75,000 will go versus one, just one or two affordable units. You know when you make affordable units it's not forever it's for only for 15-20 years or it gets reassessed. To me and we have such a pressure that we should just be doing our very best to bring in our housing developments, in our City we have zero of projects have affordable housing.

Director Palombi – We are definitely hoping to change that.

Commissioner Briseno – Madam Chair, if I may.

Chair Lomeli – Yes, go ahead.

Commissioner Briseno – Mr. Palombi, I have a question. I'm blanking out here, sorry. I believe it's the Quimby Act Fees, do we collect those or are these part of these in-lieu fees?

Director Palombi – Yes, Commissioner Briseno so the Quimby fee and we call it in our code a Parkland Fee and is included in the development agreement as a separate public benefit. In addition to that we have what is called a development tax so that is also in the draft development agreement before you. Correct me if I am wrong, but the Parkland Fee which is typically called the Quimby Fee is approximately \$2,500 per unit so it would be \$2,500 times 31 and that would be your Parkland Fee and that is in our Municipal Code

and we made sure to include that as part of this project. I hope that answers your question.

Commissioner Ramirez – If I may Madam Chair, [inaudible] is the Metro is there going to be a [inaudible] close to this development, a metro station?

Director Palombi – The last plan I saw out of Metro was that a station would be included at Greenwood and Washington which is approximately if I had to guess maybe a quarter of a mile from the Washington and Bluff intersection going westbound.

Commissioner Ramirez – I see.

Commissioner Mooradian – Just to comment on Commissioner Ramirez question regarding the in-lieu fee. I've seen affordable housing agreements that go up to 75 years so it just depends on the developer. Habitat for Humanity can partner up with the City and develop homes where substantial funding have 55 years and agreements to sell to first time homebuyers or new affordable rates, so it could potentially be longer than 15 years. The \$75,000 in-lieu fee is almost standard with most cities but again its creative thinking to have affordable housing but just like the Director said at least we are trying to have the in-lieu fees [inaudible] and with these projects it's good to at least capture some funds that we could reinvest in the community for affordable housing. I hope that helps and having said that I also agree with Commissioner Ramirez in not seeing the floor plan and having limited information and having this huge document for a short period of time and during the holiday and I do agree with her assessment of that.

Commissioner Briseno – Madam Chair, so I do also agree with Commissioner Ramirez and so with that I motion that we postpone this item for the next meeting and hopefully get additional information or maybe a study session, I don't even know if that is possible. I move that we delay until December 15th.

Chair Lomeli – I agree with you both. I can go ahead and close the public hearing and proceed to doing a motion if that is what you all agree to do as I also did not have enough time to finish reviewing the whole information presented on this item.

Commissioner Ramirez – Okay.

Chair Lomeli – I will continue to close the public hearing on this item and if I can get a motion.

Director Palombi – If the City attorney can provide some clarity as to what the next step would be once we move this motion forward?

Legal Counsel Ramirez – Good evening Madam Chair and Commissioners, so it would be matter of postponing any action, any formal action, on this item until the next meeting. Direction was from the Commissioners , and place correct me if I am wrong, to receive additional renderings of the project before the next meeting so they can make a more informed decision by that time.

MOTION: Commissioner Briseno motions to postpone this item to December 15, 2020.

SECOND: Commissioner Lomeli

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

B. Conditional Use Permit Modification

Case No.: CUP 02-94-M1/ENV No. 115-20-ND

Chair Lomeli- I will go ahead and open the public hearing. Does anyone have a conflict of interest that they would like to address on this item?

Commissioner Mooradian – I believe I may have a conflict of interest with the owner of the property on this item.

Chair Lomeli – [inaudible].

Legal Counsel Ramirez – Commissioner Mooradian, Can you elaborate a little more on the potential conflict?

Commissioner Mooradian – Yes, at some point [inaudible] for services, legal services by NASA.

Legal Counsel Ramirez – I'm sorry Commissioner your answer is in and out can you restate again.

Commissioner Mooradian – A few years ago my husband was retained for legal services by NASA. That relationship no longer exists and hasn't for I believe a couple of years, but that is why I wanted to know the definition of conflict because currently there is no financial gain or services being rendered but there was in the past.

Legal Counsel Ramirez – And do you feel that past relationship may affect or has some sort of impropriety?

Commissioner Mooradian – I don't believe so but again I want to follow the rules and so if the rules say there was financial gain by my immediate family member in

the past and I meet that definition I want to make sure that I disclose that and relay the fact that I believe there is a conflict, [inaudible] my decision I don't believe so I will continue to follow rules and regulation to the best interest of the community based on what is proposed and my authority as a commissioner regarding zoning.

Legal Counsel Ramirez – Based on the information provided I would actually like to take a quick recess and speak to the Commissioner, if I may, just to decide whether she will be abstaining from hearing and voting on this item. Director Palombi, we haven't done this before with the current use of the phones, I'm trying to figure out what you would advise for us to take a quick recess. What would be the best approach?

Director Palombi – So we have quite a bit of technology going on right now. So give us a few minutes and let us. So for those listening in and for anyone who is on the phone as an applicant we are going to take a recess and we will be back in shortly. So please stay on the line.

*** Record to reflect a short recess was taken ***

Legal Counsel Ramirez – Commissioner Mooradian in discussing the potential conflict of interest matter for this item. Based on our discussion, and the potential financial interest in the past, our office has advised that the Commissioner refrain abstain from voting. Director Palombi, we discussed the strategic way of doing this and the most efficient way of doing this. Would it be possible to skip this item at the moment and go back to this after item 8C, that way the Commissioner can sign off after we are done with item 8C and then we can proceed with item 8B again?

Director Palombi – I am fine as long as Madam Chair is fine she is okay with that. We can take the items out of order.

Chair Lomeli – Madam Chair?

Director Palombi – Madam Chair?

Director Palombi – Gloria are you there?

Legal Counsel Ramirez – I'm here.

Director Palombi – Hmm.

Legal Counsel Ramirez – Could we get a quick roll call?

Commissioner Briseno – Commissioner Briseno is here.

Director Palombi – Chair Lomeli? It seems like we lost Chair Lomeli.

Commissioner Briseno - Is Commissioner Ramirez on the phone?

Commissioner Ramirez – Yes, I’m here.

Chair Lomeli –Hi good evening everyone, I believe I got disconnected.

Legal Counsel Ramirez – Mr. Palombi, can we get a quick roll call to make sure everyone is on the line?

