



**PLANNING COMMISSION
MEETING AGENDA**

TUESDAY, APRIL 18, 2023 AT 6:30 PM

**CITY HALL COUNCIL CHAMBERS
1600 WEST BEVERLY BOULEVARD
MONTEBELLO, CALIFORNIA**

PLANNING COMMISSION MEMBERS

VICTOR CUEVAS, CHAIR

VACANT, VICE-CHAIR

NATALIA LOMELI, PLANNING COMMISSIONER

BERJ ALIKSANIAN, PLANNING COMMISSIONER

ARMANDO MEDINA, PLANNING COMMISSIONER

CITY STAFF

JOSEPH PALOMBI, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

MONICA MERCADO-RODRIGUEZ, PLANNING MANAGER

GLORIA V. RAMIREZ, DEPUTY CITY ATTORNEY

MARIA CELESTE ALCANTAR, CODE ENFORCEMENT COORDINATOR

NOTICES

This Planning Commission Meeting will be held in person and will meet at **City Hall – City Council Chambers, 1600 West Beverly Boulevard, Montebello, California**. The meeting will be live-streamed and can be watched on the City's website and YouTube Channel via the following link: <https://www.montebelloca.gov>, and may also be viewed on Spectrum Public Access Channel 3 for all Spectrum cable subscribers.

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act (ADA) any person with a disability who requires special accommodations in order to participate in a meeting should contact Maria Celeste Alcantar, Code Enforcement Coordinator at (323) 887-1200 EXT. 486 Monday-Thursday from 7:30 a.m.-5:30 p.m. Please call 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II 1203). If you require translation services, please contact us 24 hours before this meeting.

PUBLIC COMMENTS:

In-Person: For those interested in participating during the Public Comment period(s) or public testimony period for Public Hearings of the Planning Commission meetings, you may address the Planning Commission in person the day of the meeting. Speakers will be required to complete a speaker card provided at the door and submit it to Maria Celeste Alcantar, Code Enforcement Coordinator, prior to each Public Comment announcement period. Staff will number and call each speaker card in the order received.

Via Email: The public may also submit emailed comments via the following email address: pcpubliccomment@montebelloca.gov up until the day of the meeting, Tuesday, April 18, 2023, by 6:00 p.m. These comments will be submitted to all members of the Planning Commission and will not be read aloud, but will be entered into the record of the proceedings to the extent they relate to matters listed on the posted agenda or otherwise address matters/issues within the subject matter jurisdiction of the Planning Commission. Any requests to provide public comment which is submitted after the deadlines indicated above will not be submitted to the Planning Commission, with the exception of non-agenda written item comments which will be held over for the next regularly scheduled meeting.

AGENDA MATERIALS: The agenda and agenda packet related to items on this agenda are available for public inspection at City's website at: [Agendas, Minutes, and Videos](#),

IN CONSIDERATION OF OTHERS, PLEASE TURN OFF, OR MUTE, ALL CELL PHONES AND PAGERS
THANK YOU FOR YOUR COOPERATION

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

CORRECTIONS TO THE AGENDA

PUBLIC COMMENTS (30 MINUTES)

At this time, the general public may address the Commission/Committee on any items listed on the Agenda, including items not listed on the Agenda (Non-Agenda Items) that are within subject matter jurisdiction. Please be aware that the maximum time allotted for members of the public to speak shall not exceed three (3) minutes per person. State Law prohibits the Commission/ Committee from taking action or entertaining extended discussion on a topic not listed on the agenda. Please show courtesy to others and direct all of your comments to the Chairperson.

STAFF COMMUNICATIONS

MINUTES

1. **March 21, 2023**

RECOMMENDATION: Approval of the Minutes from the Planning Commission meeting held on March 21, 2023.

PUBLIC HEARING

2. **Conditional Use Permit ("CUP") Case No. PC-2023-0001-CUP to allow the operation of a small family themed arcade within The Shops at Montebello regional shopping center located at 2134 Montebello Town Center ("Project Site").**

RECOMMENDATION: It is recommended that the Planning Commission conduct a public hearing and take the following action:

1. Determine, that based on the whole of the administrative record, the project (ENV No. 01- 23-CE) is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines, Section 15301 (Existing Facilities), Class 1(a), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.; and

2. Approve, pursuant to Montebello Municipal Code ("MMC") Section 17.66.030, a Conditional Use Permit (Case No. PC-2023-0001-CUP) for the establishment of an amusement arcade at the Project Site.

PLANNING COMMISSION ORALS

Planning Commission member announcements; requests for future agenda items; conference/meetings reports.

ADJOURNMENT

The City of Montebello Planning Commission will adjourn to the next Regular Meeting on May 02, 2023, at 6:30 p.m. at City Hall Council Chambers located at 1600 W. Beverly Boulevard, Montebello, CA 90640.

I, Maria Celeste Alcantar, Code Enforcement Coordinator for the City of Montebello hereby certify that a copy of this

agenda has been posted on or before Thursday, April 13, 2023, at 5:30 p.m.

Maria Celeste Alcantar

Maria Celeste Alcantar, Code Enforcement Coordinator



PLANNING COMMISSION MEETING AGENDA

MINUTES

TUESDAY, MARCH 21, 2023 AT 6:30 PM

**CITY HALL COUNCIL CHAMBERS
1600 WEST BEVERLY BOULEVARD
MONTEBELLO, CALIFORNIA**

CALL TO ORDER – Chair Cuevas called the meeting to order at 6:33 p.m.

