



**PLANNING COMMISSION
MEETING AGENDA**

TUESDAY, SEPTEMBER 15, 2026 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
VACANT, 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, **Tuesday, September 15, 2026, by 5:30 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 PLANNING COMMISSION MINUTES – SEPTEMBER 1, 2026.

PUBLIC HEARING

2. AMENDMENTS TO TITLE 17 (ZONING) OF THE CITY OF MONTEBELLO MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNIT (ADU) AND JUNIOR ACCESSORY DWELLING UNIT (JADU) DEVELOPMENT STANDARDS, IMPLEMENTATION OF THE STATE'S UPDATED MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELO), ESTABLISHMENT OF A CITYWIDE PROHIBITION ON ARTIFICIAL INTELLIGENCE (AI) DATA CENTERS, AND REVISIONS TO ZONING DEFINITIONS

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

1. Adopt Resolution No. 17-26 recommending that the City Council introduce and adopt Ordinance No. 2493, approving Text Code Amendment No. PC-2026-0017-TCA, amending Chapter 17.10 titled *Residential Zones Generally* of the Montebello Municipal Code ("MMC") to update the development standards for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in all single-family and multi-family residential zones, consistent with State law; and
2. Adopt Resolution No. 17-26 recommending that the City Council introduce and adopt Ordinance No. 2494, approving Text Code Amendment No. PC-2026-0019-TCA, amending Chapter 17.65 titled *Water Conservation in Landscaping Regulations*, to incorporate and implement the updated provisions and standards of the State's Model Water Efficient Landscape Ordinance ("MWELO"), consistent with State regulations; and
3. Adopt Resolution No. 17-26 recommending that the City Council introduce and adopt Ordinance No. 2497, approving Text Code Amendment No. PC-2026-0027-TCA,

amending Appendix A – *Index of Primary Uses* within Title 17 - *Zoning* of the MMC to establish a classification for Artificial Intelligence (“AI”) Data Centers, prohibit AI Data Centers within all zoning districts, and correct minor typographical errors in the footnotes to Appendix A; and

4. Adopt Resolution No. 17-26 recommending that the City Council introduce and adopt Ordinance No. 2492, approving Text Code Amendment No. PC-2026-0028-TCA, amending Chapter 17.08 titled *Definitions* of the MMC to establish new or amend the existing definitions for Accessory Dwelling Unit, Junior Accessory Dwelling Unit, and Artificial Intelligence (AI) Data Centers; and
5. DETERMINE AND FIND that the proposed Text Code Amendments to Title 17 of the MMC 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. The Text Code Amendments would also be exempt under the commonsense exemption pursuant to CEQA Guidelines Section 15061(b)(3). The CEQA commonsense 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.”

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 **October 6, 2026, 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, September 10, 2026, at 5:30 p.m.**



Senior Administrative Assistant



CITY OF MONTEBELLO

PLANNING COMMISSION MEETING AGENDA

MINUTES

TUESDAY, SEPTEMBER 1, 2026 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 6:38 p.m.

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

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 JULY 21, 2026.

Commissioner Morales motioned to approve the meeting minutes, and was seconded by Vice-Chair Lomeli. Planning Manager, Viviana Esparza, took roll, and the item was approved 3-0.

PUBLIC HEARING

2. CONDITIONAL USE PERMIT (“CUP”) AND ZONE VARIANCE (“ZV”) (CASE NOS. PC-2026-0023-CUP; PC-2026-0024-CUP; AND PC-2026-0025-ZV) TO ESTABLISH AND OPERATE A NEW ENTERTAINMENT AND DINING

ESTABLISHMENT FOR ROUND ONE ENTERTAINMENT IN CONJUNCTION WITH A TYPE 47 ALCOHOLIC BEVERAGE CONTROL LICENSE (“ABC”) WITHIN AN EXISTING COMMERCIAL TENANT SPACE AT THE SHOPS OF MONTEBELLO, LOCATED AT 1800 MONTEBELLO TOWN CENTER, SPACE A2, MONTEBELLO, CALIFORNIA 90640 (THE “PROJECT SITE”).

Director Palombi introduced the item, followed by a presentation from Assistant Planner, Ms. Grace Hayashi, regarding the adoption of Resolution No. 15-26, which conditionally approves CUP and ZV Case Nos. PC-2026-0023-CUP; PC-2026-0024-CUP; and PC-2026-0025-ZV to establish and operate a new entertainment and dining establishment for Round One Entertainment in conjunction with a Type 47 ABC license within an existing commercial tenant space at The Shops of Montebello. Upon completion of the staff's presentation, Chair Medina inquired about the project as it pertains to the 2nd floor area as well as about the zone variance from the existing amusement arcade located in the mall. Chair Medina then invited the applicant to speak about the project. Round One's licensing manager, Ms. Kieu, approached the podium to further discuss Round One's history and the project being brought before the commission. Chair Medina inquired if Ms. Kieu had any negative experiences at any other Round One locations. The Public Hearing was opened at 6:53 p.m. There were no members of the public who approached the commission, nor were there any public speaker cards. The Public Hearing was closed at 6:55 p.m. Chair Medina brought the discussion back to the commission. Commissioner Morales noted that she is excited to see Round One come to The Shops of Montebello because it will bring more of the community to the mall, it will foster more activity in the City, it will benefit existing businesses within the mall, and it will liven up the mall, allowing it to thrive again. Chair Medina seconded the commissioner's sentiment, adding that it will create more jobs and incentive for people to visit Montebello. Vice-Chair Lomeli also expressed excitement and gratitude for Round One coming to the mall and bringing business. Vice-Chair Lomeli motioned to adopt Resolution No. 15-26, which conditionally approves CUP and ZV Case Nos. PC-2026-0023-CUP; PC-2026-0024-CUP; and PC-2026-0025-ZV to establish and operate a new entertainment and dining establishment for Round One Entertainment in conjunction with a Type 47 ABC license within an existing commercial tenant space at The Shops of Montebello, with staff recommendations one and two. Commissioner Morales seconded the motion. Ms. Esparza conducted a roll call vote, and the item was approved unanimously 3-0.

MOTIONED: Vice-Chair Lomeli

SECONDED: Commissioner Morales

APPROVED: 3-0-0-1

AYES: Chair Medina, Vice-Chair Lomeli, and Commissioner Morales.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Cuevas.

PLANNING COMMISSION ORALS – None.

ADJOURNMENT

The meeting was adjourned at 6:56 p.m. to the next regularly scheduled meeting that will be held on September 15, 2026.

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: Viviana Esparza, Planning Manager
Grace Hayashi, Planner

SUBJECT: **AMENDMENTS TO TITLE 17 (ZONING) OF THE CITY OF MONTEBELLO MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNIT (ADU) AND JUNIOR ACCESSORY DWELLING UNIT (JADU) DEVELOPMENT STANDARDS, IMPLEMENTATION OF THE STATE'S UPDATED MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELO), ESTABLISHMENT OF A CITYWIDE PROHIBITION ON ARTIFICIAL INTELLIGENCE (AI) DATA CENTERS, AND REVISIONS TO ZONING DEFINITIONS**

DATE: September 15, 2026

RECOMMENDATION(S):

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

1. Adopt Resolution No. 17-26 recommending that the City Council introduce and adopt Ordinance No. 2493, approving Text Code Amendment No. PC-2026-0017-TCA, amending Chapter 17.10 titled *Residential Zones Generally* of the Montebello Municipal Code ("MMC") to update the development standards for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in all single-family and multi-family residential zones, consistent with State law; and
2. Adopt Resolution No. 17-26 recommending that the City Council introduce and adopt Ordinance No. 2494, approving Text Code Amendment No. PC-2026-0019-TCA, amending Chapter 17.65 titled *Water Conservation in Landscaping Regulations*, to incorporate and implement the updated provisions and standards

of the State's Model Water Efficient Landscape Ordinance ("MWELO"), consistent with State regulations; and

3. Adopt Resolution No. 17-26 recommending that the City Council introduce and adopt Ordinance No. 2497, approving Text Code Amendment No. PC-2026-0027-TCA, amending Appendix A – *Index of Primary Uses* within Title 17 - *Zoning* of the MMC to establish a classification for Artificial Intelligence ("AI") Data Centers, prohibit AI Data Centers within all zoning districts, and correct minor typographical errors in the footnotes to Appendix A; and
4. Adopt Resolution No. 17-26 recommending that the City Council introduce and adopt Ordinance No. 2492, approving Text Code Amendment No. PC-2026-0028-TCA, amending Chapter 17.08 titled *Definitions* of the MMC to establish new or amend the existing definitions for Accessory Dwelling Unit, Junior Accessory Dwelling Unit, and Artificial Intelligence (AI) Data Centers; and
5. DETERMINE AND FIND that the proposed Text Code Amendments to Title 17 of the MMC 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. The Text Code Amendments would also be exempt under the commonsense exemption pursuant to CEQA Guidelines Section 15061(b)(3). The CEQA commonsense 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."

BACKGROUND:

The Planning Division periodically reviews the City's Zoning Code to ensure consistency with State law, implement best planning practices, and address emerging land use issues. Previous changes in State legislation affecting accessory dwelling units and landscape water conservation require local agencies to update their municipal codes. Additionally, advances in artificial intelligence technologies have resulted in increasing demand for large-scale computing facilities commonly referred to as AI Data Centers. These facilities typically require substantial electrical infrastructure, extensive cooling systems, and significant utility resources.

The proposed text code amendments update several sections of Title 17 – *Zoning* of the Montebello Municipal Code. In order to maintain consistency with current State law, modernize local development regulations, improve water conservation standards, and establish a local policy prohibiting AI Data Centers, City staff is proposing amendments to the MMC as outlined below.

1. **Chapter 17.10 - Residential Zones Generally:** Amend Section 17.10.280 titled *Design and development standards for accessory dwelling units*, updating the standards for the development of ADUs and JADUs in residential zoning districts. The purpose of the amendment is to align the City's ADU and JADU development

standards with current State law, clarify application and review procedures, provide clear design and development standards, and facilitate additional housing opportunities within existing residential neighborhoods.

2. **Chapter 17.65 – Water Conservation in Landscaping Regulations:** Amend Chapter 17.65 titled *Water Conservation in Landscaping Regulations* to incorporate and implement the updated provisions and standards of the State of California Model Water Efficiency Landscape Ordinance (“MWELO”) consistent with the California Department of Water Resources. This amendment would update the City’s existing landscaping regulations to reflect current State water efficiency standards, promote the efficient use and conservation of water resources, establish updated landscape design and irrigation requirements, and ensure consistency with applicable State law and regulations.
3. **Title 17 – Zoning (Appendix A – Index of Primary Uses):** Amend the MMC’s Appendix A - Index of Primary Uses to establish a classification for Artificial Intelligence Data Centers, prohibit Artificial Intelligence Data Center facilities within all zoning districts, and correct minor typographical errors in the footnotes to Appendix A. The purpose of this amendment is to establish clear and consistent land use regulations and protect the City’s land use compatibility, infrastructure capacity, environmental quality, and overall community character.
4. **Chapter 17.08 - Definitions:** Amend Section 17.08.022 titled *Accessory Dwelling Unit* to update the definition for Accessory Dwelling Unit and establish a new definition for Junior Accessory Dwelling Unit, as well as add Section 17.08.081 to establish a definition for Artificial Intelligence (AI) Data Centers. This amendment would update the Municipal Code’s definitions to align with current State law and establish a clear definition of Artificial Intelligence (AI) Data Centers for purposes of the City’s land use and zoning regulations.

ENVIRONMENTAL:

Pursuant to the provisions of the California Environmental Quality Act (“CEQA”), the proposed Text Amendments to Title 17 of the MMC do not have the potential to degrade the quality of the environment or have a significant effect on the environment. Actions proposed in the Text Amendments 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. The Text Amendments would also be exempt under the commonsense exemption pursuant to CEQA Guidelines Section 15061(b)(3). The CEQA commonsense 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.”

ANALYSIS:

Collectively, the proposed zoning text amendments are intended to update Title 17 (Zoning) of the MMC to modernize the City’s development regulations while supporting

implementation of the City's General Plan and maintaining compliance with State law. These amendments are described in greater detail below.

ADU AND JADU DEVELOPMENT STANDARDS (Attachment B)

In response to California's ongoing housing shortage, the California State Legislative has enacted several laws since 2016 to reduce barriers to the construction of ADUs. These legislative changes amended Government Code Section 65852.2 and related statutes governing ADUs and JADUs, with the intent of increasing the housing supply, promoting infill development, and providing homeowners with additional housing opportunities.

Accessory Dwelling Units are independent residential dwelling units located on the same lot as an existing or proposed primary residence. ADUs may be attached to the primary dwelling, constructed as a detached structure, or created through the conversion of existing habitable or non-habitable space within a primary residence or accessory structure. A Junior Accessory Dwelling Unit is a smaller, self-contained residential unit created entirely within the existing or proposed footprint of a single-family residence and is subject to the requirements established under State law.

The City of Montebello previously adopted local regulations to comply with earlier State legislation governing ADUs and JADUs. Since that time, the Legislature has continued to amend the Government Code to further streamline the approval process, establish uniform development standards, and limit the ability of local agencies to impose standards that could unreasonably constrain the development of ADUs.

To maintain consistency with current State law, staff is proposing amendments to Section 17.10.280 titled *Design and Development Standards for Accessory Dwelling Units* of the Montebello Municipal Code. The proposed amendments update the City's development standards and approval procedures to reflect the latest statutory requirements while providing clear and objective standards for property owners, applicants, and staff.

Consistent with the goals and policies of the Montebello General Plan and applicable State law, the proposed amendments establish a flexible regulatory framework that supports the development of ADUs and JADUs, expands housing opportunities within existing residential neighborhoods, and ensures that new units are compatible with surrounding development through clear and objective design and development standards.

The proposed amendments to Section 17.10.280 are set forth in Attachment B, attached hereto and incorporated by reference, with new text shown in underline (example) and deleting the text shown in strikeout (~~example~~).

