



**CITY OF MONTEBELLO
CITY COUNCIL
REGULAR MEETING**

WEDNESDAY, NOVEMBER 22, 2023 AT 6:00 PM

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

CITY COUNCIL

David N. Torres, Mayor
Scarlet Peralta, Mayor Pro Tem
Angie M. Jimenez, Councilmember
Salvador Melendez, Councilmember
Georgina Tamayo, Councilmember

ACTING CITY MANAGER
Arlene Salazar

CITY TREASURER
David Matanga

CITY ATTORNEY
Arnold M. Alvarez-Glasman

CITY CLERK
Christopher Jimenez

DEPARTMENT HEADS

Fire Chief
Police Chief
Director of Finance
Director of Human Resources
Director of Planning/Community Development
Acting Director of Public Works
Director of Recreation and Community Services
Director of Transportation

Fernando Pelaez
Paul Espinosa
Michael Solorza
Nicholas Razo
Joseph Palombi
Rita Montalvo
David Sosnowski
Adrianna Kendricks

NOTICES

This City Council Meeting ("Council") 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.montebellocal.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 the Administration Office at (323) 887-1437 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 the City Clerk's office 72 hours before this meeting. **Si necesita servicios de traducción, comuníquese con la Oficina del Secretario Municipal 72 horas antes de esta reunión.** 如果您需要翻译服务, 请在会议前 72 小时联系市书记员办公室.

RULES OF DECORUM:

Pursuant to Section 54957.95 of the Government Code, the presiding member of the legislative body conducting a meeting, or their designee, is authorized to remove, or cause the removal of, an individual for disrupting the meeting. Any such removal will be preceded by a warning to the disruptive individual by the presiding member of the legislative body or their designee that the individual's behavior is disrupting the meeting and that the individual's failure to promptly cease their disruptive behavior may result in their removal.

PUBLIC COMMENTS:

In-Person: For those interested in participating during the Public Comment period(s) or public testimony period for Public Hearings of the City Council meetings, you may address the City Council ***in person only the day of the meeting.*** Speakers will be required to fill out a speaker card provided at the door and submit it to City Clerk staff prior to each Public Comment announcement period. Staff will number and call each speaker card in the order received. ***Closed Session begins at 6:00 p.m. and Regular Session begins immediately thereafter; if there is no Closed Session, Regular Session will begin at 6:00 p.m.***

AGENDA MATERIALS: The agenda and/or agenda packet 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

OPENING CEREMONIES

CALL TO ORDER - 6:00 P.M.

ROLL CALL

ANNOUNCEMENT OF CLOSED SESSION ITEMS

PUBLIC COMMENTS ON CLOSED SESSION ITEMS

At this time, the public may submit a speaker card to the City Clerk staff for Closed Session items, prior to the beginning of this statement. Speakers will be called in the order received. Please be aware that the maximum time allotted for members of the public to speak on Closed Session items shall not exceed three (3) minutes per person. State Law prohibits the City Council 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 Mayor and City Council.

CLOSED SESSION

The City Attorney shall provide a briefing on the item listed for Closed Session as follows:

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Government Code Section 54956.9(d)(1)
John Doe vs. City of Montebello
Los Angeles Superior Court Case No. 22STCP03976

2. **PUBLIC EMPLOYEE APPOINTMENT**

Government Code Section 54957
Position: City Manager

REGULAR SESSION - IMMEDIATELY FOLLOWING CLOSED SESSION

CLOSED SESSION REPORT

INVOCATION

PLEDGE OF ALLEGIANCE

CORRECTIONS TO THE AGENDA - ACTING CITY MANAGER

CEREMONIAL ITEMS/PRESENTATIONS - NONE

PUBLIC COMMENTS ON NON-AGENDA ITEMS (30 MINUTES)

At this time, the public may submit speaker card(s) to the City Clerk staff, for both agenda and non-agenda items, prior to the beginning of this statement; Public Hearing items do not require a speaker card.

The City Council will address non-agenda items during this section and speakers will be called in the order received. Those persons not accommodated during this 30-minute period will have an opportunity to speak under "Public Comments – Continued", after all scheduled matters have been considered. **Public Hearing, Regular Business and/or Consent Calendar items will be addressed at the time that matter of business is heard, in the order received.**

Please be aware that the maximum time allotted for members of the public to speak shall not exceed three (3) minutes per speaker. State Law prohibits the City Council 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 Mayor

and City Council.

STAFF COMMUNICATIONS ON ITEMS OF COMMUNITY INTEREST

REGULAR BUSINESS

3. APPOINTMENT OF CITY MANAGER AND APPROVAL OF EMPLOYMENT AGREEMENT

RECOMMENDATION: It is recommended that the City Council:

1. Approve the attached employment with Raul Alvarez confirming his appointment as City Manager;
2. Authorize the Mayor to execute the agreement on behalf of the City.
3. Take such additional, related, action that may be desirable.

4. REVIEW, EVALUATE AND PROVIDE DIRECTION REGARDING PROJECT LABOR AGREEMENT BY AND BETWEEN THE CITY OF MONTEBELLO AND LOS ANGELES/ORANGE COUNTIES BUILDING AND CONSTRUCTION TRADES COUNCIL AND THE SIGNATORY CRAFT COUNCILS AND UNIONS

RECOMMENDATION: It is recommended that the City Council:

1. Review, evaluate and provide direction regarding Project Labor Agreement by and Between the City of Montebello and Los Angeles/Orange Counties Building and Construction Trades Council and the Signatory Craft Councils and Unions; and
2. Take such additional, related, action that may be desirable.

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine. Any items a member wishes to discuss, including any items the public submitted speaker cards for, should be designated at this time. All other items may be approved in a single motion. Such approval will also waive the reading of any Ordinance.

5. SECOND READING OF ORDINANCE NO. 2469 AMENDING THE GENERAL PLAN AND ZONING DESIGNATION (CASE NO. PC-2023-0012-GPA-ZC-LLA) FOR THE PROPERTY LOCATED AT 437 N. SPRUCE STREET TO ALLOW ZONING CONFORMITY FOR THE EXISTING COMMERCIAL AND RESIDENTIAL USES AT THE PROJECT SITE (PREVIOUSLY LISTED AS ORDINANCE NO. 2466)

RECOMMENDATION: It is recommended that the City Council:

1. HOLD SECOND READING to approve General Plan Amendment (GPA) and Zone Change (ZC) Case No. PC-2023-0012-GPA-ZC-LLA to amend the General Plan Designation from Boulevard Commercial to Boulevard Commercial (proposed Lot A) and Low Density Residential (proposed Lot B) and approve a Zone Change (ZC) from C-1 (Neighborhood Commercial) to C-1 (proposed Lot A) and R-1 (Single Family Residential) (proposed Lot B) to allow the existing commercial and residential uses at 437 N. Spruce Street (the "Project Site") to be properly designated, and make related findings that the proposed project is consistent with the Montebello General Plan; and
2. WAIVE SECOND READING AND ADOPT Ordinance No. 2469 approving a GPA and ZC (Case No. PC-2023-0012-GPA-ZC-LLA) for the property located at the Project Site; and
3. DETERMINE AND FIND that the GPA and ZC to be statutorily exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) considering that CEQA only applies to projects which have the potential for causing a significant effect on the environment. No physical changes will occur as a result of the proposed General Plan Amendment and Zone Change; and
4. Take such additional, related, action that may be desirable.

6. ADOPT RESOLUTION NO. 23-80 GRANTING TWO EASEMENTS ON CITY-OWNED LANDS TO SOUTHERN CALIFORNIA EDISON COMPANY (SCE) FOR ELECTRICAL UTILITY PURPOSES

RECOMMENDATION: It is recommended that the City Council:

1. Adopt Resolution No.23-80 (Attachment A) granting two easements on City-owned lands to Southern California Edison Company (SCE) for electrical utility purposes; and
2. Authorize the Acting City Manager or his/her designee, to execute the Grant of the two easements to Southern California Edison (SCE) on behalf of the City; and
3. Take such additional, related, action that may be desirable.

PUBLIC COMMENTS - CONTINUED**AB 1234 TRAVEL REPORTS**

Members will provide a brief report on meetings attended at the expense of the local agency as required by Government Code Section 53232.3(d).

COUNCIL/AGENCY ORALS

Announcements and requests for future agenda items.

- **Salvador Melendez, Councilmember**
- **Georgina Tamayo, Councilmember**
- **Scarlet Peralta, Mayor Pro Tem**
- **Angie M. Jimenez, Councilmember**
- **David N. Torres, Mayor**

CLOSED SESSION - CONTINUED**ADJOURNMENT**

The City of Montebello will adjourn to the next **Regular Meeting on December 13, 2023, at 6:00 p.m.**, which can be live-streamed at <https://www.montebellocal.gov> (Click on Live Stream).

I, Kimberly Guillen, Senior Deputy City Clerk for the City of Montebello, hereby certify that a copy of this agenda has been posted on or before **Sunday, November 19, 2023, no later than 6:00 p.m.**



Kimberly Guillen, Senior Deputy City Clerk

EXHIBIT - CITY OF MONTEBELLO FORECASTED AGENDA

Please note, the attached exhibit is a draft version that is to be used for reference purposes only; agenda items, information, and dates are subject to change. The exhibit will be placed at the end of the Agenda Packet.

- **CITY OF MONTEBELLO FORECASTED AGENDA**



ITEM # 3

**CITY OF MONTEBELLO
CITY COUNCIL AGENDA STAFF REPORT**

TO: Honorable Mayor and City Council Members

FROM: Arlene Salazar, Acting City Manager

BY: Arnold Glasman, City Attorney

**SUBJECT: APPOINTMENT OF CITY MANAGER AND APPROVAL OF
EMPLOYMENT AGREEMENT**

DATE: November 22, 2023

RECOMMENDATION(S):

It is recommended that the City Council:

1. Approve the attached employment with Raul Alvarez confirming his appointment as City Manager;
2. Authorize the Mayor to execute the agreement on behalf of the City.
3. Take such additional, related, action that may be desirable.

FISCAL IMPACT:

The cost of the City Manager's salary and benefits is included in the City's budget annually and this action is consistent with the salary budgeting.

BACKGROUND/DISCUSSION:

Previously, the City Council directed the City's recruitment firm, Fred Wilson of Ralph Andersen & Associates, to enter negotiations with Mr. Alvarez to be appointed as City Manager subject to the City Council's approval of an Employment Agreement.

