



**PLANNING COMMISSION
MEETING AGENDA**

TUESDAY, JUNE 17, 2025 AT 6:30 PM

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

PLANNING COMMISSION MEMBERS

**ARMANDO MEDINA, CHAIR
NATALIA LOMELI, VICE CHAIR
VICTOR CUEVAS, PLANNING COMMISSIONER
ALICIA MORALES, PLANNING COMMISSIONER
NOAH LOPEZ, PLANNING COMMISSIONER**

CITY STAFF

**JOSEPH PALOMBI, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT
VIVIANA ESPARZA, PLANNING MANAGER
JILLIAN PICADO, SENIOR ADMINISTRATIVE ASSISTANT**

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 **Jillian Picado** at (323) 887-1218 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 **Jillian Picado** 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, **Thursday, June 17, 2025 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.

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.

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. **Approval of the Minutes from the Planning Commission Meeting held on May 6, 2025.**

PUBLIC HEARING

2. **CONDITIONAL USE PERMIT ("CUP") CASE NO. PC-2025-0004-CUP TO ALLOW A NEW MASSAGE ESTABLISHMENT LOCATED WITHIN AN EXISTING MULTI-UNIT, MIXED-USE BUILDING AT 492 N. GARFIELD AVENUE, MONTEBELLO, CALIFORNIA 90640 ("PROJECT SITE").**

RECOMMENDATION:

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

- ADOPT Resolution No. 07-25 conditionally approving the Conditional Use Permit for the establishment of a new massage business located within an existing multi-unit, mixed-use building at 492 N. Garfield Avenue, Montebello, and make the associated findings that the proposed project is consistent with the Montebello General Plan; and
- DETERMINE and FIND that the project (ENV No. 07-25) is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 – Existing Facilities.

3. **DRAFT ORDINANCE FOR A ZONE CODE AMENDMENT ("ZCA") TO MODIFY MONTEBELLO MUNICIPAL CODE ("MMC") CHAPTER 17 AND ESTABLISH A VIEWSHED PRESERVATION OVERLAY**

RECOMMENDATION:

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

- ADOPT Resolution No. 08-25 recommending the City Council approve Zone Code Amendment (Case No. PC-2025-0006-ZCA) amending Chapter 17 of the Montebello Municipal Code adding Chapter 17.41 - Viewshed Preservation Overlay to protect and preserve significant public and private views; and

- DETERMINE AND FIND that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to the "Common Sense" exemption set forth under Section 15061(b)(3), which provides that CEQA applies only to projects which have the potential for causing a significant effect on the environment, considering that it can be seen with certainty that there is no possibility that adding a viewshed preservation overlay will have a significant effect on the environment and pursuant to CEQA Section 15303 related to construction and location of limited numbers of new, small facilities or structures, and the conversion of existing small structures that are consistent with the City's general plan policies and zoning regulations.

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 **July 1, 2025, at 6:30 p.m.** at City Hall Council Chambers located at 1600 W. Beverly Boulevard, Montebello, CA 90640.

I, **Jillian Picado, Senior Administrative Assistant** for the City of Montebello, hereby certify that a copy of this agenda has been posted on or before **Thursday, June 12, 2025, 5:30 p.m.**



Senior Administrative Assistant



CITY OF MONTEBELLO

PLANNING COMMISSION MEETING AGENDA

MINUTES

TUESDAY, MAY 6, 2025 AT 6:30 PM

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

CALL TO ORDER – Chair Medina called the meeting to order at 6:30 p.m.

ROLL CALL – Chair Medina, Vice-Chair Lomeli, Commissioner Morales, and Commissioner Lopez.

PLEDGE OF ALLEGIANCE – Chair Medina.

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. **Approval of the Minutes from the Planning Commission meeting held on March 18, 2025.**

Vice-Chair Lomeli motioned to approve the meeting minutes and was Seconded by Commissioner Morales. Planning Manager, Viviana Esparza took roll, and the item was approved 3-1. Commissioner Lopez abstained as he was not present at the meeting.

CONTINUED PUBLIC HEARING

1. **SITE PLAN REVIEW (“SPR”) CASE NO. PC-2025-0003-SPR IS REQUESTED TO ALLOW THE CONSTRUCTION OF A 7,562 SQUARE FOOT WAREHOUSE ADDITION TO AN EXISTING 19,584 SQUARE**

FOOT BUILDING THAT WILL BE UTILIZED FOR STORAGE OF DRY AND FROZEN FOOD PRODUCTS FOR THE PROPERTY LOCATED AT 825 S. MAPLE AVENUE (“PROJECT SITE”)

Director Plombi introduced the continued item, followed by a presentation from Assistant Planner, Ms. Grace Hayashi, regarding the adoption of Resolution No. 06-25, which approves the Site Plan Review for the construction of a 7,562 square foot warehouse addition to an existing 19,584 square foot building that will be utilized for storage of dry and frozen food products for the property located at 825 S. Maple Avenue, and making related findings that the proposed project is consistent with the Montebello General Plan. Following Ms. Hayashi's presentation, Ms. Hayashi responded to a question from the commission regarding the reasoning for the item being brought before the commission due to the proposed building area exceeding 5,000 square feet. The Public Hearing was opened at 6:34 p.m. The applicant, Vincent Marcais, was given an opportunity to provide an additional presentation. The applicant chose not to provide an additional presentation. One (1) member of the public voiced their concern regarding increased traffic and limited parking. The applicant was given another opportunity to elaborate on the project and the concerns raised by the member of the public. Commissioners asked follow up questions of Ms. Hayashi regarding parking. Chair Medina advised they received an email where an additional member of the public voiced similar concerns regarding traffic and parking. Director Palombi recommended an available option for the members of the public to petition for a preferential parking district through Public Works. Chair Medina motioned to adopt Resolution No. 06-25, which approves the Site Plan Review for the construction of a 7,562 square foot warehouse addition to an existing 19,584 square foot building that will be utilized for storage of dry and frozen food products for the property located at 825 S. Maple Avenue, and making related findings that the proposed project is consistent with the Montebello General Plan, as well as determining and finding that the project (ENV No. 06-25) is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 – In-fill Development Projects. Vice-Chair Lomeli seconded the motion. Ms. Esparza conducted a roll call vote, and the item was approved unanimously 4-0. The Public Hearing was closed at 6:58 p.m.

PLANNING COMMISSION ORALS

Chair Medina and Vice-Chair Lomeli welcomed Commissioner Noah Lopez. Commissioner Lopez introduced himself and shared his background.

ADJOURNMENT

The meeting was adjourned at 7:00 p.m. to the next regularly scheduled meeting that will be held on May 20, 2025.

Joseph Palombi, Planning Commission Secretary



ITEM # 2

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

TO: Members of the Planning Commission

FROM: Joseph Palombi, Planning & Community Development Director

BY: Grace Hayashi, Assistant Planner

SUBJECT: **CONDITIONAL USE PERMIT ("CUP") CASE NO. PC-2025-0004-CUP TO ALLOW A NEW MASSAGE ESTABLISHMENT LOCATED WITHIN AN EXISTING MULTI-UNIT, MIXED-USE BUILDING AT 492 N. GARFIELD AVENUE, MONTEBELLO, CALIFORNIA 90640 ("PROJECT SITE").**

DATE: June 17, 2025

RECOMMENDATION(S):

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

- ADOPT Resolution No. 07-25 conditionally approving the Conditional Use Permit for the establishment of a new massage business located within an existing multi-unit, mixed-use building at 492 N. Garfield Avenue, Montebello, and make the associated findings that the proposed project is consistent with the Montebello General Plan; and
- DETERMINE and FIND that the project (ENV No. 07-25) is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 – Existing Facilities.

BACKGROUND:

On March 10, 2025, Thomas Chu (the “Applicant”), filed an application for a Conditional Use Permit (Case No. PC-2025-0004-CUP) for the proposal of a new massage establishment located within an existing multi-unit, mixed-use building. Pursuant to the Montebello Municipal Code, approval of a Conditional Use Permit is required for a new

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massage establishments within the City's C-2 (General Commercial) zoning district.

On March 12, 2025, staff issued a deemed complete letter to the Applicant.

PROJECT/APPLICANT INFORMATION

Project Location: 492 N. Garfield Avenue
Project Applicant: Thomas Chu
Property Owner: Eun Sung Enterprise LLC
General Plan Designation: Neighborhood
Zoning: C-2 (General Commercial)
Existing Use on Property: Commercial and Residential

PROJECT SITE

The Project Site is comprised of a total lot area of approximately 10,090 square feet (0.23 acres) and improved with one mixed-use building with 6,531 square feet. The surrounding zoning and land uses are listed as follows:

Direction	Zone	Land Use Designation
North	C-2	Neighborhood
South	R-1	Parks
East	R-1	Parks
West	R-1	Neighborhood

PROJECT DESCRIPTION

The Applicant seeks approval to operate a new massage establishment located within an existing multi-unit, mixed-use building at 492 N. Garfield Avenue, Montebello ("Proposed Project"). For reference, the project site plan and rendering can be found within Attachment B.

As previously mentioned, the Project Site is approximately 10,090 square feet (0.23 acres) and is currently developed with a mixed-use building containing four (4) commercial units, each with (2) two assigned parking spaces. Additionally, a residential dwelling unit is located on the second floor along with a two-car garage, which is considered a legal non-conforming use. An exemption from the Montebello Municipal Code's minimum parking requirements for commercial uses is available pursuant to Ordinance No. 2377 (refer to attachment D). The property currently consists of one legal non-conforming residential unit, three office spaces, and one vacant commercial unit for the proposed massage establishment.

The proposed massage establishment will occupy an existing 958 square foot commercial unit, one of the four units in the existing commercial building. The proposed massage establishment will feature four massage rooms and operate daily from 9:30 AM to 9:30 PM, Monday through Sunday. The proposed floor plan will include four private massage rooms, a waiting room, a laundry room, and a restroom that will comply with all

applicable standards in the Montebello Municipal Code and Building Code, subject to approval through the administrative plan check review process. The main entrance to the establishment will be located on North Garfield Avenue and there will be an exit to the rear alley off West Via Corona. There will be on-site parking available at the rear of the property to accommodate customers and staff.

ENVIRONMENTAL:

The proposed Conditional Use Permit (Case No. PC-2025-0004-CUP) qualifies as a “project,” under the California Environmental Quality Act (CEQA) definition of a “project.” In accordance with CEQA, the project is Categorically Exempt per Section §15301, Class 1 (Existing Facilities). This exemption applies to 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.

The proposed business will occupy an existing commercial tenant space within a fully developed four-unit commercial building, and no physical expansion or significant modification of the facility is proposed. As such, the project meets the criteria for a Class 1 exemption, with no reasonably foreseeable significant impact on the environment.

REPORTS RECEIVED

On March 24, 2025, the application for Case No. PC-2025-0004-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.”

FISCAL IMPACT

None.

PUBLIC NOTIFICATION

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

- On June 5, 2025, the Public Hearing Notice was published in the Daily Journal (Whittier Daily News); and
- On June 5, 2025, the Public Hearing Notice was mailed to all property owners within a 300-foot radius from the exterior boundaries of the project site.