MODEL WATER EFFICIENT LANDSCAPE STANDARDS (Attachment C)

Chapter 1145 of the 1990 Statutes of California enacted the Water Conservations in Landscaping Act, which required the Department of Water Resources to develop the State's first Model Water Efficient Landscape Ordinance ("MWELo") to promote efficient water use and improve drought resilience in California. MWELo provides a standard for

the design, installation, management, and maintenance of landscapes to use water efficiently without water waste. The MWELo was adopted and went into effect January 1, 1993, and required all local agencies to adopt the MWELo or a water efficient landscape ordinance as efficient as the MWELo.

On April 1, 2015, the Governor issued Executive Order B-29-15 directing the Department of Water Resources to update the State's Model Water Efficient Landscape Ordinance to increase water efficiency standards for new and rehabilitated landscapes.

The California Department of Water Resources (DWR) subsequently revised MWELo, establishing more stringent requirements for landscape design, irrigation efficiency, and water budgets. Pursuant to Government Code Section 65595, local agencies are required to adopt the updated MWELo or make findings that their local ordinance is at least as effective as the State model.

The City of Montebello currently regulates water conservation through Chapter 17.65 (*Water Conservation in Landscaping Regulations*) of the Municipal Code. While existing regulations promote water-efficient landscaping practices, amendments are necessary to ensure full consistency with current State MWELo standards and Executive Order B-29-15.

The proposed zoning text code amendment would amend Chapter 17.65 (*Water Conservation in Landscaping Regulations*) of the MMC to adopt, in its entirety, the California Model Water Efficient Landscape Ordinance, as set forth by the California Department of Water Resources, as amended from time to time. Adopting MWELo by reference provides a comprehensive and uniform regulatory framework that aligns local development standards with State law while reducing the need for duplicative or inconsistent municipal regulations.

MWELo establishes statewide requirements for water-efficient landscaping in new development and rehabilitated landscape areas. Adoption of MWELo supports the City's efforts to reduce potable water use, improve environmental sustainability, and comply with State law related to water conservation and climate adaptation. The ordinance facilitates efficient project review by providing standardized submittal and compliance procedures while promoting high-quality landscape design that is responsive to local climate conditions.

In accordance with the California Code of Regulations, the provisions of MWELo shall apply to all of the following:

1. New construction projects with a landscape area equal to or greater than five hundred (500) square feet requiring a building or landscape permit, plan check, or design review;
2. Rehabilitated landscape projects with a landscape area equal to or greater than two thousand five hundred (2,500) square feet requiring a building or landscape permit, plan check, or design review;
3. Existing non-rehabilitated landscapes to the extent regulated by applicable provisions of MWELo; or

4. New, existing, and rehabilitated cemeteries to the extent regulated by applicable provisions of MWELO.

(a) Any project with a landscape area as defined in Section 490.2(a)(41) of 2,500 square feet or less may comply with either the performance requirements of this model ordinance, described in Section 493, or conform to the prescriptive measures contained in Section 492.

(b) This model ordinance does not apply to:

1. registered local, state, or federal historical sites;
2. ecological restoration projects that do not require a permanent irrigation system;
3. mined-land reclamation projects that do not require a permanent irrigation system; or
4. existing plant collections, as part of botanical gardens and arboreetums open to the public.

The proposed amendments to Chapter 17.65 are set forth in Attachment C, attached hereto and incorporated by reference, and would establish the State ordinance as the governing standard for landscape and irrigation requirements within the City of Montebello. New text is shown in underline (example) and deleted text shown in ~~strikeout (example)~~.

ARTIFICIAL INTELLIGENCE DATA CENTERS (Attachment D)

Recent advances in Artificial Intelligence (AI), cloud computing, and digital infrastructure have increased demand for data centers to support AI model training, cloud computing, and real-time data processing. Pursuant to California Senate Bill 57, a data center is defined as a large-scale, high-energy-consuming facility that requires uninterrupted power to house servers, network equipment, and software for the storage, processing, and distribution of data. These facilities are increasingly viewed as major energy infrastructure, often requiring high-density, secure environments. These facilities are associated with intensive electrical consumption, significant cooling and water demands, continuous operational noise, and potential land use incompatibilities when located near sensitive receptors such as residential neighborhoods, schools, and hospitals.

Across California and the nation, local governments are increasingly confronted with proposals for AI data centers that were not contemplated under existing zoning frameworks. According to Data Center Map, an online directory and research tool designed to map, locate, and provide information on data centers worldwide, there are approximately 72 data center facilities located within the Los Angeles region.

Many existing data centers can support AI-related workloads, and the rapid growth of AI technologies has resulted in increased interest in building facilities in the region. The mapped facilities are not limited to artificial intelligence only, but many can support AI-related workloads.

In many jurisdictions, these facilities have resulted in:

- Strain on local electrical grids and water supplies;
- Increased greenhouse gas emissions and heat generation;
- Noise and air quality impacts from backup generators and cooling systems; and
- Conflicts with surrounding land uses.

Title 17 of the Montebello Municipal Code does not currently contain specific definitions, use classifications, or development standards that directly address AI Data Centers or other similarly intensive computing facilities. As a result, the existing zoning regulations do not specifically contemplate the unique operational characteristics and infrastructure demands associated with these facilities, nor do they provide a clear regulatory framework for determining where such uses may be appropriately located within the City.

The City Council has been considering the potential land use, infrastructure, and community impacts associated with data centers. In response to these emerging land use concerns and the need to further evaluate appropriate regulations, on February 11, 2026, the City Council adopted an interim urgency ordinance (Urgency Ordinance No. 2491) temporarily prohibiting or restricting the establishment, expansion, or intensification of AI Data Centers within the City while the City undertook a broader review of potential long-term policies and regulations. The interim ordinance was adopted as a temporary measure to preserve the status quo and provide the City with sufficient time to study the potential impacts of these uses and consider appropriate permanent zoning regulations.

AI Data Centers represent an emerging land use that may have operational and infrastructure characteristics that differ substantially from those associated with conventional commercial, industrial, or technology-related uses. Although the physical appearance of an AI Data Center may be similar to other large-scale industrial or commercial buildings, the intensity and nature of its operations can result in unique land use considerations. These facilities may operate continuously, including 24 hours per day and seven days per week, and may accommodate large quantities of high-performance computing equipment that require substantial electrical power and continuous cooling.

The infrastructure needs and operational characteristics of AI Data Centers are important considerations when evaluating land use compatibility. The City's zoning regulations are intended to ensure that development is compatible with surrounding properties, available infrastructure, and the City's long-term planning goals. However, because Title 17 does not currently have specific regulations for AI Data Centers, the existing use classifications may not adequately address the intensity and potential impacts of these facilities.

Accordingly, amendments to Title 17 are proposed to establish a clear regulatory framework for AI Data Centers. As part of these amendments, staff proposes to establish a specific definition for AI Data Centers within the Municipal Code and identify the use separately within the City's Appendix A - Index of Primary Uses. The proposed amendments also include corrections to minor typographical errors in the footnotes to Appendix A.

Additionally, given the potential for significant local impacts associated with AI Data Centers, including substantial energy and water consumption, demands on utility infrastructure, continuous operations, cooling and mechanical equipment, emergency power generation, noise, emissions, and potential land use compatibility concerns, City staff is proposing that AI Data Center facilities be prohibited within all zoning districts. This approach would provide a clear and consistent citywide land use standard and would prevent the establishment of AI Data Centers in locations where the City's existing zoning framework and infrastructure may not be adequately equipped to accommodate the unique characteristics of these facilities.

The proposed amendments to the Appendix A - Index of Primary Uses is set forth in Attachment D, attached hereto and incorporated by reference, with new text shown in underline (example) and deleting the text shown in strikeout (~~example~~).

NEW AND AMENDED DEFINITIONS (Attachment E)

In alignment with the proposed zoning text amendments, City staff is proposing to amend Section 17.08.022, titled "Accessory Dwelling Unit," to update the definitions of an Accessory Dwelling Unit (ADU) and establish a definition for Junior Accessory Dwelling Unit (JADU), as well as add Section 17.08.081 to establish a definition for Artificial Intelligence (AI) Data Centers.

Section 17.08.022 of the Montebello Municipal Code currently contains an outdated definition of an Accessory Dwelling Unit that does not fully reflect the terminology and requirements established under current California State law. As State law governing ADUs continues to evolve, local jurisdictions are required to maintain regulations that are consistent with applicable State requirements. The proposed amendment would update the existing ADU definition to reflect the current State definition, providing greater consistency between the City's Municipal Code and State law. In addition, the proposed amendment would establish a definition for a Junior Accessory Dwelling Unit. Although JADUs are a distinct type of residential unit recognized under State law, the City's Municipal Code does not currently provide a corresponding definition. Adding a JADU definition would provide greater clarity regarding the type of unit, its relationship to the primary dwelling, and how it is distinguished from a conventional ADU. These amendments would help ensure that the City's regulations are current, internally consistent, and aligned with applicable State requirements.

Furthermore, Artificial Intelligence Data Centers are not currently defined within the City's Municipal Code. The absence of a specific definition may create uncertainty regarding how facilities that support artificial intelligence computing and related data-processing operations should be classified and regulated under the City's zoning regulations. AI Data Centers may involve specialized buildings, high-density computing equipment, cooling systems, electrical infrastructure, and other facilities necessary to support intensive data processing and computational activities. Establishing a specific definition would provide a clear and consistent basis for identifying facilities that fall within this use category and distinguishing them from other types of data centers or technology-related uses.

Accordingly, City staff is proposing to add Section 17.08.081 to the Montebello Municipal Code to establish a definition for Artificial Intelligence Data Centers. The proposed definition would provide greater clarity for property owners, applicants, City staff, and decision-makers when determining whether a proposed facility constitutes an AI Data Center under the City's zoning regulations.

The proposed amendments to Chapter 17.08 establishing definitions for ADUs, JADUs, and AI Data Centers are set forth in Attachment E, which is attached hereto and incorporated herein by reference, with new text shown in underline (example) and deleting the text shown in strikeout (~~example~~).

GENERAL PLAN CONSISTENCY

The proposed Zoning Code amendments are consistent with and support the goals, policies, and objectives of the City of Montebello 2040 General Plan. Collectively, the proposed amendments implement the General Plan by promoting housing opportunities, supporting efficient use of water resources, protecting established neighborhoods and land use patterns, and ensuring that future development is compatible with the City's long-term planning goals.

The General Plan's "Our Well-Planned Community" chapter establishes policies intended to guide orderly and sustainable development while maintaining the character of Montebello's established neighborhoods and supporting appropriate opportunities for growth. Specifically, Policies P3.3, P3.5, and P3.6 support the development of Accessory Dwelling Units as a means of providing additional housing opportunities, including more affordable housing options for individuals, seniors, and other households, while increasing residential capacity without significantly altering the existing character and development pattern of established neighborhoods.

Additionally, this chapter also supports the revitalization of established neighborhoods and corridors and encourages the preservation and enhancement of the City's industrial areas while retaining and expanding existing businesses. These policies recognize the importance of maintaining a balanced land use pattern that supports economic activity while ensuring that development remains compatible with surrounding uses.

The proposed amendments are also consistent with the General Plan's "Our Natural Community" chapter. Specifically, Policy P1.7 emphasizes the City's commitment to protecting, conserving, and replenishing existing and future water resources. The proposed incorporation of the updated provisions and standards of the State's Model Water Efficient Landscape Ordinance (MWELO) directly supports this policy by promoting water-efficient landscaping practices and reducing unnecessary water consumption associated with landscaped areas. Updating the City's Zoning Code to reflect the current State requirements will ensure that applicable new development and landscape improvements are subject to current water-efficiency standards and further the City's efforts to conserve and responsibly manage its water resources.

The proposed prohibition of AI Data Centers also supports the General Plan's water conservation objectives. In addition to their significant energy requirements, certain AI

Data Centers may require substantial amounts of water for cooling and other operational needs. By preventing the establishment of these facilities within the City, the proposed amendment would avoid introducing a land use with potentially significant water demands and would further support the City's commitment to protecting and conserving its existing and future water resources.

Collectively, the proposed text code amendments implement and advance the goals and policies of the Montebello 2040 General Plan. The ADU amendments support additional housing opportunities and appropriate residential infill while maintaining established neighborhood character; the MWELO amendments promote water conservation and efficient use of natural resources; and the citywide prohibition of AI Data Centers provides greater land use certainty and helps ensure that development remains compatible with the City's infrastructure, neighborhoods, economic areas, and environmental objectives.

The following General Plan goals and policies apply to the proposed Text Code Amendments within Title 17 of the Montebello Municipal Code:

General Plan “Our Well-Planned Community” Element policy 3 (P3.3) *“Revitalize established neighborhoods and corridors”.*

General Plan “Our Well-Planned Community” Element policy 1 (P3.5) *“Retrofit suburban development.”*

General Plan “Our Well-Planned Community” Element policy 3 (P3.6) *“Preserve and enhance the industrial district while retaining and expanding existing businesses.”*

General Plan “Our Natural Community” Element policy 3 (P1.7) *“Montebello will protect, conserve, and replenish existing and future water resources.”*

SUMMARY:

The proposed text amendments are consistent with and support the Montebello 2040 General Plan and the City's Zoning Code by advancing the City's adopted goals, policies, and vision for future growth and development. The amendments establish regulations that are responsive to current State requirements and emerging land use considerations while maintaining consistency with the General Plan's overall framework for orderly, compatible, and sustainable development. Therefore, Staff recommends that the Planning Commission adopt Resolution No. 17-26, recommending that City Council adopt an Ordinance amending various provisions of Title 17 within the Montebello Municipal Code.

The proposed text amendments include updating the development standards for Accessory Dwelling Units and Junior Accessory Dwelling Units in all single-family and multi-family residential zones to ensure consistency with applicable State law; incorporating and implementing the updated provisions and standards of the State's Model Water Efficient Landscape Ordinance (MWELO), consistent with State regulations; prohibiting Artificial Intelligence (AI) Data Centers within all zoning districts;

and updating and establishing definitions for land uses addressed by the proposed amendments to provide greater clarity and consistency within the Montebello Municipal Code.