ROLL CALL – Chair Cuevas, Vice-Chair Del Rio, Commissioner Lomeli and Commissioner Aliksonian

PLEDGE OF ALLEGIANCE – Chair Cuevas

CORRECTIONS TO THE AGENDA – None

PUBLIC COMMENTS (30 MINUTES)

At this time, the general public may address the Commission/Committee on any items listed on the Agenda, including items not listed on the Agenda (Non-Agenda Items) that are within subject matter jurisdiction. Please be aware that the maximum time allotted for members of the public to speak shall not exceed three (3) minutes per person. State Law prohibits the Commission/ Committee from taking action or entertaining extended discussion on a topic not listed on the agenda. Please show courtesy to others and direct all of your comments to the Chairperson.

STAFF COMMUNICATIONS – None

MINUTES

1. March 07, 2023

Public Hearing was opened and continued to the March 21st, 2023 Planning Commission Meeting due to the lack of quorum.

CONTINUED PUBLIC HEARING

- 2. Site Plan Review (“SPR”) Case No. PC-2022-0012-SPR an application filed by Roy Furuto, on behalf of Royal Paper Box Co to allow the addition of 54,244 square feet of floor area to an existing 53,671 square foot warehouse building on the properties located at 1029 and 1037 South Maple Avenue (“Project Site”).**

Director Palombi introduced the continued item from the meeting that was held on March 07, 2023. The Public Hearing was opened at 6:36 p.m. Associate Planner, Stacey Morales provided a presentation regarding Case No. PC-2022-0012-SPR to the Planning Commission. Upon Ms. Morales' presentation, the applicant Roy Furato provided some background information on the project before the Commission. Several members from the Laborers' International Union of North America voiced their concerns regarding their discontent and desires to be contracted for future projects. The Public Hearing was closed at 6:53 p.m.

MOTIONED: Commissioner Aliksanian

SECONDED: Commissioner Lomeli

APPROVED: 4-0-0-0

AYES: Chair Cuevas, Vice-Chair Del Rio, Commissioner Aliksanian and Commissioner Lomeli

NOES: None.

ABSTAIN: None.

ABSENT: None.

PLANNING COMMISSION ORALS

- A. Chair, Victor Cuevas
- B. Vice-Chair, Priscilla Del Rio
- C. Commissioner, Berj Aliksanian
- D. Commissioner, Natalia Lomeli

ADJOURNMENT

The City of Montebello Planning Commission adjourned at 7:02 p.m. to the next regularly scheduled meeting on April 18, 2023 at 6:30 p.m.

Joseph Palombi, Planning Commission Secretary



ITEM # 2

**CITY OF MONTEBELLO
PLANNING COMMISSION AGENDA STAFF REPORT**

TO: Members of the Planning Commission

FROM: Daniel Ruiz, Assistant Planner

BY: Joseph Palombi, Director of Planning & Community Development

SUBJECT: Conditional Use Permit (“CUP”) Case No. PC-2023-0001-CUP to allow the operation of a small family themed arcade within The Shops at Montebello regional shopping center located at 2134 Montebello Town Center (“Project Site”).

DATE: April 18, 2023

RECOMMENDATION(S):

It is recommended that the Planning Commission conduct a public hearing and take the following action:

1. Determine, that based on the whole of the administrative record, the project (ENV No. 01- 23-CE) is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines, Section 15301 (Existing Facilities), Class 1(a), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.; and
2. Approve, pursuant to Montebello Municipal Code (“MMC”) Section 17.66.030, a Conditional Use Permit (Case No. PC-2023-0001-CUP) for the establishment of an amusement arcade at the Project Site.

FISCAL IMPACT:

None.

BACKGROUND:

On March 6, 2023, Claw Daddy Enterprises LLC (“Applicant”) filed an application (PC-2023-0001- CUP) for a CUP to allow the operation of an amusement arcade within an existing vacant tenant space within The Shops at Montebello shopping center.

On March 8, 2023, the application was Deemed Complete.

PROJECT DESCRIPTION

The CUP is for a proposed amusement arcade at 2134 Montebello Town Center (APN 5271-020- 081). The Project Site is in the C-2-PD Zone (General Commercial Zone with a Planned Development District Overlay) and generally bounded by Interstate-60/Pomona Freeway to the north, commercial uses to the east and west, and low- and high-density residential uses to the south. The Shops at Montebello shopping center has a building area of over 900,000 square feet, including the anchor tenants, but the applicant is only proposing to occupy a vacant tenant space within the mall with a total square footage of 1,076 square feet. As part of the proposal, the Applicant is not proposing any construction, demolition, or other significant alterations or improvements. The changes that are foreseen include painting the interior walls and updating electrical fixtures to accommodate the twenty-three (23) arcade machines/amusement games that are proposed to be installed at the site.

Per MMC Section 17.52.050, amusement arcades are required to have one (1) parking space for each 200 square feet of gross floor area. Due to the size of the existing tenant space, the parking requirement for the proposed arcade is five (5) parking spaces. The applicant is proposing to occupy an existing tenant space and is not proposing any expansions. The regional shopping center provides ample parking, approximately 3,626 parking spaces, therefore, no additional parking is required.

In addition, Section 17.66.040 of the MMC states that an arcade shall provide storage facilities to prevent an accumulation of bicycles and skateboards on pedestrian walkways or parking areas at ratio of one bicycle for every two amusement game machines. The shopping mall is an existing commercial center and currently provides designated bicycle racks at the main entrances of the shopping mall. Given that the proposed project will occupy an existing tenant space and no expansion is being proposed, additional bicycle racks are not required as part of the proposed project.

REPORTS RECEIVED

On March 9, 2023, the application for Case No. PC-2023-0001-CUP was routed to the Building Division as well as to the Public Works, Fire, Police, and Recreation & Community Services Departments for review, comments, and conditions. The comments and conditions of approval that were provided are included in the resolution found within “Attachment A.”