Mr. Alvarez was selected after a competitive recruitment process conducted by Ralph Andersen & Associates, one of the top municipal employee recruiting firms in the state. After reviewing and screening many applications, candidates were selected for personal interviews. Final candidate interviews took place on October 17, 2023 and concluded with City Council discussions after which the City Council directed the City Attorney to bring back a formal employment agreement for the City Council's consideration. Mr.

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Alvarez has the education, background, and experience to perform all duties and responsibilities as City Manager. With Mr. Alvarez's experience working for the City, the City Council is confident a smooth and positive transition will take place.

ENVIRONMENTAL:

N/A

ANALYSIS:

N/A

SUMMARY:

Review and consider the approval of the Employment Agreement for Raul Alvarez to be appointed as City Manager.

ATTACHMENT(S)

None

NEXT STEPS:

N/A



ITEM # 4

**CITY OF MONTEBELLO
CITY COUNCIL AGENDA STAFF REPORT**

TO: Honorable Mayor and City Council Members

FROM: Arlene Salazar, Acting City Manager

BY: Arnold Glasman, City Attorney

**SUBJECT: REVIEW, EVALUATE AND PROVIDE DIRECTION REGARDING
PROJECT LABOR AGREEMENT BY AND BETWEEN THE CITY OF
MONTEBELLO AND LOS ANGELES/ORANGE COUNTIES BUILDING
AND CONSTRUCTION TRADES COUNCIL AND THE SIGNATORY
CRAFT COUNCILS AND UNIONS**

DATE: November 22, 2023

RECOMMENDATION(S):

It is recommended that the City Council:

1. Review, evaluate and provide direction regarding Project Labor Agreement by and Between the City of Montebello and Los Angeles/Orange Counties Building and Construction Trades Council and the Signatory Craft Councils and Unions; and
2. Take such additional, related, action that may be desirable.

FISCAL IMPACT:

N/A

BACKGROUND/DISCUSSION:

At the request of the Mayor and Mayor Pro Tem of the City of Montebello ("City"), the City has engaged with the Los Angeles/Orange Counties Building and Construction Trade Councils and the Signatory Craft Councils and Unions to enter into a Project Labor Agreement ("PLA").

A PLA is a pre-hire collective bargaining agreement negotiated between construction unions, construction contractors and local agencies to establish terms and conditions of employment for construction projects. PLAs are an effective tool to increase diversity and support equitable workforce development. Essential elements of a PLA include provisions that bind all contractors and subcontractors to the agreement, establish no-strike, no-lockout clauses, and grievance and arbitration procedures.

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The PLA, if accepted by the City and the Trade Councils, will become the policy of the City for certain construction work to be performed on City property or within easements secured by the City consisting of the construction of public projects. The City has the right to award contracts or subcontracts on projects falling under the PLA to any contractor notwithstanding the existence or non-existence of any agreements between contractor/subcontractor and Union parties, provided that the contractor is willing and able to execute and comply with the PLA if such work is covered by the PLA.

Staff, together with the City Attorney's office has met with the Trade Council representatives on October 11, 2023, November 7, 2023, and November 16, 2023, to discuss the terms of the proposed PLA. It is important to note that final terms have not yet been agreed upon between the City and the Trade Council. Staff and the City Attorney's office have made substantial progress as a result of such meetings. Both parties have been responsive to term proposals and the draft agreement is close to a final form. Currently, a revised version of the PLA, based upon the discussions of the November 16, 2023, meeting, has been provided to the Trade Council representatives for consideration and a follow-up meeting is being scheduled for the week of November 27, 2023.

The proposed PLA shall in compliance with the requirements set forth under Section 2500 of the Public Contracts Code to: (a) prohibits discrimination in hiring and dispatching workers for a project; (b) allows all qualified contractors/subcontractors to bid for and be awarded work on a project regardless of being a party to collective bargaining agreements; (c) guarantees against work stoppages, strikes, lockouts and similar disruptions of work; (d) contains a protocol concerning drug testing for workers; and (e) provides that disputes arising from the PLA will be resolved by a neutral arbitrator.

ENVIRONMENTAL:

N/A

ANALYSIS:

N/A

SUMMARY:

Staff recommends that the City Council review, evaluate and provide direction regarding the Project Labor Agreement by and between the City of Montebello and Los Angeles/Orange Counties Building and Construction Trades Council and the Signatory Craft Councils and Unions.

ATTACHMENT(S)

None

NEXT STEPS:

N/A



ITEM # 5

**CITY OF MONTEBELLO
CITY COUNCIL AGENDA STAFF REPORT**

TO: Honorable Mayor and City Council Members

FROM: Arlene Salazar, Acting City Manager

BY: Joseph Palombi, Director of Planning & Community Development

SUBJECT: SECOND READING OF ORDINANCE NO. 2469 AMENDING THE GENERAL PLAN AND ZONING DESIGNATION (CASE NO. PC-2023-0012-GPA-ZC-LLA) FOR THE PROPERTY LOCATED AT 437 N. SPRUCE STREET TO ALLOW ZONING CONFORMITY FOR THE EXISTING COMMERCIAL AND RESIDENTIAL USES AT THE PROJECT SITE (PREVIOUSLY LISTED AS ORDINANCE NO. 2466)

DATE: November 22, 2023

RECOMMENDATION(S):

It is recommended that the City Council:

1. HOLD SECOND READING to approve General Plan Amendment (GPA) and Zone Change (ZC) Case No. PC-2023-0012-GPA-ZC-LLA to amend the General Plan Designation from Boulevard Commercial to Boulevard Commercial (proposed Lot A) and Low Density Residential (proposed Lot B) and approve a Zone Change (ZC) from C-1 (Neighborhood Commercial) to C-1 (proposed Lot A) and R-1 (Single Family Residential) (proposed Lot B) to allow the existing commercial and residential uses at 437 N. Spruce Street (the "Project Site") to be properly designated, and make related findings that the proposed project is consistent with the Montebello General Plan; and
2. WAIVE SECOND READING AND ADOPT Ordinance No. 2469 approving a GPA and ZC (Case No. PC-2023-0012-GPA-ZC-LLA) for the property located at the Project Site; and
3. DETERMINE AND FIND that the GPA and ZC to be statutorily exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) considering that CEQA only applies to projects which have the potential for causing a significant effect on the environment. No physical changes will occur as a result of the proposed General Plan Amendment and Zone Change; and

4. Take such additional, related, action that may be desirable.

FISCAL IMPACT:

There is no fiscal impact by approving a General Plan Amendment and Zone Change for the property located at 437 N. Spruce Street.

BACKGROUND/DISCUSSION:

On October 17, 2023, the Planning Commission held a duly noticed public hearing and considered the proposal for a General Plan Amendment, Zone Change, and Lot Line Adjustment (Case No. PC-2023-0012-GPA-ZC-LLA) to allow: 1) the General Plan designation to be changed from Boulevard Commercial to Boulevard Commercial and Low Density Residential; 2) the zoning designation to change from C-1 (Neighborhood Commercial) to C-1 and R-1 (Single-family Residential); and 3) the untying and reconfiguration of the lot lines of two existing lots at the property located at 437 North Spruce Street. The Planning Commission approved a Lot Line Adjustment and recommended that the City Council approve GPA and ZC (Case No. PC-2023-0012-GPA-ZC-LLA). Approval of the Lot Line Adjustment is contingent upon the City Council's approval of the GPA and ZC. The action of the Planning Commission was taken by a 3-0-0-2 vote with 3 members voting in favor of the proposal and 2 members being absent.

On November 8, 2023, the City Council held a duly noticed public hearing and unanimously approved Ordinance No. 2469 related to a proposed General Plan Amendment ("GPA") and Zone Change ("ZC") under Planning Division Case No. PC-2023-0012-GPA-ZC-LLA for the property located at 437 N. Spruce Street.

ENVIRONMENTAL:

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the proposed General Plan Amendment and Zone Change (Case No. PC-2023-0012-GPA-ZC-LLA) before the City Council are not considered a project per the CEQA definition of a project since the activity is statutorily exempt per CEQA Section 15061(b)(3) (Common Sense Exemption). CEQA only applies to projects which have the potential to cause a significant effect on the environment. No physical changes will occur as a result of the proposed General Plan Amendment and Zone Change. The Planning Commission determined that the related Lot Line Adjustment for the adjustment of the boundary lines of the two lots at the Project Site is categorically exempt from CEQA under Section §15315 (Minor Land Divisions). Here, the City Council is specifically being asked to determine and find that the GPA and ZC are also exempt.

ANALYSIS:

The Applicant is seeking to adjust the lot line boundaries of the two lots which are established at the Project Site. While this portion of the project was approved at a duly noticed public hearing before the Planning Commission during its meeting held on October 17, 2023, the discussion of the lot line adjustment is included here for the City Council's reference for background on the full scope of the project. The Project Site is

currently developed with a single-family residence totaling 1,396 square feet and a commercial building totaling 2,550 square feet which both cross the existing lot lines. The Project Site consists of one (1) parcel (Assessor's Parcel Number 6345-004-022) with two (2) tied lots which run vertically as portrayed in Exhibit "B-1" below.