Collectively, these amendments are intended to ensure that the City's Zoning Code remains current, clear, and consistent with State requirements while addressing emerging land use considerations and supporting the goals and policies of the Montebello 2040 General Plan.

ATTACHMENT(S)

1. Attachment A. Resolution No. 17-26
2. Attachment B. Draft Ordinance No. 2493 - ADU and JADU Standards
3. Attachment C. Draft Ordinance No. 2494 - MWELO Standards
4. Attachment D. Draft Ordinance No. 2497– AI Data Center Citywide Prohibition
5. Attachment E. Draft Ordinance No. 2492 – New and Amended Definitions

ATTACHMENT A

CITY OF MONTEBELLO PLANNING COMMISSION RESOLUTION NO. 17-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING TEXT CODE AMENDMENTS TO VARIOUS PROVISIONS OF TITLE 17 (ZONING) OF THE CITY OF MONTEBELLO MUNICIPAL CODE, RELATED TO ACCESSORY DWELLING UNIT (ADU) AND JUNIOR ACCESSORY DWELLING UNIT (JADU) DEVELOPMENT STANDARDS, IMPLEMENTATION OF THE STATE'S UPDATED MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELO), ESTABLISHMENT OF A CITYWIDE PROHIBITION ON ARTIFICIAL INTELLIGENCE (AI) DATA CENTERS, AND RELATED ZONING DEFINITIONS, CONSISTENT WITH THE CITY'S GENERAL PLAN

WHEREAS, the City of Montebello ("City") is a municipal corporation organized and operating under the laws of the State of California; and

WHEREAS, Title 17 (Zoning) of the Montebello Municipal Code ("MMC") establishes the City's regulations governing land use, development, and zoning within the City; and

WHEREAS, the City reviews and updates Title 17 of the MMC to maintain consistency with applicable State law, implement the goals and policies of the Montebello 2040 General Plan, address emerging land use issues, and provide clear and effective development regulations; and

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, pursuant to Montebello Municipal Code 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, the City has initiated Text Code Amendment No. PC-2026-0017-TCA (Ordinance No. 2493) to amend Chapter 17.10 - Residential Zones Generally, including Section 17.10.280 - Design and Development Standards for Accessory Dwelling Units, to update the City's development standards and procedures governing Accessory Dwelling Units ("ADUs") and Junior Accessory Dwelling Units ("JADUs") in residential zoning districts and to maintain consistency with applicable California State law; and

WHEREAS, ADUs and JADUs provide additional housing opportunities within existing residential neighborhoods and support State and local policies intended to increase housing supply, facilitate

residential infill, and provide additional housing options while maintaining compatibility with established neighborhoods; and

WHEREAS, the City has initiated Text Code Amendment No. PC-2026-0019-TCA (Ordinance No. 2494) to amend Chapter 17.65 - Water Conservation in Landscaping Regulations, of the MMC, to incorporate and implement the State of California's updated Model Water Efficient Landscape Ordinance ("MWELO"), as established by the California Department of Water Resources, and to update the City's landscape and irrigation requirements to be consistent with applicable State regulations; and

WHEREAS, MWELO establishes water-efficient landscape design, installation, irrigation, management, and maintenance standards intended to promote efficient water use, reduce water waste, and improve water conservation and drought resilience; and

WHEREAS, the City has initiated Text Code Amendment No. PC-2026-0027-TCA (Ordinance No. 2497) to amend Appendix A - Index of Primary Uses, of Title 17 of the MMC, to establish a classification for Artificial Intelligence ("AI") Data Centers, establish a citywide prohibition on AI Data Centers within all zoning districts, and correct minor typographical errors in the footnotes to Appendix A; and

WHEREAS, AI Data Centers are an emerging land use characterized by intensive computing operations, substantial electrical power demands, specialized cooling and mechanical systems, potential water consumption, continuous operations, emergency power generation, and other infrastructure and operational characteristics that may create land use compatibility and infrastructure concerns; and

WHEREAS, on February 11, 2026, the City Council adopted an interim urgency ordinance (Urgency Ordinance No. 2491), temporarily prohibiting or restricting the establishment, expansion, or intensification of AI Data Centers within the City while the City evaluated appropriate long-term land use regulations governing such facilities; and

WHEREAS, the proposed amendment establishing a citywide prohibition on AI Data Centers is intended to provide a clear and consistent long-term land use standard and to protect the City's infrastructure capacity, water resources, environmental quality, established neighborhoods, and overall community character; and

WHEREAS, the City has initiated Text Code Amendment No. PC-2026-0028-TCA (Ordinance No. 2492) to amend Chapter 17.08, Definitions, of the MMC, to update the definition of an Accessory Dwelling Unit, establish a definition for a Junior Accessory Dwelling Unit, and establish a definition for Artificial Intelligence Data Centers; and

WHEREAS, updating and establishing these definitions will provide greater clarity and consistency in the administration and enforcement of Title 17 and will ensure that the City's zoning terminology is consistent with applicable State law and the proposed land use regulations; and

WHEREAS, the proposed amendments collectively support and implement the goals, policies, and objectives of the Montebello 2040 General Plan, including policies addressing the revitalization of established neighborhoods and corridors, retrofitting suburban development, preservation and enhancement of the City's industrial districts, and protection, conservation, and replenishment of existing and future water resources; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, the Planning Commission has considered the potential environmental effects of the proposed Text Code Amendments; and

WHEREAS, the proposed Text Code Amendments do not constitute a “project” subject to CEQA pursuant to CEQA Guidelines Section 15378 because the amendments, in and of themselves, have no potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Furthermore, the proposed Text Code Amendments are exempt from CEQA pursuant to the commonsense exemption set forth in CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the proposed amendments may have a significant effect on the environment; and

WHEREAS, the Planning Commission finds that the proposed Text Code Amendments are in the public interest and will promote the orderly and compatible development of the City, protect the City's natural and infrastructure resources, and advance the goals and policies of the Montebello 2040 General Plan; 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; and

NOW THEREFORE, the 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 Section 17.76.020, the Planning Commission does hereby initiate the proposed text code amendments to provisions of Title 17 of the MMC to amend Chapter 17.10 (Residential Zones Generally) as set forth in draft Ordinance 2493, to amend Chapter 17.65 (Water Conservation in Landscaping Regulations) as set forth in draft Ordinance No. 2494, to amend Appendix A-Index of Primary Uses as set forth in draft Ordinance No. 2497, and to amend Chapter 17.08 (Definitions) as set forth in draft Ordinance No. 2492.

SECTION 3. The Planning Commission hereby finds that Text Code Amendment Nos. PC-2026-0017-TCA, PC-2026-0019-TCA, PC-2026-0027-TCA, and PC-2026-0028-TCA are consistent with and support the goals, policies, and objectives of the Montebello 2040 General Plan, including, but not limited to, policies concerning neighborhood revitalization, residential infill and housing opportunities, suburban development, preservation and enhancement of industrial areas, and protection and conservation of water resources.

SECTION 4. The Planning Commission hereby determines and finds that the proposed Text Code Amendments are not a “project” subject to CEQA pursuant to CEQA Guidelines Section 15378 because the amendments do not have the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. The Planning Commission further determines that the proposed Text Code Amendments are exempt from CEQA

pursuant to the commonsense exemption under CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the proposed amendments may have a significant effect on the environment.

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:

1. Ordinance No. 2493 approving Text Code Amendment No. PC-2026-0017-TCA, amending Chapter 17.10 of the Montebello Municipal Code to update the standards for the development of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in all single family and multi-family residential zones, consistent with State law, as provided in Exhibit A, attached hereto and incorporated by reference.
2. Ordinance No. 2494 approving Text Code Amendment No. PC-2026-0019-TCA, amending Chapter 17.65 of the Montebello Municipal Code to incorporate and implement the updated provisions and standards of the State of California Model Water Efficiency Landscape Ordinance ("MWELO") consistent with the California Department of Water Resources, as provided in Exhibit B, attached hereto and incorporated by reference.
3. Ordinance No. 2497 approving Text Code Amendment No. PC-2026-0027-TCA, amending Appendix A - Index of Primary Uses, of Title 17 of the Montebello Municipal Code to establish a classification for Artificial Intelligence Data Centers, prohibit Artificial Intelligence Data Center facilities within all zoning districts, and correct minor typographical errors in the footnotes to Appendix A, as provided in Exhibit C, attached hereto and incorporated by reference.
4. Ordinance No. 2492 approving Text Code Amendment No. PC-2026-0028-TCA, amending Chapter 17.08 of the Montebello Municipal Code to update the definition for Accessory Dwelling Unit and establish a definition for Junior Accessory Dwelling Unit, as well as add Section 17.08.081 to establish a definition for Artificial Intelligence (AI) Data Centers, as provided in Exhibit D, 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 15th day of September 2026 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. 17-26 has been duly signed by the Chair, and attested by the Secretary, all at a meeting of the Montebello Planning Commission, held September 15, 2026, 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
Vacant	☐ AYE ☐ NOE ☐ ABSENT ☐ ABSTAIN

Joseph A. Palombi, Secretary
Montebello Planning Commission

ATTACHMENT B

ORDINANCE NO. 2493

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTEBELLO, CALIFORNIA, AMENDING CHAPTER 17.10 - "RESIDENTIAL ZONES GENERALLY," OF TITLE 17 - "ZONING," OF THE MONTEBELLO MUNICIPAL CODE TO UPDATE THE CITY'S ACCESSORY DWELLING UNIT (ADU) AND JUNIOR ACCESSORY DWELLING UNIT (JADU) REGULATIONS CONSISTENT WITH STATE LAW

WHEREAS, the City of Montebello ("City") is a California general law city, constitutionally vested with the power to make and enforce local laws and ordinances necessary to protect the general health, safety, and welfare of its residents, including comprehensive zoning and land use regulations, to the extent such regulations are not preempted by the State's general laws; and

WHEREAS, consistent with such authority, the City enacted the Montebello Municipal Code ("MMC") and Montebello Zoning Code (Title 17 of the MMC, herein after "Zoning Code") which divides the City into separate zoning districts, and provides land use and development regulations for each of the districts, including regulations pertaining to accessory dwelling units ("ADU"), efficiency units, and second dwelling units (hereinafter the "City's ADU Regulations"), as defined in the Zoning Code; and

WHEREAS, California has experienced a significant and ongoing shortage of housing, and the California State Legislature has enacted a series of laws since 2016, amending Government Code section 65852.2 intended to reduce governmental and regulatory barriers to the construction of ADUs and JADUs and to facilitate their development throughout the State; and

WHEREAS, in response to amendments to ADU regulations, the City passed, approved an adopted Interim Ordinance No. 2406 on September 26, 2018, establishing a 45-day moratorium on new ADUs and then passed, approved and adopted Ordinance No. 2415 on August 29, 2019, extending Interim Ordinance No. 2406 to allow City staff to study the potential impacts of the State-mandated standards on the City's land use, public services, parking, traffic, and infrastructure; and

WHEREAS, Ordinance No. 2415 was meant to be an interim ordinance for the immediate preservation of the public peace, health and safety, within the meaning of Government Code Section 65858 and 36937(b),

WHEREAS, on October 9, 2019, Governor Gavin Newsom signed Senate Bill (“SB”) 13, Assembly Bill (“AB”) 68, and AB 881 into law, amending once again the Government Code sections 65852.2 and 65852.22, and adding Health and Safety Code section 17980.12 thereby enacting new Statewide requirements for ADUs and Junior ADUs (collectively the “ADU Bills”); and

WHEREAS, the ADU Bills became effective on January 1, 2020, preempting and invalidating local ordinances regulating ADUs, including certain existing provisions of the MMC and Zoning Code; and

WHEREAS, on September 28, 2022, Government Code section 65852.2 was amended to allow detached ADUs in more settings, set clear timelines and restricted local agencies ability to impose certain zoning restrictions; and

WHEREAS, on September 19, 2024, SB (1211) amended Government Code section 6613, 6614, and 66323 allowed up to 8 detached ADUs for multi-family lots; and

WHEREAS, the City Council recognizes that maintaining local regulations that are consistent with current State law is necessary to provide property owners, applicants, design professionals, developers, and City staff with clear and objective requirements governing the review and development of ADUs and JADUs; and

WHEREAS, although Chapter 17.10 of the Municipal Code establishes regulations governing ADUs, amendments to Section 17.10.280 are necessary to update the City’s regulations and ensure that they adequately incorporate and implement the current statutory requirements and development standards applicable to ADUs and JADUs under California law; and

WHEREAS, the proposed amendments to Section 17.10.280 are intended to align the City’s ADU and JADU regulations with current State law, clarify applicable application and review procedures, establish clear and objective design and development standards, and facilitate the development of additional housing opportunities within existing residential neighborhoods; and

WHEREAS, the proposed amendments establish a regulatory framework that recognizes the Legislature’s intent to facilitate the development of ADUs and JADUs while

allowing the City, to the extent authorized by State law, to establish objective standards addressing neighborhood compatibility, building design, setbacks, height, utilities, and other appropriate development considerations; and

WHEREAS, the City Council finds that ADUs and JADUs can provide additional housing opportunities within established residential neighborhoods without requiring the development of entirely new subdivisions or substantial extensions of existing infrastructure, thereby supporting efficient infill development and the productive use of existing residential properties; and

WHEREAS, the City Council finds that the proposed amendments are consistent with the goals, policies, and objectives of the City's General Plan, including policies that promote orderly and compatible residential development, efficient use of existing land and infrastructure, provision of adequate housing opportunities, and sustainable growth; and

WHEREAS, the City Council finds that facilitating ADU and JADU development within existing residential neighborhoods supports the General Plan's housing and land-use objectives by providing additional residential opportunities within areas already planned and developed for residential use; and

WHEREAS, the City Council of the City finds and declares that the adoption of this Ordinance is necessary and appropriate to address significant governmental interests, and to address foreseeable negative impacts associated with the unregulated development of ADUs in the City, including but not limited to, the regulation of ADUs based upon impacts on traffic flow and public safety, adequacy of sewer and water services, and ensuring compliance with the land use goals and objectives of the City's General Plan; and

WHEREAS, the City Council has considered the proposed amendments to Section 17.10.280, the staff report, recommendations, testimony, evidence, and all other information presented at the duly noticed public hearing; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred, and the City Council duly considered all evidence presented in connection with its consideration of this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTEBELLO DOES ORDAIN AS FOLLOWS:

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

SECTION 2. AMENDMENTS. Section 17.10.280 of the Montebello Municipal Code is hereby amended and restated to read as follows (Deletions in ~~strikethrough~~ and additions in underline):

17.10.280 - Design and development standards for accessory dwelling units and junior accessory dwelling units.