Director Palombi – Yes, I just want to hold. We muted our dial-in number and apparently we can’t get it back online. So before we call roll call, I want to make sure..

Legal Counsel Ramirez – Okay.

Director Palombi – So we are now going to take a roll call. We may have lost our dial-in number so with that said we will just continue. Chair Lomeli?

Chair Lomeli - Present.

Vice-Chair Briseno – Present.

Commissioner Mooradian – Present.

Commissioner Ramirez – Present.

Chair Lomeli – So back where we started. I’ll go ahead and ask if anyone has a conflict of interest that they would like to address? Do we go ahead and ask questions since we stopped at Mooradian or how do we proceed?

Legal Counsel Ramirez – As discussed with Commissioner Mooradian she will abstain from voting on item 8B due to a potential conflict of interest either in the past or in the future and so what we have decided to do is to rearrange the order of the items to be heard so that she can sign off after [inaudible] voting on 8C and then go back to 8B.

Chair Lomeli – Okay, perfect. I will open the public hearing and proceed to item 8C.

C. Conditional Use Permit

Case No.: CUP 08-20/ENV No. 116-20-MND

Chair Lomeli – I will go ahead and ask does anyone have a conflict of interest that they would like to address for this item 8C?

Commissioner Briseno – No conflict of interest.

Commissioner Ramirez – No conflict.

Commissioner Mooradian – No conflict.

Chair Lomeli – I also have no conflict of interest on this item. [inaudible] on this item.

Director Palombi –Thank you Madam Chair and Commissioner. Item 8C on today's agenda relates to a request from the Montebello Land and Water Company for a Conditional Use Permit for the property located at 121 E. Madison Avenue. Michael Donovan, our assistant planner, will provide a presentation regarding this item. Thank you.

Michael Donovan (Assistant Planner) – If you want to refer to your PowerPoint slides. Good evening Chair Lomeli and fellow Commissioners. The item is Conditional Use Permit 08-20 from Montebello Land & Water Company to allow the drilling of a new water well along with the construction of a well facility at 121 East Madison Ave. Next slide. So a brief background on August 8, 2019 a building permit was issued for the demolition of a house and garage on the property located at 121 E Madison Ave. On March 18, 2020, Montebello Land and Water Company, the Applicant, filed a Conditional Use Permit Application for the drilling of water well and construction of a well facility at 121 E Madison Ave. Next Slide.

For a brief project summary, the proposed Conditional Use Permit for Montebello Land & Water Company is to allow the drilling of a new 600-foot deep water well along with the construction of a well facility. The well facility will be comprised of an approximately 825 square foot building that will house the water well, pipes, electrical equipment, and Southern California Edison (SCE) meter. A temporary 24-foot high sound wall will be installed during the constructions phase to mitigate any noise. Next slide.

The existing vacant lot is located in the R-2 zone, two family residential, with a total combined lot area of 6,494 square feet or .15 acres and a proposed total building area of approximately 1,385 square feet. Next Slide. As previously mentioned the lot is located in the R-2 Zone, with a Land Use labeled Medium Density Residential and is surrounded by residential uses. The surrounding zoning consists of R-2 in the North, South, and West and R-1 to the East. Next slide.

Before you, you should have a site plan, the Site Plan before you displays the approximately 825 square foot main well building located at the center, which will house the water well, pipes, electrical equipment, and Southern California Edison Meter; the water well will connect to an existing 18-inch pipeline located north of the Project Site under East Madison Avenue. A flow meter

vault and settling basin, waste sand trap, approximately 6 to 8 feet deep will be located on the east side of the main well building. An approximately 560 square foot sound attenuation structure will be constructed to house the generator at the southwest corner of the lot, and an SCE, Southern California Edison, service transformer will be in the southeast corner of the lot.

Site improvements include a new 6-foot-high perimeter decorative block wall, a 3-foot-high wrought iron fence along the northern perimeter, a 20-foot wide sliding gate off of North Poplar Avenue, two (2) new concrete driveways for access and parking, and utility connections that include water on the North side, sewer on the East side, and a pump-to-waste line to the existing catch basin on North Poplar Avenue.

The proposed well would operate continuously to provide additional domestic water supplies to customers within the Montebello Land & Water Company service area. The Project would involve weekly visits to the well site to conduct routine testing and maintenance activities typically involving one service vehicle and technician per visit. The emergency generator would only operate on an as-needed basis to provide water pressure during power outage events. The generator would be tested monthly, during normal business hours, to ensure that it is in good operating condition. This would involve the operation for the generator for approximately ten (10) minutes on a monthly basis. Next slide.

An Environmental Review, Conditional Use Permit 08-20 is considered a project per the California Environmental Quality Act definition. Considering the project's potential impacts on the environment, City staff recommended an Initial Study be completed. The Initial Study found that the proposed project could potentially have a significant effect on the environment, but in accordance with Section 15070 et seq. of the CEQA Guidelines, revisions in the project plans or proposal made by or agreed to by the Applicant avoid the effects or mitigate the effects to a point where no significant effects would occur, therefore a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program has been prepared as part of this Project's application. There is no substantial evidence, in light of the whole record before the City, that the proposed Project as revised may have a significant effect on the environment. The recommendation to adopt the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program should reflect the independent judgment and analysis of the Planning Commission of the City of Montebello. Next Slide.

On November 4, 2020, a Public Hearing Notice was mailed to property owners within 300-foot radius. On November 10, 2020, the Public Hearing Notice published in the Daily Journal and Staff has not received any public comments regarding this project.

Director Palombi – One correction, Staff did receive today two public comments that we did not have an opportunity to provide to the Commission so we will read those into the record once Michael Donovan completes his presentation.

Chair Lomeli – Okay, thank you.

Michael Donovan (Assistant Planner) – For the last slide, the recommended action, Staff has consulted with various departments including Montebello Public Works, Building, Fire, and Police and no comments were received. Therefore, staff recommends approval of Conditional Use Permit CUP 08-20 and Adoption of a Mitigated Negative Declaration and that concludes Staffs presentation. Thank you.

Director Palombi – Madam Chair, if I may I would like to read these two comments that were received via e-mail.

Chair Lomeli – Okay.

Director Palombi – The first comment was received from Melissa Espiritu and it is an email and it states:

Dear Planning Commission,

I am a resident of Montebello living in the area that will be impacted by the construction of a water well by the Montebello Land and Water Company. In fact, I live on the same block as the proposed site.