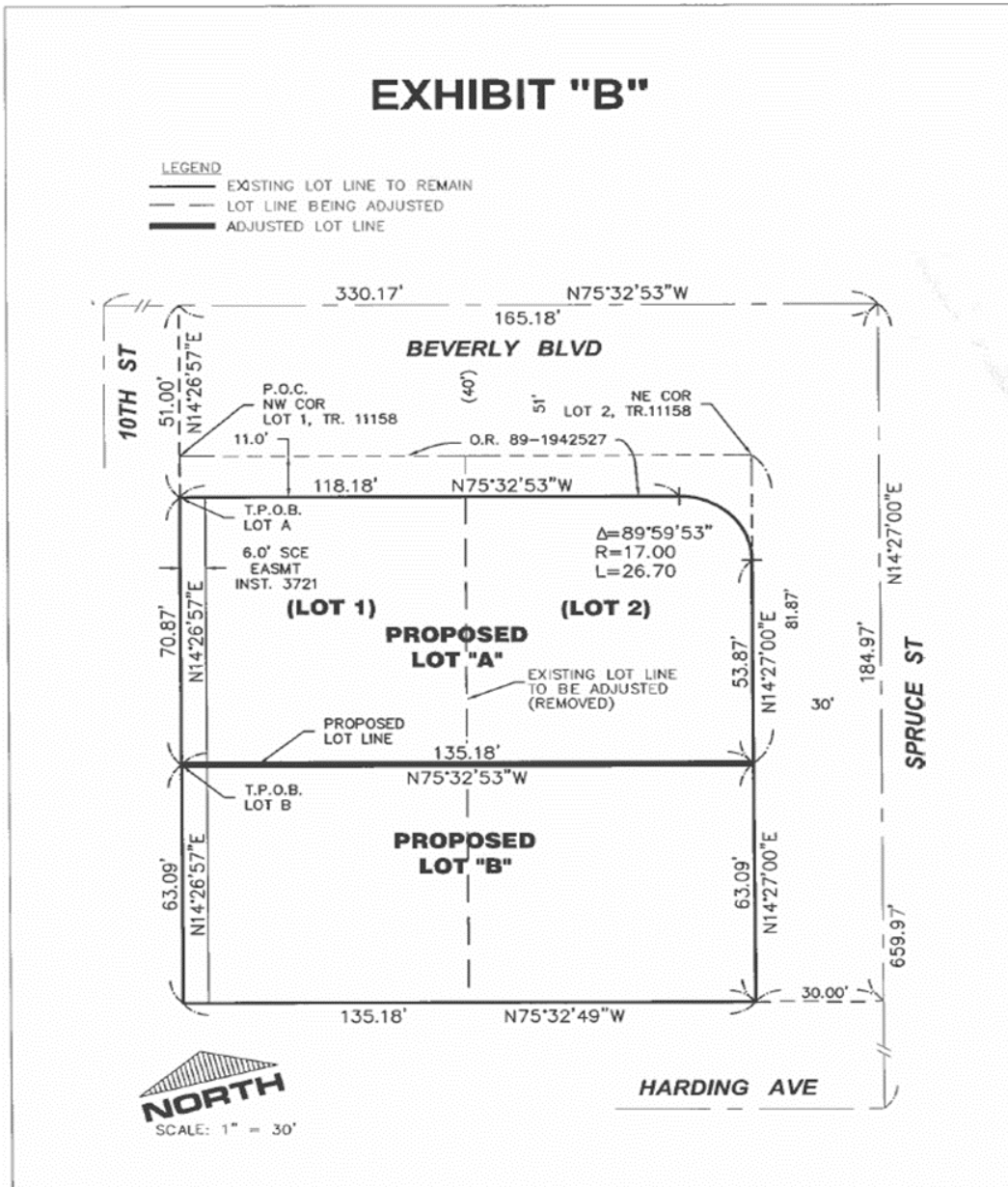
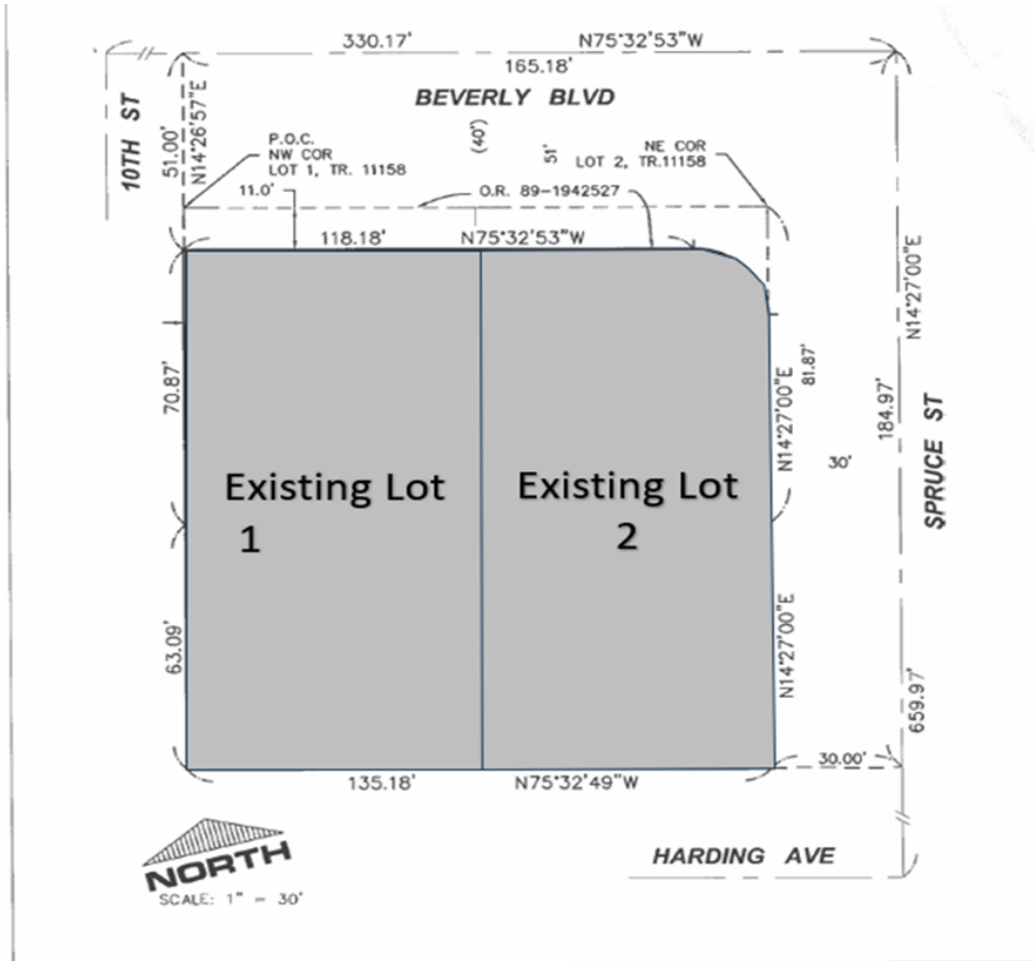


EXHIBIT "B-1"



"Lot 1", as identified in Exhibit "B-1", consists of 9,058 square feet while "Lot 2" consists of 8,990 square feet. By adjusting the existing lot lines to run horizontally instead of vertically, the Applicant intends to allow both the existing commercial and residential uses to be contained entirely within their own lots as "Proposed Lot "A"" and "Proposed Lot "B"" as well as displayed in Exhibit "B" to remove the nonconformity of the lots. After readjusting the existing lot lines, the "Proposed Lot "A"", as identified in Exhibit "B", will consist of 9,519 square feet in size while the "Proposed Lot "B"" will consist of 8,529 square feet in size. Per the Montebello Municipal Code (MMC) Chapters 17.10 and 17.22 et seq., the minimum lot size for a commercially and residentially zoned lot shall be 5,000 square feet. The proposed lot configuration will meet and exceed the minimum lot size requirements.

In addition to the proposed lot line adjustment, the Applicant is requesting to keep the General Plan and Zoning designations of the "Proposed Lot "A"" as Boulevard Commercial and C-1 (Neighborhood Commercial), as well as requesting to change the General Plan and Zoning Designations of the "Proposed Lot "B"" to Low Density

Residential and R-1 (Single-Family Residential). No alterations or modifications are proposed to any of the structures existing at the site. The proposed zoning and general plan amendments are compatible with the surrounding area considering that the site has already been established for years, with the commercial development being situated along the main Beverly Boulevard with other commercial land uses and the residential development being situated near other single family residential developments.

GENERAL PLAN LAND USE AND HOUSING ELEMENT

The General Plan Land Use Element designations proposed for the Project Site include the City's Boulevard Commercial and Low-Density Residential land use designations. The following General Plan Land Use Element goals and policies are applicable to the project proposal:

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 Commercial Policy #1 states that "Commercial development in the City should be sited in appropriate locations according to need."

General Plan Land Use 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."

General Plan Land Use Residential Policy #2 states that "residential development of varying densities and housing types should be compatible among themselves and with adjacent commercial and industrial development."

The proposed project conforms to the City of Montebello General Plan Land Use Element in that the residential and commercial developments existing at the project site have been established for well over 60 years, showcasing the compatibility of the different uses at the site. This is in line with the intent of General Plan Land Use Residential Policy #2 related to residential developments being compatible with adjacent commercial development. The single-family residential home at the site was originally built in 1948 while the commercial structure at the site was originally built in 1968. The commercial development at the site includes a barber shop and a beauty salon. These services help to meet the needs of the residents in the surrounding residentially designated areas consistent with General Plan Land Use Element Goal #1. Additionally, the proposed General Plan Amendment, Zone Change, and Lot Line Adjustment would allow the project site to be arranged in a more orderly manner considering that the existing land uses at the site are not fully compatible with the underlying General Plan and Zoning designations.

FINDINGS

Pursuant to Chapter 17.76 (Zone Changes and Amendments) of the MMC, the application for a zone change shall be made on a form provided by the City. The City's

application for zone changes requires the applicant to thoroughly respond to the following items:

1. Describe how the proposed Zone Change is consistent with the objectives and policies of the General Plan;

The zone change is consistent with the objectives and policies of the General Plan in that the land use type and density of the project site is appropriate to the neighborhood and the surrounding uses. The existing commercial development is consistent with the other commercial developments situated along Beverly Boulevard while the existing residential development is consistent with the other single-family residential homes situated along Spruce Street. Additionally, the site is physically suitable for the proposed zone change considering that no new development is being considered in conjunction with the proposal and the existing residential and commercial developments will remain intact with no physical or structural changes. The proposed zone change is not likely to cause any substantial environmental damage, or to cause any serious public health problems. The General Plan Land Use analysis provided above further demonstrates how the proposed zone change is consistent with the objectives and policies of the General Plan.

2. Detail why the proposed Zone Change is necessary;

The Zone Change is necessary because the single-family home which exists at the site is not consistent with the General Plan and Zoning designation of the Project Site. Due to this inconsistency, the Project Site is currently considered non-conforming. By changing the zone of the two lots existing at the site, the Zone Change will bring the property into conformity with the City's General Plan and Zoning Code. The proposed Zone Change will allow for the more reasonable development of the site and allow the property owner increased flexibility in managing and maintaining the site.

3. Describe how the proposed Zone Change will not create problems harmful to the public health, safety, and general welfare;

The residential component of the Project Site has been constructed as a single-family residence since 1948 while the commercial component was constructed in 1958. The Zone Change would not create problems harmful to public health, safety, and general welfare considering that the scope of the project does not entail any new development and the site will remain the same as it has been for over the past 60 years. Any future development at the site will be reviewed to ensure consistency with the MMC which will ensure that the project will not create problems harmful to public health, safety, and general welfare.