ENVIRONMENTAL:

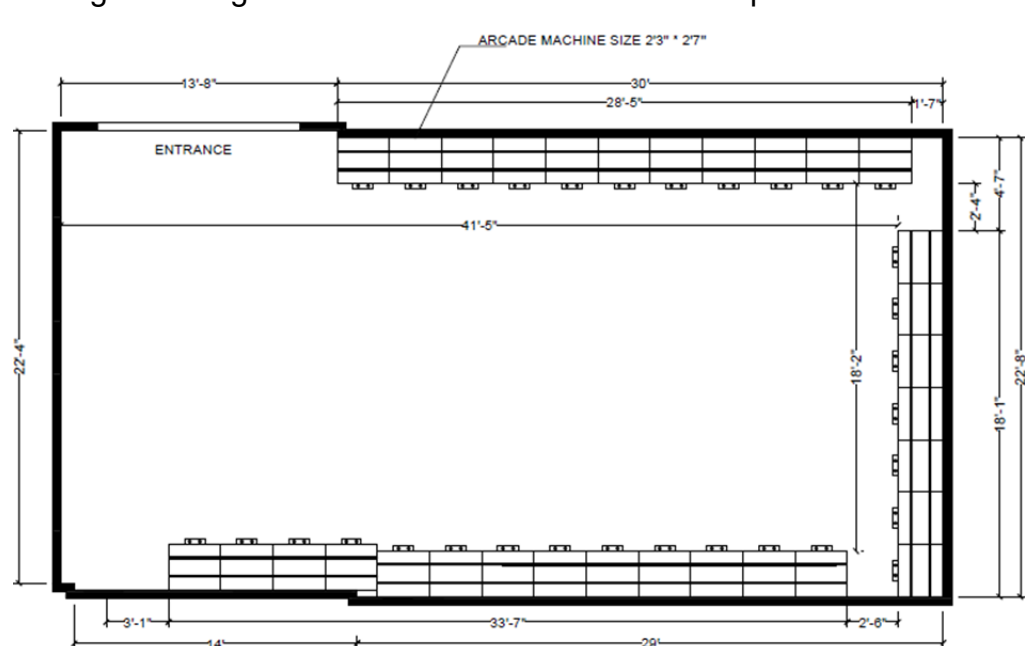
The proposed CUP (Case No. PC-2023-0001-CUP) is considered a “project,” per the

CEQA definition of a “project.” The project is categorically exempt per CEQA Section 15301 (Existing Facilities), Class 1(a), because this classification consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination such as interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. The proposed CUP for an amusement arcade will not expand the existing footprint of the structure at the site and the proposed improvements to the site include minor interior changes such as painting the walls and updating electrical fixtures.

ANALYSIS:

BUSINESS OPERATIONS/LAYOUT

On March 9, 2023, the application for Case No. PC-2023-0001-CUP was routed to the Building Division as well as to the Public Works, Fire, Police, and Recreation & Community Services Departments for review, comments, and conditions. The comments and conditions of approval that were provided are included in the resolution found within “Attachment A.” The proposed business hours for the arcade are 11:00 am to 8:00 pm Monday through Saturday and 11:00 am to 7:00 pm on Sundays, which will coincide with the The Shops at Montebello shopping center hours. It is anticipated that the business will have one (1) employee, the owner of the establishment. The owner will be present during all hours of operation and the arcade will not be unoccupied or unsupervised during the hours of operation. The floor plan below shows the general layout of the proposed arcade including the entrance to the tenant space. The arcade machines will be aligned along the walls as shown within the floor plan.



GENERAL

PLAN LAND USE ELEMENT

The City’s General Plan Land Use designation for the Project Site is General Commercial. The following General Plan Land Use Element Goals and Policies are

applicable to the amusement arcade proposed at the Project Site:

General Plan Land Use Element Goal #1 is “to formulate a plan which is responsive to the needs of the community, and which permits the orderly arrangement of land uses, permitting sufficient areas for reasonable development.”

General Plan Land Use Element Commercial Policy #1 states that “commercial development in the City should be sited in appropriate locations according to need.”

General Plan Land Use Element Commercial Policy #2 states that the “City should contain a variety of types of commercial development, including regional and community shopping facilities, local neighborhood convenience centers, highway oriented development and professional office type areas.”

General Plan Land Use Element Commercial Policy #5 states that “the City should contain ample commercial facilities to meet the needs of its residents as well as provide taxable revenues to the City”.

The proposed project conforms to the City of Montebello General Plan Land Use Element in that the proposed arcade will provide the Montebello community with additional recreational activities that are currently not offered at the site. Additionally, the proposed arcade would be reasonably situated within The Shops at Montebello. Montebello Municipal Code Section 17.66.030 states that any amusement arcade businesses will only be considered when they are located within a commercial development with at least twenty-five thousand (25,000) square feet of building floor area, a requirement that is met by this proposal. The tenant space where the project is proposed has recently been vacant. It is anticipated that the proposed project will generate additional foot traffic and revenue for the shopping mall. The establishment of the business will also increase the taxable revenue to the City. Allowing the proposed amusement arcade would increase the variety of recreational activities within the immediate vicinity and within the commercial shopping center.

CONDITIONAL USE PERMIT

On March 9, 2023, the application for Case No. PC-2023-0001-CUP was routed to the Building Division as well as to the Public Works, Fire, Police, and Recreation & Community Services Departments for review, comments, and conditions. The comments and conditions of approval that were provided are included in the resolution found within “Attachment A.” Pursuant to Chapter 17.70 (Conditional Use Permits), Chapter 17.66 (Amusement Arcades), and Appendix A of the MMC, the approval of a CUP is required for amusement arcades proposed in the C-2 (General Commercial) Zone. Section 17.70.010 of the MMC specifies that the purpose of conditional use permits is to “allow proper integration of uses into the community which may only be suitable in specific locations, or only if such uses are designed and constructed in a particular manner on the site, and under certain conditions.” Additionally, Section 17.66.040 of the MMC includes mandatory conditions of approval which are applicable to any amusement arcade business in the City of Montebello. These mandatory conditions are included in the attached resolution (Attachment A) and the Planning Commission may impose any additional conditions that it finds to be necessary.