ANALYSIS:

Pursuant to Ordinance No. 2377, the property located at 492 N. Garfield Avenue was approved for a Zone Change from R-1 (Single Family Residential) to C-2 (General Commercial), along with a Planned Development to allow for commercial uses on the site. Pursuant to Chapter 5.48 of the Montebello Municipal Code -Massage Parlors, the Applicant submitted additional information and a livescan background check required

through the City's Police Department. As part of the business license process, there will be an inspection conducted by all required departments to verify that the proposed massage establishment complies with all applicable provisions of the Montebello Municipal Code.

GENERAL PLAN CONSISTENCY: The City's General Plan Land Use category for the Project Site is "Neighborhood". The following General Plan Goals and Policies are applicable to the massage establishment proposed at the Project Site:

General Plan "Our Well-Planned Community" Element policy (P3.3) is to "revitalize established neighborhoods and corridors."

General Plan "Our Well-Planned Community" Element action (A3.3) is to "provide non-residential uses that are accessible for the convenience of individuals living in residential districts."

General Plan "Our Well-Planned Community" Element action 3.3b (A3.3b) is to "protect adjoining properties from the potential adverse impacts associated with non-residential uses on corridors adjacent to residential areas with proper mitigation measures that address scale, massing, traffic, noise, appearance, lighting, and drainage."

General Plan "Our Healthy Community" Element policy 5.4 (P5.4) is to "minimize noise impacts to ensure that noise does not detract from Montebello's quality of life."

The Proposed Project conforms to City of Montebello General Plan policies P3.3, A3.3, A3.3b, and P5.4, which support the integration of non-residential uses that serve the surrounding neighborhoods, providing a new business at an existing commercial building while minimizing noise impacts to preserve Montebello's quality of life, and promoting crime prevention strategies. The proposal of a new massage establishment within walking distance of residential uses will provide convenience of the surrounding residents. The proposed project will have minimal construction as the commercial building is existing. Therefore, the project is not expected to generate adverse impacts on the adjacent properties or the surrounding community.

CONDITIONAL USE PERMIT

Section 17.70.010 of the MMC specifies that the purpose of a conditional use permit 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 or constructed in a particular manner on the site, and under certain conditions."

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 shape and size;

The subject site is located within the C-2 (General Commercial) Zone which is intended to provide business centers in areas where a wide range of retail sales and service establishments are needed to accommodate the surrounding community. The project site is 10,090 square feet (0.23 acres) and the building area is 6,531 square feet. Pursuant to the Montebello Municipal code, Exhibit 17.22.020-Commercial Development Standards, the minimum lot coverage is unlimited within the C-2 zone areas. The proposed business meets all requirements outlined in Chapter 5.48 – Massage Parlors of the Montebello Municipal Code and is located within an existing four-unit commercial building and would be legal nonconforming.

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 proposed business operation is located on the corner of North Garfield Avenue and Via Corona, directly south of Beverly Blvd, which are classified as major and secondary roadways in the City of Montebello. The subject site can be accessed from the front entrance along North Garfield Avenue, adjacent to a fully paved sidewalk that ensures pedestrian mobility. Additionally, the surrounding streets which are adequate in width and pavement type to accommodate quantity and quality of generated traffic by the proposed use.

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

The proposed use will not have an adverse effect upon adjacent or abutting properties as it will have minimal traffic that will be monitored and regulated by a reservation system, to be implemented by the owner and two employees that will work in two shifts. Additionally, there are no major alterations to the building and the Applicant will abide by the hours of construction within the Montebello Municipal Code to ensure the surrounding properties are not affected. The proposed tenant improvement construction will be located within the building, therefore will have limited visual impact on public-right-of-way. The proposed business requires a Conditional Use Permit per the Montebello Municipal Code Index to Primary Uses, to ensure the proper review and safety measures are being taken. The goal of the proposed business is to provide a peaceful and serene environment for its clients and the surrounding community.

D. Describe how the proposed use will meet the general purpose and intent of the Zoning Code and how it will be consistent with the General Plan;

The proposed use will meet the general purpose and intent of the Zoning Code and will be consistent with the General Plan. The proposed massage establishment is within an existing four-unit commercial building and is considered legal nonconforming. The proposed use of a massage establishment is in conformance with the General Plan's goals, policies, and objectives as is highlighted in the General Plan Consistency section found within the related staff report. The proposed project conforms to the City of Montebello General Plan policies P3.3,

A3.3, A3.3b, and P5.4 related to the City's goal of revitalizing established neighborhoods and corridors, providing non-residential uses that are accessible for individuals living in residential districts, and protecting nearby properties from any noise impacts that do not detract from Montebello's quality of life.

SUMMARY:

Staff believes the necessary findings can be made to approve this CUP to allow a new massage establishment located within an existing multi-unit, mixed-use building within the C-2 zoning district. The proposed use is compatible with surrounding land uses, therefore meeting the intent of the City's zoning ordinance and would not impair the integrity of the zone.

Therefore, it is recommended that the Planning Commission adopt Resolution No. 07-25, approving Conditional Use Permit No. PC-2025-0004-CUP and determine that the proposed project is categorically exempt from CEQA Guidelines, pursuant to Section 15301.

ATTACHMENT(S)

1. Resolution No. 07-25 (PC-2025-0004-CUP)
2. Project Site Plan
3. Notice of Exemption
4. Ordinance No. 2377

**CITY OF MONTEBELLO
PLANNING COMMISSION**

RESOLUTION NO. 07-25

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MONTEBELLO, CALIFORNIA, APPROVING CONDITIONAL USE
PERMIT NO. PC-2025-0004-CUP TO ALLOW A NEW MASSAGE
ESTABLISHMENT LOCATED WITHIN AN EXISTING MULTI-UNIT,
MIXED-USE BUILDING LOCATED AT 492 NORTH GARFIELD AVENUE
AND ADOPTING A NOTICE OF EXEMPTION UNDER CEQA § 15301
(EXISTING FACILITIES)**

WHEREAS, on March 10, 2025, Thomas Chu, the (“Applicant”) filed a Conditional Use Permit (“CUP”) application (PC-2025-0004-CUP) with the City of Montebello (“City”) to allow a new massage establishment located within an existing multi-unit, mixed-use building located at 492 N. Garfield Avenue (“Project Site”); and

WHEREAS, the approval of a CUP for massage establishments in the C-2 zone (General Commercial) zone is required per the Index of Primary Uses found under Chapter 17 of the Montebello Municipal Code (“MMC”); and

WHEREAS, pursuant to MMC Chapter 17.70, Section 17.70.010, the purpose of the Conditional Use Permit 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 or constructed in a particular manner on the site, and under certain conditions; and

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

WHEREAS, the Conditional Use Permit (PC-2025-0004-CUP) qualifies as a "project," under the California Environmental Quality Act (“CEQA”) definition of a "project"; and

WHEREAS, the Project is Categorically Exempt per CEQA Section §15301, Class 1 (Existing Facilities) because the Project consists of the operation, permitting, and licensing of an existing facility and there will be no expansion of the interior or exterior footprint of the existing facility; 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 all other legal prerequisites to the adoption of this Resolution have occurred; and

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

NOW THEREFORE, the Planning Commission of the City of Montebello 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. Conditional Use Permit. Based on the substantial evidence presented to and considered by the Planning Commission at the public hearing on the Application, the Planning Commission makes the following findings pursuant to Chapter 17.70 of the Montebello Municipal Code:

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

The subject site is located within the C-2 (General Commercial) Zone which is intended to provide business centers in areas where a wide range of retail sales and service establishments are needed to accommodate the surrounding community. The project site is 10,090 square feet (0.23 acres) and the building area is 6,531 square feet. Pursuant to the Montebello Municipal Code, Exhibit 17.22.020 - Commercial Development Standards, the minimum lot coverage is unlimited within the C-2 zone areas. The proposed business meets all requirements outlined in Chapter 5.48 – Massage Parlors of the Montebello Municipal Code and is located within an existing four-unit commercial building and would be legal nonconforming.

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 proposed business operation is located on the corner of North Garfield Avenue and Via Corona, directly south of Beverly Blvd, which are classified as major and secondary roadways in the City of Montebello. The subject site can be accessed from the front entrance along North Garfield Avenue, adjacent to a fully paved sidewalk that ensures pedestrian mobility. Additionally, the surrounding streets which are adequate in width and pavement type to accommodate quantity and quality of generated traffic by the proposed use.

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

The proposed use will not have an adverse effect upon adjacent or abutting properties as it will have minimal traffic that will be monitored and regulated by a reservation system to be implemented by the owner and two employees that will work in two shifts. Additionally, there are no major alterations to the building and the Applicant will abide by the hours of construction within the Montebello Municipal Code to ensure the surrounding properties are not affected. The proposed tenant improvement construction will be located within the building, therefore will have limited visual impact on public-right-of-way. The proposed business requires a Conditional Use Permit per the Montebello Municipal Code Index to Primary Uses, to ensure the proper review and safety measures are being taken. The goal of the proposed business is to provide a peaceful and serene environment for its clients and the surrounding community.

4. *Describe how the proposed use will meet the general purpose and intent of the Zoning Code and how it will be consistent with the General Plan.*

The proposed use will meet the general purpose and intent of the Zoning Code and will be consistent with the General Plan. The proposed massage establishment is within an existing four-unit commercial building and is considered legal nonconforming. The proposed use of a massage establishment is in conformance with the General Plan's goals, policies, and objectives as is highlighted in the General Plan Consistency section found within the related staff report. The proposed project conforms to the City of Montebello General Plan policies P3.3, A3.3, A3.3b, and P5.4 related to the City's goal of revitalizing established neighborhoods and corridors, providing non-residential uses that are accessible for individuals living in residential districts, and protecting nearby properties from any noise impacts that do not detract from Montebello's quality of life.

The City's General Plan Land Use category for the Project Site is the City's "Neighborhood" land use category. The following General Plan Goals and Policies are applicable to the proposal of a massage establishment at the Project Site:

Policy/Goal	Description
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General Plan “Our Well-Planned Community” Element policy (P3.3): to revitalize established neighborhoods and corridors.	The proposed construction is for the operation of a massage establishment within an existing four-unit commercial building. The subject site is located on the corner of North Garfield Avenue and Via Corona, directly south of Beverly Blvd, which are classified as major and secondary roadways in the City of Montebello.
General Plan “Our Well-Planned Community” Element action (A3.3): to provide non-residential uses that are accessible for the convenience of individuals living in residential districts.”	This proposal of a new massage establishment within walking distance of residential uses will provide convenience for the surrounding residents wanting to utilize the services offered at the proposed business.
General Plan “Our Well-Planned Community” Element action 3.3b (A3.3b): to protect adjoining properties from the potential adverse impacts associated with non-residential uses on corridors adjacent to residential areas with proper mitigation measures that address scale, massing, traffic, noise, appearance, lighting, and drainage.	The subject site is within an already developed and established commercial building. The proposed massage establishment will have minimal construction and will be contained inside the building within an existing unit. The massage establishment will have a total of four rooms bringing minimal traffic to the site.
General Plan “Our Healthy Community” Element policy 5.4 (P5.4): to minimize noise impacts to ensure that noise does not detract from Montebello’s quality of life.	The proposed use will not have an adverse effect upon adjacent or abutting properties as it will have minimal traffic that will be monitored and regulated by a reservation system to be implemented by the owner and two employees that will work in two shifts. There are no major alterations to the building and the Applicant will abide by the hours of construction within the Montebello Municipal Code to ensure the surrounding properties are not affected

SECTION 3. CEQA. The Planning Commission hereby approves and adopts the CEQA Categorical Exemption §15301 (Existing Facilities) Class 1 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.