I am writing to formally request that you put off any decision making today regarding the proposed water well until the residents get a chance to attend a highly publicized townhall meeting with the Montebello Land and Water Company, the City of Montebello Planning Commission, and the people who conducted the Initial Study recommending a Mitigated Negative Declaration Report.

I only got one notice about this meeting in the form of a letter. The Initial Study and Mitigated Negative Declaration was initially hard to find. Upon finding it, I struggled to understand a lot of the content as it is in language that pertains to a particular field of study that I am not used to. I went out of my way to get this information and to make a public comment at today's meeting, but I am still very confused about this project and its potential impact on me. I was left with more questions than answers. If I am confused after going out of my way to get the information and making it here tonight, I can only imagine that my neighbors are equally as confused or worse, unaware.

I request that you set a date in the near future for a townhall meeting via Zoom or another acceptable socially distant format so that my neighbors and I

can get a change to ask all the clarifying questions we need and get the information from these reports explained to us. I would like that meeting to be highly publicized and accessible to my neighbors in the surrounding area. This means that my neighbors received multiple notices inviting them to attend this meeting. Also, that means the Zoom link, with meeting ID and passcode, or other online platform link be readily available on the notice instead of having to search for it on a different website.

Please consider doing this so that the residents of Montebello have an opportunity to make well-informed decisions before supporting a big project like this one.

Sincerely,
Melissa Espiritu

Director Palombi – The second comment is from Yvonne Watson and this comment was received today and it reads:

Montebello Planning Commissioners,

I am extremely concerned about the lack of public notice for this project. I live very close to the site of this proposed new water well and did not receive any type of notice from Montebello Land & Water Company, the company which supplies water to my home.

I am also aware that in the past few years drinking water wells operated by Montebello Land & Water Company have tested positive for 1, 4 Dioxane and PFAS/PFOA chemical contamination. Due to these ground water contamination issues, this new project should require a full environmental impact report under the California Environmental Quality Act (CEQA) to ensure public health and safety.

As a resident of the City of Montebello and a customer of Montebello Land & Water Company I urge you to vote no on approving a Negative Mitigation Declaration for this project.

Yvonne Watson

Director Palombi – That concludes the public comments received on this item. Thank you.

Chair Lomeli – Thank you Director Palombi. Based on the comments do we have the applicant, let me see, on the line? Do any of the Commissioners would like to [inaudible] residents requests to push the meeting?

Michael Donovan (Assistant Planner) – I just wanted to let you know that the applicant is currently on the line with us and can answer any questions you may have.

Chair Lomeli – If the applicant would like to speak in regards to the project or if I can have, before we proceed though I would like to, base on the Commissioners, if they would like to proceed.

Commissioner Mooradian – If I may Madam Chair.

Chair Lomeli – Yes please do.

Commissioner Mooradian – Based on the first letter it is my understanding that the resident was inevitably trying to delay this project until we could physically be in Chambers, she called it a townhall meeting. I say, with no end date, is because right now it doesn't seem like we are going back right in Chambers [inaudible] make a decision anytime soon. So to delay a project inevitably is unfair to the applicant and that is my assessment of the first issue. As far as the CEQA concerns for the second letter, and the notice issue, the first applicant, I mean the first person that wrote the letter basically that she did receive one notice. And a question to Staff, when there is an item on the agenda the public is free to call the Planning Department to ask questions, correct?

Michael Donovan (Assistant Planner) – That is correct.

Commissioner Mooradian – And have you received any questions other than these two letters from any members of the public or the residents regarding this item for clarification of any of the process or the application itself?

Michael Donovan (Assistant Planner) – No we have not, other than the two letters that we have received today.

Commissioner Mooradian – One more question as far as the notification. The proper notification process was used, meaning the radius that needs to be notified as far as residents, the mailings went out? So again if you could just confirm, once its mailed it deemed received and the public hearing was published, correct?

Michael Donovan (Assistant Planner) – Correct, yes. It was mailed to all the property owners within a 300 foot radius of the project site and the CEQA document along with the report, I believe, that was posted online to the City's website.

Commissioner Mooradian – And there is contact information if someone had any questions to contact staff?

Michael Donovan (Assistant Planner) – Yes, on the public notice that was sent out it does have a reference link with the phone number or email to contact the Planning Department.

Commissioner Mooradian – And the author of the second letter mentioned some kind of chemical composition. Could the applicant address that because she was asking for a full on CEQA on this and so if we can have the applicant speak on that concern and the concerns of both of the authors of the letters received today. That is all from my end.

Michael Donovan (Assistant Planner) – Jared or David, is anyone on the line?

Korey Bradbury– This is Korey from Montebello Land and Water. As far as the, I believe it was the [inaudible] she mentions in her letter which we don't have an issue with in our water. PFAS is a new contaminant we are testing for in the water. Every water agency throughout the state has to test for it and we are currently in the process and have our orders to test for that as well. The preliminary design with potential treatment for that contaminant that what I have an update for that and we are working with the local agency to help with the PFAS mitigation. Does that answer your question, I'm sorry?

Commissioner Mooradian – So you mentioned you're working to find out test results for that contaminant, you don't have the findings yet?

Korey Bradbury– We have tested but the official order from state came out about a month or two ago and we have to test for four quarters and there's testing parameters' of averaging those numbers and if it's over a certain amount then you have to implement treatment or/and notify the residents in the area. So we have just started quarter one right now and working our way through that process.

Commissioner Mooradian – So how long would that process take?

Korey Bradbury– I'm sorry was that a question? It was hard to hear.

Commissioner Mooradian – So how long would that entire process take, you said you're in the first quarter of moving and working on that process. How long would the entire take to complete?

Korey Bradbury– We just took samples; we had to take them before the end of the year. That's first quarter. As we progress through we will be taking our averages and worst case scenario we will have our results by the end of September 2021.

Commissioner Mooradian – Thank you.

Chair Lomeli – Do any of the other Commissioners have any questions for the applicant or staff?

Commissioner Ramirez - If I may Madam Chair?

Chair Lomeli – Yes, please do.