SUMMARY:

Staff requests that the City Council waive the second reading, and approve Ordinance No. 2469 approving the General Plan Amendment and Zone Change (Case No. PC-2023-0012-GPA-ZC-LLA). Approval of the General Plan Amendment and Zone Change

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allows the related Lot Line Adjustment approved by the Planning Commission to move forward. Additionally, staff is requesting the City Council find and determine the GPA and ZC to be statutorily exempt from the CEQA under section 15061(b)(3) (Common Sense Exemption) considering that CEQA only applies to projects which have the potential for causing a significant effect on the environment.

ATTACHMENT(S)

1. Attachment A- Ordinance No. 2469 (PC-2023-0012-GPA-ZC-LLA)
2. Attachment B - Public Hearing Notice
3. Attachment C - Resolution No. 19-23
4. Attachment D - PC Resolution No. 20-23
5. Attachment E- CEQA NOE - 437 N. Spruce Street

NEXT STEPS:

N/A

ORDINANCE NO. 2469

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTEBELLO, CALIFORNIA APPROVING GENERAL PLAN AMENDMENT (“GPA”) AND ZONE CHANGE (“ZC”) (“CASE NO. PC-2023-0012-GPA-ZC-LLA”) TO AMEND THE GENERAL PLAN LAND USE DESIGNATION FROM BOULEVARD COMMERCIAL TO BOULEVARD COMMERCIAL (PROPOSED LOT A) AND LOW DENSITY RESIDENTIAL (PROPOSED LOT B) AS WELL TO APPROVE A ZONE CHANGE (ZC) FROM C-1 (NEIGHBORHOOD COMMERCIAL) TO C-1 (PROPOSED LOT A) AND R-1 (SINGLE FAMILY RESIDENTIAL) (PROPOSED LOT B) FOR THE PROPERTY LOCATED AT 437 NORTH SPRUCE STREET (“PROJECT SITE”), AND FINDING THAT THE GENERAL PLAN AMENDMENT AND ZONE CHANGE ARE STATUTORILY EXEMPT UNDER CEQA SECTION 15061(B)(3) (COMMON SENSE EXEMPTION).

WHEREAS, the City of Montebello (“City”) received an application from Steven Rounds (“Applicant”) for a General Plan Amendment, Zone Change, and Lot Line Adjustment (Case No. PC-2023-0012-GPA-ZC-LLA) to allow: 1) the General Plan designation to be changed from Boulevard Commercial to Boulevard Commercial and Low Density Residential; 2) the zoning designation to change from C-1 (Neighborhood Commercial) to C-1 and R-1 (Single-family Residential); and 3) the untying and reconfiguration of the lot lines of two existing lots at the project site (“Project”) located at 437 N. Spruce Street (“Project Site”); and

WHEREAS, pursuant to Montebello Municipal Code (“MMC”) Chapter 17.76, the reclassification of specific properties from one zone to another can be initiated by motion of City of Montebello Planning Commission (“Planning Commission”) based upon its decision as to whether the public interest, convenience and necessity so requires the change of zone; and

WHEREAS, pursuant to MMC Chapter 17.76, the Planning Commission needs to recommend a specific course of action to the City Council after a public hearing has been conducted on any proposed zone change or amendment; and

WHEREAS, on October 17, 2023, the Planning Commission held a duly noticed public hearing and adopted Planning Commission Resolution No. 20-23 recommending that the City Council approve General Plan Amendment and Zone Change Case No. PC-2023-0012-GPA-ZC-LLA; 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

ORDINANCE NO. 2469

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Regs., tit. 14, § 15000 et seq.), the City of Montebello is the lead agency for the proposed Project; and

WHEREAS, the GPA and ZC (PC-2023-0012-GPA-ZC-LLA) are not considered a "project," as per the CEQA definition of a "project" since the activity is statutorily exempt per CEQA Section 15061(b)(3) (Common Sense Exemption) and no physical changes will occur as a result of the activity; and

WHEREAS, on November 8, 2023, the City Council conducted a duly noticed public hearing on the proposed general plan amendment and zone change, at which the City Council 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 Ordinance have occurred.

NOW THEREFORE, the City Council 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 Ordinance.

SECTION 2. FINDINGS.

A. Pursuant to Chapter 17.76 (Zone Changes and Amendments) of the MMC, the application for a zone change shall be made on a form provided by the City. The City's application for zone changes requires the applicant to thoroughly respond to the following items, which are hereby incorporated as substantial findings of the City Council:

1. Describe how the proposed Zone Change is consistent with the objectives and policies of the General Plan;

The zone change is consistent with the objectives and policies of the General Plan in that the land use type and density of the project site is appropriate to the neighborhood and the surrounding uses. The existing commercial development is consistent with the other commercial developments situated along Beverly Boulevard while the existing residential development is consistent with the other single-family residential homes situated along Spruce Street. Additionally, the site is physically suitable for the proposed zone change considering that no new development is being considered in conjunction with the proposal and the existing residential and commercial developments will remain intact with no physical or

structural changes. The proposed zone change is not likely to cause any substantial environmental damage, or to cause any serious public health problems. The General Plan Land Use analysis provided in the related staff report demonstrates how the proposed zone change is consistent with the objectives and policies of the General Plan.

2. Detail why the proposed Zone Change is necessary;

The Zone Change is necessary because the single-family home which exists at the site is not consistent with the General Plan and Zoning designation of the Project Site. Due to this inconsistency, the Project Site is currently considered non-conforming. By changing the zone of the two lots existing at the site, the Zone Change will bring the property into conformity with the City's General Plan and Zoning Code. The proposed Zone Change will allow for the more reasonable development of the site and allow the property owner increased flexibility in managing and maintaining the site.

3. Describe how the proposed Zone Change will not create problems harmful to the public health, safety, and general welfare;

The residential component of the Project Site has been constructed as a single-family residence since 1948 while the commercial component was constructed in 1958. The Zone Change would not create problems harmful to the public health, safety, and general welfare considering that the scope of the project does not entail any new development and the site will remain the same as it has been for over the past 60 years. Any future development at the site will be reviewed to ensure consistency with the MMC which will ensure that the project will not create problems harmful to the public health, safety, and general welfare.

SECTION 3. CEQA. The City Council hereby determines and finds that the project is statutorily exempt from CEQA under section 15061(b)(3) (Common Sense Exemption) considering that this section stipulates that CEQA only applies to projects which have the potential for causing a significant effect on the environment. No physical changes will occur as a result of the proposed GPA and ZC. It should be further noted that during the duly noticed Planning Commission public hearing, the Planning Commission also found the related Lot Line Adjustment for the contemplated Project to be Categorically Exempt per Section §15315 (Minor Land Divisions).

SECTION 4. GENERAL PLAN LAND USE MAP AND ZONE MAP. City staff is hereby directed to amend the City's official General Plan Land Use Map and Zoning Map to reflect the General Plan Land Use Designation of Boulevard Commercial (proposed Lot A) and Low Density Residential (proposed Lot B) as well to reflect the Zoning

ORDINANCE NO. 2469

Page 4 of 5

designation of C-1 (proposed Lot A) and R-1 (Single Family Residential) (proposed Lot B) for the property located at 437 North Spruce Street.

SECTION 5. SEVERABILITY. If any action, subsection, line, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid or unconstitutional, either facially or as applied, by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, and each and every individual section, subsection, line, sentence, clause, phrase, or word without regard to any such division.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect on the 30th day following its final passage and adoption.

[Signatures on the following page]

APPROVED AND ADOPTED 22ND DAY OF NOVEMBER 2023.

David N. Torres, Mayor

ATTEST:

APPROVED AS TO FORM:

Christopher Jimenez, City Clerk

Arnold M. Alvarez-Glasman, City Attorney

I HEREBY CERTIFY that the foregoing Ordinance was introduced at the regular meeting of the City Council on the 8th day of November 2023 and was adopted by the City Council of the City of Montebello at its meeting held on the 22nd day of November 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Christopher Jimenez, City Clerk



**CITY OF MONTEBELLO CITY COUNCIL
NOTICE OF PUBLIC HEARING**

**NOTICE TO CONSIDER A GENERAL PLAN AMENDMENT AND ZONE CHANGE
CEQA Guidelines § 15061(b)(3)**

NOTICE IS HEREBY GIVEN that the City of Montebello City Council (the “City Council”) will conduct a public hearing regarding the proposed General Plan Amendment and Zone Change (Case No. PC-2023-0012-GPA-ZC-LLA) for the property located at 437 N. Spruce Street, Montebello, California 90640. The Public Hearing will be held in the Council Chamber of the City Council located at 1600 W. Beverly Blvd.

PUBLIC HEARING INFORMATION:

Date: Wednesday, November 8, 2023
Time: 6:00 p.m., or as soon as possible thereafter as the matter can be heard
Place: City Hall Council Chambers, 1600 W. Beverly Blvd., Montebello, CA 90640

PROJECT DESCRIPTION: The project site consists of two lots with a total lot area of approximately 18,090 square feet improved with an existing commercial use and a single-family residential dwelling unit. At its meeting on October 17, 2023, the Planning Commission approved a lot line adjustment (Case No. PC-2023-0012-GPA-ZC-LLA) to reconfigure the boundaries of the two lots so that the existing commercial use is contained within a separate dedicated lot and the existing residential use is contained within a separate dedicated lot intended to be consistent with the respective uses. The proposed General Plan Amendment and Zone Change would amend the General Plan and Zoning designation of the newly configured lots from Boulevard Commercial (General Plan Designation) and Neighborhood Commercial (Zoning designation) to Boulevard Commercial and Neighborhood Commercial for the proposed “Lot A” as well as Low Density Residential and Single Family Residential for the proposed “Lot B.” No new construction is proposed in conjunction with this project. The project includes the following discretionary reviews: General Plan Amendment and Zone Change.

APPLICANT: Steven Rounds

ENVIRONMENTAL: Pursuant to the California Environmental Act (CEQA), the project is statutorily exempt from CEQA under section 15061(b)(3) (Common Sense Exemption) considering that CEQA only applies to projects which have the potential for causing a significant effect on the environment. No physical changes will occur as a result of the proposed General Plan Amendment and Zone Change.