The proposed business will occupy an existing commercial tenant space within a fully developed four-unit commercial building, and no physical expansion or significant modification of the facility is proposed. As such, the project meets the criteria for a Class 1 exemption, with no reasonably foreseeable significant impacts to the environment.

SECTION 4. APPROVALS. The Planning Commission hereby approves a Conditional Use Permit (Case No. PC-2025-0004-CUP) to allow a new massage establishment located within an existing multi-unit, mixed-use building 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.

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 utilization of the subject site shall conform to the allowed use, except as provided for herein and by subsequent revisions found by the Director of Planning and Community Development ("Director") Department ("Planning Department") to be in substantial compliance with these provisions.
3. Development of the site shall be consistent with all of the provisions of the Montebello Municipal Code ("MMC") and Conditional Use Permit ("CUP") (PC-2025-0004-CUP), and the specifications of the Planning Department.
4. 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.

5. 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) have been fully remedied.
6. No signs shall be installed on the site until a sign permit has been approved by the Planning Department and Building & Safety Division in conformance with the provisions set forth in [Chapter 17.62](#) ("Signs") of the MMC and the provisions set forth in the CUP.
7. 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.
8. The 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 (Case No. PC-2025-0004-CUP).
9. The Applicant or successor in interest shall meet the applicable code requirements and all other City Department regulations.
10. All applicable conditions of approval from previous entitlements on the property shall remain in full force and effect, unless otherwise specifically noted in this Resolution.
11. The property owner will bear the full costs of all monitoring and inspection activities to be conducted by City staff, or its designated representative(s), as necessary to ensure compliance with the conditions of this Resolution.
12. 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 Planning Commission at a noticed public hearing.
13. This approval shall not supersede the approval of any other responsible agencies. The Applicant shall comply with all Federal, State and local laws.

14. The approval of this CUP (Case No. PC-2025-0004-CUP) can be extended up to and not to exceed an additional two (2) years with a written request by the property owner thirty (30) days prior to the expiration date stating the reason and need for an extension and upon review and approval by the Director.
15. In the event of a violation of the conditions of approval, no further permits, licenses, approvals or certificates of occupancy shall be issued until such violation has been fully remedied.
16. The development and utilization of the site shall comply with all the provisions of all of the current Building, Plumbing, Mechanical, Electrical Codes, and City Ordinances, as well as additional requirements from the Montebello Building and Safety Division.
17. The development and utilization of the site shall be subject to the review and approval of the Planning Department. Additional Montebello Planning Department requirements may be required prior to issuing building permits.
18. The development and utilization of the site shall comply with all the provisions of all of the California Fire Code, International Fire Code, and National Fire Protection Association standards as well as additional requirements from the Montebello Fire Department.
19. **Modification to Plans.** Subsequent modification to this approval, which do not intensify the use, including but not limited to reorientation of structures, alteration of parking and circulation design, minor changes to the Conditions of Approval, interpretations of the Conditions of Approval relative to intent, necessity of, and timing, may be approved by the Director within a 25% deviation, unless the Director requires a Substantial Conformance or revised Permit application in accordance with the City Development Code.
20. The Applicant shall contact the Planning Division to arrange a Planning Inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
21. 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.
22. It is the responsibility of the property owner to have all graffiti on the site removed within twenty-four (24) hours of its appearance or be subject to citation from the City Code Enforcement Division.
24. All improvements to the subject property shall be in compliance with all City Ordinances.

25. The hours of construction shall be 7:00 a.m. to 8:00 p.m., Monday through Friday, and weekends and holidays 9:00 a.m. to 6:00 p.m. as restricted by the MMC Section 9.08.050.
26. No false or misleading advertising shall be permitted.
27. The street shall be swept at the end of the day if visible soil material is carried onto adjacent public paved roads.
28. The guest parking spaces shall be posted and striped with double lines spaced six (6) inches apart and shall comply with the City's off-street parking requirements as per MMC Section 17.52.070. Such striping shall be shown on the plans submitted for plan check.
29. Any parking space that fronts a building wall or fence with no separation between the front end of the parking space and the wall or fence, shall be provided with a concrete wheel stop or curb barrier not less than two (2) feet from such wall or fence property line. Such wheel stop or curb barrier shall be securely installed and maintained.
30. The landscape plan shall conform to the MMC requirements. Shrubs shall not be less than three (3) feet in height when planted and cover not less than thirty (30) percent of the landscaped area. All landscaping shall cover the designated planting areas from the outset.
31. All trees shall be at least twenty-four-inch (24") box or equivalent.
32. All landscape planters shall be surrounded by a six (6) inch concrete curb.
33. A trash enclosure shall be constructed of decorative masonry block or masonry block with decorative finish, such as stucco, and view-obscuring doors that are compatible with the main building, subject to the final review and approval of the Planning Department. The applicant shall reflect this requirement on the plans submitted for plan check.
34. All existing and proposed utilities (Gas, Electricity, Communications, etc.) shall be placed underground. The applicant shall reflect this requirement on plans submitted for "Plan Check".
35. All outdoor utilities or machinery located outside the exterior walls, including roof-mounted equipment, shall be completely screened from view from any public right-of-way or adjacent residential use by either view obscuring landscaping or architectural features of the main building (i.e. parapet walls, façade extension, etc.), subject to the final review and approval of the Planning Department.

36. Any inevitable exposed wires shall be neatly bolted and painted to match the building color.
37. The exterior of all structures and walls shall be a neutral color scheme and shall be consistent with the provisions of the Color Ordinance of the City of Montebello, subject to the review and approval of the Planning Department.
38. Any substantial change or modification to the proposed site plan shall be subject to review and approval by the Planning Commission.

B. Building Division Conditions

1. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
2. Plans prepared in compliance with the current Building Code shall be submitted to the Building Division for review prior permit issuance.
3. Rear exterior door shall not be used for as the second means of egress if it does not comply with the landing and its elevation requirements per Section 1010.1.4 of the Building Code. Should the second means of egress be required due to an increase in occupant load that exceeds 49, the rear door shall be altered to comply.
4. All State of California disability access regulations for accessibility shall be complied with.
5. Summary of Accessibility Upgrades for Commercial Projects shall be completed, and the completed form shall be copied on the plans The form can be found at the following link

<https://www.dropbox.com/s/4xkjyn5fhggpotk/Accessibility%20Upgrade%20Summary%20Form.pdf?dl=0>
6. Separate application and plan review is required for Electrical plans.
7. Separate application and plan review is required for Plumbing plans.
8. Separate application and plan review is required for Mechanical plans.
9. Plumbing fixtures shall be provided as required by Chapter 4 of the California Plumbing Code. Additional fixtures may be required if not in compliance.
10. Project shall comply with the CalGreen Non-Residential mandatory requirements.

C. Fire Department Conditions

1. Sign above door "This business shall remain open during business hours".
2. Fire extinguishers in approved location according to the 2022 Edition California Fire Code
3. Address of structure to be legible and placed in a position that is visible from the street fronting the property.

D. Police Department Conditions

1. The Applicant must go through the City's permitting requirements under MMC 5.48 Massage Parlors.
2. The Applicant shall possess a valid CMCT certificate (and provide proof of it)
3. No person shall give or assist in giving any massage to any other person under the age of eighteen years unless the parent of such minor has consented thereto in writing.
4. Each permittee shall have posted, in a conspicuous location upon the premises where the massage operation is to be conducted.
5. Each permittee shall provide, in each room, or portion of a room, where massages are given, sufficient lighting and ventilation as required by this code.
6. Each permittee shall provide and maintain adequate equipment for disinfecting and sterilizing of instruments used in performing the acts of massage.
7. Each permittee shall provide and maintain adequate bathing, dressing, locker and toilet facilities for patrons.
8. Each permittee shall maintain physical facilities for the massage parlor in good repair and in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilets utilized in the operation shall be thoroughly cleaned each day. Bathtubs shall be thoroughly cleaned after each use.
9. Each permittee shall provide clean and sanitary towels and linens for each patron. The common use of towels or linens shall not be permitted.
10. A minimum of one separate washbasin shall be provided for each permittee in each massage parlor for the use of his employees, which basin shall provide soap or detergent and hot and cold running water at all times and shall be located within or as close as practicable to the area devoted to the performing of

massage services. In addition, there shall be provided at each washbasin, sanitary towels placed in permanently installed dispensers.

11. No person shall give, or assist in giving, of any massage to a person of the opposite sex.
12. Any Montebello Police Officer, Code Enforcement Officer, Fire Inspector, inspectors from the Los Angeles County Department of Public Health, and/or other law enforcement officers shall have the right to inspect the premises at any time without warrant.
13. No 'blackout' tint or blinds on the windows that can prevent someone on the outside from seeing inside the premises are permitted.
14. Massage technicians are to be fully clothed. No lingerie, bikinis, or similar clothing considered inappropriate for massages shall be permitted.
15. The massage establishment shall provide clean and sanitary towels, sheets, and linens in sufficient quantities. Towels, sheets, and linens shall not be used by more than one person at a time. Reuse of such linen is prohibited unless the linen has first been laundered. Heavy white paper may be substituted for sheets provided that such paper is used only once for each person and then discarded in a sanitary receptacle.
16. Disinfecting agents and sterilizing equipment shall be provided for any instruments used in performing acts of massage and said instruments shall be disinfected and sterilized after each use.
17. Pads used on massage tables shall be covered with durable, washable plastic or other acceptable waterproof material.
18. Minimum lighting shall be provided in accordance with Article 220 of the National Electric Code and in addition, at least one artificial light of not less than forty watts shall be provided in each room or enclosure where massage services are performed on patrons.
19. A list of services available and the costs of such services shall be posted in an open, public place on the premises and shall be described in a readily understandable language. All letters and numbers shall be capitals not less than one-half inch in height. No owner, operator, responsible managing employee, manager, or permittee shall permit, and no massage technician shall offer to perform services other than those posted, nor charge a price in excess of that posted for the provision of any service.
20. No person shall enter, be or remain in any part of the massage establishment while in possession of, consuming, or using any alcoholic beverage or drugs except

pursuant to a prescription for such drugs. The owner, operator, responsible managing employee, manager, or permittee shall not permit any such person to enter or remain upon such premises.