Commissioner Ramirez – This is a very big project, 600 feet deep, water well, adjacent to two single family homes, it's something that should be studied and I feel again that I didn't get enough time to study everything in this project. Given that it's in a residential area and I know this area very well. It's a very small site. I don't see any elevations or any images of the actual tank or transformer, like when we were [inaudible] water treatment facility. So it's very hard for the residents to visualize what this is going to look like. But again on the site plan there is 6 foot high perimeter fencing and it's all asphalt, it's hard to read and there's some gravel in the front. It just looks very industrial and to me next to the residential properties and the fact that there is no landscape, nothing green. Actually to at least soften the blow on the residents that are now going to have an industrial view outside their windows or when [inaudible] anybody that lives here is going to drive down this street or drive down Fourth Street. Those are the main streets we access to get to this particular area. Poplar is a street that is frequented, that's a corner property and so to me corner properties are special in where the aesthetic is not a little bit more. So it does need landscape, we do need to see elevations and I echo the concerns of the resident because of the pandemic and because of covid we are, you know, have delayed timeframes and research and checking emails and being able to address, this is such a large document. Regular residents [inaudible] it's almost a 1,600 page PDF, they would have to scroll down and I don't even know if they would be able to find these plans. So I would also recommend continuing this item to give the surrounding residents more time to review and get more information on this site and proposed elevation and photos of the well, generator and transformer and add landscape. This is a big deal project for me as well especially if it's on a corner lot. So I would recommend continuing the project to allow more time to review this.

Chair Lomeli – Thank you Commissioner Ramirez. Commissioner Briseno do you have any comments or questions?

Commissioner Briseno - Yea, I agree with Commissioner Ramirez. Maybe the applicant should reach out to the residents and do like the, what was her name,

Espiritu, as she said and do maybe some sort of a townhall meeting or some short presentation to bring comfort to people. A well is not something that concerns me too much, but then again I don't know too much about the subject. I could imagine if I lived next door I would be way more concerned. So I think reaching out to the residents wouldn't be a bad idea and it would be great. That is all that I have to say and you know, again, I'd like to move that we postpone this but I don't have a date in mind. Maybe after some sort of townhall meeting or a meeting with residents. I would suggest that we postpone this until something like that occurs.

Chair Lomeli – I have a question for Staff. Is there any way to go about having some sort of a presentation or something that we can provide to the residents that reached out to the Planning Department when it comes to this whole project and if we can do that [inaudible] push that this proposed project to the next meeting if possible.

Director Palombi – We could work with the applicant to either coordinate a zoom conference update with the commenters here who received the comments from and the community and whoever is interested. I will allow the applicant to speak on that a little bit. Maybe they have done some community outreach that we are not aware of. So why don't I allow them to chime in as well.

Ken Bradbury– This is Ken Bradbury I'm the General Manager at Montebello Land and Water. What we are looking at, we've drilled a well at the corner of Montebello and Madison right next to a house, there were no issues there. We [inaudible] Montebello also drilled a well this year next to their neighbor's house, next to their facility. And over on Carob Way about 3 years ago California Water Service also drilled a well in an apartment residential area with no issues. What we have here, we are a 120 year old company. We've been have some aging wells, and we don't want to wait until they go down on us, and we also have some issues with public safety as far as fire flow. We need to get another well in due to the fact that the water table has dropped and which reduces production. We are kind of in a hurry to get these issues resolved due to liability public safety as far as fire flow goes. If you want to zoom I can imagine we can come up with something for you if that's what you need.

Director Palombi – Thank you.

Commissioner Mooradian – Madam Chair, if I may?

Chair Lomeli – Yes, please go ahead.

Commissioner Mooradian – I guess my concern is setting precedent we have two letters after the 300 mailing radius resident received notification and the letters came today which I see their concerns but I also see the applicants issue like he said of public safety, efficiency. I do agree that we do need more information and I agree with Commissioner Ramirez maybe continuing this to the next meeting to give the opportunity to go through all the materials however I don't see it necessary to do a zoom meeting if the two authors of those letters want to speak with planning staff or the applicant, if that's not objectionable, that's great. Whether you do it through a phone call or zoom meeting but to inevitably delay it just to get a townhall meeting or something to that effect, I disagree with that because we don't want to set a precedent that every time one or two neighbors complain about a project we need to stop the world going round and we need to [inaudible] on unlimited time to make sure that everyone is with the project. We will have people who are not okay with the project but we have to make a decision based on our authority in zoning and based on the general benefit to the community, not for one or two people, even though everybody matters, we have to be consistent with the benefit and the applicant has made it clear that this is a public safety issue which I think in general is a benefit to mediate that as soon as possible, having said that, I do agree that we need to continue this at least one more meeting. Thank you.

Chair Lomeli – So with that being said I will request to make a motion to postpone this one to the next meeting on the 15th. Maybe we can have staff to reach out to those two applicants to give them the opportunity to call-in to the next meeting so that if they have any questions we can answer any questions they have. Just to let them know we [inaudible] their concerns and give them an opportunity to be present.

MOTION: Commissioner Briseno motions to postpone this item to December 15, 2020.

SECOND: Commissioner Ramirez

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

B. Conditional Use Permit Modification

Case No.: CUP 02-94-M1/ENV No. 115-20-ND

Chair Lomeli – We will go ahead and proceed to item 8B.

Legal Counsel Ramirez – Madam Chair, just to reiterate on the record Commissioner Mooradian will recuse herself from this item and she will sign off for the rest of the meeting. It was our City Attorney's office advice that she recuse herself due to financial interest in the past. I believe her husband had worked with the applicant so we want to make sure that there is no implication of any conflict so she had been advised to recuse herself.

Chair Lomeli – With that being said do any of the commissioners have any conflict of interest that they would like to address on item 8B? I do not.

Commissioner Ramirez – I do not.

Commissioner Mooradian – With that said, I am going to end the call on my end, correct?

Legal Counsel Ramirez – Correct.

*** Record to reflect Commissioner Mooradian left the meeting ***

Chair Lomeli – Commissioner Briseno, you do not have any conflict of interest, correct?

Commissioner Briseno – That is correct, I do not have a conflict of interest.

Chair Lomeli – We will go ahead and proceed to item 8B, Director Palombi if you may.

Director Palombi - Item 8B, on tonight's agenda relates to a request from NASA Services Inc. for a modification to Conditional Use Permit No. 02-94 for the property located at 1701 Gage Road. At this time, Saara Chaudry, our Planning Assistant, will be providing a presentation regarding this item. Thank you.