Pursuant to Section 17.70.070 of the MMC, before any CUP shall be granted, the following findings must be made:

A. That the site for the proposed use is adequate in size and shape;

The proposed arcade use does not propose any structural changes to The Shops at Montebello regional shopping center within which it would be located. Of the 459,000 square feet dedicated strictly to the shopping mall, the proposed arcade is only proposing to occupy approximately 1,076 square feet of an existing tenant space, which currently remains vacant. Additionally, five (5) parking spaces are required for this proposed use and this parking requirement is met through the parking spaces provided by the larger regional shopping center. Based on this, the site is adequate in size and shape, and it is not anticipated that this proposed arcade will pose any significant impact to the surrounding retailers or to the surrounding vicinity.

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

The Project Site is adjacent to and has sufficient access to North Montebello Boulevard, which is one of the major streets in the City of Montebello. There are multiple driveways to enter the shopping center and the proposed arcade along North Montebello Boulevard and these driveways are adequate in width to withstand the quantity and quality of traffic that can be generated by the proposed use. Additionally, the volume of traffic anticipated to be generated by the proposed arcade should not have an adverse impact on existing traffic conditions in the area since it is anticipated that the same patrons shopping at the center will utilize the arcade. The shopping center also has access to California State Highway 60 (the Pomona Freeway) and the general vicinity has the capacity to carry the traffic anticipated for the proposed use.

C. That the proposed use will not have an adverse effect upon adjacent or abutting properties;

The Project Site and the surrounding area are currently developed with The Shops at Montebello shopping center and other surrounding commercial uses. Given the small scale of the proposed arcade in relation to the other uses in the area, the proposed use will not have an adverse impact upon adjacent or abutting properties. Additionally, since the building in which the arcade is being proposed is an existing tenant space, the changes to the site mostly consist of interior changes to the proposed tenant space for the proposed use. These changes to the building are not expected to have an adverse impact upon adjacent or abutting properties and the proposed use is not anticipated to create any other significant impact on the adjacent or abutting properties either.

D. That the proposed use is consistent with the objectives of the community redevelopment project area in which the site is located. Put another way, the finding must be made that the proposed use will meet the general purpose and intent of the Zoning Code and will be consistent with the purpose and intent of the General Plan and any applicable specific plan.

Taking into consideration that the site in which the arcade use is being proposed is part of a planned development district, the larger building is consistent with the provisions of the MMC. Additionally, the proposed use is consistent with the standards and regulations listed within Chapter 17.66 (Amusement Arcades) of the MMC. The proposed use is in commercial development with at least twenty-five thousand (25,000) square feet of building floor area, is not located within one thousand (1,000) feet from any existing amusement arcade, and is not located within one thousand (1,000) feet of any public or private school.

Additionally, the proposed use is consistent with General Plan Land Use Element Goal 1, as well as with General Plan Land Use Element Commercial Policies 1, 2, and 5. These goals and policies relate to the project being responsive to the needs of the community, to the City permitting for the orderly arrangement of land uses, to the City situating commercial developments in appropriate locations according to need, to the City providing a variety of types of commercial development, as well as to commercial developments providing taxable revenue to the City. The proposed project conforms with the City of Montebello General Plan Land Use Element in that the proposed use is in a developed commercial area, the use of an arcade is compatible with the existing shopping center on the site, and the arcade will increase the taxable revenue provided to the City of Montebello.

SUMMARY:

PUBLIC NOTIFICATION

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

- On April 6, 2023, the Public Hearing Notice was published in the Daily Journal (Whittier Daily News); and
- On April 6, 2023, the Public Hearing Notice was mailed to all property owners within a 300-foot radius from the exterior boundaries of the project site.

ATTACHMENT(S)

1. Final Attachment A - Reso No. 03-23
2. Final Attachment B - Site Plan
3. Final Attachment C - Floor Plan
4. Final Attachment D - CEQA NOE Claw Daddy Arcade

5. Final Attachment E - Public Hearing Notification

**CITY OF MONTEBELLO
PLANNING COMMISSION**

RESOLUTION NO. 03-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (“CASE NO. PC-2023-0001-CUP”) WITH CONDITIONS TO ALLOW THE ESTABLISHMENT OF AN AMUSEMENT ARCADE FOR THE PROPERTY LOCATED AT 2134 MONTEBELLO TOWN CENTER, BU-15 (“PROJECT SITE”) AND DETERMINING THAT THE CONDITIONAL USE PERMIT IS CATEGORICALLY EXEMPT UNDER CEQA § 15301 (EXISTING FACILITIES) (ENV NO. 1-23-CE).

WHEREAS, the City of Montebello (“City”) received an application from Claw Daddy Enterprises LLC (“Applicant”) for a Conditional Use Permit (“CUP”) (Case No. PC-2023-0001-CUP) to allow the establishment of an amusement arcade (“Project”) at 2134 Montebello Town Center (“Project Site”); and

WHEREAS, the approval of a Conditional Use Permit for an amusement arcade is required per Montebello Municipal Code (“MMC”) Chapter 17.66; and

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

WHEREAS, the CUP (Case No. PC-2023-0001-CUP) is considered a “project,” as per the CEQA definition of a “project”; and

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

WHEREAS, a duly noticed public hearing has been held, at which the Planning Commission received and considered staff presentations, recommendations, public testimony, and all other substantial evidence presented at the public hearing and included in the record for this matter; and

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

NOW THEREFORE, the Planning Commission of the City of Montebello hereby finds, declares, and resolves as follows:

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

SECTION 2. FINDINGS.