A. Purpose. This section sets forth regulations for accessory dwelling units ("ADU") and junior accessory dwelling units ("Junior ADU"), consistent with California Government Code sections 66310-66342, and to provide standards for the development of accessory dwelling units and junior accessory dwelling units. ~~also known as "second dwelling units," in residential zoning districts consistent with state law (California Government Code Sections 65852.1 through 65852.2).~~ The purpose of these regulations is to help expand affordable housing opportunities for low-income and moderate-income or elderly households by increasing the number of housing units available within existing neighborhoods while ensuring and maintaining healthy and safe residential living environments, including compatibility with surrounding uses and maintenance of the character of the neighborhood. ~~Second dwelling units are intended to provide livable housing at lower cost while providing greater security, companionship and family support for the occupants.~~

B. Definitions. For purposes of this Section, the following meanings shall apply:

"Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one (1) or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following: (a) an efficiency unit; as defined in Section 17958.1 of the Health and Safety Code; or (b) a manufactured home, as defined in Section 18007 of the Health and Safety Code. An accessory dwelling unit may also be referred in this code as an "ADU."

"Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

“Attached ADU” An ADU that is attached to, or located within, an existing or proposed single-unit or multi-unit dwelling, or an existing accessory structure attached to an existing or proposed multi-unit dwelling.

“Detached ADU” An ADU that is detached from the existing or proposed single-unit or multi-unit dwelling.

“Development fee” has the same meaning as an “impact fee” or “fee” as defined in subdivision (b) of Section 66000 of the Government Code, except that it also includes fees specified in Section 66477 of the Government Code.

“Efficiency Dwelling Unit” A dwelling unit which contains a minimum of 150 square feet in living space, and a separate closet, kitchen skin, cooking appliance, refrigerator, and a separate bathroom containing a water closet, lavatory, bathtub, or shower set forth in Government §Section 66313 (a)(1); California Building Code section 1208.4.

“Junior accessory dwelling unit” means a dwelling unit that is no more than five hundred (500) square feet of interior livable space in size and contained entirely within a single-family residence. A junior accessory dwelling may include separate sanitation facilities, or may share sanitation facilities with the existing structure. A junior accessory dwelling unit may also be referred to in this code as a “Junior ADU.” A JADU shall comply with the requirements of Government Code Section 66333.

“Living area” means the interior habitable area of a dwelling unit, including basement and attics, but does not include a garage or any accessory structure as set forth in Government Code § Section 66313 (f).

“Living space” means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation, as set forth in Government Code § 66313 (e).

“Major Transit Stop” means a site containing an existing rail or bus rapid transit station; a ferry terminal served by either a bus or rail transit service; or the intersection of two or more major bus routes with a frequency of service interval of 20 minutes or less during the morning and afternoon peak commute periods; and also includes major transit stops that are included in the applicable regional transportation plan, as set forth in Public Resources Code § 21155 and §21064.3.

“Multifamily” dwelling means a building with two (2) or more attached dwelling units.

“Local agency” means a city, county, or city and county, whether general law or chartered.

“Nonconforming zoning condition” means a physical improvement on a property that does not conform to current zoning standards.

“Objective standards” means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

“Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

“Permitting agency” means any entity that is involved in the review of a permit for an accessory dwelling unit or junior accessory dwelling unit and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, utilities, and special districts.

“Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting as set forth in Government Section 66313 (l).

“Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public as set forth in Government Section §66313 (m).

“Tandem Parking” means that two (2) automobiles are parked on a driveway or in a any other permissible location on a lot, lined up behind one another, as set forth in Government Section Code § 66313 (n).

~~B Permitted by Right in R-2, R-3 and R-4 Zones with Compliance to Standards.~~

~~Second dwelling units shall be permitted as a matter of right, without any required discretionary review (conditional use permit) in the R-2, R-3 and R-4 zones within the city, provided that they comply with the residential development standards applicable to these zones.~~

- C. ~~Permitted by Right in R-1 and R-A Zones with Compliance to Standards.~~ Second dwelling units shall be permitted as a matter of right, without any required discretionary review (conditional use permit), in conjunction with any existing single-family dwelling unit in the R-1 and R-A zones, provided any such second dwelling unit conform to the following standards:

C. Designated Areas: Single- or Multi-Family Zones. A second dwelling unit must be located on a lot that has only one single-family dwelling unit prior to construction of the second dwelling unit. The previously existing single-family dwelling shall be referred to herein as the "primary" dwelling unit. The second dwelling unit must be clearly subordinated in size to the primary dwelling unit, and the second dwelling unit must be located on the same lot as the primary dwelling unit.

(a) ADUs. ADUs are allowed on lots zoned for single-family residential zones which contain, or are proposed to be developed, within a single-family dwelling or on lots zoned for multi-family residential or mixed-use residential use which contain, or are proposed to be developed, within a multi-family dwelling (R-A, Residential Agricultural Zone; R-1, Single-Family Residential Zone; R-2, Two-Family Residential Zone; R-3, Multiple Family Residential Zone; or R-4, High-Density Residential Zone). Subject to standards outlined in this section, ADUs may be attached, detached, or located within an existing primary residence, or accessory structure.

(b) Junior ADUs. Junior ADUs shall only be allowed on lots zoned for single-family residential use (R-A, Residential Agricultural Zone; R-1, Single-Family Residential Zone), and which are contained, or are proposed to be developed, within a single-family dwelling.

(c) ADUs and Junior ADUs are only permitted on lots with an existing or proposed dwelling.

(d) One detached, new construction, accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-unit dwelling may be permitted.

(e) Two detached accessory dwelling units per lot with proposed multi-unit dwelling, or up to eight detached accessory dwelling units per lot with an existing multi-dwelling unit, not to exceed the number of existing units on the lot.

(f) At least one attached accessory dwelling unit, within the portions of an existing multi-unit dwelling that are not used as livable space, including but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with State building standards for dwellings. The total number of attached ADUs that may be permitted shall not exceed 25% of the existing multi-unit dwellings.

(g) An ADU shall not be counted as a “unit” for density bonus purposes but shall be counted as a “unit” for purposes of compliance with State and law requirements.

~~2. The second dwelling unit is either attached to the existing primary dwelling unit and located within the living area of the existing dwelling unit or detached from the existing dwelling unit and located on the same lot as the existing dwelling.~~

~~3.1. No Minimum Lot Size Required An accessory dwelling unit may only be established on lots that have and maintain the minimum lot size and dimensions consistent with the existing general plan and zoning designations for the lot. An accessory dwelling unit is not permitted on sub-standard lots. There are no minimum lot size requirements for ADUs or Junior ADUs.~~

2. Height of Structure. ADUs may be two stories. The height limitation of sixteen (16) feet for detached ADUs Government Code § 66321. The height increases the maximum height limitation on a detached ADU to eighteen (18) feet if the ADU is “either within half-mile walking distance of a major transit stop or high-quality transit corridor” and provides for an additional two feet for roof pitch to align with the roof pitch of the primary dwelling.” Government code §66323 increases the height to eighteen (18) feet for a detached ADU that is on a lot with an existing or proposed multifamily, multistory dwelling.

Attached ADU Height Limitations. Maximum height may be 25 feet, or the existing primary dwelling height if lower than 25 feet.

Building Height. ADUs are subject to a height limit of two stories and 25 feet.

4. ~~The distance between a detached accessory dwelling unit and the primary dwelling unit shall be a minimum of ten feet. If the entrance of a detached accessory dwelling unit faces the rear of the primary dwelling, the accessory unit shall be separated by a minimum distance of twenty feet from the primary dwelling unit.~~

3. Distances and Setbacks.

- (a) The distance between a detached ADU unit and the primary dwelling, or any other accessory building shall be a minimum of ten (10) feet or five (5) feet from any other accessory building with one-hour fire resistant construction throughout the ADU, measured from eave to eave.
- (b) An attached ADU shall have exterior access from a proposed or existing single-unit dwelling.
- (c) An existing living area or accessory structure, or a structure constructed in the same location and to the same dimensions as an existing structure, that is converted to an accessory dwelling unit may maintain the existing setback. An ADU that is not a conversion from an existing structure, or that is not a new structure constructed in the same location and to the same dimensions as an existing structure, shall maintain a minimum four-foot (4-foot) setback, including any eaves or overhangs; provided that all side and rear setbacks must be sufficient for fire and safety.
- (d) When a staircase or landing is provided for a new or existing second story ADU, whether attached or detached to the primary dwelling unit, that staircase or landing must provide a minimum four-foot (4-foot) setback to the rear and side property line.
- (e) A JADU shall comply with the requirements of Government Code Section 66333.
- (f) An ADU proposed in front of the primary dwelling shall adhere to the front yard setbacks of the underlying zone.

~~5. Only one accessory dwelling unit shall be permitted per parcel or lot in conjunction with an existing single-family dwelling unit.~~

4. Number of Dwelling Units.

(a) Single-Family Zones. The number of ADUs or Junior ADUs allowed in a lot in a single-family zone shall be one (1) of each of the following options:

i. One (1) ADU may be located within the proposed space of a single-family dwelling, or the existing space of a single-family dwelling or accessory structure (conversion); provided that the converted ADU does not expand the physical dimensions of the existing primary dwelling beyond one hundred fifty (150) square feet for the purpose of accommodating ingress and egress;

ii. One (1) detached or attached (new construction) ADU may be located on lots which contain, or are proposed to be developed with a single-family dwelling.

iii. One (1) Junior ADU may be located within the proposed space of a single-family dwelling, or the existing space of a single-family dwelling; provided that the Junior ADU conversion does not expand the physical dimensions of the existing primary dwelling beyond one hundred fifty (150) square feet for the purpose of accommodating ingress and egress; or

(b) Multi-Family Zones. The number of accessory dwelling units that may be constructed on any lot with a multi-family dwelling is limited as follows:

i. No Junior ADUs shall be allowed in lots with multi-family dwellings or zoned multi-family.

ii. Two detached accessory dwelling units per lot with proposed multi-unit dwellings, or up to eight detached accessory dwelling units per lot with an existing multi-unit dwelling, not to exceed the number of existing units on the lot.

iii. An ADU may be converted within an existing multi-family dwelling structure from areas not used as livable spaces including, but not

limited to: storage rooms, boiler rooms, passageways, attics, basements, or garages. Conversion of at least one (1), but up to twenty-five (25%) of the total number of existing units within a multi-family dwelling shall be permitted under this subsection.

6. ~~The development of an accessory dwelling unit shall be subject to all minimum development standards, including, but not limited to, requirements set forth in the Montebello Zoning Code relating to height, setback, lot area, lot dimensions, lot coverage (see Exhibit 17.10.020 of this chapter), design guidelines, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the accessory dwelling unit is located.~~

5. Dwelling Size.

(a) A detached ADU on a lot with an existing or proposed single-unit development may not exceed 1,200 square feet in size.

(b) The total floor area of any efficiency unit, either ADU or Junior ADU shall be a minimum area of one hundred fifty (150) square feet, or as specified in Section 17958.1 of the California Health and Safety Code.

(c) A detached ADU on a lot with an existing or proposed multi-unit dwelling structure may not exceed 850 square feet in area for an ADU with 1 bedroom, or less, and 1,000 square feet for an ADU that provides more than 1 bedroom.

(d) For an attached ADU within an existing primary dwelling, the total floor area of an attached ADU shall not exceed fifty percent (50%) of the existing primary dwelling, or 850 square feet for an ADU with 1 bedroom or less, and 1,000 square feet for an ADU that provides more than 1 bedroom, whichever is greater.

(e) Junior ADUs shall not exceed five hundred (500) square feet.

7. ~~The accessory dwelling unit shall comply with the Uniform Building Code, the Uniform Fire Code, and all city building and fire requirements, as appropriate, in addition to the requirements of this section.~~

8. ~~When adding an accessory dwelling unit that is attached to the primary dwelling unit as a second story, the entire structure must comply with all height requirements that apply to the zone in which the property is located.~~
9. ~~The gross living area of an accessory dwelling unit shall not be less than three hundred fifty square feet and shall not exceed thirty-five percent of the existing living area of the primary dwelling unit for attached accessory dwelling units, or one thousand two hundred square feet for detached accessory dwelling unit. "Gross living areas" shall refer to all habitable space, excluding any garage or patio area.~~
10. ~~An accessory dwelling unit that is attached to the primary dwelling may be established utilizing a portion of the living area within the primary dwelling, or as an addition and utilizing a portion of the living area of the primary dwelling, or designed strictly as an addition to the primary dwelling unit. However, the increased floor area of an attached second unit shall not exceed thirty-five percent of the existing living area of the primary dwelling unit.~~

6. Kitchens and Bathrooms.

(a) ADU. An ADU shall include permanent provisions for sanitation and permanent provisions for eating and cooking.

(b) Junior ADU. A Junior ADU may include separate sanitation facilities, or may share sanitation facilities with the existing primary dwelling. However, a Junior ADU must contain an efficient kitchen with appliances, regardless of source of energy as further described in Section 20(e)(ii) below.

- 11 7. Parking. ~~No accessory dwelling unit shall be permitted unless the primary dwelling unit provides parking in compliance with Exhibit 17.52.050. Additional parking for an accessory dwelling unit shall be provided with one off-street parking space per unit. Such parking space shall be enclosed with a garage door opening.~~

(a) One (1) parking space per ADU or per bedroom, whichever is less shall be provided. ADUs which have no bedrooms because they are an "efficiency unit" or studio do not increase the bedroom count. These spaces may be provided as tandem parking, on an existing driveway,

or in locations outlined in order of preference and as approved by the City in subsection 10(d) below.