Saara Chaudry (Assistant Planner) – Good evening, Commission Chair Lomeli and members of the Planning Commission. As Mr. Palombi stated, I will be presenting the submittal for the modification of Conditional Use Permit No. 02-94, submitted by the applicant NASA Inc. Before I begin, I want to note a correction. The correction is in regard to the public notice that was circulated in the local newspaper and to the surrounding vicinity. The local notice incorrectly stated that this item involved a Mitigated Negative Declaration. Rather, this item only involves a Negative Declaration and there were no mitigation measures required for this item. All noticing sent to the State Clearinghouse was correct so state agency received the correct notice however the local noticing had a slight error and it was labeled a Mitigated Negative Declaration rather than a Negative Declaration. With that correction noted, I'll proceed to describe the project at 1701 Gage Road. Next slide.

The subject property is located in the M-2, Heavy Manufacturing zone, and the existing use is allowed per a previously issued Conditional Use Permit. The immediate surrounding uses are all zoned for Heavy Manufacturing, with the exception of the Interstate 5 Freeway located to the south, but does not run immediately adjacent to the property. Given the surrounding uses, the proposed use is compatible with the surrounding environment and meets General Plan goals established to locate industrial uses along the City's southern-most boundary along the Interstate 5 corridor. Next slide.

As mentioned, the Project Site is located on the southern edge of the City of Montebello, more specifically it is located south of Union Street and north of Telegraph Road.

The total lot area for the Project Site is 1.07 acres and the existing building area is approximately 5,356 square feet. So the proposed project would result in a building area of 26,940 square feet at the Project Site, which would increase the building area. Next slide.

So here is a brief overview, the applicant is proposing to modify an existing Conditional Use Permit, identified as CUP No. 02-94, to allow for a new operation- consisting of a solid waste transfer station. Next slide.

The existing Conditional Use Permit was approved by Planning Commission on May 9, of 1994. The existing CUP allowed for the establishment of a glass recycling facility in the Heavy Manufacturing Zone, so the M-2 zone, at the project site at 1701 Gage Road under specific conditions outlined in the CUP. Next slide.

With regard to the current application, on October 26, 2020, the applicant, NASA Inc., submitted an application to modify the existing CUP 02-94, under a new case number, identified as CUP 02-94-M1. Next slide.

The proposed modification to CUP No. 02-94 would allow for a solid waste transfer facility involving the processing and transfer of up to 1,500 tons per day of municipal solid waste at the same M-2 designated site. Under this modification, a proposed solid waste transfer station would operate at the project site rather than a glass recycling facility. The proposed solid waste transfer station is similar to the previously approved recycling facility in that waste was received, processed, and loaded for offsite shipment. Next slide.

So this slide has some images of the existing structure at the project site. These structures will be replaced by new facilities. Next slide.

In addition, this slide has the existing site plan, in order to provide a more comprehensive understanding of existing structures. This site plan shows what is currently on the property. As mentioned, there's 5,356 square feet of building area currently at the project site. Next slide.

This slide shows the proposed site plan, depicts the 26,940 square foot building area and accompanying driveways for the proposed project. Next slide.

With regard to CEQA, Staff recommended an Initial Study be completed for this project to assess the environmental impacts for the proposal. This study included an assessment of various impact areas related to the project, including a traffic assessment. The Initial Study determined that the project would have less than significant impacts on the environment. Therefore, a negative declaration was prepared for the project. Next Slide.

With regard to public comment, Staff sent out a 20-Day Public Hearing Notice and Notice of Intent , this notice was published in the Whittier Daily News and mailed to all owners and occupants within a 300-foot radius. This notice included a copy of the Initial Study for public review.

In addition, the notice of intent and initial study were published with the state Clearinghouse for state agency review which is a 30-day period.

Staff received two public comments regarding this project however Staff hasn't had the opportunity to review the comment letters as they were both received today. However, the comment letters were sent to all the planning commissioners and they will be made part of the record.

Director Palombi – If I may Madam Chair and members of the Commission, we also received two additional comments I think subsequent to your finalizing the presentation. We will read those comments because those were not provided to the Commission once Saara concludes her presentation.

Saara Chaudry (Assistant Planner) - Last slide. Staff consulted with the various departments at the City to determine appropriate conditions for approval for this project. All the conditions were added to the proposed Resolution for your review, it's the resolution you have in front of you. Considering the conditions of approval and given that a Negative Declaration was determined for the project, staff recommends approval of the modification to Conditional Use Permit No. 02-94. If there are any questions, I'm available to answer them and then we have Kate Downey from Clements Environmental. She

performed the environmental assessment; she's also on the line to answer questions.

Director Palombi – If I may Madam Chair, I will summarize the comments that have been received and read the two comments that the Commission did not have an opportunity to see tonight into the record. With that said, the letters that were provided to the Commissioner were received from a Robert Glushon. His letters are dated November 30, 2020 and they do as you can see from the comments provided they raise concerns with the notice of hearing as well as CEQA related concerns that are addressed in his communications. He has also requested to speak so we will contact him after I summarize these letters and read the letters into record. The second letter from Mr. Glushon which you do have is dated December 1, 2020 and it goes over the CEQA concerns as well as the CUP having an adverse effect on the adjacent properties and then the community outreach and there is a violation of the Brown Act in due process. So with that said I will move on to the communications that you did not receive tonight because they were received very late in the evening. The first one is from Daniel Webb and it looks like he is with Alere Property Group and it reads:

Dear Planning Department:

On behalf of 901 Union Street LLC the owner of 901 Union Street, we are opposed to the 1701 Gage Road Conditional Use Permit. The use would be a nuisance and detriment to our property.

The zoning code should be strictly enforced. The neighborhood has become an economic engine for the City Of Montebello. Why would the City allow an use that would negatively impact the City of Montebello and companies in the surrounding area.

Director Palombi – It is signed Daniel Webb. The next communication was received late this evening and this is from Margot Eiser and it reads:

It is apparent that an EIR is required for any trash related business, transfer station, whatever we suggest that you table the item until the public has had time to consider any staff report.

Citizens for Open and Public Participation
Margot Eiser
Chair

Director Palombi – That concludes the comments and I will call Mr. Glushon now so he can address the Commission.

Robert Glushon– Hi, this is Rob.

Director Palombi – Hi Mr. Glushon this is Joseph Palombi with the City of Montebello Planning and Community Development Department. You are on speaker here at the Commission Meeting for item 8B which you have requested to speak on is before the Commission. Please state your name and address for the record and you will have 3 minutes to address the Commission. Thank you.