For those interested in making public comments, you may address the City Council in person during the public comment period or public testimony period for public hearings by attending the Montebello Council Chambers at 1600 W. Beverly Blvd., Montebello, California on Wednesday, November 8, 2023 at 6:00 p.m. In addition, the City has created an email address (ccpubliccomment@montebelloca.gov) where the public can submit written public comments no later than Wednesday, November 8, 2023 at 3:00 p.m. These comments may not be read aloud but will be entered into the record and submitted to all members of the City Council. The email address for City Council meetings can be located on the City’s webpage under the City Clerk tab, https://www.montebelloca.gov/departments/administration/city_clerks_office/city_council_successor_agency_meetings. If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council, at, or prior to, the Public Hearing. The proposed material is available by contacting the City Clerk’s Office at 323-887-1216.

Kimberly Guillen, Senior Deputy City Clerk

**CITY OF MONTEBELLO
PLANNING COMMISSION**

RESOLUTION NO. 19-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO, CALIFORNIA, APPROVING LOT LINE ADJUSTMENT NO. PC-2023-0012-GPA-ZC-LLA TO RECONFIGURE THE BOUNDARY LINES FOR THE TWO LOTS LOCATED AT 437 N. SPRUCE STREET AND FINDING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT MINOR LAND DIVISIONS EXEMPTION (CEQA SECTION 15315) TO BE APPLICABLE TO THE PROPOSED PROJECT (ENV NO. 11-23-CE)

WHEREAS, a Lot Line Adjustment ("LLA") (PC-2023-0012-GPA-ZC-LLA) application has been received and accepted; and

WHEREAS, the LLA would allow the lot lines existing at 437 N. Spruce Street ("Project Site") to be untied and adjusted; and

WHEREAS, on July 31, 2023, Steven Rounds ("Applicant") filed a LLA application (PC-2023-0012-GPA-ZC-LLA) to adjust the property lines at the Project Site ("Project"); 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 LLA (PC-2023-0012-GPA-ZC-LLA) is considered a "project," as per the CEQA definition of a "project"; 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 matters presented at the public hearing and included in the record for this matter, and

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

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

SECTION 1. RECITALS. Based on staff presentations, testimony, and all other evidence presented to the Planning Commission during the noticed public hearing on this matter, the Planning Commission hereby finds and declares that the foregoing recitals are true and correct, and expressly incorporates them as substantive findings into this Resolution.

SECTION 2. FINDINGS. Pursuant to Section 16.04.030 of the City of Montebello Municipal Code, the following findings are hereby adopted as the findings of the Planning Commission:

a. The following findings are hereby adopted as the Findings of the Planning Commission:

1. Describe how the proposed Lot Line Adjustment/ Merger, together with its design and improvement, is consistent with the General Plan and with any applicable specific plan;

The proposed Lot Line Adjustment, together with the proposed General Plan Amendment and Zone Change, will allow the subject site to be consistent with the General Plan. As it stands, the property currently has both a residential and a commercial component crossing the boundaries of the existing lots. Since the Project Site is primarily designated for commercial uses with a General Plan Land Use Designation of Boulevard Commercial, the residential portion of the property is considered nonconforming. After the reconfiguration of the two lots is complete and the General Plan Amendment and Zone change are finalized, there will be a distinct commercial lot and a distinct residential lot. Aside from the reconfiguration of the lot lines, everything else at the project site will remain the same and no alterations or expansions will be made at the Project Site. Additionally, the Lot Line Adjustment and the project proposal overall are consistent with the General Plan as reflected in the "General Plan Land Use Element" analysis found within the related staff report.

2. Describe how the proposed Lot Line Adjustment/Merger, together with its design and improvement, satisfies the requirements of the Zoning Code and the Subdivision Map Act.

The Lot Line Adjustment, together with the proposed General Plan Amendment and Zone Change, satisfy the requirements of the Zoning Code in that the project will allow the underlying uses at the project site to be consistent with the Zoning Code. Typically, residential land uses are not

allowed within commercial zones in the City of Montebello. The reconfiguration of the property boundaries through the Lot Line Adjustment will allow for the two newly proposed lots to have their own distinct commercial and residential zoning designations. Furthermore, with the reconfiguration of the lots, each lot will meet and exceed the minimum lot size requirements for a commercial and residentially zoned lot. Additionally, the requirements of the Subdivision Map Act are also satisfied considering that the number of lots at the project site will remain the same and all other requirements of Section 66412 of the Subdivision Map Act are met.

SECTION 3. CEQA. The Planning Commission finds that the LLA (Case No. PC-2023-0012-GPA-ZC-LLA) is categorically exempt by the Minor Land Divisions exemption found under CEQA Section 15315.

SECTION 4. APPROVALS. The Planning Commission hereby approves LLA (Case No. PC-2023-0012-GPA-ZC-LLA) for the adjustment of the boundary lines for the property located at 437 N. Spruce Street subject to the conditions of approval set forth in Section 5 of this Resolution.

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

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

of the Planning and Community Development Department ("Planning Department") to be in substantial compliance with these provisions.

3. Development of the site shall be consistent with all provisions of the Montebello Municipal Code ("MMC"), Lot Line Adjustment ("LLA") application (PC-2023-0012-GPA-ZC-LLA), and the specifications of the Planning Department.
4. Within 30 days of the Planning Department transmittal of the Acceptance Form, the Applicant shall sign and return a copy of the Acceptance Form, agreeing to the conditions of approval and acknowledging that failure to comply with such conditions shall constitute grounds for potential revocation of the permit approval. Failure to return the Acceptance Form within 30 days shall constitute grounds for terminating the permit.
5. The Applicant shall be responsible for recording with the Los Angeles County Recorder a Certificate of Compliance that has been approved by the City's Planning Manager ("Planning Manager") and the City Engineer. A Grant Deed containing legal descriptions matching the legal descriptions contained in the Certificate of Compliance shall be included in the documents recorded with the Los Angeles County Recorder. Proof of recordation shall be provided to the Planning Manager prior to the issuance of any permits.
6. The approval of the Lot Line Adjustment shall expire if the rights granted are not exercised within one (1) year from the effective date of the Lot Line Adjustment. Exercise of rights shall mean the recording with the Los Angeles County Recorder a Certificate of Compliance that has been approved by the Planning Department Director and the City Engineer or similar activities demonstrating the intent to proceed with the project, as determined by the Planning Department Director. The Planning Commission may extend this period for one (1) year upon receipt of written request by the applicant at least thirty (30) days before the expiration date.
7. The Applicant, Owner, Management and/or successor of the use shall bear full cost (hereinafter referred to as the "Inspection Fees") 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. This approval shall not supersede the approval of any other affected agencies. The applicant shall comply with Federal, State, and local requirements.

9. The specifications of the Montebello Public Works Department and the Engineering Division shall be complied with:

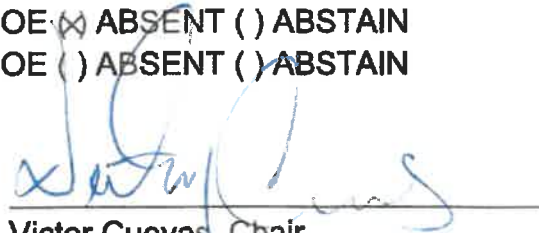
a. The Applicant will continue to work with the Public Works Department and Engineering Division to finalize the certification of the Lot Line Adjustment and will, upon request, provide the Public Works Department with any additional information or documentation required.

10. A site plan showing existing structures set back to the newly created property lines shall be submitted to the Building Official for approval.

11. The applicant shall file an application to formally assign an address for each of the two newly established lots.

PASSED AND ADOPTED this 17th day of October, 2023 by the Planning Commission.

Chair Cuevas:	☒ AYE () NOE () ABSENT () ABSTAIN
Commissioner Lomeli:	() AYE () NOE ☒ ABSENT () ABSTAIN
Commissioner Medina:	☒ AYE () NOE () ABSENT () ABSTAIN
Commissioner Morales:	() AYE () NOE ☒ ABSENT () ABSTAIN
Commissioner Valdez:	☒ AYE () NOE () ABSENT () ABSTAIN



Victor Cuevas, Chair

ATTEST:



Joseph A. Palombi, Director
Planning & Community Development Department

**CITY OF MONTEBELLO
PLANNING COMMISSION**

RESOLUTION NO. 20-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT ("GPA") AND ZONE CHANGE ("ZC") ("CASE NO. PC-2023-0012-GPA-ZC-LLA") AMENDING THE GENERAL PLAN AND ZONING DESIGNATION FOR THE PROPERTY LOCATED AT 437 NORTH SPRUCE AVENUE ("PROJECT SITE"), AND FINDING THAT THE GENERAL PLAN AMENDMENT AND ZONE CHANGE ARE STATUTORILY EXEMPT UNDER CEQA SECTION 15061(B)(3) (COMMON SENSE EXEMPTION).

WHEREAS, the City of Montebello ("City") received an application from Steven Rounds ("Applicant") for a General Plan Amendment, Zone Change, and Lot Line Adjustment (Case No. PC-2023-0012-GPA-ZC-LLA) to allow: 1) the General Plan designation to be changed from Boulevard Commercial to Boulevard Commercial and Low Density Residential; 2) the zoning designation to change from C-1 (Neighborhood Commercial) to C-1 and R-1 (Single-family Residential); and 3) the untying and reconfiguration of the lot lines of two existing lots at the property located at 437 North Spruce Street ("Project Site"); and

WHEREAS, pursuant to Montebello Municipal Code ("MMC") Chapter 17.76, the reclassification of specific properties from one zone to another can be initiated by motion of City of Montebello Planning Commission ("Planning Commission") based upon its decision as to whether the public interest, convenience and necessity so requires the change of zone; and

WHEREAS, pursuant to MMC Chapter 17.76, the Planning Commission needs to recommend a specific course of action to the City Council after a public hearing has been conducted on any proposed zone change or amendment; 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 GPA and ZC (PC-2023-0012-GPA-ZC-LLA) are not considered a "project," as per the CEQA definition of a "project" since the activity is statutorily exempt per CEQA Section 15061(b)(3) (Common Sense Exemption); 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. Pursuant to Chapter 17.76 (Zone Changes and Amendments) of the MMC, the application for a zone change shall be made on a form provided by the City. The City's application for zone changes requires the applicant to thoroughly respond to the following items, which are hereby incorporated as substantial findings of the Planning Commission:

1. *Describe how the proposed Zone Change is consistent with the objectives and policies of the General Plan;*

The zone change is consistent with the objectives and policies of the General Plan in that the land use type and density of the project site is appropriate to the neighborhood and the surrounding uses. The existing commercial development is consistent with the other commercial developments situated along Beverly Boulevard while the existing residential development is consistent with the other single-family residential homes situated along Spruce Street. Additionally, the site is physically suitable for the proposed zone change considering that no new development is being considered in conjunction with the proposal and the existing residential and commercial developments will remain intact with no physical or structural changes. The proposed zone change is not likely to cause any substantial environmental damage, or to cause any serious public health problems. The General Plan Land Use analysis provided in the related staff report further demonstrates how the proposed zone change is consistent with the objectives and policies of the General Plan.