A. Per MMC 17.70.070, before any CUP is granted, the following findings must be made:

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

The proposed arcade use does not propose any structural changes to The Shops at Montebello regional shopping center within which it would be located. Of the 459,000 square feet dedicated strictly to the shopping mall, the proposed arcade is only proposing to occupy approximately 1,076 square feet of an existing tenant space, which currently remains vacant. Additionally, five (5) parking spaces are required for this proposed use and this parking requirement is met through the parking spaces provided by the larger regional shopping center. Based on this, the site is adequate in size and shape, and it is not anticipated that this proposed arcade will pose any significant impact to the surrounding retailers or to the surrounding vicinity.

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

The Project Site is adjacent to and has sufficient access to North Montebello Boulevard, which is one of the major streets in the City of Montebello. There are multiple driveways to enter the shopping center and the proposed arcade along North Montebello Boulevard and these driveways are adequate in width to withstand the quantity and quality of traffic that can be generated by the proposed use. Additionally, the volume of traffic anticipated to be generated by the proposed arcade should not have an adverse impact on existing traffic conditions in the area since it is anticipated that the same patrons shopping at the center will utilize the arcade. The shopping center also has access to California State Highway 60 (the Pomona Freeway) and the general vicinity has the capacity to carry the traffic anticipated for the proposed use.

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

The Project Site and the surrounding area are currently developed with The Shops at Montebello shopping center and other surrounding commercial uses. Given the small scale of the proposed arcade in relation to the other uses in the area, the proposed use will not have an adverse impact upon adjacent or abutting properties. Additionally, since the building in which the arcade is being proposed is an existing tenant space, the changes to the site mostly consist of interior changes to the proposed tenant space for the proposed use. These changes to the building are not expected to have an adverse impact upon adjacent or abutting properties and the proposed use is not anticipated to create any other significant impact on the adjacent or abutting properties either.

4. *That the proposed use is consistent with the objectives of the community redevelopment project area in which the site is located. Put another way, the finding must be made that the proposed use will meet the general purpose and intent of the Zoning Code and will be consistent with the purpose and intent of the General Plan and any applicable specific plan.*

Taking into consideration that the site in which the arcade use is being proposed is a part of a planned development district, the larger building is consistent with the provisions of the MMC. Additionally, the proposed use is consistent with the standards and regulations listed within Chapter 17.66 (Amusement Arcades) of the MMC. The proposed use is in a commercial development with at least twenty-five thousand (25,000) square feet of building floor area, is not located within one thousand (1,000) feet from any existing amusement arcade and is not located within one thousand (1,000) feet of any public or private school.

Additionally, the proposed use is consistent with General Plan Land Use Element Goal 1, as well as with General Plan Land Use Element Commercial Policies 1, 2, and 5. These goals and policies relate to the project being responsive to the needs of the community, to the City permitting for the orderly arrangement of land uses, to the City situating commercial developments in appropriate locations according to need, to the City providing a variety of types of commercial development, as well as to commercial developments providing taxable revenue to the City. The proposed project conforms with the City of Montebello General Plan Land Use Element in that the proposed use is in a developed commercial area, the use of an arcade is compatible with the existing shopping center on the site, and the arcade will increase the taxable revenue provided to the City of Montebello.

SECTION 3. CEQA. The Planning Commission hereby determines that, based on the whole of the administrative record, the project (ENV No. 01-23-CE) is exempt from CEQA pursuant to CEQA Guidelines, Section 15301 (Existing Facilities), Class 1(a) and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies. The proposed use constitutes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of an existing private structure involving negligible or no expansion of use. The proposed CUP for an amusement arcade will not expand the existing footprint of the structure at the site and the proposed improvements to the site include minor interior changes such as painting the walls and updating electrical fixtures.

SECTION 4. APPROVALS. The Planning Commission hereby approves CUP (Case No. PC-2023-0001-CUP) to allow the establishment of an amusement arcade at the Project Site subject to the conditions set forth in Section 5 of this Resolution.

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

A. Planning Division Conditions

1. The Applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers, and employees from any claim, action, or proceeding brought against the City, its elected and appointed officials, agents, officers, or employees arising out of, or which are related to the Applicant's project or application (collectively referred to as "proceedings"). The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred or awarded in connection with the proceedings whether incurred by the Applicant, the City and/or the parties initiating or bringing such proceedings. This indemnity provision shall include the Applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth herein. The City shall have the right to choose its own legal counsel to represent the City's interest in the proceedings.
2. The development of the subject site shall be consistent with all provisions of the MMC, Conditional Use Permit No. PC-2023-0001-CUP/ENV No. 1-23, and the specifications of the City's Planning Division ("Planning Division" or "Planning Department").
3. Within thirty (30) days of the Planning Division transmittal of the Acceptance Form, the Applicant shall sign and return a copy of the Acceptance Form, agreeing to the conditions of approval and acknowledging that failure to comply with such conditions shall constitute grounds for potential revocation of the permit approval. Failure to return the Acceptance Form within thirty (30) days shall constitute grounds for terminating the permit.
4. The Director of Planning & Community Development ("Director"), at any time, can call for a review of the approved conditions of approval at a duly noticed public hearing before the Planning Commission. These condition(s) may be modified, or new condition(s) added to reduce any impacts of the use. The Planning Commission may revoke the CUP (Case No. PC-2023-0001-CUP/ENV No. 1-23) if sufficient cause is given.
5. The Applicant or successor in interest shall meet the applicable code requirements and all other City department regulations.
6. In the event the Applicant violates or fails to comply with any conditions of approval of this permit, no further permits, licenses, approvals, or certificate of occupancy shall be issued until such violation(s) has been fully remedied.
7. The Applicant, Owner, Management and/or successor of the use shall bear full cost of all monitoring and inspection activities to be conducted by City staff or its designated