21. The massage establishment shall not operate a school of massage, nor use the same facilities as that of a school of massage. It shall be unlawful for any person to perform any massage upon a member of the general public while on the premises of a school of massage. Instructors and students of such schools may practice massage only upon a bona fide employee of the school, a student, or a mannequin.
22. No owner, operator, responsible managing employee, manager or permittee in charge of or in control of a massage establishment shall, during the course of any service or task associated with any element of a massage operation, permit any person to massage or touch the genitals of another person.
23. Due to the requirement and need for accountability in the provision of massage, it shall be unlawful for any massage establishment to permit a massage technician to provide massage within the establishment unless that massage technician is an employee directly accountable to the holder of the massage establishment license.
24. There shall be an owner, operator, managing employee, or manager on the premises at all times when the establishment is open for business. All managerial personnel shall wear plainly visible badges identifying them as managerial personnel.

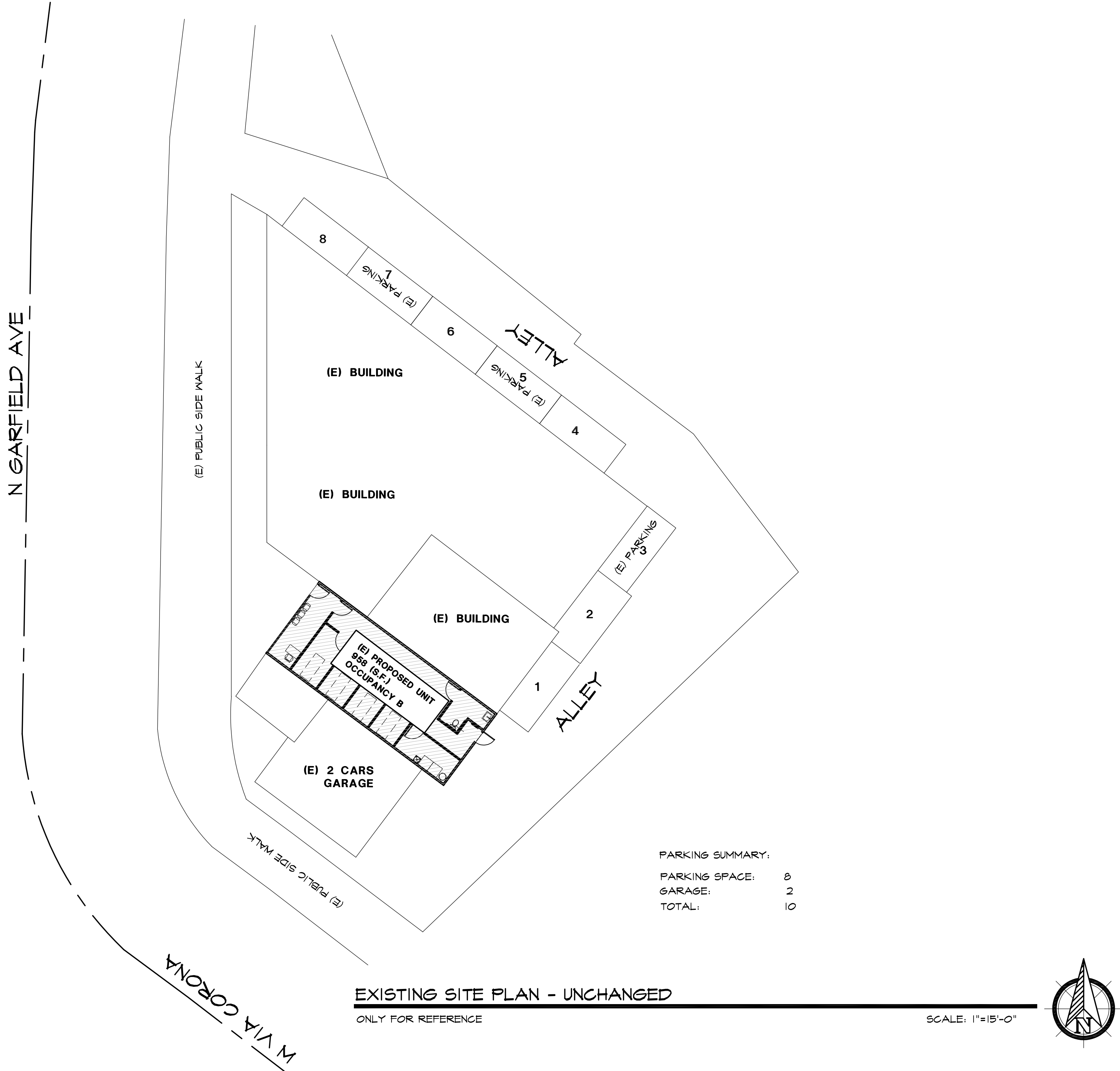
PASSED AND ADOPTED this 17th day of June, 2025, by the Planning Commission.

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

Armando Medina, Chair

ATTEST:

Joseph A. Palombi, Director
Planning & Community Development Department



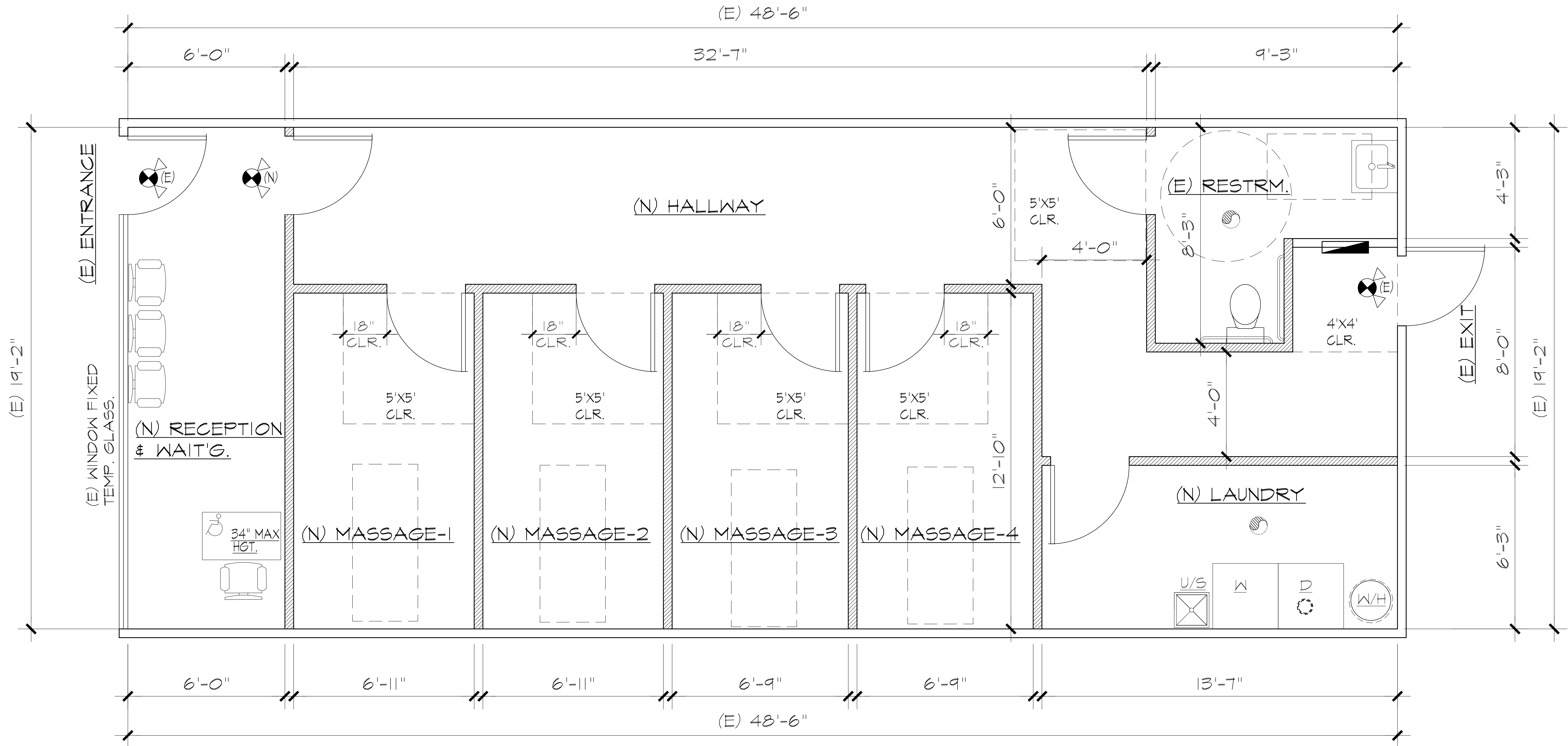
EXISTING SITE PLAN - UNCHANGED
ONLY FOR REFERENCE

REVISIONS	
PLAN CHECK CORRECTION	
R-1	
R-2	
1ST SUBMITTAL	
2ND SUBMITTAL	
3RD SUBMITTAL	
PERMITS	
CITY PLANNING	
CITY BUILDING	

CENTRAL PACIFIC	
DESIGN/BUILD	
COMMERCIAL AND RESIDENTIAL	
VINCENT	714-719-4556

EXISTING SITE PLAN UNCHANGED	
442 N GARFIELD AVE	
MONTEBELLO, CA. 90640.	
JANUARY - 06-25	

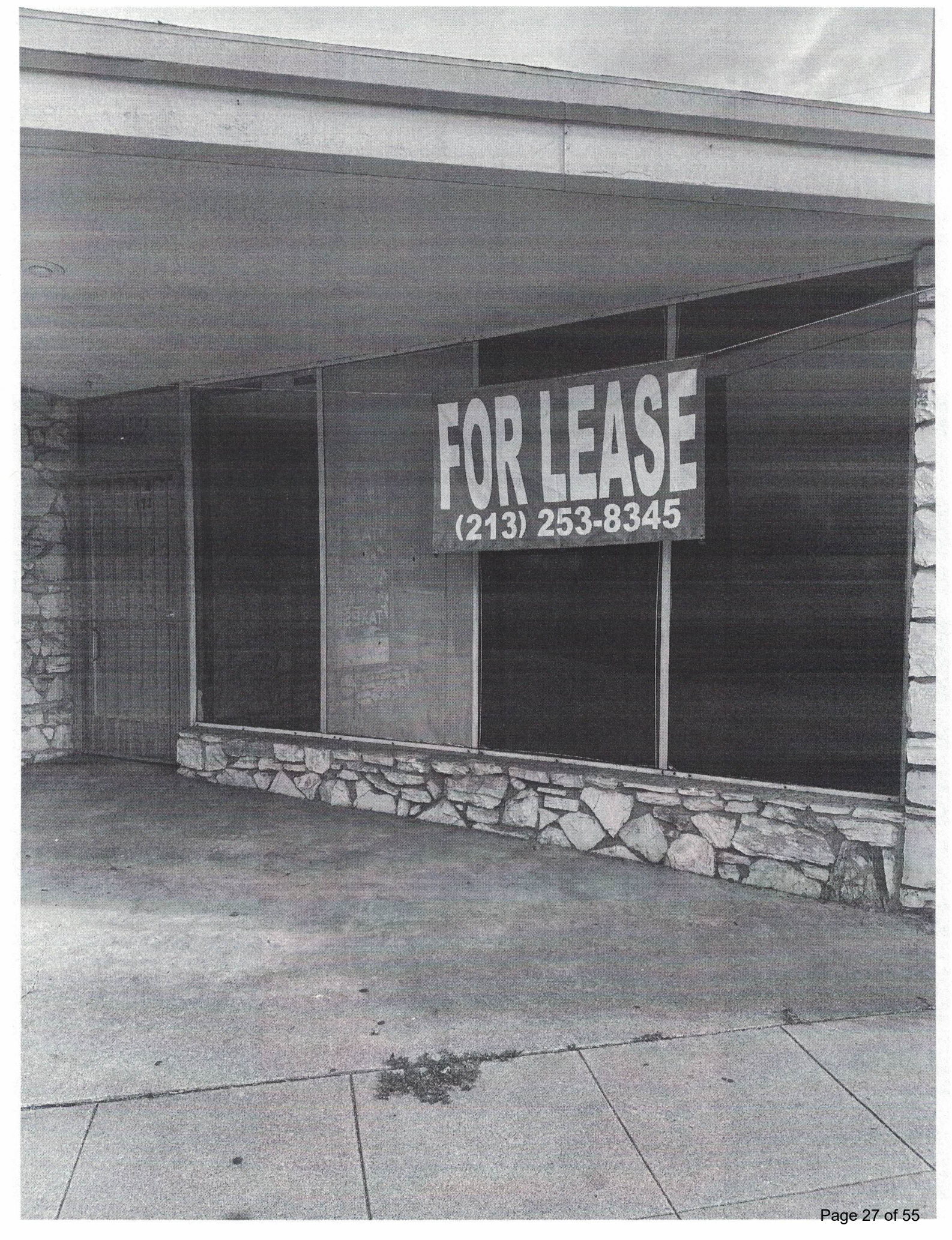
SHEET: 2	
A-1	
OF:	