2. *Detail why the proposed Zone Change is necessary;*

The Zone Change is necessary because the single-family home which exists at the site is not consistent with the General Plan and Zoning designation of the Project Site. Due to this inconsistency, the Project Site is currently considered non-conforming. By changing the zone of the two lots existing at the site, the Zone Change will bring the property into conformity with the City's General Plan and Zoning Code. The proposed Zone Change will allow for the more reasonable development of the site and allow the property owner increased flexibility in managing and maintaining the site.

3. Describe how the proposed Zone Change will not create problems harmful to the public health, safety, and general welfare;

The residential component of the Project Site has been constructed as a single-family residence since 1948 while the commercial component was constructed in 1958. The Zone Change would not create problems harmful to the public health, safety, and general welfare considering that the scope of the project does not entail any new development and the site will remain the same as it has been for over the past 60 years. Any future development at the site will be reviewed to ensure consistency with the MMC which will ensure that the project will not create problems harmful to the public health, safety, and general welfare.

SECTION 3. CEQA. The Planning Commission hereby determines and finds that the project is statutorily exempt from CEQA under section 15061(b)(3) (Common Sense Exemption) considering that this section stipulates that CEQA only applies to projects which have the potential for causing a significant effect on the environment. No physical changes will occur as a result of the proposed GPA and ZC. The approval of this resolution is advisory to the City Council and no final action is taken, further justifying this action being exempt from CEQA under section 15061(b)(3). It should be further noted that during the duly noticed public hearing, the Planning Commission also found the related Lot Line Adjustment for the contemplated Project to be Categorically Exempt per CEQA Section §15315 (Minor Land Divisions).

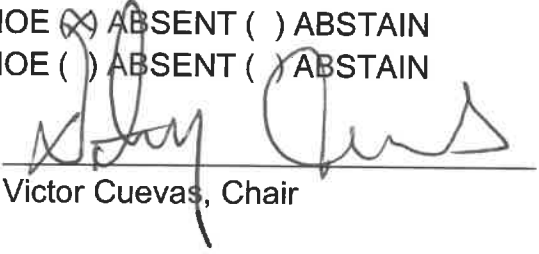
SECTION 4. APPROVALS. The Planning Commission of the City of Montebello hereby finds and determines that the public interest, convenience, and necessity call for the approval of the zone change and recommends City Council approval of the General Plan Amendment and Zone Change (PC-2023-0012-GPA-ZC-LLA) to allow the General Plan designation of the Project Site to be changed from Boulevard Commercial to Boulevard Commercial and Low Density Residential as well as to allow the zone to be changed from C-1 to C-1 and R-1. The General Plan Amendment and Zone Change will allow the newly created lots to have separate land use and zoning designations and

remove the nonconformity for the existing residential use.

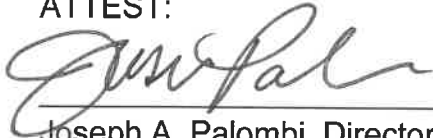
SECTION 5. The Director of Planning and Community Development shall certify the adoption of this resolution and shall forward a copy of it to the City Council.

PASSED AND ADOPTED this 17th day of October, 2023 by the Planning Commission.

Chair Cuevas:	☒ AYE () NOE () ABSENT () ABSTAIN
Commissioner Lomeli:	() AYE () NOE ☒ ABSENT () ABSTAIN
Commissioner Medina:	☒ AYE () NOE () ABSENT () ABSTAIN
Commissioner Morales:	() AYE () NOE ☒ ABSENT () ABSTAIN
Commissioner Valdez:	☒ AYE () NOE () ABSENT () ABSTAIN


Victor Cuevas, Chair

ATTEST:



Joseph A. Palombi, Director
Planning & Community Development Department

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: 437 N. Spruce Street General Plan Amendment and Zone Change
Project Location: 437 N. Spruce Street
Case Number(s): PC-2023-0012-GPA-ZC-LLA & ENV No. 11-23-CE

Description of Nature, Purpose, and Beneficiaries of Project: The project involves changing the General Plan designation of the project location from Boulevard Commercial to Boulevard Commercial (proposed Lot A) and Low Density Residential (proposed Lot B) as well as changing the zone of the property from C-1 (Neighborhood Commercial) to C-1 (proposed Lot A) and R-1 (Single Family Residential) (proposed Lot B) to allow the existing commercial and residential developments at the Project Site to be properly designated. The main beneficiary of the project is the property owner, Steven Rounds.

Name of the Public Agency Approving the Project: City of Montebello
Name of Person or Agency Carrying Out the Project: Steven Rounds

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:
☐ Statutory Exemptions. State code number:
☒ Common Sense Exemption. Section number: CEQA Section §15061(b)(3)

Justification for Project Exemption:

The project is considered covered by the common sense exemption found under CEQA Section §15061(b)(3). The common sense exemption section states that “CEQA applies only to projects which have the potential for causing a significant effect on the environment” and also states that “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The proposed General Plan Amendment and Zone Change do not have the potential to degrade the quality of the environment or have a significant effect on the environment. Additionally, a separate Notice of Exemption has been prepared for the Lot Line Adjustment related to the adjustment of the property lines at the site and the Planning Commission found this portion of the project to be exempt from CEQA pursuant to CEQA Section §15315 (Minor Land Divisions).

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



ITEM # 6

**CITY OF MONTEBELLO
CITY COUNCIL AGENDA STAFF REPORT**

TO: Honorable Mayor and City Council Members

FROM: Arlene Salazar, Acting City Manager

BY: Rita Montalvo, Acting Director

SUBJECT: **ADOPT RESOLUTION NO. 23-80 GRANTING TWO EASEMENTS ON CITY-OWNED LANDS TO SOUTHERN CALIFORNIA EDISON COMPANY (SCE) FOR ELECTRICAL UTILITY PURPOSES**

DATE: November 22, 2023

RECOMMENDATION(S):

It is recommended that the City Council:

1. Adopt Resolution No.23-80 (Attachment A) granting two easements on City-owned lands to Southern California Edison Company (SCE) for electrical utility purposes; and
2. Authorize the Acting City Manager or his/her designee, to execute the Grant of the two easements to Southern California Edison (SCE) on behalf of the City; and
3. Take such additional, related, action that may be desirable.

FISCAL IMPACT:

There is no fiscal impact to the City for the granting of the two Southern California Edison (SCE) easements.

BACKGROUND/DISCUSSION:

The City Council approved a *Sublessee Development and Participation Agreement* with Topgolf on March 24, 2021, for the Driving Range Relocation Project (“DRR Project”). The DRR Project is adjacent to the Montebello Municipal Golf Course Renovation Project (“GCR Project”) and is located along the Via Campo frontage of the golf course campus.

The GCR Project has renovated a portion of the existing Montebello Municipal Golf Course property located immediately south of the DRR Project and northwest of the Quiet Cannon event center. The GCR project area is approximately 72.5 acres of the golf

CITY COUNCIL AGENDA REPORT - MEETING OF NOVEMBER 22, 2023

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course campus. When completed in Spring 2024, the project will replace the existing 18-hole golf course with a new and modern first-class championship golf course complex that will complement the adjacent Topgolf facility and existing hotels and Quiet Cannon event center. The project includes a new 9-hole championship golf course with a new clubhouse and putting green complex and a new 6-hole Par 3 golf course with lights.

The construction of the Golf Course Renovation Project is phased as follows:

- Phase 1 – Golf course rough site work construction (Civil Contractor) including rough grading, underground and utilities construction, pavement and concrete flatwork (completed);
- Phase 2 – Golf course construction (Golf Course Contractor) including finished grading, construction of golf course features (i.e. tee boxes, fairways, greens, and sand traps), turf and landscaping (anticipated completion Spring, 2024; and
- Phase 3 – Clubhouse construction.

The new Montebello Golf Clubhouse is approximately 3,143 square feet. It will include a restaurant, and a pro shop to service the Golf Course. It will also include covered exterior patio spaces, a snack bar, a kitchen, dining area, staff spaces, and cart storage.

The Topgolf project consists of the replacement of a portion of the prior 18-hole golf course with a Topgolf commercial recreational complex on a 15-acre portion of a city-owned golf course property at 988 Via San Clemente that includes three-levels of hitting bays, a restaurant/bar, event/meeting space, with a parking lot of 520 parking spaces.

The completion of the Golf Course renovation project, which includes the new Topgolf Facility and New Clubhouse, is expected to be completed in June 2024. Southern California Edison (SCE) is the main energy provider in the City of Montebello. In order to meet the project construction schedule, and to transition from temporary electrical power to Southern California Edison (SCE) permanent power for the Topgolf and Clubhouse, SCE is requesting two easements on City-owned property located on Lot "A" tract No. 10034(Refer to Exhibits "C" & "D" for easements location).

Resolution No. 23-80 (Attachment A) will grant Southern California Edison (SCE) two easements to construct, use, maintain, and operate electrical and communication equipment to provide services to the new facilities: Topgolf and the Clubhouse. The easements will also ensure the City reserves its rights to access and build upon the easement area for street, road, or driveway purposes.

ENVIRONMENTAL:

In accordance with the California Quality Act ("CEQA") Guidelines, Section 15061(b)(3), granting Southern California Edison (SCE) Easement for the distribution of electrical energy is exempt from CEQA in that it can be seen with certainty that grating of a utility easement will not have a significant effect on the environment.

ANALYSIS:

N/A

SUMMARY:

Staff recommend that the City Council adopt Resolution No. 23-80 which grants two easements on City-owned lands at the Montebello Municipal Golf Course to Southern California Edison (SCE) for the purpose of constructing, maintaining, and operating electrical and communication systems for the distribution of electrical energy to the Topgolf Facility and new Clubhouse.