(b) Parking is limited to lawfully paved areas approved by the City.

(c) Parking requirements are not applicable to 66323 units.

(d) The parking requirements shall not be imposed on the parking standards of the following ADUs, pursuant to Government Code Section 66322, subdivision (a):

- i. The ADU is located within one-half (1/2) mile walking distance of public transit;
- ii. The ADU is located within an architecturally and historically significant district;
- iii. The ADU is part of (i.e., contained within) the footprint of the primary residence or an accessory building;
- iv. When on-street parking permits are required but not offered to the occupant of the ADU;
- v. When there is a car share vehicle located within one (1) block of the ADU; or
- vi. When a permit application for an ADU is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the ADU or the parcel satisfies any other criteria listed in Government Code Section 66322, subdivision (a) (1) – (5).

(e). Parking required for the ADU may be located in the following locations, as approved by the City (ordered from most to least preferred):

- i. A garage, carport, or covered space on a driveway; provided it complies with required setbacks for both primary and accessory structures.

- ii. Within the required street side yard setback.
 - iii. Within the required rear yard setback.
 - iv. Within the required front yard setback.
- (f). Notwithstanding the foregoing, parking in setbacks and tandem driveway parking may be denied if the building official determines that parking in those areas is unsafe due to site specific fire and/or life safety conditions.
- (g). If parking required for the unit is accommodated in any setback area, as set forth above, then the required parking space shall be paved and located and maintained in the specific location designated by the City.
- (h) When a garage, carport or covered parking structure is demolished in conjunction with the construction of an ADU or converted into an ADU, the City shall not require that those off-street parking spaces be replaced.
12. 8. Access. ~~The second dwelling unit~~ ADU or Junior ADU shall utilize the same vehicular access that serves the existing primary dwelling unit, ~~unless the second unit has access from an alley contiguous to the lot~~ ADU or Junior ADU has access from an alley contiguous to the lot. No passageway connecting the ADU or Junior ADU to a street is required. Each ADU or Junior ADU shall maintain independent exterior access from the existing residence.
13. 9. Utilities. ~~All utilities servicing the second dwelling unit~~ ADU or Junior ADU shall be metered in conjunction with the primary dwelling unit, in compliance with Government Code Section 65852.2(f).
14. 10. Architectural Compatibility. ~~The accessory dwelling unit~~ ADU or Junior ADU shall incorporate the same or similar architectural features, building materials, and color as the primary dwelling unit on the property. These features shall include, but are not limited to, architectural styling, roof line, window and door treatment, materials, color, texture and building height, scale, and bulk, unless the proposed ADU is based on a city-preapproved plan or subject to approval pursuant to Government Code Section 66323.

15. Adequate utilities are available or can be made available to serve the second unit. All utility connections for the accessory dwelling unit to the primary dwelling unit shall be placed underground, unless it is determined to be unfeasible by the city planner.
16. The accessory dwelling unit shall have a separate entrance from the primary dwelling which shall not be visible from the public right-of-way (street).
17. 11. The construction of an accessory dwelling unit ADU or Junior ADU shall not cause the existing primary dwelling unit to be in conflict with the minimum development standards applicable in the zone in which the accessory dwelling unit property is located.
18. 12. Street Numbers. The address numbers for both the primary and accessory dwelling unit(s) shall be posted on the front of the primary dwelling unit and the accessory dwelling unit as provided in Section 15.08.100. in accordance with the California Residential Code as adopted and amended by the City.
19. 13. The primary dwelling unit and the accessory dwelling unit(s), whether attached to or detached from the primary dwelling unit, shall both be required to be equipped with "hardwired" smoke detectors (with battery backup) and and Automatic fire extinguishing systems (sprinkler)systems subject to fire department specifications, unless it is determined to be infeasible by the fire department. only if they are required for the primary residence.
20. 14. Short-Term Rental Prohibited. After the accessory unit has been established, no guest house shall exist or be established on the property. In addition, the establishment of an accessory unit shall preclude the renting of individual bedrooms to boarders in the primary and/or accessory dwelling units pursuant to Section 17.14.020 which would otherwise apply. An ADU or Junior ADU are prohibited from being utilized as short-term rentals pursuant to Chapter 17.59.050 of the Montebello Municipal Code.
21. 15. Ownership and Occupancy. An owner of the property upon which an accessory dwelling unit is located who has at least a fifty percent ownership of the property must utilize either the primary dwelling or the

~~accessory dwelling as their principal place of full-time residence. There shall be no owner-occupied requirement for ADUs. If a JADU has shared sanitation facilities with the primary structure, owner- occupancy will be required. If the JADU does not have shared sanitation facilities, owner- occupancy will not be required, in compliance with GOV. Code 66333, subd. (b). Owner- occupancy is not required when the owner is another government agency, land trust, or housing organization.~~

22. 16. Conveyance. The accessory dwelling unit shall not be owned or sold separately from the primary dwelling unit.

17. ADUs or Junior ADUs shall not be allowed where roadways, public utilities and services are inadequate. The property owner shall provide evidence that adequate sewer, streets, and water are available for the proposed unit based on standards and thresholds established in the following:

(a) Development Fees. ADUs of seven hundred fifty (750) square feet or more are subject to development fees charged proportionately in relation to the square footage of the primary dwelling unit.

(b) Street Widths. Notwithstanding any provision of the code to the contrary, the right-of-way fronting the primary residence shall be at least 40-feet wide. Notwithstanding the foregoing, ADUs or Junior ADUs may be permitted on properties that do not comply with these street standards subject to a conditional use permit, as set forth in Chapter 17.70 of the Montebello Municipal Code.

(c) Sewer and Water. An ADU or Junior ADU shall be permitted only where it has been determined that sewer and water connection are feasible, and the level of service is adequate based upon applicable health and safety standards.

(d) Specific Requirements for Junior ADUs. The requirements and standards of this subsection shall apply to Junior ADUs notwithstanding anything contrary in this section.

(i) The owner of the single-family lot shall occupy the single-family dwelling or the Junior ADU.

- (ii) A Junior ADU shall include: a separate entrance from the main entrance to the proposed or existing single-family residence; and an efficiency kitchen, which shall include a cooking facility with appliances, a food preparation counter or counters that total at least eight (8) square feet in area and food storage cabinets that total at least sixteen (16) square feet of shelf space.
- (iii) Homeowners' associations (HOAs), as a third party, cannot influence the approval of an application to create an ADU. Third party reviews by an HOA or their representatives or agents would violate State ADU Law. (Gov. Code, § 66315.) No other local ordinances, policies, or regulations may be applied in the approval or denial of an ADU or junior ADU (JADU) permit application (Gov. Code, § 66317, subd. (c)).
- (iv) Before obtaining a building permit for a Junior ADU, the property owner shall file with the City of Montebello Housing division a declaration or agreement to restrictions, containing a reference to the property which was acquired by the owner stating that:
 - a. The Junior ADU cannot be sold separately from the primary residence;
 - b. The size and attributes of the Junior ADU shall conform at all times with the requirements of California Government Code section 66333.
 - c. The restrictions shall be binding upon any successor in interest and ownership of the property and lack of compliance may result in legal action against the property owner to compel compliance with this section.
 - d. The owner must reside in the remaining portion of the primary residence or in the newly created JADU. Owner occupancy is not required when there are separate sanitation facilities. Owner-occupancy is not required

when the owner is another government agency, land trust, or housing organization.

- e. The JADU must have an affordability covenant and prove that the unit will be sold according to the 2026 HUD USER Fair Market Rent Documentation. The price limits are below.

<u>FY 2026 SAFMRs By Unit Bedrooms</u>				
<u>Efficiency</u>	<u>One-bedroom</u>	<u>Two- Bedroom</u>	<u>Three-Bedroom</u>	<u>Four- Bedroom</u>
<u>\$1,710</u>	<u>\$1,920</u>	<u>\$2,390</u>	<u>\$3,030</u>	<u>\$3,370</u>

D. Nothing in this section shall prevent the construction of multiple-family dwellings otherwise permitted in any multiple-family zone and under applicable development standard of the appropriate zone.

~~E. This section shall not validate any existing illegal accessory dwelling units. An application for a permit may be made to convert an illegal accessory dwelling unit to a conforming legal accessory dwelling unit, and the standards and requirements for said conversion shall be the same as for proposed new construction of an accessory dwelling unit.~~

E. ADU Covenant Declaration. The property owner of the subject lot shall record a declaration of covenants and restrictions placing the below restrictions on the lot (the “ADU Covenant Declaration”). The ADU Covenant Declaration shall be recorded on the lot prior to final building approval of the ADU. The ADU Covenant Declaration shall be binding on the property and all owners, lenders, lien holders, occupants and all other persons having an interest or estate in the property, now or in the future. The ADU Covenant Declaration shall be submitted to the Housing Department. A copy of the ADU Covenant Declaration shall be filed with the City’s Planning Department:

(i) The ADU cannot be sold separately from the primary residence;

(ii) The restrictions shall be binding upon any successor in interest and ownership of the property and lack of compliance may result in legal action against the property owner to compel compliance with this section;

(iii) The property owner shall apply for any and all permits necessary to complete the scope of work, as required under the city's building and fire codes, and as thereafter adopted and amended;

(iv) If the ADU is modified such that it no longer complies with this section, the property owner shall return the lot and all improvements into a condition that complies fully with applicable land use and building standards set forth in this code; and

(v)The JADU must have an affordability covenant and prove that the unit will be sold according to the 2026 HUD USER Fair Market Rent Documentation. The price limits are below.

<u>FY 2026 SAFMRs By Unit Bedrooms</u>				
<u>Efficiency</u>	<u>One-bedroom</u>	<u>Two- Bedroom</u>	<u>Three-Bedroom</u>	<u>Four- Bedroom</u>
<u>\$1,710</u>	<u>\$1,920</u>	<u>\$2,390</u>	<u>\$3,030</u>	<u>\$3,370</u>

- F. ~~Applications or proposals for accessory dwellings units which do not comply with respective standards set forth in subsections B and C of this section, may be appealed to the city manager. The appeal shall not include a public hearing and shall be limited to compliance with the standards referenced in this section.~~

Application Process.

(a) Any application for an ADU or Junior ADU shall include a site plan, floor plan, and elevations substantiating and evidencing compliance with all applicable development standards. An application shall be approved or denied ministerially without discretionary review or public hearing within sixty (60) days of receipt of the application, provided that all requirements of this section appear to be met. The City and applicant may agree to additional time with a written request from the applicant. If the ADU or JADU is in conjunction with the construction of a new primary dwelling unit, the approval may be delayed until the permit application to create the new primary dwelling is approved or denied.

(b) The property owner shall pay all associated fees including but not limited to application fees, development fees, sewer, water, and other applicable fees associated with an application contemplated herein.

G. Government Code Section 65852.2 allows a local agency to count an ADU for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the Department of Housing and Community Development (“HCD”).

H. Homeowners’ associations (HOAs), as a third party, cannot influence the approval of an application to create an ADU. Third party reviews by an HOA or their representatives or agents would violate State ADU Law. (Gov. Code, § 66315.) No other local ordinances, policies, or regulations may be applied in the approval or denial of an ADU or junior ADU (JADU) permit application (Gov. Code, § 66317, subd. (c)).

SECTION 3. GENERAL PLAN CONSISTENCY. The City Council hereby finds and determines that the amendments adopted by this Ordinance are consistent with and further the goals, policies, objectives, and implementation measures of the City’s General Plan. The amendments support the General Plan’s objectives for orderly and compatible residential development, promote the efficient and productive use of existing residential land and infrastructure, expand housing opportunities, and encourage sustainable and balanced growth within the City.

SECTION 4. CEQA. The City Council hereby determines and finds that the amendments adopted by this Ordinance are not a “project” subject to CEQA pursuant to CEQA Guidelines Section 15378 because the amendments do not have the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. The City Council further determines that the proposed Text Code Amendments are exempt from CEQA pursuant to the commonsense exemption under CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the proposed amendments may have a significant effect on the environment.

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

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after approval by the City Council.

SECTION 7. 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 this XXth day of [Month], 2026.