- consultant representative(s) as necessary to ensure compliance with the conditions of this Resolution.
8. Any change, expansion, intensification and/or modification to the proposed plans use, or mode of operations shall be subject to the review and approval by the Director who may take action or call for review by the Montebello Planning Commission ("Planning Commission") at a noticed public hearing.
 9. This approval shall not supersede the approval of any other responsible agencies. The Applicant shall comply with all Federal, State and local laws.
 10. The approval of the entitlement shall expire if the rights granted are not exercised within one (1) year from the CUP's effective date. Exercise of right shall mean issuance of a building permit to commence construction or similar activities demonstrating the intent to proceed with the project, as determined by the Director.
 11. A copy of the approved Resolution shall be attached to the construction plans for any site improvement at the submittal of plans for plan check.
 12. No signs shall be installed on the site until a sign permit has been approved Building & Safety Division in conformance with the provisions set forth in the MMC.
 13. Arcade Supervisors/Operators. No amusement arcade shall be open to the public without at least one adult (over eighteen years of age) employee present on the premises. The adult personnel shall provide continuous supervision of the amusement arcade during all hours of operation with the authority and ability to close and lock the premises upon police orders.
 14. Hours of Operation. The hours of operation shall be considered by the planning commission after examination of the location and surrounding properties and uses and limited to Monday through Saturday 11:00 am to 8:00 pm and Sunday 11:00 am to 7:00 pm.
 15. Security. Amusement arcades shall provide sufficient security measures to effectively regulate interior and exterior loitering, parking congestion, disturbing noise and light, loud conversations, criminal activities, and maintenance of the subject site. No owner, proprietor or employee of any amusement arcade shall permit the sale or consumption of alcoholic beverages on the premises.
 16. The Applicant shall submit a project compliance report. This report is due annually for the first two (2) years, starting from the date of an approved business license. The compliance report must be submitted to the Director to demonstrate compliance with the Conditions of Approval. The Director shall transmit the quarterly project

compliance report to the Planning Commission to either receive and file or take any other action as deemed necessary.

B. Building Division Conditions

1. The development and utilization of the site shall comply with all the provisions of the current Building, Plumbing, Mechanical, Electrical, Energy, CALGreen, Fire Codes, City Ordinances, as well as additional requirements from the Montebello Building and Safety Division.
2. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
3. In accordance with paragraph 5538(b) of the California Business and Professions Code, plans are to be prepared and stamped by a licensed architect.
4. All State of California disability access regulations for accessibility and adaptability shall be complied with.
5. Electrical plan check is required.
6. Project shall comply with the CalGreen Non-Residential requirements.
7. Where existing building fire sprinklers are proposed to be altered, all fire sprinkler hangers must be designed and their location approved by an engineer or an architect. Calculations must be provided indicating that the hangers are designed to carry the tributary weight of the water filled pipe plus a 250-pound paint load. A plan indicating this information must be stamped by the engineer or the architect and submitted for approval prior to issuance of the building permit.

C. Fire Department Conditions

1. The development shall comply with all applicable provisions of the California Fire Code, referenced NFPA standards, and local ordinances.
2. Additional requirements may be added during the plan check process.

D. Police Department Conditions

1. The Police Department reserves the right to review this CUP at any time if there are excessive calls for service or if the Police Department feels that the operation of the establishment is a risk to public health, safety, welfare, or morals.