Robert Glushon– Sure, thank you very much. Commissioners my name is Rob Glushon. Address is 16625 Ventura Blvd., I'm sorry 16255 Ventura Blvd. Suite 950 Encino Ca 91436. As my letters dated yesterday the 30th and today December 1st indicate we actually represent four separate ownerships Hemark 25 LLC, Hemark Investment Company, 1717 Gage Road, LLC and a fourth entity Gage Avenue Investment, LLC. These are different entities and they have retained our law firm to speak on their behalf. I don't think that I need 3 minutes each for these entities but I would ask the Commission Chair for at least 6 minutes so that I can cover the ground that I need to cover to make my presentation. With regard to the notice defects, usually do not like putting form over substance but having sat in your shoes before and having dealt with Brown Act issues, I have rarely come across a notice of a public hearing that has had so many errors. Again, I don't want to be the lawyer here to pound the table but the notice is defective. It's defective in numerous respects. Staff has acknowledged that the notice of intent to adopt a mitigated negative declaration was an error, it was a mistake. That mitigated negative declaration is also mentioned in the body of the notice. So any reasonable person who gets this notice, sees that there's a project where the City is going to be adopting or at least there is an intent to adopt a mitigated negative declaration might very well rely on that because to have an MND, as all of you know, there would have had to have been a much more thorough review and initial study. Every MND has mitigation measures, so that mistake is not a trivial error, it's a major error. Another error is in the body of the notice; it erroneously states the proposed solid waste transfer station is substantially similar...

Director Palombi – Mr. Glushon, that's 3 minutes. I will defer to the Chair of the Commission to provide additional time based on your request.

Robert Glushon – I would ask for an additional 3 minutes even though I represent four separate clients.

Director Palombi – Just for the record, we received one speaker card from Mr. Glushon. I just wanted to state that for the record.

Chair Lomeli – Okay, we will allow the other 3 minutes [inaudible].

Robert Glushon – Thank you very much, I appreciate that. Again, the other error in the notices that the proposed solid waste transfer project is substantially similar to the previously approved use, which is glass recycling, and that is absolutely an grievous error. Number one there is no glass recycling use even going on right now to our knowledge; it's a truck storage facility. Glass recycling is 180 degrees different than solid waste transfer and it's viewed very, very differently by anyone who does any kind of environmental review. The last process issue that I will raise and then I'll get quickly just to the substance, which is set forth in my December 1st letter. The Brown Act, beyond the notice, requires that whatever you hear and see, the public hears and sees. So if you're seeing slide presentations why aren't we seeing them? That's just again a grievous violation of the open meeting act. Whatever you see, the public has to see, and it's prejudicial not to see those slides. As getting to the substance and I would get to my December 1st dated letter with regard to CEQA I would highlight from that letter, other solid waste transfer stations in the state of California that have required either a full EIR or a mitigated negative declaration. I've indicated those locations, the State Clearing House numbers and what's good for Pomona, what's good for Elk Grove, what's good for the City of Chino Hills, what's good for the City of Los Angeles ought to be good enough for the City of Montebello. We've indicated a number of potential impacts that are always evaluated with solid waste transfer stations none of these are even indicated in the initial study. One of the findings for a proposed Conditional Use is that it cannot have any adverse effect on the adjacent properties As we've indicated in that letter and the significant opposition from the adjacent property owners there are these potential project impacts that need to be evaluated further and if not you can't make a finding that the CUP will not have an adverse effect on adjacent properties. Finally, as been alluded to on some of these other cases, we represent applicants all the time. An applicant has the duty to do the outreach and communicate with neighbors and neighboring property owners there's been none of that here. We appreciate your consideration and ask that you either continue the matter to have proper notice of a negative declaration or if you are going to make a decision on the matter that you require more than a, that you don't adopt a negative dec, that you require further environmental review. Thank you very much.

Director Palombi – Thank you.

Chair Lomeli – Director Palombi that is the only speaker card that we have at this moment correct?

Director Palombi – Madam Chair that is correct. That concludes the public comment for item 8B.

Chair Lomeli – Thank you. Do we have the applicant on the line?

Saara Chaudry (Assistant Planner) – So we have the CEQA consultant on the line who prepared the initial study but we don't have applicant at this time.

Chair Lomeli – With that being said, Commissioners the applicant is not on the line would you like to request to move this item or I just want to go by what the rest of you.

Legal Counsel Ramirez – Chair, I would advise that before you, the Commissioners, make a motion on this that we allow the consultant for the applicant to speak in order to allow objections and , and we've allowed objections to the project now we should allow other side an opportunity to be heard as well before we make a motion.

Chair Lomeli – Thank you Gloria, please proceed.

Kate Downey – Hi can you hear me okay?

Chair Lomeli – Yes we can hear you.

Kate Downey – As I mentioned my name is Kate Downey with Clements Environmental. Also on the line is Larry Miner with Clements Environmental and we worked with the City to prepare the initial study that was circulated. With regard to the concerns about the areas that were not evaluated in the initial study. We reviewed all the areas of concerns that were listed in Mr. Glushons letter including air quality, odor, health, run off, noise, traffic there's also a couple others. We think and I believe that the Planning Department would agree that we thoroughly reviewed the potential impacts of this project and they were determined to be less than significant. I thought the review was in fact adequate. I'll turn it over, Larry, if you would like to weigh in as well regarding out initial study.

Larry Miner - Thanks Kate. My name is Larry Miner and I'm with Clements Environmental 15230 Burbank Blvd. Sherman Oaks CA 91411. We are CEQA [inaudible] consultants from solid waste facilities. We do a lot of work on these types of facilities and we understand the potential impacts, and understand the regulatory environment is set up to address many of the

comments Mr. Glushon raised. The project will be a state of the art solid waste transfer station. All the uses will be contained within a building to minimize potential impacts. We'll have various error mitigation measures related to the negative air pressure of the building. We are going to have aesthetically compatible design with the surrounding neighborhood and for the most part you can't really tell what's going on because of the building and the layout and all the operations take place inside the building. It's designed to be an efficient operation to minimize the potential for impacts. It's specifically related to storm water and air quality, noise and public safety and health. The State of California, Cal Recycle and the County of Los Angeles are also involved in the permitting of these facilities. We are subject to monthly inspections by the County LEA. For the most part the potential impacts are just because of the regulatory environment reduced to levels that are insignificant and create a project that compatible with the surrounding land uses. NASA services is an established solid waste company collection, processing and transfer, they use state of the art vehicles that are CNG, compressed natural gas, to further minimize air quality impacts any vehicles used inside operations, loaders, excavators, tier four, AQMD compliant, engines, so the industry is one of the most heavily regulated environmentally conscious industries in the California and the operations are done in a manner that minimize the potential for any impacts. We feel that the clerical errors made on the noticing, and the fact that we have participation in the public hearing and we have basically some requests to rely through the Brown Act which I would defer to the City expertise on. We feel that we have a project that will be an asset to the City and contribute to the further process of creating a cohesive industrial area for the City of Montebello. We are available to answer any specific questions you may have and look forward to working with the City to move this project forward.