Georgina Tamayo, 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], 2026, and was adopted by the City Council of the City of Montebello at its meeting held on the XXth day of [Month], 2026 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Christopher Jimenez, City Clerk

ATTACHMENT C

ORDINANCE NO. 2494

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTEBELLO, CALIFORNIA, AMENDING CHAPTER 17.65 (WATER CONSERVATION IN LANDSCAPING REGULATIONS) OF TITLE 17 OF THE CITY OF MONTEBELLO MUNICIPAL CODE TO INCORPORATE AND IMPLEMENT THE UPDATED PROVISIONS AND STANDARDS OF THE STATE OF CALIFORNIA MODEL WATER EFFICIENCY LANDSCAPE ORDINANCE (“MWELO”) CONSISTENT WITH THE CALIFORNIA DEPARTMENT OF WATER RESOURCES

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 of Montebello last adopted water conservation standards in 1993, and such standards have not been comprehensively updated to reflect current water supply conditions, conservation practices, and regulatory requirements; and

WHEREAS, Chapter 1145 of the 1990 Statutes of California enacted the Water Conservations in Landscaping Act, which required the Department of Water Resources (“DWR”) to develop the State’s first Model Water Efficient Landscape Ordinance (“MWELO”). MWELO provides a standard for the design, installation, management, and maintenance of landscapes to use water efficiently without water waste; and

WHEREAS, MWELO was initially adopted and became effective January 1, 1993, and local agencies were required to adopt the MWELO or a local water efficient landscape ordinance that was at least as effective as MWELO; and

WHEREAS, on April 1, 2015, the Governor issued Executive Order B-29-15 directing DWR to update MWELO to increase water efficiency standards for new and rehabilitated landscapes; and

WHEREAS, DWR subsequently adopted updated MWELO regulations establishing requirements for landscape design, irrigation efficiency, water-use calculations, soil management, stormwater management, and related water-efficiency measures; and

WHEREAS, DWR completed a subsequent rulemaking process to update MWELO, and the updated regulations were approved by the Office of Administrative Law and became effective January 2, 2025; and

WHEREAS, DWR has identified MWELO as the statewide model for local agencies to implement minimum standards for water-efficient landscape design, construction, management, and maintenance; and

WHEREAS, applicable State law requires local agencies to adopt, implement, and enforce MWELo or a local water-efficient landscape ordinance that is at least as effective as MWELo; and

WHEREAS, the City of Montebello currently regulates water conservation in landscaping through Chapter 17.65 (Water Conservation in Landscaping Regulations) of Title 17 of the Montebello Municipal Code; and

WHEREAS, although Chapter 17.65 promotes water-efficient landscaping practices, amendments are necessary to ensure that the City's regulations incorporate and implement the current MWELo standards adopted by DWR and remain consistent with applicable State law and regulations; and

WHEREAS, incorporating MWELo by reference will provide the City with a comprehensive and uniform regulatory framework for water-efficient landscaping while reducing the potential for duplicative, conflicting, or outdated local requirements; and

WHEREAS, MWELo establishes requirements applicable to specified new construction projects, rehabilitated landscape projects, existing landscapes, and cemeteries, subject to the applicability provisions, exemptions, and compliance pathways established by State law and the MWELo regulations; and

WHEREAS, adoption of the updated MWELo standards will promote the efficient use and conservation of water resources, improve drought resilience, support environmentally sustainable development, and provide consistent standards for property owners, developers, landscape professionals, City staff, and decision-makers; and

WHEREAS, the City Council finds that the amendments adopted by this Ordinance are consistent with the City's General Plan, applicable State law, and the City's goals of promoting sustainable development, conserving water resources, and protecting the public health, safety, and welfare; and

WHEREAS, the City Council finds that incorporating the current MWELo provisions by reference will facilitate efficient review of landscape plans and establish clear procedures for demonstrating compliance with applicable water-efficiency requirements; and

WHEREAS, the City will continue to monitor updates to the Model Water Efficient Landscape Ordinance and implement applicable provisions to remain compliant with all current State standards and regulations; and

WHEREAS, the City Council has considered the proposed amendments to Chapter 17.65, the staff report, recommendations, testimony, evidence, and all other information presented at the duly noticed public hearing; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred, and the City Council duly considered all evidence presented in connection with its consideration of this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTEBELLO DOES ORDAIN AS FOLLOWS:

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

SECTION 2. AMENDMENTS. Chapter 17.65 of Title 17 of the Montebello Municipal Code is hereby amended in its entirety and restated to read as follows (New language is underlined, while deleted language is stricken):

Chapter 17.65 - WATER CONSERVATION IN LANDSCAPING REGULATIONS

17.65.010 – Purpose.

~~The purpose of this chapter is to establish standards and procedures for the design, installation, and management of water conserving landscapes in order to utilize available plant, water and land resources to avoid excessive landscape water demands while ensuring high quality landscape design.~~

~~(Ord. 2085 § 1 (part), 1993; prior code § 9249)~~

17.65.020 – Definitions.

~~Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as defined in this section.~~

~~"Application rate" means the rate of irrigation (inches/hour or gallons per minute) at which water is applied by an irrigation system.~~

~~"Automatic control valve" means a valve in an irrigation system which is activated by an automatic electric or hydraulic controller.~~

~~"Automatic irrigation system" means an irrigation system that can be controlled without manual manipulation, and which operates on a pre-set program.~~

~~"Contour" means a line drawn on a plan which connects all points of equal elevation above or below a known or assumed reference point.~~

~~"Controller" means an automatic timing device with enclosure, which signals automatic valves to open and close on a pre-set program.~~

~~"Cycle" means in irrigation, the complete operation of a controller station.~~

~~"Designer" means a person qualified to practice landscape architecture and/or irrigation design as defined under the Business and Professional Code of the state of California.~~

~~"Director" means the director of planning of the city.~~

~~"Grading" means earthwork performed to alter the natural contours of an area to be planted.~~

~~"Hydrazone" means a portion of the planting area having plants grouped according to water need.~~

~~"Infiltration rate" means the rate (inches per hour) in which water moves through soil under natural conditions.~~

~~"Irrigation system" means a complete connection of system components, including the water distribution network and the necessary irrigation equipment and downstream from the backflow prevention device.~~

~~"Planting area" means the parcel area less building pad(s), driveway(s), patio(s), deck(s), walkway(s) and parking area(s). Planting area includes water bodies (i.e., fountains, ponds, lakes) and natural areas.~~

~~"Planting plan" means a plan which identifies location, spacing, numbers, container sizes of all plant materials including common and botanical names.~~

~~"Rehabilitated landscape" means any planting area in which fifty percent of existing landscape materials are replaced or modified within any twelve-month period. Examples include a change of plants or ground cover, installation of a new irrigation system, and grading modifications.~~

~~"Station" means a position on an automatic irrigation controller which indicates the control point of automatic irrigation valves.~~

~~"Turf" means a surface layer of earth containing grass with its roots.~~

~~(Ord. 2085 § 1 (part), 1993: prior code § 9249.1)~~

~~17.65.030 – Applicability.~~

~~A. These requirements shall be applicable to landscaped areas of two thousand five hundred square feet or more of new and rehabilitated landscaping for industrial, commercial, office and institutional developments; to parks and other public recreational areas; to multifamily (three or more units) residential and PUD common areas; to model home complexes; and to city road medians and corridors.~~

~~B. These requirements shall not be applicable to:~~

- ~~1. Homeowner provided landscaping at single-family and two-family residential projects;~~
- ~~2. Cemeteries;~~
- ~~3. Registered historical sites;~~
- ~~4. Ecological restoration projects that do not require a permanent irrigation system;~~
- ~~5. Mined-land reclamation projects that do not require a permanent irrigation system;~~
- ~~6. Any project with a landscaped area less than two thousand five hundred square feet.~~

~~C. Exemptions. The director may authorize exemptions to any of the design and improvement standards in this chapter. Such exemptions may be granted if the director finds that the proposed design or improvement is in substantial compliance with the purpose and intent of this chapter.~~

~~(Ord. 2085 § 1 (part), 1993: prior code § 9249.2)~~

~~17.65.040 – Landscape plan submission.~~

~~1. Landscape Plan—Required. Landscape plans shall be prepared in accordance with the standards set forth herein and with any guidelines developed to help implement the provisions of this chapter. Such plans shall be submitted and approved prior to the issuance of building permits to comply with the requirements of this chapter.~~

~~2. Landscape Plan—Application. Prior to the issuance of a building permit a landscape plan application shall be submitted and reviewed in accordance with this chapter. Applications for landscape plan approval shall be filed by the owner of the affected property or his agent, or by a public entity to which the provisions of the chapter apply, on forms furnished by the director.~~

~~3. Landscape Plan—Approval. No landscape plan application shall be approved unless the director finds that the plan compliments the design of the project, is consistent with the provisions of this chapter and applicable landscape guidelines; compatible with adjacent existing or future public landscaped areas, and with the elevations and appearances with existing structures located upon lots within the immediate vicinity of the lot which is the subject of such application.~~

~~4. Landscape Plan—Content. Each landscape plan shall consist of the following elements including, but not limited to the following:~~

~~a. Water Conservation Concept Statement. Each landscape plan shall include a cover sheet referred to as the water conservation concept statement, which serves as a checklist to verify that the~~

elements of the landscape plan have been completed and includes a brief narrative summary of the project. The statement shall include calculations of the project's:

- i. Maximum applied water allowance;
- ii. Estimated applied water use.

b. Planting Plan. The planting plan shall identify location, spacing, numbers, container sizes of all plant materials including common and botanical names, drawn on project base sheets in a clear and legible fashion in accordance with the administrative guidelines established to implement the provisions of this chapter.

c. Irrigation Plan. The irrigation plan shall identify components of the irrigation system drawn on project base sheets in a clear and legible fashion in accordance with the guidelines established to implement the provisions of this chapter.

d. Annual Irrigation Schedule. The annual irrigation schedule shall be prepared, with a minimum four-season water schedule, for both the plant establishment period and established landscape. The irrigation schedule shall include run time and frequency of irrigation for each station.

e. Soils Test. The landscape plan shall include a report of soils test which includes information on soil infiltration rate, soil texture, and agricultural suitability. A soils test shall be required if substantial amounts of soil are imported to the property.

(Ord. 2085 § 1 (part), 1993; prior code § 9249.3)

17.65.050 – Landscape standards.

A. Water Features. Decorative water features such as ponds, and waterfalls used in landscaped areas shall incorporate the recycling of water to minimize water loss. Where available, and appropriate, the use of reclaimed water shall be designed and incorporated into the water features.

B. Water Meters. Each landscape irrigation system shall be metered for water use, separately from domestic and other non-landscape uses.

C. Landscape Irrigation Audit. Each landscape irrigation system that services a landscape area of two thousand five hundred square feet or more shall be audited every five years by the property owner for conformance with the approved plan, in accordance with the state of California Landscape Water Management Program, Landscape Irrigation Auditor Handbook, incorporated by reference. Landscaped area of less than two thousand five hundred square feet shall be exempt from the requirement to conduct an irrigation audit.

D. Landscape Maintenance. The property owner shall permanently and continuously maintain all landscaping and irrigation in a neat, clean and healthy condition, including removal of litter, proper pruning, mowing of lawns, weeds, fertilizing, and watering; and replacement of diseased and/or dead plants and malfunctioning or missing irrigation system components.

E. Model Home Landscaping. For each subdivision with model homes the developer shall submit a landscape plan and install landscaping for each model home, incorporating the requirements of this chapter and including:

- 1. Signs identifying elements of the water conserving landscape and irrigation system design placed around the model homes;
- 2. Literature describing water conserving landscapes to be available to individuals touring the model homes;
- 3. The location, text, and size of signs shall be clearly shown on the landscape plan and shall be in substantial accordance with the guidelines established to implement the provisions of this chapter.

~~F. Landscape Certificate. Upon completion of the installation of the landscaping, the designer shall certify that the landscape complies with all requirements of this chapter. Certification shall be accomplished by completion of a landscape certificate on a form approved by the director. Failure to submit a complete and accurate landscape certificate will delay final approval of the project and/or discontinue water service.~~

~~G. Relative Water Requirements of Commonly Used Plants. The director shall develop a list of plants that are commonly used in landscape designs with water requirement classifications of low, medium, and high to assist landscape designers to choose species of appropriate water demands to comply with this chapter and to group species of similar water demands to facilitate efficient irrigation. This list shall be included in the landscape guidelines developed to implement the provisions of this chapter.~~

17.65.010 - Purpose.

The City of Montebello ("The City") recognizes that California's water supply is limited and increasingly strained, making efficient water use essential for sustaining the State's economy and environment. The Model Water Efficient Landscape Ordinance ("MWELO") aims to promote water-efficient landscaping practices through better planning, design, and management in both new and existing projects, while encouraging collaboration among agencies, property owners, and industry. It establishes consistent requirements for new development and rehabilitated landscapes including but not limited to maximum applied water allowance ("MAWA"), landscape design plans and irrigation audits, soil management, and grading standards. Adopting MWELO advances the City's sustainability and climate resilience objectives by lowering water demand, reducing runoff and improving groundwater recharge, and supporting climate-appropriate landscaping.

The purpose of this Chapter is to ensure that the design, installation and maintenance of landscapes within the City of Montebello meet the requirements of the State of California Model Water Efficient Landscape Ordinance as outlined in Title 23, Division 2, Chapter 2.7 of the California Code of Regulations of the California Government Code.

17.65.020 – Adoption of the State of California Model Water Efficient Landscape Ordinance.

The State of California Model Water Efficient Landscape Ordinance ("MWELO"), as found in Chapter 2.7 of Division 2 of Title 23 of the California Code of Regulations, and as amended from time to time by the State of California, is hereby adopted by reference in its entirety as if incorporated and set out in full in this Chapter as the Water Efficient Landscaping Ordinance of the City of Montebello.

17.65.030 – Applicability.

Except as otherwise provided by applicable State law or the State of California Model Water Efficient Landscape Ordinance ("MWELO"), the requirements of this Chapter shall apply to landscape projects subject to MWELO, including:

1. New construction projects with a landscape area equal to or greater than five hundred (500) square feet requiring a building or landscape permit, plan check, or design review;

2. Rehabilitated landscape projects with a landscape area equal to or greater than two thousand five hundred (2,500) square feet requiring a building or landscape permit, plan check, or design review;

3. Existing non-rehabilitated landscapes to the extent regulated by applicable provisions of MWELO; or

4. New, existing, and rehabilitated cemeteries to the extent regulated by applicable provisions of MWELO.

The applicability thresholds and requirements set forth in this Section shall be interpreted consistent with the applicable version of MWELO and controlling State law.

17.65.040 – Exemptions.

The following projects shall be exempt from this Chapter to the extent they are exempt under applicable State law and the State of California Model Water Efficient Landscape Ordinance (“MWELO”):

1. Registered local, state, or federal historical sites;
2. Ecological restoration projects that do not require a permanent irrigation system;
3. Mined-land reclamation projects that do not require a permanent irrigation system; or
4. Existing plant collections that are part of botanical gardens and arboretums open to the public.

Nothing in this Section shall be construed to exempt a project from any other applicable Federal, State, or local law, regulation, permit, or requirement.

17.65.050 – Submittals.

The project applicant shall:

1. Submit the signed Certificate of Completion Package to the City for review; and
2. Ensure that copies of the approved Certificate of Completion Package are submitted to the local water purveyor and property owner or their designee, unless the property owner is the project applicant.

The City shall:

1. Receive the signed Certificate of Completion Package from the project applicant; and
2. Approve or deny the Certificate of Completion Package. If the Certificate of Completion Package is denied, the City shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

Upon approval of an application, the Director of Planning and Community Development is authorized to request additional information, materials, or applications, as deemed necessary, to ensure the application is complete and to evaluate compliance with applicable requirements of this Chapter.

17.65.060– Enforcement.

- A. Violation of any provision of this chapter shall constitute grounds for issuance of a notice of violation and assessment of a fine by a City enforcement official or representative. Enforcement actions under this chapter are issuance of an administrative citation, Montebello Municipal Code Chapter 1.14. The City’s procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this chapter and any rule or regulation adopted pursuant to this Chapter, except as otherwise indicated in this chapter.
- B. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. The City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. The City may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of City staff and resources.