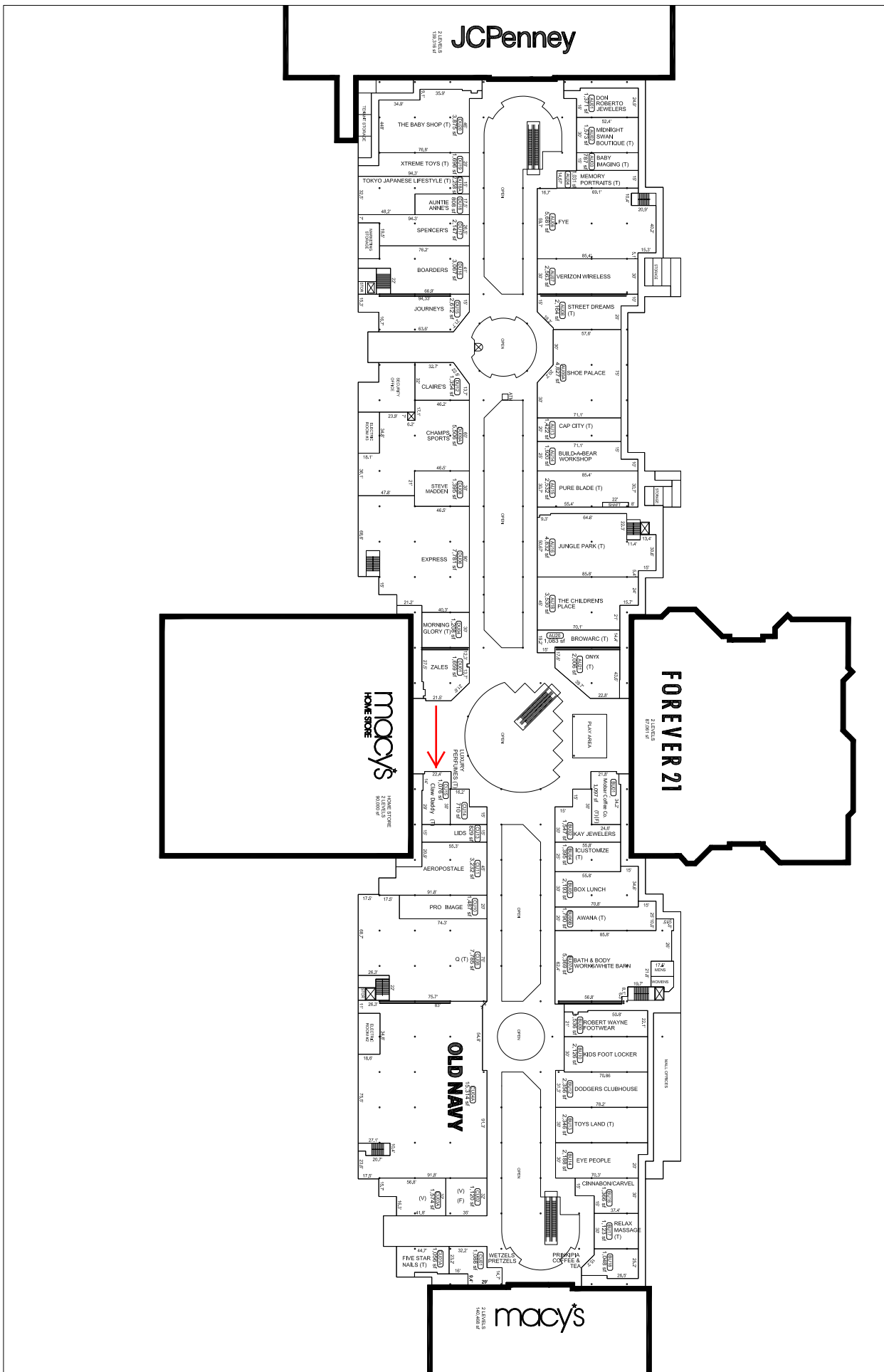
PASSED AND ADOPTED this 18th day of April, 2023 by the Planning Commission.

Chair Cuevas: ☐ AYE ☐ NOE ☐ ABSENT ☐ ABSTAIN
Commissioner Alikasarian: ☐ AYE ☐ NOE ☐ ABSENT ☐ ABSTAIN
Commissioner Lomeli: ☐ AYE ☐ NOE ☐ ABSENT ☐ ABSTAIN
Vacant: ☐ AYE ☐ NOE ☐ ABSENT ☐ ABSTAIN
Vacant: ☐ AYE ☐ NOE ☐ ABSENT ☐ ABSTAIN

Victor Cuevas, Chair

ATTEST:

Joseph A. Palombi, Director
Planning & Community Development Department



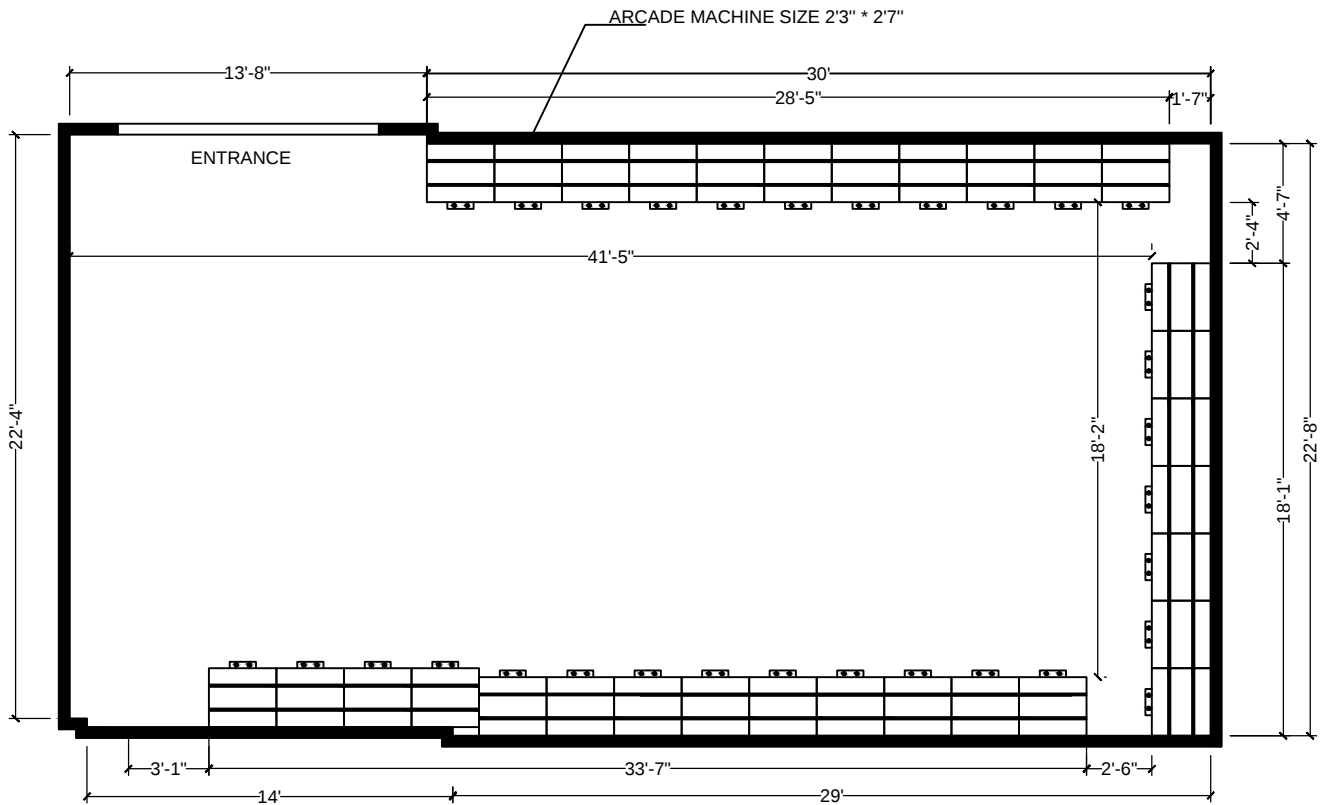
Centennial

THE SHOPS AT MONTEBELLO

02/06/2023

Montebello, CA

LEVEL TWO



Area=
1076 sq ft

Wall thickness= 5"