Saara Chaudry (Assistant Planner) – Thank you.

Chair Lomeli – Thank you very much. With that said do any of the commissioners have any questions for the environmental consultants?

Commissioner Briseno – Madam Chair, I have a question. I'm not exactly sure who I should pose this question to but in LA County in the last year how many permits of this type were issued? Also I would like to hear from staff and I have concerns with traffic and what sort of processes are going to be occurring in this building? I read a little bit online and in order to separate sort the trash from other solid waste it could involve high heat, it could be dangerous, there could be a lot fumes and couldn't see much explanation in the agenda that went into the processes that will go on inside this structure. I

just want to know from staff, how do you feel that we are not requiring an EIR? Those are my questions.

Saara Chaudry (Assistant Planner) – Just with regarding to your question related to traffic based on the initial study and based on the traffic assessment done in the initial study we feel that is a sufficient amount of traffic analysis and overall it was determined, I believe, correct me if I am wrong Kate, overall number of vehicles traveled will be reduced with the placement of this project. Is that correct?

Kate Downey - Yes, we believe that just as a result of the nature of this project coming online. The goal is to move solid waste from the community and to a landfill closest is most efficient and overall we expect vehicles miles traveled to actually be reduced as a result of the project coming online. But we did do a traffic analysis or a review of the estimated traffic which revealed that during peak hours the estimated number of vehicle trips would be below the threshold that the City applies for further traffic studies.

Director Palombi – If I may, I just want to add in your first question regarding the permitting. This would be modification to an existing entitlement. The entitlements or this entitlement or any entitlement that is approved by the Commission runs with the land and so this site was approved back in 1994 under an existing Conditional Use Permit and actually that conditional use contained conditions and one of those conditions which I believe is 6G it does reference incidental amounts of biodegradable refuse and it specially states that anything that was brought onto the site would need to be removed by the next working day or within 48 hours. That is actually consistent with our Municipal Code. So the provisions regarding garbage or food waste onsite appears to target any long term activities and that's not something that's contemplated as far as this proposal so there will be nothing stored or any biodegradable refuse stored onsite for any amount of time longer than 48 hours. So I hope that answers your first question.

Commissioner Briseno – One additional question, I kept hearing municipal solid waste. So my question is, the trucks that are going to be dumping 1,500 tons of trash per day right, so is it just going to be for the City of Montebello, trash collected from the City of Montebello or is it going to be from surrounding cities?

Saara Chaudry (Assistant Planner) – Kate is that something that you can answer?

Kate Downey – I don't believe we have a firm answer on that right now. But ideally the site would service the closest areas possible to make it financially feasible. So it would not be in the interest of the applicant or the facility from further

away places because it would be more expensive and time consuming to get there. Typically the goal is to service the immediate surrounding community.

Saara Chaudry (Assistant Planner) – So just to clarify commissioner your question. I don't believe that any trash will be dumped there as Director Palombi mentioned it can only stay there for period of 48 hours. So it's a transfer facility rather than a dumping facility for trash to stay there for longer periods of time.

Commissioner Briseno – Sorry about that I didn't meant say dump, what is it drop off, right, a temporary drop off for processing.

Saara Chaudry (Assistant Planner) – Are there any additional questions?

Chair Lomeli – Commissioner Ramirez, do you have any questions for the consultants or staff?

Commissioner Ramirez – This is again a big project, the site plan that was showed in our PowerPoint is not shown in the agenda packet for today and for some reason it was cutoff or the graphic was not shown. So I don't think that the public even had a change to look at it. But on top of that it's not very clear and I know it's probably one big warehouse but I think we need more information, more elevations. I think I saw it's going to be 40 feet high.

Saara Chaudry (Assistant Planner) – Correct.

Commissioner Ramirez – I don't know what the height is right now but it seems like the [inaudible] change in the sense that the daily activity is going to be substantially different. There is concerns in the letters that we received, one of the property owners stated that storm water is running off onto his property and because we seeing we want to create such a facility you're going to create with that new roof your have, I don't know what the roof looks like, I don't know what the building looks like I just see a site plan that is basically a square with numbers to no legend, absolutely no landscape that's key number 20 or the trees but it doesn't state that. I just wanted to get clarification on what does the daily use of this facility look like versus the daily use that the [inaudible] have wanted to propose. I know you said the traffic is going to be less but you're adding 22 parking spaces. From what I read you only have 2-3 employees during working hours. How many employees are going to be there now? I didn't really hear the concerns of the adjacent property owner from the letters that were received and because of that typo in the publication, I also agree that this item should be continued for various reason, the typo, I think we need to see a better plan and better clarification

on the activities, the hours, the number of employees, what's the building going to look like and so forth. It's just not enough information and not enough time, like I mentioned earlier, to review everything and I feel like we didn't even get enough information from what I was able to see. Those are my comments.

Commissioner Briseno – Madam Chair, because you know I feel like an environmental impact report was merited in this item. I move that we decline the CUP modification for the operation of this proposed solid waste transfer station and that's my take.

Chair Lomeli – I do believe that this project applicant is not on the line and we were just speaking to the environmental impact consultants at the moment. I would suggest that we at least push this forward as well. With that being said, I don't know what staff's recommendation in this case I know we are short on Commissioners today. [Inaudible].

Director Palombi – If I can ask the City Attorney for some clarification on the noticing. I know that has been discussed and then try to get some clear direction on a path forward.