NEW FLOOR PLAN

958 SQ. FT.

SCALE: 1/4" = 1'-0"

A black and white photograph of a storefront. The building has a stone base and large glass windows. A large sign is posted in the window. To the left is a door with a small number above it. The foreground is a sidewalk.

FOR LEASE
(213) 253-8345

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: Conditional Use Permit

Project Location: 492 N. Garfield Avenue, Montebello, CA 90640

Case Number(s): PC-2025-0004-CUP/ENV No. 07-25-CE

Description of Nature, Purpose, and Beneficiaries of Project: A Conditional Use Permit (“CUP”) Case No. PC-2025-0004-CUP to allow a new massage establishment located within an existing multi-unit, mixed-use building at 492 N. Garfield Avenue (collectively “the property”).

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

Name of Person or Agency Carrying Out the Project: Thomas Chu, (“Applicant”)

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 Guidelines Section 15301 (Existing Facilities)
☐ Statutory Exemptions. State code number:

Justification for Project Exemption:

The Project is Categorically Exempt per CEQA Guidelines §15301 - Class 1 (Existing Facilities). Class 1 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. The key consideration is whether the project involves negligible or no expansion of an existing use.

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

Area Code/Telephone/Extension: (323) 887-1200

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

**AN ORDINANCE OF THE CITY OF MONTEBELLO, CALIFORNIA,
APPROVING ZONE CHANGE (ZC1-16) AND PLANNED
DEVELOPMENT (PD1-16) FOR THE PROPERTIES LOCATED AT 490
GARFIELD AVE.**

WHEREAS, applications for a Zone Change (ZC1-16) and Planned Development (PD1-16) have been received and accepted for the property located at 490 North Garfield Avenue (the "Property"); and

WHEREAS, the Property is located in the R-1 Zoning District, and is currently developed with a two-story, 6,531 square-foot commercial building with three (3) tenant spaces on the first floor, a dwelling unit on the second-floor, and two-car garage, and is a legal non-confirming use; and

WHEREAS, the Zone Change would change the City's official Zoning Map for the Property by changing the zoning designation from R-1 (Single Family Residential) to R-1-PD (Single Family Residential - Planned Development) to allow for commercial uses; and

WHEREAS, the Planned Development would allow the continuation of the existing two-story, 6,531 square-foot commercial building with three (3) tenant spaces on the first floor, a dwelling unit on the second-floor, and two-car garage, and provide an exemption from the Municipal Code's minimum parking requirements for commercial uses; and

WHEREAS, on January 19, 2016, the Planning Commission conducted a duly noticed public hearing and adopted a resolution recommending that the City Council approve the Zone Change and Planned Development, and a CEQA Categorical Exemption; and

WHEREAS, the City Council has conducted a duly noticed public hearing, and has considered staff presentations, reports, documents, public testimony, the Planning Commission's recommendation, the ordinance approving this Ordinance and associated conditions of approval, and such other evidence presented at the public hearing on the Project and included in the entire administrative record in this matter; and

WHEREAS, simultaneously with the adoption of this Ordinance, the City Council has adopted a Categorical Exemption for the Project pursuant to Section 15301(a) of the CEQA Guidelines (Existing Facilities); and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTEBELLO ORDAINS AS FOLLOWS:

SECTION 1. Based upon the staff presentations, reports, documents, public testimony, the Planning Commission's recommendation, this Ordinance and associated conditions of approval, and such other evidence presented at the public hearing on the Project and included in the entire administrative record in this matter, the City Council hereby finds and declares that the foregoing recitals are true and correct and hereby incorporates them into this Ordinance as substantive findings, and further finds and declares that the findings set forth below in this Ordinance are true and correct.

SECTION 2. Planned Development. The City Council hereby approves and adopts Planned Development (PD1-16) and makes the following findings of fact:

- a. The Project is consistent with the General Plan goals of formulating a land use plan that is responsive to the needs of the community, and

which permits the orderly arrangement of land uses. The Property is currently development with an existing commercial building within a residential zoning district. The allowance of commercial uses to occupy the existing tenant spaces within the subject building would eliminate the current blight issue of the Property allow the property owner to bring in commercial uses to address the needs of the community, and to bring taxable revenue to the City. No building modifications are included in this action.

- b. The proposed Planned Development would allow commercial uses that are permitted by right within the C-2 zoning district to operate on the Property, and provide an exemption to the minimum marking requirements of the Municipal Code as is necessary to allow the best and most reasonable use of the Property.

Based on such findings of fact, the City Council hereby makes the following findings in approving the Planned Development (PD-1-16):

- c. The Project is consistent with the provisions of Chapter 17.38 of the Montebello Municipal Code.
- d. The Project is consistent with the subdivision regulations, with the general intent of the zoning regulations, and the general plan, and with any applicable specific plan.
- e. The Project is compatible with present and future development of the properties within the immediate vicinity.
- f. The Project is consistent with the general peace, health, and general welfare.
- g. The permitted uses and development standards adopted as part of the Planned Development will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be adequately achieved under the pre-existing zoning district.
- h. The exemptions, if any, from the development standards of the zoning code are warranted by the design and amenities, as incorporated, are in accord with adopted policies of the planning commission and city council.
- i. Existing or proposed utility services and facilities are adequate for the proposed population densities and non-residential uses.
- j. The proposed buildings and structures are situated in such a manner to minimize impacting the privacy of existing residential uses.

SECTION 3. Zone Change. The City Council hereby approves the Zone Change (ZC2-15) based on the following findings of fact: the Zone Change would be in compliance with the Montebello Municipal Code Section 17.76.010, as such Zone Change is in the public interest and furthers the public convenience and necessity, and is in the best interest of the City in achieving the goals and policies of the General Plan.

SECTION 4. The City Council hereby adopts the conditions of approval set forth Exhibit "A" hereto, and finds and declares that such conditions are necessary and appropriate given the circumstances of the Project.

SECTION 5. Zoning Map. The City Council hereby directs staff to amend the City's official Zoning Map to change the zoning designation for the Project from R-1 (Residential) to R-1-PD (Planned Development).

SECTION 6. If any section, subsection, paragraph, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision

shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, paragraph, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, paragraphs, subdivisions, sentences, clauses, phrases or portions might subsequently be declared invalid or unconstitutional.

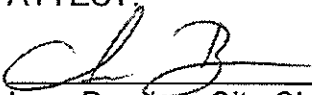
SECTION 7. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 8. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within fifteen (15) days of adoption in a newspaper of general circulation printed and published within the City of Montebello, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk in accordance with Government Code Section 36993.

PASSED AND ADOPTED this 23rd day of March, 2016.



Art Barajas, Mayor

ATTEST:


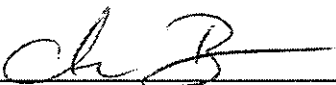
Irma Barajas, City Clerk

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

I, Irma Barajas, City Clerk of the City of Montebello, do hereby certify that the foregoing Ordinance No. 2377 was introduced on March 23rd, 2016, and duly approved and adopted by the City Council of the City of Montebello at their meeting held on the 13th day of April, 2016, as approved by law by the following vote:

AYES: Romero, Delgado, Molinari, Hadjinian, Barajas
NOES: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City on the 11 day of ~~April~~ ^{May}, 2016.



IRMA BARAJAS, City Clerk



ITEM # 3

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

TO: Members of the Planning Commission

FROM: Joseph Palombi, Planning & Community Development Director

BY: Emilie Fernandez, Assistant Planner

SUBJECT: **DRAFT ORDINANCE FOR A ZONE CODE AMENDMENT ("ZCA") TO
MODIFY MONTEBELLO MUNICIPAL CODE ("MMC") CHAPTER 17
AND ESTABLISH A VIEWSHED PRESERVATION OVERLAY**

DATE: June 17, 2025

RECOMMENDATION(S):

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

- ADOPT Resolution No. 08-25 recommending the City Council approve Zone Code Amendment (Case No. PC-2025-0006-ZCA) amending Chapter 17 of the Montebello Municipal Code adding Chapter 17.41 - Viewshed Preservation Overlay to protect and preserve significant public and private views; and
- DETERMINE AND FIND that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to the "Common Sense" exemption set forth under Section 15061(b)(3), which provides that CEQA applies only to projects which have the potential for causing a significant effect on the environment, considering that it can be seen with certainty that there is no possibility that adding a viewshed preservation overlay will have a significant effect on the environment and pursuant to CEQA Section 15303 related to construction and location of limited numbers of new, small facilities or structures, and the conversion of existing small structures that are consistent with the City's general plan policies and zoning regulations.

BACKGROUND:

PLANNING COMMISSION AGENDA REPORT - MEETING OF JUNE 17, 2025

Page 2 of 8

In an effort to enhance community livability and celebrate Montebello's unique visual character, the City is taking steps to protect the scenic views that contribute to its identity and quality of life. Views of mountainous areas, ridgelines, skyline vistas, city lights, and culturally significant landmarks are valued by residents and visitors alike. As the City continues to grow and evolve, it is important to ensure that these visual assets are preserved for current and future generations.

To support this vision, staff is proposing a Viewshed Preservation Overlay Ordinance ("proposed Ordinance") that establishes specific requirements for properties located within designated viewshed protection areas. The focus is maintaining the community's aesthetic character and safeguarding access to important scenic views through thoughtful planning and limitations on improvements that include, but are not limited to, new structures or additions that block views, unmanaged vegetation that grows into existing view corridors.