ATTACHMENT(S)

1. Attachment A - Resolution No. 23-80 (Exhibits Attached)

NEXT STEPS:

N/A

RESOLUTION NO. 23-80

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEBELLO, CALIFORNIA, GRANTING TWO EASEMENTS ON CITY-OWNED LANDS, MONTEBELLO MUNICIPAL GOLF COURSE, TO SOUTHERN CALIFORNIA EDISON COMPANY (SCE) FOR ELECTRICAL UTILITY PURPOSES

RECITALS

WHEREAS, Southern California Edison (“SCE”) has requested that the City of Montebello (“City”) grant two easements (Exhibit “A” & “B”) on City-owned property, the Montebello Municipal Golf Course real property, located near the intersection of Garfield Avenue and SR-60 Highway on Lot “A” of Tract No. 10034 per map recorded in book 146, pages 51-57. The two easements are for the construction, use, maintenance, operation, alteration, and inspection of their equipment, electrical systems, and communication systems for transmitting intelligence, data and/or communications to the new Topgolf Facility, and new Clubhouse.

WHEREAS, the Topgolf Facility is a commercial recreational complex on an approximately 68,000 square foot facility with three-levels of hitting bays a restaurant/bar, event/meeting space, with a parking lot of 520 parking spaces. The Clubhouse Facility is approximately 3,143 square feet with a restaurant and a pro shop. It also includes a covered exterior patio spaces a snack bar, a kitchen, dining area, staff spaces, and cart storage.

WHEREAS, the City of Montebello (“City”) is the record owner of the real property, the Montebello Municipal Golf, located at Lot “A” of Tract No. 10034, located in the City as depicted in Exhibit “C” & “D”, each attached hereto and incorporated herein by this reference (the “Easement Property”); and

WHEREAS, the City and Southern California Edison agree the two easements are necessary to provide electric power services to the Topgolf Facility and new Clubhouse.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTEBELLO HEREBY RESOLVES, FINDS, AND DECLARES AS FOLLOWS:

SECTION 1. AUTHORITY. The City of Montebello finds that the grant of the two easements are appropriate in order to protect the City’s right of access over the easement property while simultaneously allowing Southern California Edison to provide the necessary electric power services to the Topgolf Facility and new Clubhouse.

SECTION 2. ADOPTION. The City of Montebello approves the grant of two Easements (Exhibit “A” & “B”), for the construction, use, maintenance, operation, alteration, and inspection of their equipment, electrical systems, and communication systems for transmitting intelligence, data and/or communications to the Topgolf Facility and new Clubhouse on the easement property, in substantially the form submitted and attached hereto as Exhibit “A” and “Exhibit B”.

RESOLUTION NO. 23-80

Page 2 of 3

SECTION 3. STATEMENTS. The City of Montebello finds that in accordance with the California Environmental Quality Act ("CEQA") Guidelines, Section 15061(b)(3), granting Southern California Edison two Easements for the construction, use, maintenance, operation, alteration, and inspection of their equipment, electrical systems, and communication systems for transmitting intelligence, data and/or communications to the Topgolf Facility and new Clubhouse are exempt from CEQA in that it can be seen with certainty that granting of a utility easement will not have a significant effect on the environmental.

SECTION 4. Public Officials and Employees Designated. Authorizes the Acting City Manager, or his/her designee, to sign the Easement for the construction, use, maintenance, operation, alteration, and inspection of their equipment, electrical systems, and communication systems for transmitting intelligence, data and/or communications to the Topgolf Facility and new Clubhouse to Southern California Edison on behalf of the City.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption by the City Council and the City Clerk shall certify to the passage and adoption of this resolution.

APPROVED AND ADOPTED THIS 22nd DAY OF November 2023.

David N. Torres, Mayor

ATTEST:

APPROVED AS TO FORM:

Christopher Jimenez, City Clerk

Arnold M. Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF MONTEBELLO) SS:

RESOLUTION NO. 23-80

Page 3 of 3

I, Christopher Jimenez, City Clerk of the City of Montebello, County of Los Angeles, State of California, hereby certify that the foregoing Resolution No. 23-80 was passed and adopted by the City Council of the City of Montebello, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the 22nd day of November 2023 and that said Resolution was adopted by the following vote, to-wit:

AYES:**NOES:****ABSTAIN:****ABSENT:**

The undersigned, City Clerk of the City of Montebello, does hereby attest and certify that the foregoing Resolution is a true, full and correct copy of a resolution duly adopted at a meeting of said City which was duly convened and held on the date stated thereon, and that said document has not been amended, modified, repealed or rescinded since its date of adoption and is in full force and effect as of the date hereof.

DATE: _____

Christopher Jimenez, City Clerk**EXHIBITS:**

- Exhibit A – Topgolf Easement
- Exhibit B – Clubhouse – Easement
- Exhibit C – Topgolf – SCE Easement Map
- Exhibit D – Clubhouse – SCE Easement Map

RECORDING REQUESTED BY



SOUTHERN CALIFORNIA
EDISON

An EDISON INTERNATIONAL Company

Exhibit A

WHEN RECORDED MAIL TO

SOUTHERN CALIFORNIA EDISON COMPANY

2 INNOVATION WAY, 2nd FLOOR
POMONA, CA 91768

Attn: Title and Real Estate Services

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SCE Doc. No.

**GRANT OF
EASEMENT**

DOCUMENTARY TRANSFER TAX \$ NONE VALUE AND CONSIDERATION LESS THAN \$100.00)		DISTRICT Montebello	SERVICE ORDER TD2050456	SERIAL NO.	MAP SIZE
SCE Company		FIM 124-4245-1	APPROVED:	BY	DATE
SIG. OF DECLARANT OR AGENT DETERMINING TAX	FIRM NAME	APN 5267-010-907	VEGETATION & LAND MANAGEMENT / LAW DEPARTMENT (S.H. / M.A.R.)	SLS/CG	10/22/23

CITY OF MONTEBELLO, a municipal corporation (hereinafter referred to as "Grantor"), hereby grants to SOUTHERN CALIFORNIA EDISON COMPANY, a corporation, its successors and assigns (hereinafter referred to as "Grantee"), an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time underground electrical supply systems and communication systems (hereinafter referred to as "systems"), consisting of wires, underground conduits, cables, vaults, manholes, handholes, and including above-ground enclosures, markers and concrete pads and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for transmitting intelligence, data and/or communications for SCE's internal utility purposes (eg. through fiber optic cable), in, on, over, under, across and along that certain real property in the County of Los Angeles, State of California, described as follows:

TWO STRIPS OF LAND LYING WITHIN LOT "A" OF TRACT NO. 10034, AS PER MAP RECORDED IN BOOK 146, PAGES 51 THROUGH 57 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

STRIP #1 (18.00 FEET WIDE)

THE WESTERLY LINE OF SAID STRIP IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY TERMINUS OF THAT CERTAIN COURSE HAVING A BEARING AND LENGTH OF "NORTH 00°05'03" WEST 253.79 FEET" IN THE EASTERLY BOUNDARY OF PARCEL "A" OF RESOLUTION NO. 23-11, RECORDED MAY 03, 2023 AS INSTRUMENT NO. 20230286722, OF OFFICIAL RECORDS, IN THE OFFICE OF SAID COUNTY RECORDER; THENCE ALONG SAID CERTAIN COURSE, SOUTH 00°05'03" EAST 88.50 FEET TO A POINT TO BE HEREINAFTER REFERRED TO AS POINT "A"; THENCE CONTINUING ALONG SAID CERTAIN COURSE, SOUTH 00°05'03" EAST 10.83 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID CERTAIN COURSE, SOUTH 00°05'03" EAST 20.00 FEET TO A POINT OF ENDING.

STRIP #2 (6.00 FEET WIDE)

THE CENTERLINE OF SAID STRIP IS DESCRIBED AS FOLLOWS:

BEGINNING AT SAID POINT "A"; THENCE SOUTH 45°00'00" EAST 7.08 FEET; THENCE SOUTH 00°05'03" EAST 31.68 FEET; THENCE SOUTH 45°00'00" WEST 7.06 FEET TO A POINT OF ENDING IN THE EASTERLY BOUNDARY OF SAID PARCEL "A".

THE SIDELINES OF SAID STRIP ARE TO BE PROLONGED OR SHORTENED TO TERMINATE SOUTHWESTERLY AND NORTHWESTERLY IN SAID EASTERLY BOUNDARY, AND TO JOIN AT THE ANGLE POINTS.

EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN STRIP #1 DESCRIBED HEREINABOVE.

It is understood and agreed that the above description is approximate only, it being the intention of the Grantor(s) to grant an easement for said systems as constructed. The centerline of the easement shall be coincidental with the centerline of said systems as constructed in, on, over, under, across, and along the Grantor(s) property.

This legal description was prepared pursuant to Sec. 8730(c) of the Business & Professions Code.

Grantor agrees for himself, his heirs and assigns, not to erect, place or maintain, nor to permit the erection, placement or maintenance of any building, planter boxes, earth fill or other structures except walls and fences on the above described real property. The Grantee shall not use the easement for any purpose which is not authorized under this Grant of Easement, nor shall Grantee assign, transfer, lease, license, or grant permission to for a third-party to use the easement without the express written consent of the Grantor. Any unauthorized use of the easement by Grantee or a third-party without the prior express written consent of the Grantor shall result in the unauthorized assignment, transfer, lease, license, or grant of permission being void and the Grantee's rights under the easement shall terminate unless Grantee cures such authorized use within thirty (30) days of receiving notice from Grantor. The Grantee, and its contractors, agents and employees, shall have the right to trim or cut tree roots as may endanger or interfere with said systems and shall have free access to said systems and every part thereof, at all times, for the purpose of exercising the rights herein granted; provided, however, that in making any excavation on said property of the Grantor, the Grantee shall make the same in such a manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth so removed by it and restore the surface of the ground to as near the same condition as it was prior to such excavation as is practicable.

EXECUTED this ____ day of _____, 20____.

GRANTOR

CITY OF MONTEBELLO,
a municipal corporation

Signature

Print Name

Title

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of _____)

On _____ before me, _____, a Notary Public, personally

appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

EXECUTED this ____ day of _____, 20____.