Legal Counsel Ramirez – Regarding the noticing we received the comment I believe today and did have a bit of a heads up that this might be a potential issue and we did note that there was an error on the notice itself in terms of it that it stated it was a mitigated negative declaration versus the negative declaration. We do want to note that the same type of noticing that is required for a negative declaration is the same notice required for a mitigated negative declaration. So the same procedures were in place and aside from that staff noted the CEQA documents that were published with the State Clearing House did correctly state action or the intent of the action to be taken tonight. Now with that said, our office was just [inaudible] to these two letters today. They will be added to the record but the City Attorney's office has not had proper time to evaluate the merits and the objections presented. So with that said I think the Chairwoman asked what the options are. The commission can either postpone or continue the item and it will allow the City's Attorney's office to review the merits presented by the letters etc. or the commission can deny the project in which the applicant can appeal the Commission's decision to City Council or third it can approve the project and the challenging party may appeal that decision. So there are three options and I will defer to the Commissioners to decide what they you like to do.

Chair Lomeli- Okay, thank you very much Gloria. With that being said I do want to give the opportunity for Berj Aliksanian since he is not in today's quorum to it can [inaudible] I would wish to proceed to push the item so maybe I can make a motion to proceed item 8B to the next meeting scheduling I believe December 15th just to give everyone enough time and see if maybe we can get also more information on the applicant and as Commissioner Ramirez we are short of information as well, maybe we can do that. Commissioners, if you guys agree to that.

Commissioner Ramirez – Yes, Chair Lomeli, I agree that we should hear from the applicant and we do need to hear more information before we can actually decide on this and I would also agree that we should continue this item.

Commissioner Briseno – No second on my part. I motion that we decline this, it's just not sitting right with me and I feel like something is insincere on how it was presented to us and I think that this is a project that requires an environmental impact report, talking about 1,500 tons of trash a day, there's been little discussion as to what's going on, how are they going to do this? Are they going to burn the trash? Are they going to steam it? What is the process? For this reason I move that we decline.

Legal Counsel Ramirez – To clarify, you mean to deny?

Commissioner Briseno - That's correct to deny the CUP modification.

Chair Lomeli – Staff how do we go about a situation like this?

Legal Counsel Ramirez – If we don't have a second motion then the motion doesn't carry. So do we have a second to deny?

Chair Lomeli- I do not have a second.

Legal Counsel Ramirez – Okay so the motion by Commissioner Briseno failed for a second. Do we have another motion?

Chair Lomeli – I motion to postpone this item 8B to the next meeting so the applicant can be present during the request for its modification.

Legal Counsel Ramirez – Do we have a second to continue?

Commissioner Ramirez – I will second.

Legal Counsel Ramirez – Can we take a..?

Director Palombi – Yes, I will take a roll call, and for the record we have a motion to postpone this item to the next regularly scheduled meeting which would be December 15, 2020. With that said, Chair Lomeli?

Chair Lomeli – Aye.

Vice-Chair Briseno – Noe.

Commissioner Ramirez – Aye.

Legal Counsel Ramirez – And Commissioner Mooradian has recused herself.

Director Palombi – The question to the City Attorney, because the quorum is comprised of three commissioners the 2-1 carry?

Legal Counsel Ramirez – Yes it does because it nots a vote that requires the vote of the majority of the commissioners. It's not a resolution so we can continue the meeting. The motion to continue passes with a 2-1 vote.

Director Palombi – Thank you.

1st MOTION: Commissioner Ramirez motions to continue this item to December 15, 2020.

SECOND: None

ACTION: Failed for lack of second.

2nd MOTION: Commissioner Briseno motions to deny the conditional use permit modification.

SECOND: None

ACTION: Failed for lack of second.

3rd MOTION: Commissioner Lomeli motions to postpone this item to December 15, 2020.

SECOND: Ramirez

ACTION: 2-1-1-1 (Briseno, Aliksanian, Mooradian)

9. CONSENT ITEM (S)

None

10. STAFF COMMUNICATIONS TO THE PLANNING COMMISSION

Director Palombi - I do have a communication to the Planning Commission. I would like to take this opportunity to update the Planning Commission regarding the Department's response to the recent directive which actually was issued today from the City Manager who serves as the City's Director of Emergency Services; effective today, December 1, 2020, the Planning and Community Development Department has established protocols to safely interact with the public and this is further protocol to protect staff and these protocols include online communications as well as suspending in-person interactions with the public. This includes entitlement and building permit and things of that nature. Effective December 2, 2020, staff in the Department will be reduced to a staggered work schedule with half of the team in the department working remotely while the other half rotates time in the office so it will be reduced in the number of employees just to limit the exposure here at City Hall. Just to note, it is unclear how long these new protocols will remain in effect but we are prepared to do whatever it takes to limit exposure through these new procedures while remaining committed to providing public service during these unprecedented times. The Department webpages have been updated to reflect these new procedures. I will continue to provide the Commission with updates as new information becomes available. This concludes staff's communication to the Planning Commission. Thank you.

11. ORAL COMMUNICATIONS – CONTINUED

None

12. PLANNING COMMISSION ORALS

Chair Lomeli

Vice-Chair Briseno

Commissioner Aliksanian

Commissioner Mooradian

Commissioner Ramirez - I just wanted to get an update on the progress of our General Plan Amendment. I have been notified of any meetings and I know the consultant has been meeting with stakeholders and gathering information right now but if there's anything new or anything you foresee in terms of meetings, if staff will let us know next time or now?

Director Palombi – Absolutely, maybe we will provide just an item on the agenda just to update the Commission on the General Plan Update. The consultant is still in the fact finding sort of phase of the General Plan Update there were some notes that were prepared that I believe will be

shared and this is the note from the interviews that were conducted. I think in the first quarter of next year the goal is to roll out meetings with the community and again I just want to note that the intent is to make this process interactive with the community and it is very difficult and the challenges associated with covid and it kind of defeats the purpose of community involvement. So we want to be strategic and careful when we roll out that phase of community outreach so it can be comprehensive and can include a robust discussion with the community so we may push that a month we are just not clear on that. I think I want to see what direction we do receive from the Council and the City Manager as far as protocols going forward to really understand how that impacts how we interact with the public because that is such a critical component to the General Plan Update.

Commissioner Ramirez – Thank you.

Director Palombi – I do want to note one thing Commissioner Ramirez and before I forget we did follow up with the 7-eleven based on your comment from the last meeting and I'm not sure if you noticed it but there has been screening installed on the AC units on that building on Beverly near the hospital so that concern has been addressed.

Commissioner Ramirez – Yes, thank you for addressing that and yes I did notice. It looks a lot better so thank you.

13. ADJOURNMENT

The meeting adjourned at 9:26 p.m.



Joseph Palombi, Planning Commission Secretary