Pursuant to state and local regulations, the Planning Commission is authorized to act on Zone Code Amendments as follows:

- Section 65855 of the California Government Code states that the Planning Commission shall make a written recommendation on the adoption or amendment of the Zoning Ordinance.
- Section 17.76.020 of the Montebello Municipal Code ("MMC") authorizes the City Council or Planning Commission to initiate an amendment to Chapter 17 – *Zoning*.
- Section 17.76.040 of the MMC authorizes the Planning Commission to hold at least one public hearing for a proposed amendment.
- Section 17.76.070 of the MMC stipulates that the Planning Commission render its recommendation on an amendment by resolution, including the reasons for the recommendation, to the City Council.

ENVIRONMENTAL:

Pursuant to the provisions of the California Environmental Quality Act ("CEQA") Section 15061(b)(3), the project is considered covered by the common sense exemption. The common sense CEQA 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 Ordinance amending MMC Chapter 17 does not have the potential to degrade the quality of the environment or have a significant effect on the environment. Actions proposed in the Zone Code Amendment are not considered a "project" under CEQA Guidelines Section 15378 in that there is no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

ANALYSIS:

The purpose of the proposed Ordinance is to establish regulations that protect and preserve significant public and private views of natural features such as ridgelines, mountains, and valleys, as well as culturally and visually important landmarks. The proposed Ordinance includes definitions, identifies protected views and designated viewshed protection areas, and sets forth regulations and design standards intended to preserve and minimize obstruction of scenic views.

The proposed Ordinance is consistent with the City's General Plan and is intended to enhance the City's visual character and maintain community aesthetics. Particularly, the proposed Ordinance is consistent with key goal No. 6 of the City's General Plan regarding Hillside Neighborhood, which states: *"Maintain views of city lights."*

The proposed Ordinance supports this goal by implementing design standards that minimize obstruction of the visual landscape, including distant views, skyline views of distant cityscapes like downtown LA, city lights canopies, mountain vistas, ridgelines, and other natural features, contributing to the quality of life, economic vitality and well-being of the citizens of Montebello. Additionally, any city trees or public improvements are not included in this ordinance.

PROPOSED ZONE CODE AMENDMENT

Chapter 17.41 Viewshed Prevention Overlay

17.41.010 PURPOSE AND INTENT

The purpose of this ordinance is to establish regulations that protect and preserve significant views from public and private vantage points in the City of Montebello (the "City"). This ordinance aims to maintain the visual character of the community, enhance the aesthetics of the urban and natural environment, and preserve the public's access to important views, particularly those of mountainous areas, ridgelines, skyline views of cityscapes or city lights, and other key natural features.

17.41.020 DEFINITIONS

For the purposes of this ordinance, the following definitions apply:

1. **Viewshed:** The area visible from a specific location, such as a public street, park, or residential property, including natural features like ridgelines, hills, mountains, and valleys, as well as urban landmarks.
2. **Protected View:** A view from a hillside area deemed significant due to its scenic, cultural, historical, or environmental importance, as determined by the City's planning and community development department or designated review body.
3. **Building Height:** The vertical distance measured from the finished grade to the highest point of the structure, including roof structures, chimneys, and antennae.
4. **City Lights:** The skyline canopy of city lights seen from a distance.
5. **Obstruction:** Any physical structure, including fences and walls, vegetation, or other elements that may obstruct or diminish a protected view.
6. **Viewshed Protection Area:** Geographic zones or areas defined by the City, where significant views are identified and subject to protection under this ordinance.

7. **Visual or Landscape Character:** An impartial description of what the landscape consists of, defined by the relationships between existing, visible natural and built landscape features.
8. **Visual Resource:** Components of the visible natural, cultural, or project environments. A visual resource is any visible site, object, or feature of the landscape.
9. **Visual Quality:** Visual quality is a result of the interactive experience viewers and their environment.

17.41.030 DESIGNATION OF PROTECTED VIEWS AND VIEWSHED PROTECTION AREAS

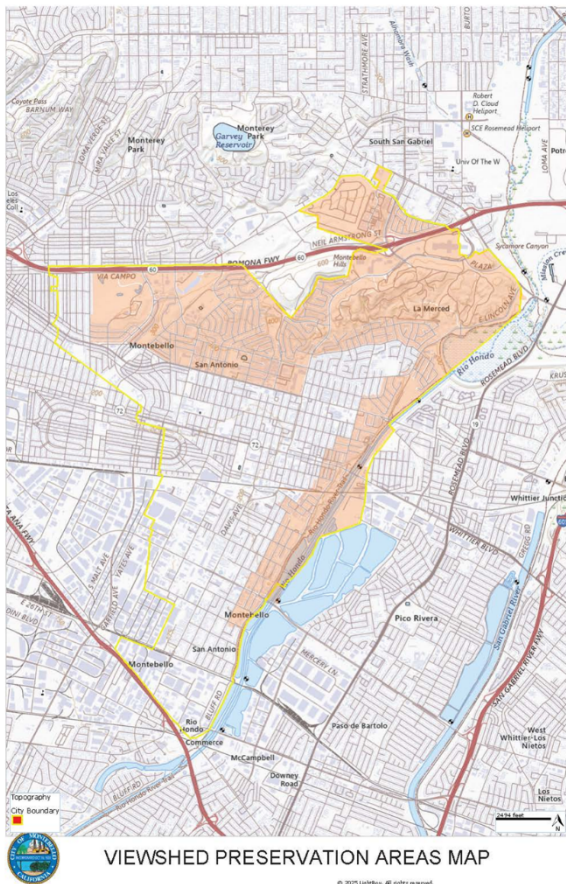
1. The City Council shall, from time to time, adopt and amend a map designating protected views and viewshed protection areas within the City. The map shall be maintained by the Planning & Community Development Department and available for public inspection.
2. Protected views shall include, but are not limited to:
 - Views of significant ridgelines, skyline views of cityscapes or city lights, mountains, valleys, and other natural features.
 - Views of landmarks and culturally important sites.
 - Views from public spaces, such as parks, trails, and streets.
 - Visual character defining resources and features include landforms, vegetation, land uses, buildings, transportation facilities, overhead utility structures and lighting, open space, viewpoints, and views to visual resources, waterbodies and historic structures.

17.41.040 REVIEW PROCEDURE FOR DEVELOPMENT AND/OR IMPROVEMENTS AFFECTING PROTECTED VIEWS

1. **Development Review:** Any proposed development, including, but not limited to, new construction, additions, or alterations to existing structures, installation of fencing and/or walls, within or near designated viewshed protection areas, shall undergo a review process as part of the development application process to determine potential impacts to protected views.
2. **Application Requirements:** Developers shall submit a visual impact analysis as part of the development application, which demonstrates how the project will maintain or enhance the integrity of protected views.
3. **Mitigation Measures:** If a proposed development is found to significantly obstruct or diminish a protected view, the applicant may be required to:
 - Adjust the height, size, color, bulk, or placement of the structure to minimize impact.
 - Incorporate landscaping, screening, or other elements to reduce visual intrusion.
 - Explore alternative site designs or building configurations that better preserve the protected view.
4. **Variance:** If the proposed development cannot be reasonably modified to avoid impact to a protected view, the applicant may request a variance, subject to approval by the Planning Commission, based on findings of exceptional circumstances.

17.41.050 VISUAL IMPACT ANALYSIS

Visual impact analysis shall be required for any property in any viewshed area as designated on Exhibit 17.41.050, Viewshed Preservation Areas Map.



17.41.060 HEIGHT LIMITATIONS IN VIEWSHED PROTECTION AREAS

1. In designated viewshed protection areas, maximum building heights shall be regulated to prevent the obstruction of protected views.
2. The specific height limits for development projects within viewshed protection areas shall be determined by the City Council and outlined in the City's zoning code.
3. Any building or structure that exceeds these height limits may be required to incorporate measures that minimize visual impact, such as stepped-back facades, lower profiles, or architectural features that blend with the natural environment.

17.41.070 EXTERIOR COLOR AND MATERIAL LIMITATIONS IN VIEWSHED PROTECTION AREAS

1. In the designated viewshed protected areas, colors of residence, fences, walls, and all other exterior structures should complement or be consistent with the colors of the natural environment. Visible roof coverings and deck surfaces shall not be reflective.

2. For exterior surfaces, the materials should be natural such as stone and unfinished wood. Reflective exterior material finishes or glazing should not be utilized.

17.41.080 PUBLIC ENGAGEMENT AND NOTIFICATION

1. Property owners, residents, and other stakeholders within the viewshed protection areas shall be notified of proposed developments that may impact protected views. Public hearings and input shall be encouraged during the review process.
2. The City shall ensure that all decisions regarding viewshed protection are transparent and that stakeholders have an opportunity to voice concerns.

17.41.090 ENFORCEMENT AND PENALTIES

1. The City shall enforce the provisions of this ordinance through its Planning & Community Development Department. Unauthorized development that causes significant harm to protected views may be subject to fines, penalties, or removal of the offending structures or obstructions.
2. The City may also issue notices of violation to property owners who fail to comply with view protection requirements.
3. The City shall provide a right to action for property owners who suffer losses (e.g., reduced property value) to either demand for the removal of the obstruction or monetary damages.

17.41.100 EXCEPTIONS AND SPECIAL CIRCUMSTANCES

1. Pursuant to a determination by the Director of Planning and Community Development, exceptions to the provisions of this ordinance may be granted under specific circumstances, including but not limited to:
 - Projects that provide substantial public benefits that outweigh the visual impact.
 - Emergency situations or critical infrastructure needs that require modifications to the existing development rules.
 - Projects that satisfy the findings required for Variances pursuant to MMC Section 17.72.060 as determined by the Director of Planning and Community Development.

17.41.110 CEQA.

Pursuant to the provisions of the California Environmental Quality Act ("CEQA") Section 15061(b)(3), the project is considered covered by the common sense exemption. The common sense CEQA 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 Viewshed Prevention Overlay does not have the potential to degrade the

quality of the environment or have a significant effect on the environment. Furthermore, the Viewshed Prevention Overlay is not considered a “project” under CEQA Guidelines Section 15378 in that there is no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

17.41.120 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 decision.

17.41.130 EFFECTIVE DATE

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

17.41.140 PUBLICATION

The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published or posted according to law.

SUMMARY:

The proposed Viewshed Preservation Overlay Ordinance conforms with the Montebello General Plan as it will preserve and protect the visual landscape of the City’s natural features as well as culturally important landmarks. The proposed Ordinance establishes definitions, identifies protected views and designated viewshed protection areas, and sets forth regulations and design standards intended to minimize obstruction of scenic views. Therefore, it is recommended that the Planning Commission adopt Resolution No. 08-25 recommending adoption of an ordinance of the City Council approving Zone Code Amendment (PC-2025-0006-ZCA) amending Chapter 17 of the Montebello Municipal Code adding Chapter 17.41 - *Viewshed Preservation Overlay* related to the protection and preservation of significant public and private views as provided in Attachment B, hereto and incorporated by reference.