SECTION 3. GENERAL PLAN CONSISTENCY. The City Council hereby finds and determines that the amendments adopted by this Ordinance are consistent with, and further the goals, policies, objectives, and implementation measures of the City’s General Plan. The amendments promote the conservation and efficient use of water resources by establishing and maintaining standards for water-efficient landscape design, installation, and maintenance.

The City Council further finds that the amendments are necessary and appropriate to ensure that the City’s regulations governing landscape development and water use remain consistent with applicable requirements of the State of California’s Model Water Efficient Landscape Ordinance (“MWELO”), codified at California Code of Regulations, Title 23, Division 2, Chapter 2.7, as amended from time to time.

SECTION 4 . CEQA. The City Council hereby determines and finds that the amendments adopted by this Ordinance are not a “project” subject to CEQA pursuant to CEQA Guidelines Section 15378 because the amendments do not have the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. The City Council further determines that the proposed Text Code Amendments are exempt from CEQA pursuant to the commonsense exemption under CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the proposed amendments may have a significant effect on the environment.

SECTION 5. SEVERABILITY. If any action, subsection, line, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid or unconstitutional, either facially or as applied, by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining

portions of this Ordinance, and each and every individual section, subsection, line, sentence, clause, phrase, or word without regard to any such decision.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after approval by the City Council.

SECTION 7. 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 this XX DAY OF [MONTH] 2026.

Georgina Tamayo, 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 ____ day of _____, 2026, and was adopted by the City Council of the City of Montebello at its meeting held on the ____ day of _____ 2026 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Christopher Jimenez, City Clerk

ATTACHMENT D

ORDINANCE NO. 2497

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTEBELLO, CALIFORNIA, AMENDING APPENDIX A - INDEX OF PRIMARY USES OF TITLE 17 (ZONING) OF THE MONTEBELLO MUNICIPAL CODE TO ESTABLISH A LAND USE CLASSIFICATION FOR ARTIFICIAL INTELLIGENCE (AI) DATA CENTERS AND PROHIBIT AI DATA CENTERS IN ALL ZONING DISTRICTS

WHEREAS, the City of Montebello ("City") is a municipal corporation organized and existing under the laws of the State of California and is authorized pursuant to its police power and applicable provisions of State law to regulate the use and development of land within the City for the protection of the public health, safety, and welfare; and

WHEREAS, Article XI, § 7 of the California Constitution empowers the City to enact and enforce ordinances regulating conditions that may be public nuisances or health hazards, or that promote social, economic, or aesthetic considerations; and

WHEREAS, recent advances in artificial intelligence ("AI"), cloud computing, high-performance computing, and digital infrastructure have resulted in rapidly increasing demand for large-scale computing facilities capable of supporting AI model training, cloud computing, data storage, and real-time data processing; and

WHEREAS, data centers are specialized facilities designed to house substantial quantities of computer servers, networking equipment, storage systems, electrical equipment, cooling systems, backup power systems, and related infrastructure necessary for the storage, processing, and distribution of digital information; and

WHEREAS, AI Data Centers represent a specialized and emerging form of data center development that may accommodate high-density computing equipment and intensive computational workloads associated with artificial intelligence, machine learning, large-scale data processing, and related technologies; and

WHEREAS, AI Data Centers may have operational characteristics and infrastructure requirements that differ substantially from those associated with conventional commercial, office, industrial, or technology-related uses, including substantial and continuous electrical demand, high-capacity utility infrastructure,

extensive cooling and mechanical systems, backup electrical generation, battery and energy storage systems, and other specialized equipment; and

WHEREAS, AI Data Centers may operate continuously, including twenty-four (24) hours per day and seven (7) days per week, and may require uninterrupted electrical service to maintain computing operations and protect sensitive equipment and data; and

WHEREAS, the development and operation of AI Data Centers may result in substantial demands on electrical infrastructure and, depending upon the design and cooling technology employed, may also result in significant water consumption, wastewater generation, heat generation, and other infrastructure demands; and

WHEREAS, the scale, intensity, operational characteristics, and infrastructure demands associated with AI Data Centers may create potential land use compatibility concerns when such facilities are located in proximity to sensitive land uses, including residential neighborhoods, schools, hospitals, parks, and other locations where continuous noise, equipment operation, emergency power generation, or other impacts may adversely affect surrounding properties and community character; and

WHEREAS, AI Data Centers may also require substantial electrical and telecommunications infrastructure, including substations, transmission or distribution facilities, fiber-optic infrastructure, backup generators, fuel storage, cooling systems, and other ancillary facilities, which may have land use, visual, environmental, and infrastructure implications extending beyond the principal building or structure; and

WHEREAS, local governments throughout California and the nation are increasingly being presented with proposals for large-scale data centers and AI-related computing facilities that were not specifically contemplated when many existing zoning regulations were adopted; and

WHEREAS, Title 17 of the Montebello Municipal Code (“Municipal Code”) does not currently contain a specific definition or land use classification for AI Data Centers or other similarly intensive computing facilities and therefore does not expressly address the unique operational characteristics, infrastructure requirements, and potential land use impacts associated with such facilities; and

WHEREAS, the absence of a specific land use classification may create uncertainty regarding the appropriate zoning classification for AI Data Centers and may make it difficult to determine whether existing zoning regulations adequately address the intensity and characteristics of such uses; and

WHEREAS, the City Council has considered the potential land use, infrastructure, environmental, and community impacts associated with AI Data Centers and has determined that additional consideration of these emerging uses is warranted to protect the public health, safety, and welfare and to ensure that future land use decisions are consistent with the City's long-term planning objectives; and

WHEREAS, on February 11, 2026, the City Council adopted an interim urgency ordinance (Urgency Ordinance No. 2491), temporarily prohibiting or restricting the establishment, expansion, or intensification of AI Data Centers within the City while the City undertook a broader review of the potential impacts of such facilities and considered appropriate long-term land use policies and regulations; and

WHEREAS, the interim ordinance was adopted as a temporary measure to preserve the existing land use status quo, prevent potentially incompatible development while the City conducted its review, and provide the City with sufficient time to evaluate the appropriate permanent regulatory framework for AI Data Centers; and

WHEREAS, the City Council finds that AI Data Centers constitute an emerging land use that is sufficiently distinct in scale, intensity, infrastructure requirements, and operational characteristics to warrant separate identification and treatment within the Municipal Code; and

WHEREAS, the City Council finds that establishing a specific definition and land use classification for AI Data Centers will provide greater clarity and certainty to property owners, applicants, City staff, decision-makers, and the public regarding the nature of the use and its treatment under the City's zoning regulations; and

WHEREAS, the City Council has determined that the potential demands associated with AI Data Centers, including substantial electrical consumption, utility infrastructure requirements, cooling and mechanical equipment, water consumption, emergency power generation, continuous operations, noise, emissions, and related impacts, warrant a citywide prohibition of AI Data Centers at this time; and

WHEREAS, the City Council finds that the amendment to Appendix A (Index of Primary Uses) of Title 17, establishing a classification for AI Data Centers and a citywide prohibition on such facilities, constitutes a legislative land use decision intended to establish a clear and consistent policy regarding an emerging and potentially intensive land use. Amendments also include corrections to minor typographical errors in the footnotes to Appendix A; and

WHEREAS, prohibiting AI Data Centers in all zoning districts will provide a clear, consistent, and readily enforceable land use standard and will prevent the establishment of such facilities in locations where the City's existing zoning framework, infrastructure, surrounding land uses, and community character may not be adequately equipped to accommodate their unique characteristics; and

WHEREAS, the City Council recognizes that technology and computing facilities may continue to evolve and that the definition established in Title 17 is intended to identify facilities based upon their operational characteristics and intensity rather than solely upon the particular technology, software, or business application used by the facility; and

WHEREAS, the City Council finds that the proposed amendment is consistent with the goals, policies, and objectives of the City's General Plan because they promote orderly and compatible development, protect existing neighborhoods and community character, ensure consideration of infrastructure capacity, and support the City's long-term land use, environmental, and community development objectives; and

WHEREAS, the City Council further finds that the proposed amendment will provide a clear regulatory framework for identifying AI Data Centers and will assist the City in maintaining appropriate separation between potentially intensive computing facilities and land uses that may be sensitive to noise, emissions, utility demands, and other operational impacts; and

WHEREAS, the City Council has determined that adoption of this Ordinance is necessary and appropriate to protect the public health, safety, and welfare and to establish clear and consistent land use regulations addressing the unique characteristics of AI Data Centers; and

WHEREAS, the City Council has considered the proposed amendment to Appendix A - Index of Primary Uses of Title 17, the staff report, recommendations, testimony, evidence, and all other information presented at the duly noticed public hearing; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred, and the City Council duly considered all evidence presented in connection with its consideration of this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTEBELLO DOES ORDAIN AS FOLLOWS:

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

SECTION 2. AMENDMENT TO APPENDIX A – INDEX OF PRIMARY USES. Appendix A (Index of Primary Uses) of Title 17 of the Montebello Municipal Code is hereby amended as follows (New Language is underlined and deleted text (~~stricken~~):

DRAFT

Appendix A

INDEX OF PRIMARY USES

(Temporary Use Permits Required—Refer to Chapter 12.16 for Temporary Uses)

Numbered footnotes appear at the end of this appendix

USE	ZONE											
	(R = Use by right; C = Conditional use permit; blank = not permitted)											
	R-A	R-1	R-2	R-3	R-4	C-R	C-1	C-2	C-M	M-1	M-2	
Access to Property						C	C	C	C			
Accessory Dwelling Unit ⁵⁵	R	R	R	R	R							
Acetylene Storage										R	R	
Acid Manufacture												C
Addressograph Service									R	R	R	
Adult Business (see Chapters 17.60 and 5.76)										R	R	
Advertising, Outdoor (Off-premises)										R	R	
Agricultural Equipment, Sale or Rent										R	R	
Agricultural or Horticultural Growing Grounds ¹	C	C	C	C	C			C				
Air Pollution Station	C	C	C	C	C	C	C	C	C	C	C	C
Airports and Heliports									C ²	C	C	
Alcohol, Manufacture of												R
Ambulance Service								C	R	R	R	
Ammonia, Manufacture of												R
Ammunition, Manufacture of										C	C	
Amusement Arcades (see Chapter 17.66)								C	C			
Amusement Parks	C							C	C	C		
Animal Shelter										R	R	
Antique Shops, Retail								R	R	R	R	
Appliance Sales & Repairs (Household & Small Appliances)								R	R	R	R	
Aquariums	C	C	C	C	C	C	C	C	C	C	C	C
Artificial Intelligence (AI) Data Centers⁶⁵												
Asphalt Refining or Asphalt Mixing Plants												C
Assembly Buildings & Uses	C				C			C	C	C		
Athletic Fields	C	C	C	C	C	C	C	C	C	C	C	C
Auditoriums	C	C	C	C	C	C	C	C	C	C	C	C

Auto & Motorcycle Repair Garages									C	R	R
Auto Wrecking/Dismantling Yard											C
Autobody Repair									C	R	R
Automobile Rental Agencies								C	R	R	R
Automobile Sales, New & Used								C	R	R	R
Bakery, Retail							R ³	R ⁴	R	R	R
Banks								R	R	R	R
Barber, Beauty Shops & Cosmetologists							R	R	R	R	R
Barrels, Storage of											C
Bars/Cocktail Lounges ⁵								C	C		
Beacons, Direction Devices, Stations	C	C	C	C	C	C	C	C	C	C	C
Bird Raising	C	C	C	C	C				R	R	R
Blast Furnaces or Coke Ovens											C
Body Art Establishments ⁶²								C	C	C	C
Book Stores								R	R	R	R
Borrow Pits (quarries)	C	C	C	C	C					C	C
Bottling Plants										R	R
Bowling Alley								C	C	C	C
Box, Manufacture of										R	R
Breweries											R
Brick, Tile, Etc., Manufacture of											R
Brushes, Manufacture of										R	R
Building Materials Sales									R	R	R
Building Materials Storage Yards									R	R	R
Burial Casket Sales									R	R	R
Cabinet Shops									R	R	R
Camps	C	C	C	C	C	C	C	C	C		
Cannabis Cultivation Site ⁶³										C	C
Cannabis Manufacturing Site ⁶³										C	C
Cannabis Testing Laboratory ⁶³										C	C
Cannabis Distributor ^{63, 64}										C	C
Cannabis Delivery-Only Retailer ⁶³										C	C
Candles, Manufacture of										R	R
Candy & Confectionary Stores (with incidental manufacturing)								R	R	R	R
Candy Manufacture									R	R	R

Canvas Manufacture										R	R
Carnival, Circus or Fair ⁶	C				C						
Carpet Cleaning Plant									R	R	R
Carwashes								C	C	C	C
Casein Production (except glue)										R	R
Catering Service											R
Catering Truck Service Yard (Heavy Trucking) ⁵⁶										R ⁵⁶	R ⁵⁶
Cellophane Products Manufacture										R	R
Cement, Lime, Gypsum or Plaster of Paris Manufacture											C
Cemetery	C	C	C	C	C	C	C	C	C	C	C
Ceramics Manufacture									R	R	R
Charitable Bins & Depositories						C	C	C	C	C	C
Child Care Centers (see Day Nurseries) ⁷	C	C	C	C	C	C	C	C	C	C	C
Children's Homes	C	C	C	C	C	C	C	C	C		
Churches, Temples, Etc.	C	C	C	C	C	C	C	C	C	C	C
Cigar Manufacture										R	R
Cigarette Manufacture										R	R
Clocks, Manufacture of										R	R
Clothing Rental								R	R	R	R
Clubs, Private								C	C	C	C
Coffee Roasting										R	R
Coffins, Manufacture of										R	R
Coins, Purchase and Sales								R	R	R	R
Cold Storage Plants										R	R
Columbariums, Crematoria, Mausoleums	C									C	C
Commercial Incinerators										C	C
Communications Equipment									R	R	R
Concrete Manufacture											R
Construction Equipment Storage Yard, Temporary ⁸	R	R	R	R	R	R	R	R	R	R	R
Contractor's Equipment Storage Yard									R	R	R
Convalescent Hospitals						C	C	C	C	C	C
Convents & Monasteries	C	C	C	C	C						
Cork Products										R	R
Corrugated Paper Products Manufacture										R	R
Cosmetic Manufacture									R	R	R
Costume Design Studios								C	R	R	R
Costume Rentals								R	R	R	R