Title:
Proposed floor plan for a
Arcade Room

DATE-
15.02.2023

DRG. TITLE:
Proposed floor plan for a Arcade Room

DRAWN BY-

NORTH:

Remrks:

Notice of CEQA Exemption

To:

County of Los Angeles
Registrar-Recorder/County Clerk
12400 Imperial Highway
Norwalk, CA 90650

From:

City of Montebello
Planning & Community Development Department
1600 W. Beverly Blvd.
Montebello, CA 90640

Lead Agency: City of Montebello Planning and Community Development Department

Project Title: Claw Daddy Arcade at The Shops at Montebello

Project Location: 2134 Montebello Town Center Drive, BU 15

Case Number(s): PC-2023-0001-CUP & ENV No. 1-23-CE

Description of Nature, Purpose, and Beneficiaries of Project: Conditional Use Permit (“CUP”) No. PC-2023-0001-CUP to allow Claw Daddy Enterprises LLC to operate an amusement arcade (Claw Daddy Arcade) within an existing tenant space located at The Shops at Montebello shopping center at 2134 Montebello Town Center Drive (“Project Site”).

Name of the Public Agency Approving the Project: City of Montebello

Name of Person or Agency Carrying Out the Project: Claw Daddy Enterprises LLC

Exempt Status (*check one*)

- ☐ Ministerial (Sec. 21080(b)(1); 15268(b)(3))
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ Categorical Exemption. State type and section number: Class 1- CEQA Section 15301 (Existing Facilities)
☐ Statutory Exemptions. State code number:

Justification for Project Exemption:

The Project is categorically exempt per §15301 - Class 1 (Existing Facilities) of the CEQA Guidelines and none of the exceptions under § 15300.2 apply. CEQA Guidelines §15301 exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The proposed CUP for an amusement arcade will not expand the existing footprint of the structure at the site and the proposed improvements to the site include minor interior changes such as painting the walls and updating electrical fixtures.

Lead Agency Contact Person: Joseph Palombi, Director of Planning & Community Development

Area Code/Telephone/Extension: (323) 887-1478

If filed by applicant, attach certified document issued by the Planning and Community Development Department stating that the Department has found the project to be exempt.

Signature: _____ **Date:** _____ **Title:** _____

☒ Signed by Lead Agency

☐ Signed by Applicant



**NOTICE OF PUBLIC HEARING
CITY OF MONTEBELLO PLANNING COMMISSION**

**Conditional Use Permit
Categorical Exemption (Section 15301 – Class 1 “Existing Facilities”)**

Location: 2134 Montebello Town Center Drive, BU-15, Montebello, CA 90640

Case No.: PC-2023-0001-CUP/ENV No. 1-23-CE

Applicant: Claw Daddy Enterprises LLC

Project Description: A Conditional Use Permit (CUP) request to allow the operation of a small family themed arcade within The Shops at Montebello shopping mall located at 2134 Montebello Town Center (“Project Site”).

Zone: C-2-PD (General Commercial with a Planned Development Overlay)

General Plan Designation: General Commercial

Environmental: The proposal is considered a “Project” and is categorically exempt under the California Environmental Quality Act (CEQA) Section 15301 – Class 1 (Existing Facilities).

NOTICE IS HEREBY GIVEN that the City of Montebello (“City”) Planning Commission (“Planning Commission”) will hold a public hearing to consider the proposed Conditional Use Permit described above. The meeting is scheduled to be held on:

Date: Tuesday, April 18, 2023

Time: 6:30 p.m.

Place: City Hall Council Chambers

1600 West Beverly Boulevard, Montebello, CA, 90640

For those interested in participating in-person during the Public Comment period(s) or public testimony period for Public Hearings of the Planning Commission, you may address the Planning Commission in person the day of the meeting. Speakers will be required to fill out a speaker card provided at the door and turn it into the Administrative Secretary prior to each Public Comment announcement period. Staff will number and call each speaker card in the order received.

The public may also submit emailed comments via the City’s email address: pcpubliccomment@montebellocal.gov where the public can submit written public comments up until the day of the meeting, **Tuesday, April 18, 2023 between 7:30 a.m. – 6:00 p.m.** These comments will be read out loud and submitted for the record. Additional Information related to the Planning Commission meetings can be located on the City’s webpage: <https://www.montebellocal.gov/cms/One.aspx?portalId=58756&pageId=61848>.

Written comments may also be mailed or delivered to the Planning Commission at the Planning Division office address identified below on or before the meeting date. If you challenge the matter in court, you may be limited to raising those issues you or someone else raised at the public hearing, or in written correspondence delivered to the City of Montebello at, or prior to, the public hearing.

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

Contact Person: Daniel Ruiz, Assistant Planner

Phone: 323.887.1200 Ext. 484 / **Email:** druiz@montebellocal.gov

Address: City of Montebello, City Hall, Planning Division, 1600 W. Beverly Blvd, Montebello, CA 90640

City Website: www.montebellocal.gov

Date of Publication: April 6, 2023