PUBLIC NOTIFICATION

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

- On June 5, 2025, the Public Hearing Notice was published in the Daily Journal (Whittier Daily News) for the Planning Commission.

ATTACHMENT(S)

1. Resolution No. 08-25 for ZCA No. PC-2025-0006-ZCA
2. Draft Viewshed Ordinance
3. ENV-09-25-CE CEQA Notice of Common Sense Exemption (State CEQA Guidelines Section § 15061(b)(3))

**CITY OF MONTEBELLO
PLANNING COMMISSION
RESOLUTION NO. 08-25**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO,
CALIFORNIA RECOMMENDING TO THE CITY COUNCIL TO ADOPT AN ORDINANCE
AMENDING CHAPTER 17 OF THE MONTEBELLO MUNICIPAL CODE TO ESTABLISH
CHAPTER 17.41 “VIEWSHED PROTECTION OVERLAY”**

WHEREAS, pursuant to Government Code section 65853, a zoning ordinance or an amendment to a zoning ordinance which imposes any regulations for the use of buildings, structures, and land as between industry, business, residences, and open space shall be adopted in the manner set forth in Sections 65854 to 65857 of the Government Code; and

WHEREAS, section 65854 of the Government Code requires that the planning commission hold a public hearing on the proposed zoning ordinance or amendment to a zoning ordinance; and

WHEREAS, after such hearing, the planning commission shall render its decision in the form of a written recommendation to the legislative body including reasons for the recommendation, the relationship of the proposed ordinance or amendment to applicable general and specific plans, pursuant to Government Code section 65855; and

WHEREAS, pursuant to Montebello Municipal Code (MMC) Chapter 17.76, the Planning Commission must 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, Staff is proposing Zone Code Amendment (PC-2025-0006-ZCA) amending Chapter 17 of the MMC adding Chapter 17.41 - Viewshed Preservation Overlay a Viewshed Preservation Overlay to establish regulations that will preserve the visual landscape including distant views, skyline views of distance cityscape like downtown Los Angeles, city light canopies, mountain vistas, ridgelines, and other natural features, contributing to the quality of life, economic vitality, and well-being of the citizens of Montebello; 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, Planning Commission of the City of Montebello hereby finds, declares and resolves as follows:

SECTION 1. The above Recitals are true and correct and are hereby incorporated as substantive findings in this Resolution.

SECTION 2. Pursuant to Montebello Municipal Code (MMC) Section 17.76.020, the Planning Commission does hereby initiate the proposed zone code amendment amending Chapter 17 of the MMC to establish Chapter 17.41 as set forth in the draft Ordinance attached to this Resolution's Staff Report with any amendments or modifications made thereto by the Planning Commission (the "Ordinance").

SECTION 3. The Planning Commission hereby finds that amending Chapter 17 of the MMC to add Chapter 17.41 - Viewshed Protection Overlay is consistent with the objectives and policies of the General Plan seeks to propose and implement practices which are responsible to the needs of the community. There will be no change in zones or zoning boundaries, all permitted uses in the Viewshed Protection Overlay areas are suitable and consistent with the areas within the City. Additionally, the proposed amendments are not likely to cause any serious public health or welfare problems and will not conflict with any other uses within the City.

SECTION 4. The proposed Zone Code Amendment to Chapter 17 of the MMC has been reviewed with respect to applicability and the Planning Commission hereby recommends that the City Council of the City of Montebello find and determine that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to the "Common Sense" exemption set forth under Section 15061(b)(3), which provides 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.

SECTION 5. Based on the Recitals, staff's report and presentation, and all oral and written testimony, the Planning Commission of the City of Montebello hereby recommends that the City Council of the City of Montebello adopt an Ordinance approving Zone Code Amendment (PC-2025-0006-ZCA) amending Chapter 17 of the Montebello Municipal Code adding Chapter 17.41 - *Viewshed Preservation Overlay* related to the protection and preservation of significant public and private views as provided in Exhibit A, attached hereto and incorporated by reference.

SECTION 6. The Planning Commission Secretary shall certify the adoption of this Resolution, and it shall go into effect immediately upon its adoption.

PASSED AND ADOPTED this 17th day of June 2025 by the Planning Commission.

Armando Medina, Chair
Montebello Planning Commission

ATTEST:

I, _____, Secretary of the City of Montebello Planning Commission, **DO HEREBY CERTIFY** that the foregoing Resolution, being Resolution No. 08-25 has been duly signed by the Chair, and attested by the Secretary, all at a meeting of the Montebello Planning Commission, held June 17, 2025, and that same was approved and adopted by the following vote to wit:

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

Joseph A. Palombi, Secretary
Montebello Planning Commission

EXHIBIT A

ZONE CODE AMENDMENT

Chapter 17.41 Viewshed Prevention Overlay

17.41.010 PURPOSE AND INTENT

The purpose of this ordinance is to establish regulations that protect and preserve significant views from public and private vantage points in the City of Montebello (the “City”). This ordinance aims to maintain the visual character of the community, enhance the aesthetics of the urban and natural environment, and preserve the public’s access to important views, particularly those of mountainous areas, ridgelines, skyline views of cityscapes or city lights, and other key natural features.

17.41.020 DEFINITIONS

For the purposes of this ordinance, the following definitions apply:

1. **Viewshed:** The area visible from a specific location, such as a public street, park, or residential property, including natural features like ridgelines, hills, mountains, and valleys, as well as urban landmarks.
2. **Protected View:** A view from a hillside area deemed significant due to its scenic, cultural, historical, or environmental importance, as determined by the City’s planning and community development department or designated review body.
3. **Building Height:** The vertical distance measured from the finished grade to the highest point of the structure, including roof structures, chimneys, and antennae.
4. **City Lights:** The skyline canopy of city lights seen from a distance.
5. **Obstruction:** Any physical structure, including fences and walls, vegetation, or other elements that may obstruct or diminish a protected view.
6. **Viewshed Protection Area:** Geographic zones or areas defined by the City, where significant views are identified and subject to protection under this ordinance.
7. **Visual or Landscape Character:** An impartial description of what the landscape consists of, defined by the relationships between existing, visible natural and built landscape features.
8. **Visual Resource:** Components of the visible natural, cultural, or project environments. A visual resource is any visible site, object, or feature of the landscape.
9. **Visual Quality:** Visual quality is a result of the interactive experience viewers and their environment.

17.41.030 DESIGNATION OF PROTECTED VIEWS AND VIEWSHED PROTECTION AREAS

1. The City Council shall, from time to time, adopt and amend a map designating protected views and viewshed protection areas within the City. The map shall be maintained by the Planning & Community Development Department and available for public inspection.
2. Protected views shall include, but are not limited to:
 - Views of significant ridgelines, skyline views of cityscapes or city lights, mountains, valleys, and other natural features.
 - Views of landmarks and culturally important sites.
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17.41.040 REVIEW PROCEDURE FOR DEVELOPMENT AND/OR IMPROVEMENTS AFFECTING PROTECTED VIEWS

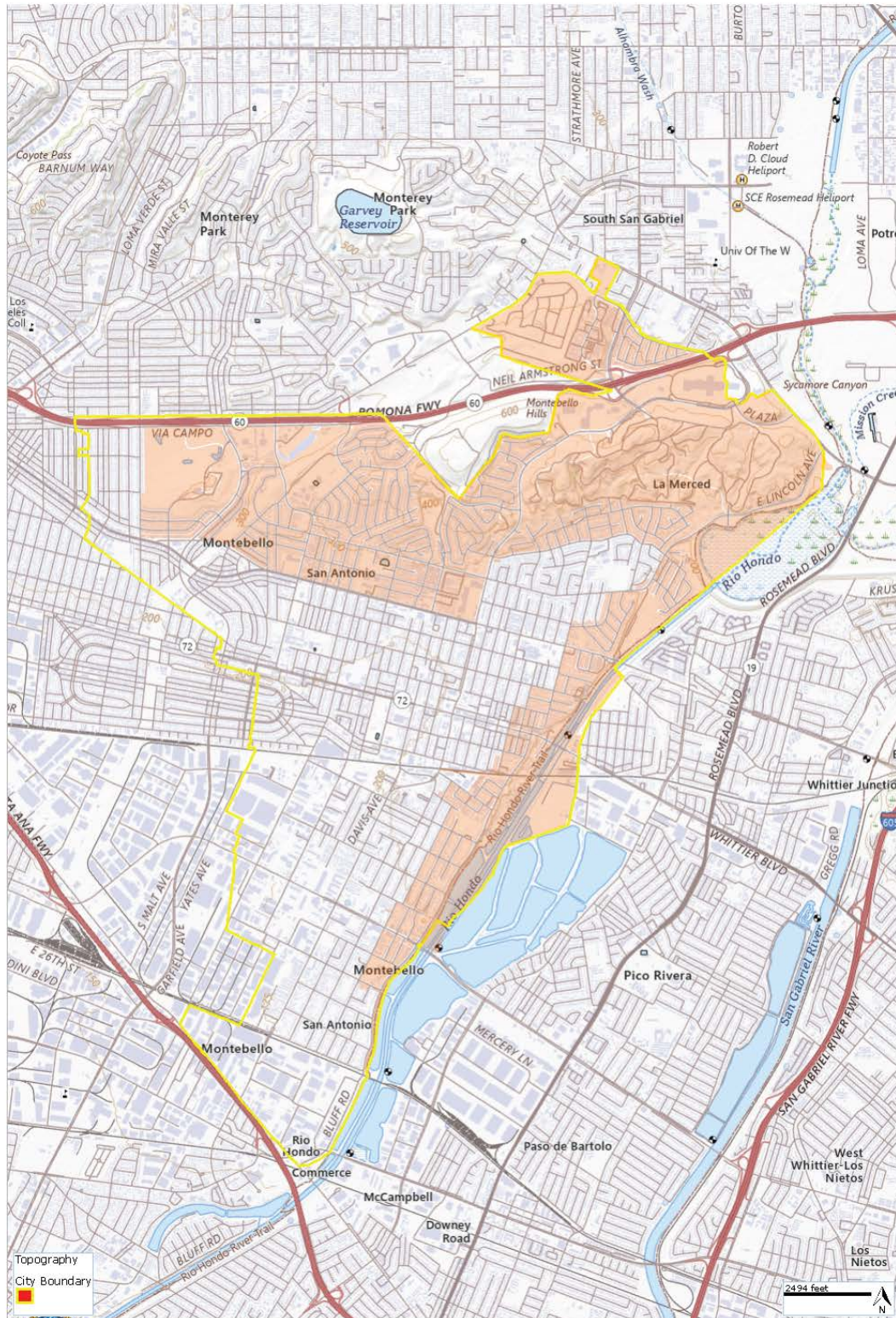
1. **Development Review:** Any proposed development, including, but not limited to, new

construction, additions, or alterations to existing structures, installation of fencing and/or walls, within or near designated viewshed protection areas, shall undergo a review process as part of the development application process to determine potential impacts to protected views.