GRANTEE

SOUTHERN CALIFORNIA EDISON COMPANY,
a corporation

Signature

Print Name

Title

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of _____)

On _____ before me, _____, a Notary Public, personally

appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

RECORDING REQUESTED BY

SOUTHERN CALIFORNIA
EDISON

An EDISON INTERNATIONAL Company

Exhibit B

WHEN RECORDED MAIL TO

SOUTHERN CALIFORNIA EDISON COMPANY

2 INNOVATION WAY, 2nd FLOOR
POMONA, CA 91768

Attn: Title and Real Estate Services

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SCE Doc. No.

**GRANT OF
EASEMENT**

DOCUMENTARY TRANSFER TAX \$ NONE VALUE AND CONSIDERATION LESS THAN \$100.00		DISTRICT Montebello	SERVICE ORDER TD2050436	SERIAL NO.	MAP SIZE
SCE Company		FIM 124-4245-1	APPROVED:	BY	DATE
SIG. OF DECLARANT OR AGENT DETERMINING TAX	FIRM NAME	APN 5267-010-907	VEGETATION & LAND MANAGEMENT / LAW DEPARTMENT (S.H. / M.A.R.)	SLS/PM	10/22/2023

CITY OF MONTEBELLO, a municipal corporation (hereinafter referred to as "Grantor"), hereby grants to SOUTHERN CALIFORNIA EDISON COMPANY, a corporation, its successors and assigns (hereinafter referred to as "Grantee"), an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time underground electrical supply systems and communication systems (hereinafter referred to as "systems"), consisting of wires, underground conduits, cables, vaults, manholes, handholes, and including above-ground enclosures, markers and concrete pads and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for transmitting intelligence, data and/or communications for SCE's internal utility purposes (eg. through fiber optic cable), in, on, over, under, across and along that certain real property in the County of Los Angeles, State of California, described as follows:

VARIOUS STRIPS OF LAND LYING WITHIN LOT "A" OF TRACT NO. 10034, AS PER MAP RECORDED IN BOOK 146, PAGES 51 THROUGH 57 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, THE CENTERLINES OF SAID STRIPS ARE DESCRIBED AS FOLLOWS:

STRIP #1 (6.00 FEET WIDE)

COMMENCING AT THE WESTERLY TERMINUS OF THAT CERTAIN COURSE HAVING A BEARING AND LENGTH OF "SOUTH 89°54'57" WEST 97.89 FEET" IN THE SOUTHERLY BOUNDARY OF PARCEL "B" OF RESOLUTION NO. 23-11, RECORDED MAY 03, 2023 AS INSTRUMENT NO. 20230286722, OF OFFICIAL RECORDS, IN THE OFFICE OF SAID COUNTY RECORDER; THENCE ALONG SAID CERTAIN COURSE, NORTH 89°54'57" EAST 69.50 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE DEPARTING SAID CERTAIN COURSE, SOUTH 00°05'03" EAST 15.72 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE CONTINUING SOUTH 00°05'03" EAST 186.81 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 12.50 FEET; THENCE SOUTHERLY, SOUTHWESTERLY, AND WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 87°40'27" AN ARC DISTANCE OF 19.13 FEET TO A POINT OF ENDING, SAID POINT HEREINAFTER REFERRED TO AS POINT "B".

THE SIDELINES OF SAID STRIP ARE TO BE PROLONGED OR SHORTENED TO TERMINATE WESTERLY IN THE EASTERLY LINE OF STRIP #2 DESCRIBED HEREINBELOW.

STRIP #2 (14.00 FEET WIDE)

COMMENCING AT SAID POINT "B"; THENCE SOUTH 00°05'03" EAST 2.99 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE SOUTH 89°54'57" WEST 17.00 FEET TO A POINT OF ENDING.

STRIP #3 (6.00 FEET WIDE)

BEGINNING AT SAID POINT "A"; THENCE NORTH 44°54'57" EAST 22.23 FEET TO A POINT OF ENDING IN THE SOUTHERLY LINE OF SAID PARCEL "B".

THE SIDELINES OF SAID STRIP ARE TO BE PROLONGED OR SHORTENED TO TERMINATE NORTHEASTERLY IN THE SOUTHERLY LINE OF SAID PARCEL "B".

EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN STRIP #1 DESCRIBED HEREINABOVE.

It is understood and agreed that the above description is approximate only, it being the intention of the Grantor(s) to grant an easement for said systems as constructed. The centerline of the easement shall be coincidental with the centerline of said systems as constructed in, on, over, under, across, and along the Grantor(s) property.

This legal description was prepared pursuant to Sec. 8730(c) of the Business & Professions Code.

Grantor agrees for himself, his heirs and assigns, not to erect, place or maintain, nor to permit the erection, placement or maintenance of any building, planter boxes, earth fill or other structures except walls and fences on the above described real property. The Grantee shall not use the easement for any purpose which is not authorized under this Grant of Easement, nor shall Grantee assign, transfer, lease, license, or grant permission to for a third-party to use the easement without the express written consent of the Grantor. Any unauthorized use of the easement by Grantee or a third-party without the prior express written consent of the Grantor shall result in the unauthorized assignment, transfer, lease, license, or grant of permission being void and the Grantee's rights under the easement shall terminate unless Grantee cures such authorized use within thirty (30) days of receiving notice from Grantor. The Grantee, and its contractors, agents and employees, shall have the right to trim or cut tree roots as may endanger or interfere with said systems and shall have free access to said systems and every part thereof, at all times, for the purpose of exercising the rights herein granted; provided, however, that in making any excavation on said property of the Grantor, the Grantee shall make the same in such a manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth so removed by it and restore the surface of the ground to as near the same condition as it was prior to such excavation as is practicable.

EXECUTED this ____ day of _____, 20____.

GRANTOR

CITY OF MONTEBELLO, a municipal corporation

Signature

Print Name

Title

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of _____)

On _____ before me, _____, a Notary Public, personally appeared

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

EXECUTED this _____ day of _____, 20____.

GRANTEE

SOUTHERN CALIFORNIA EDISON COMPANY,
a corporation

Signature

Print Name

Title

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of _____)

On _____ before me, _____, a Notary Public, personally

appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

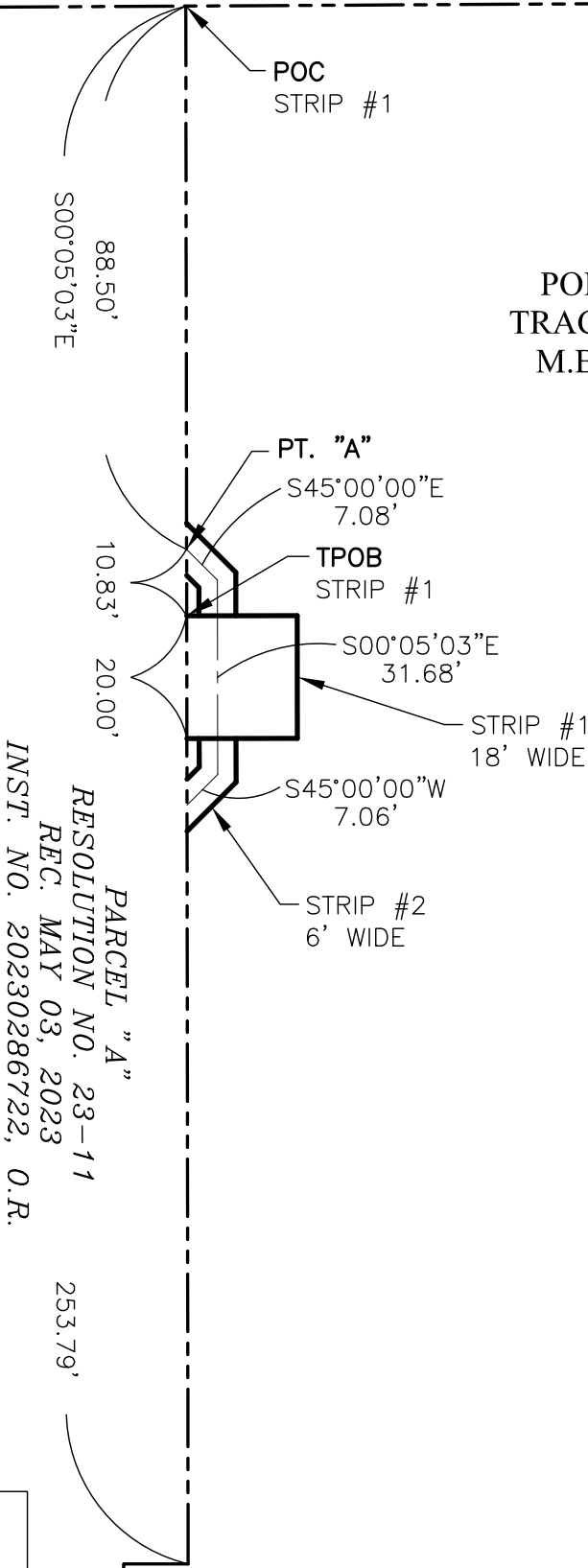
Signature _____ (Seal)

Exhibit "C"

VIA CAMPO

POR. LOT "A"

POR. LOT "A"
TRACT NO. 10034
M.B. 146/51-57



PARCEL "A"
RESOLUTION NO. 23-11
REC. MAY 03, 2023
INST. NO. 20230286722, O.R.

LEGEND

 DENOTES SCE EASEMENT AREA

POC = POINT OF COMMENCEMENT

TPOB = TRUE POINT OF BEGINNING


N

30 0 30 60
scale 1" = 30' feet

PARCEL "B"
RESOLUTION NO. 23-11
REC. 05/03/2023
INST. #20230286722, O.R.-

STRIP #1
6' WIDE

LOT "A"
TRACT NO. 10034
M.B. 146/51-57



SCE EASEMENT	
DSE802311124	TD2050436
SLS/PM	10/12/23

 DENOTES
 SCE EASEMENT AREA
 POC = POINT OF COMMENCEMENT
 TPOB = TRUE POINT OF BEGINNING



EXHIBIT

CITY OF MONTEBELLO FORECASTED AGENDA

NOTE: The attached exhibit is a draft version that is to be used for reference purposes only; agenda items, information, and dates are subject to change. The exhibit will be placed at the end of the Agenda Packet.



City Council Forecasted Agenda Calendar - December

DECEMBER 13TH

Item #	Description	Session	Department	Presenter
	City Council Reorganization	Regular Business	Administration	Raul Alvarez
	Minutes	Consent	Administration	Raul Alvarez
	Reso No. ____ Warrant Register	Consent	Finance	Michael Solorza