2. **Application Requirements:** Developers shall submit a visual impact analysis as part of the development application, which demonstrates how the project will maintain or enhance the integrity of protected views.
3. **Mitigation Measures:** If a proposed development is found to significantly obstruct or diminish a protected view, the applicant may be required to:
 - Adjust the height, size, color, bulk, or placement of the structure to minimize impact.
 - Incorporate landscaping, screening, or other elements to reduce visual intrusion.
 - Explore alternative site designs or building configurations that better preserve the protected view.
4. **Variance:** If the proposed development cannot be reasonably modified to avoid impact to a protected view, the applicant may request a variance, subject to approval by the Planning Commission, based on findings of exceptional circumstances.

17.41.050 VISUAL IMPACT ANALYSIS

Visual impact analysis shall be required for any property in any viewshed area as designated on Exhibit 17.41.050, Viewshed Preservation Areas Map.



VIEWSHED PRESERVATION AREAS MAP

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17.41.060 HEIGHT LIMITATIONS IN VIEWSHED PROTECTION AREAS

1. In designated viewshed protection areas, maximum building heights shall be regulated to prevent the obstruction of protected views.
2. The specific height limits for development projects within viewshed protection areas shall be determined by the City Council and outlined in the City's zoning code.
3. Any building or structure that exceeds these height limits may be required to incorporate measures that minimize visual impact, such as stepped-back facades, lower profiles, or architectural features that blend with the natural environment.

17.41.070 EXTERIOR COLOR AND MATERIAL LIMITATIONS IN VIEWSHED PROTECTION AREAS

1. In the designated viewshed protected areas, colors of residence, fences, walls, and all other exterior structures should complement or be consistent with the colors of the natural environment. Visible roof coverings and deck surfaces shall not be reflective.
2. For exterior surfaces, the materials should be natural such as stone and unfinished wood. Reflective exterior material finishes or glazing should not be utilized.

17.41.080 PUBLIC ENGAGEMENT AND NOTIFICATION

1. Property owners, residents, and other stakeholders within the viewshed protection areas shall be notified of proposed developments that may impact protected views. Public hearings and input shall be encouraged during the review process.
2. The City shall ensure that all decisions regarding viewshed protection are transparent and that stakeholders have an opportunity to voice concerns.

17.41.090 ENFORCEMENT AND PENALTIES

1. The City shall enforce the provisions of this ordinance through its Planning & Community Development Department. Unauthorized development that causes significant harm to protected views may be subject to fines, penalties, or removal of the offending structures or obstructions.
2. The City may also issue notices of violation to property owners who fail to comply with view protection requirements.
3. The City shall provide a right to action for property owners who suffer losses (e.g., reduced property value) to either demand for the removal of the obstruction or monetary damages.

17.41.100 EXCEPTIONS AND SPECIAL CIRCUMSTANCES

1. Pursuant to a determination by the Director of Planning and Community Development, exceptions to the provisions of this ordinance may be granted under specific circumstances, including but not limited to:
 - Projects that provide substantial public benefits that outweigh the visual impact.
 - Emergency situations or critical infrastructure needs that require modifications to the existing development rules.
 - Projects that satisfy the findings required for Variances pursuant to MMC Section 17.72.060 as determined by the Director of Planning and Community Development.

17.41.110 CEQA.

Pursuant to the provisions of the California Environmental Quality Act ("CEQA") Section 15061(b)(3), the project is considered covered by the commonsense exemption. The common sense CEQA 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 Viewshed Prevention does not have the potential to degrade the quality of the environment or have a significant effect on the environment. Furthermore, the Viewshed Prevention Overlay is not considered a “project” under CEQA Guidelines Section 15378 in that there is no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

17.41.120 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 decision.

17.41.130 EFFECTIVE DATE

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

17.41.140 PUBLICATION

The City Clerk shall certify the adoption of this Ordinance and shall cause the same to be published or posted according to law.

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTEBELLO, CALIFORNIA, AMENDING TITLE 17 OF THE MONTEBELLO MUNICIPAL CODE TO ESTABLISH CHAPTER 17.41 – VIEWSHED PRESERVATION

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

WHEREAS, the City Council of the City of Montebello recognizes the importance of preserving the natural and scenic views that contribute to the character and identity of the community; and

WHEREAS, the City of Montebello’s General Plan, the City’s guiding policy document created to carry out the community’s goals and vision on the physical structure of the City, states that a key goal of the community is to “maintain views of city lights for its hillside neighborhoods”; and

WHEREAS, the preservation of the visual landscape, including distant views, skyline views of distant cityscapes like downtown Los Angeles, city lights canopies, mountain vistas, ridgelines, and other natural features, contributes to the quality of life, economic vitality, and well-being of the citizens of Montebello; and

WHEREAS, the City Council is committed to ensuring that future development does not detract from the visual quality of the City and the surrounding landscape by establishing regulations for viewshed protection; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTEBELLO HEREBY ORDAINS AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are true and correct and hereby incorporated into this Ordinance.

SECTION 2. AMENDMENT. Chapter 17.41 of the Montebello Municipal Code is hereby established to read as follows:

Sections:

17.41.010 PURPOSE AND INTENT

The purpose of this ordinance is to establish regulations that protect and preserve significant views from public and private vantage points in the City of Montebello (the "City"). This ordinance aims to maintain the visual character of the community, enhance the aesthetics of the urban and natural environment, and preserve the public's access to important views, particularly those of mountainous areas, ridgelines, skyline views of cityscapes or city lights, and other key natural features.

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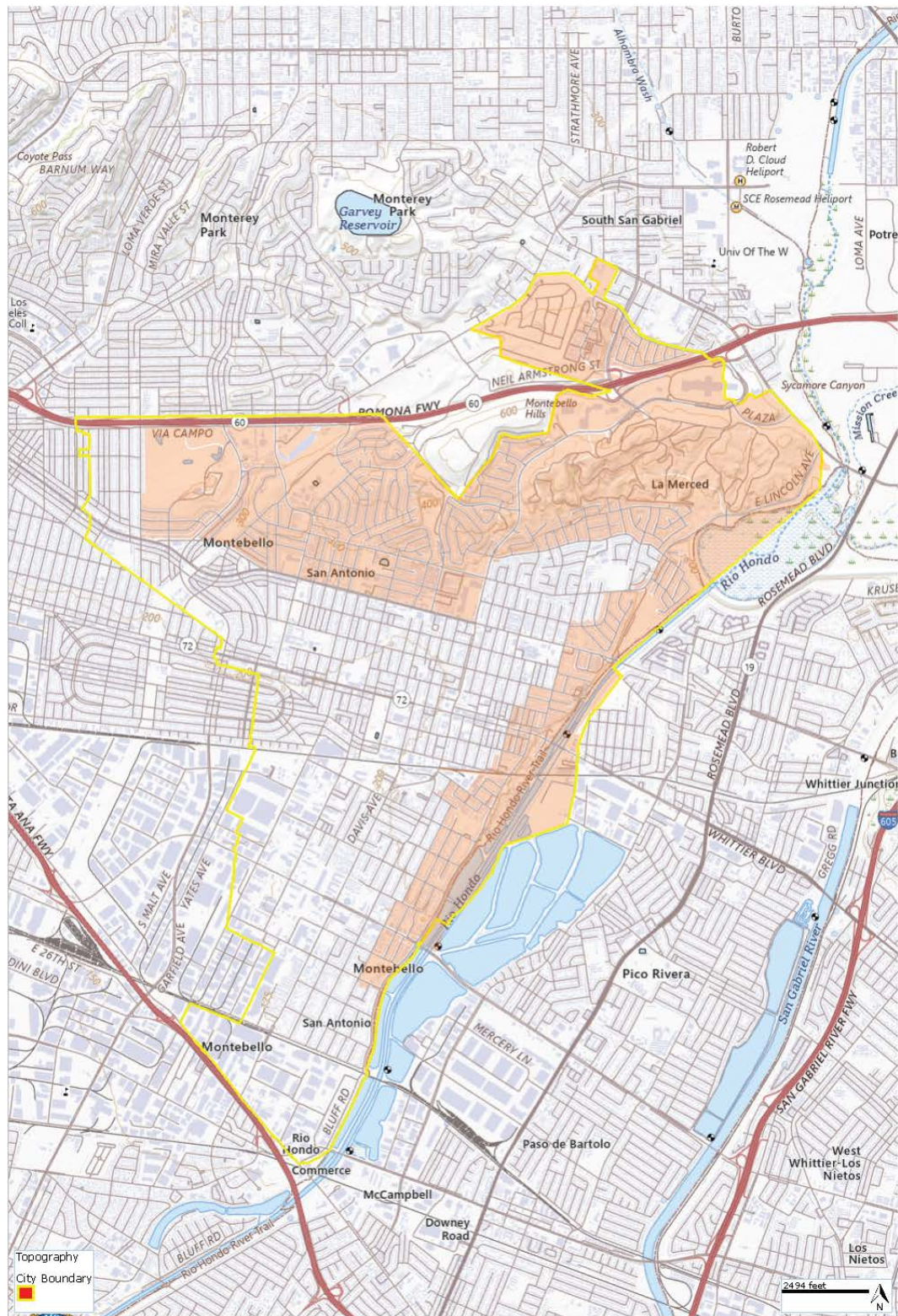
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VIEWSHED PRESERVATION AREAS MAP

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17.41.110 CEQA.

Pursuant to the provisions of the California Environmental Quality Act ("CEQA") Section 15061(b)(3), the project is considered covered by the commonsense exemption. The common sense CEQA 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 Viewshed Prevention Overlay does not have the potential to degrade the quality of the environment or have a significant effect on the environment. Furthermore, the Viewshed Prevention Overlay is not considered a "project" under CEQA Guidelines Section 15378 in that there is no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

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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 decision.

17.41.130 EFFECTIVE DATE

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

17.41.140 PUBLICATION

The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED, AND ADOPTED XXTH DAY OF [MONTH] 2025.

Salvador Melendez, Mayor

ATTEST:

Christopher Jimenez, City Clerk

APPROVED AS TO FORM:

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 XXth day of [Month], 2025, and was adopted by the City Council of the City of Montebello at its meeting held on the XXth day of [Month], 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Christopher Jimenez, City Clerk

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: Establishment Viewshed Protection Overlay

Project Location: Citywide

Case Number(s): PC-2025-0006-ZCA & ENV No. 09-25-CE

Description of Nature, Purpose, and Beneficiaries of Project: A Zone Code Amendment (“ZCA”) to modify the Montebello Municipal Code (“MMC”) to establish Chapter 17.41 Viewshed Protection Overlay, and adoption of a CEQA Exemption under § 15061(b)(3)

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

Name of Person or Agency Carrying Out the Project: City of Montebello

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: 15061(b)(3)

Justification for Project Exemption:

Pursuant to the California Environmental Quality Act (CEQA), this project is exempt from CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Because it can be seen with certainty that there is no possibility that this project will have a significant effect on the environment, the project is not subject to CEQA pursuant to State CEQA Guidelines Section 15061(b)(3).

Lead Agency Contact Person: Emilie Fernandez, Assistant Planner

Area Code/Telephone/Extension: (323) 887-1480

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