Courts, Badminton, Tennis, Etc.	C	C	C	C	C	C	C	C	C	C	C	C
Cutlery Manufacture											R	R
Dairy Products, Manufacture											R	R
Dairy Stores							R	R	R	R	R	R
Dairy Stores, Drive-In ⁹							R	R	R	R	R	R
Dance Pavilion, Outdoor									C	C		
Dance Studios								C	R	R	R	R
Dancehalls								C	C	C	C	C
Delicatessen							R ¹⁰	R	R	R	R	R
Dental Clinic								C	R	R	R	R
Distillation of Bones												C
Distribution Plants											R	R
Drive-In Establishments ¹¹							R ¹⁰	R	R	R	R	R
Drive-In Restaurants ¹¹								R	R	R	R	R
Drive-In Theaters								C	C	C	C	C
Drop-Forge Industry												C
Drugs, Manufacture & Wholesale											R	R
Drugstores							R	R	R	R	R	R
Dry Cleaning & Laundering, Retail & Self-Service							R ¹²	R	R	R	R	R
Dry Cleaning Plant									R	R	R	R
Dry Goods Manufacture											R	R
Dwellings, Caretaker										R ¹³	R	R
Dwellings	R	R	R	R	R			R ¹⁴	R ¹⁴			
Dumps												C
Educational Institutions	C	C	C	C	C	C	C	C	C	C	C	C ¹⁵
Egg Candling											R	R
Electrical Distribution Substations	C	C	C	C	C	C ¹⁶	C ¹⁶	C ¹⁶	C ¹⁶	C	C	C
Electronic Instruments									R	R	R	R
Electronic or Neon Sign Manufacture										R	R	R
Emergency Shelters											R ⁶¹	
Employment Agencies								R	R	R	R	R
Enamel Products, Painted & Baked											R	R
Engines, Manufacture											R	R
Engraving, Machine Metal											R	R
Equestrian Establishments	C	C	C	C	C							
Equipment Rentals/Sales								R ¹⁷	R	R	R	R
Escort Bureaus								R	R	R	R	R
Explosives, Manufacture & Storage												C

Fabrication of Articles From Previously Prepared Materials									R ¹⁸	R	R
Family Care Services for 7 or More Persons (convalescing mental patients)	C	C	C	C	C						
Fast Food Restaurant ^{11, 51}							R ^{10, 52}	R ⁵²	R ⁵²	R ⁵²	R ⁵²
Fat Rendering											C
Feather Products, Manufacture of										R	R
Feed & Fuel Yards										R	R
Feed & Grain Sales									R	R	R
Fertilizer, Manufacture of											C
Fiber Products										R	R
Finance Companies & Institutions								R	R	R	R
Fire Prevention Equipment Sales & Service									R	R	R
Fish Hatcheries									R	R	R
Fishing & Casting Ponds	C								C	C	C
Fixtures, Gas & Electric, Manufacture of										R	R
Fleet Services (service vehicles, limousines)									R	R	R
Floor Covering, Retail								R	R	R	R
Florist Shops								R	R	R	R
Flour Mills										R	R
Food, Prepared, Sale of									R	R	R
Food Products, ¹⁹ Manufacturing & Processing of										R	R
Fortunetelling										C	C
Frozen Food Lockers									R	R	R
Fruit & Vegetable Canning										R	R
Fur Products, Manufacture of										R	R
Furniture, Manufacture of										R	R
Furniture Stores								R	R	R	R
Furniture, Transfer & Storage									R	R	R
Furrier Shops								R	R	R	R
Garbage, Etc., Reduction											C
Garden Supplies								R	R	R	R
Garment Manufacturing (see Fabrication)										R	R
Gas Engines, Retail Sales & Service								R ²⁰	R	R	R

Gas Manufacture & Storage											R
Glass & Mirrors, Retail								R ²¹	R	R	R
Glass, Production of										R	R
Glass Studios									R	R	R
Gloves, Manufacturing										R	R
Golf Course, Driving Range, & Clubhouse	C	C	C	C	C	C	C	C	C	C	
Grocery Store							R ⁵³	R ⁵³	R ⁵³	R ⁵³	R ⁵³
Guesthouses/Accessory Buildings	C	C	C	C	C						
Gunsmith & Gun Shops								R	R	R	R
Gymnasiums								C	R	R	R
Gypsum, Manufacture of											R
Hair Products, Manufacture of										R	R
Hardware Stores								R	R	R	R
Hat Cleaning & Blocking									R	R	R
Hatcheries, Chicken										R	R
Health Food Stores								R	R	R	R
Heating Equipment, Manufacture of										R	R
Hobby Supply Shops								R	R	R	R
Home & Business Maintenance Service									R ²²	R	R
Home Appliance Repair Shops									R	R	R
Home Occupation	R ⁶⁰	R ⁶⁰	R ⁶⁰	R ⁶⁰	R ⁶⁰						
Homes for Senior Citizens & Handicapped ²³				C	C	C	C	C			
Horn Products, Manufacture of										R	R
Horses, Boarding & Raising	C										
Hospitals								C	C	C	
Hospitals, Convalescent & Nursing						C	C	C	C		
Hospitals, Mental								C	C	C	
Hotels ²⁴								R	R	R	R
Ice & Cold Storage Plants										R	R
Ice Cream Manufacturing									R	R	R
Ice Cream Parlors								R	R	R	R
Ice Sales (not plants)								R	R	R	R
Ink Manufacturing										R	R
Interior Decorating Shops								R	R	R	R
Iron, Etc., Foundry											C
Iron, Steel, Etc., Fabrication											R
Iron Works (not foundry)										R	R

Jewelry, Manufacture of									R	R	R
Junk Dealer (junkyard, also auto or truck dismantler)											C
Kenel ²⁵									R	R	R
Knitting Mills										R	R
Labor Hall									C	C	C
Laboratories (medical or dental)								C	R	R	R
Laboratory, Biomedical, Film, Etc.									R	R	R
Land Reclamation Projects	C	C	C	C	C	C	C	C	C	C	C
Lapidary Shops, Retail								R	R	R	R
Laundromats							R	R	R	R	R
Lawnmowers, Retail & Service								R	R	R	R
Liquor Stores								C	C	C	C
Lithographic Service								C	R	R	R
Locksmith								R	R	R	R
Lumber Yards ²⁶									R	R	R
Machinery & Tools, Retail									R	R	R
Machine Shops										R	R
Machinery Storage										R	R
Mail-Order House									R	R	R
Manufacturer's Agent or Representative								R	R	R	R
Manufacturing Assembly, Etc.									R ²⁷	R	R
Markets, Food							R	R	R	R	R
Markets, Wholesale & Jobbers									R	R	R
Massage Parlors (see Part VI, B)								C	C	C	C
Mattress Manufacture										R	R
Medical Clinics								C	R	R	R
Medical Equipment, Sales									R	R	R
Medicines, Manufacture of										R	R
Menageries	C	C	C	C	C	C	C	C	C	C	C
Metals, Manufacture, Etc.									R ²⁸	R	R
Metal Plating										C	C
Microwave Towers	C	C	C	C	C	C	C	C	C	C	C
Mills, Planing, Etc.										R	R
Mini-Mart ^{9,54}							R ⁵²	R ⁵²	R ⁵²	R ⁵²	R ⁵²
Mobile Home Parks				C	C						
Mobile Homes, Offices ²⁹						C	C	C	C ²⁹	C ²⁹	C ²⁹
Mobile Homes, Sales & Rental									R	R	R

Mobile/Manufactured Homes (dwellings) ³⁰		R	R	R	R						
Mortuaries & Funeral Parlors								C	R	R	R
Motel/Hotel ³¹								R	R	R	R
Motion Picture Studios (outdoor sets prohibited)									R	R	R
Motorcycle Sales								C	R	R	R
Motors, Electric, Manufacture of										R	R
Music Schools & Studios								C	R	R	R
Music Stores								R	R	R	R
Musical Instruments, Manufacture of										R	R
Natural Mineral Resources ³²						C	C	C	C	C	C
Newspaper Distribution										R	R
Newspaper Printers								C	R	R	R
Novelties, Manufacture of										R	R
Nurseries								R ³³	R	R	R
Nursery Growing Grounds	C	C	C	C	C				R	R	R
Observatories	C	C	C	C	C					C	C
Office Equipment & Supplies Retail Sales & Rental								R	R	R	R
Offices, Business & Professional						R	R	R	R	R	R
Oil & Gas Production ³⁵	R	R	R	R	R	R	R	R	R	R	R
Oil Cloth or Linoleum Manufacturing											R
Oil Extraction Plants											C
Optical Manufacturing									R	R	R
Orthopedic Devices, Sales								R	R	R	R
Outdoor Storage Areas										R	R
Packaging Business									R	R	R
Paint Mixing ³⁶										R	R
Paint, Oil, Shellac, Etc. Manufacture of											R ³⁷
Paper Products, Cutting, Embossing and Folding								C	R	R	R
Paper Pulp, Manufacture of											C
Parcel Delivery Stations									R	R	R
Parking, Off-Street	C ³⁸	C ³⁸	C ³⁸	C ³⁸	C ³⁸	C	C	R	R	R	R
Pawnshop									R	R	R
Perfume, Manufacture of										R	R
Pest Control Operators									R	R	R
Pet Shop/Grooming								R	R	R	R
Petroleum Refining											C

Petroleum Storage											R
Phonograph Records, Manufacture of										R	R
Photocopying Shops								R	R	R	R
Photoengraving & Finishing									R	R	R
Photofinishing, Retail								R	R	R	R
Photography Studios								R	R	R	R
Physical Fitness Parlors								C	R	R	R
Plaster of Paris, Manufacture of											C
Plastic, Fabrication & Molding										C	R
Plumbing Shops & Supply Yards									R	R	R
Plumbing Supplies, Retail								R	R	R	R
Pool & Billiard Halls								C	C	C	C
Postal Service								R	R	R	R
Pottery, Manufacture of										R	R
Pottery Stores									R ³⁹	R	R
Prefabricated Buildings Manufacture										R	R
Press Forges, Upset & Drop											C
Printers								C	R	R	R
Public Utilities Business Office						R	R	R	R	R	R
Public Utilities, Operated by Mutual Agencies	C	C	C	C	C	C	C	C	C	C	C
Public Utilities, Service Yards										R	R
Racetracks & Rodeos	C							C		C	C
Radio & Television Broadcasting Studios									R	R	R
Radio & Television Stores								R	R	R	R
Radio & TV Transmitter & Receivers, Commercial	C	C	C	C	C	C	C	C	C	C	C
Recording Studios									R	R	R
Recreational Facilities & Playgrounds	C	C	C	C	C	C	C	C	C	C	C
Recycling, Construction & Demolition (C&D) Facility ⁴⁰										C ⁴⁰	C ⁴⁰
Recycling, Public Collection Facility ⁴⁰								R ⁴⁰	R ⁴⁰	R ⁴⁰	R ⁴⁰
Recycling, Facility ⁴⁰										C ⁴⁰	C ⁴⁰
Reducing Salons								C	R	R	R
Restaurants								R	R	R	R
Restaurants, Bona Fide ⁵¹								R ⁵²	R ⁵²	R ⁵²	R ⁵²

Restaurants, Fast Food ^{11, 51}							R ^{10, 52}	R ⁵²	R ⁵²	R ⁵²	R ⁵²
Retail Stores								R	R	R	R
Rock Crushing or Distribution											C
Roofing & Roofing Tile Manufacture										R	R
Rope Manufacture										R	R
Rubber Fabrication										R	R
Rubber Manufacture/Reclamation											C
Rug, Manufacture of										R	R
Sash & Door Manufacture										R	R
Scales, Public									R	R	R
Schools, (Commercial) & Studios								C	R	R	R
Scientific Instruments, Manufacture									R	R	R
Scientific Instruments (Sales & Retail)								R	R	R	R
Secondhand Stores								C ⁴¹	R	R	R
Service Stations ⁴²								C	C	C	C
Sewage Disposal Plants											C
Sheet Metal Shops										R	R
Shoe Repair Shops								R	R	R	R
Shoe Shine Stands								R	R	R	R
Shoes, Manufacturing										R	R
Sign Shops									R	R	R
Significant Tobacco Retailer ⁵⁹							C	C	C	C	C
Silk Screen Shops								R	R	R	R
Slaughterhouse											C
Smelting of Tin, Copper, Etc.											C
Soap Manufacturing, Cold Mix Only										R	R
Soda & Compound Manufacturing											R
Soft Drink Manufacturing & Bottling										R	R
Solid Fill Projects	C	C	C	C	C	C	C	C	C	C	C
Specialty Food Store							R ⁵³	R ⁵³	R ⁵³	R ⁵³	R ⁵³
Springs, Manufacturing										R	R
Stained Glass Assembly									R	R	R
Stationary Stores								R	R	R	R
Stationary Manufacturing											R
Steam Electric Generating Stations											R
Stone Monuments & Tombstones										R	R

Stones, Precious, Etc., Manufacture									R	R	R
Storage of Sand, Gravel, Etc.											C
Storage of Transit Equipment											C
Storage of Vehicles (capacity under 2 tons)									R	R	R
Storage or Baling of Rags, Etc.											C
Store Fixtures, Manufacture										R	R
Stove or Shoe Polish Manufacture											R
Substance Abuse Treatment Center, Residential & Nonresidential								C	C	C	C
Supermarket							R ⁵³	R ⁵³	R ⁵³	R ⁵³	R ⁵³
Swimming Pool Equipment Sales								R	R	R	R
Tailor Shops, Retail								R	R	R	R
Takeout Food Stores (No eating on premises) ⁴³							R	R	R	R	R
Tank Farms											C
Tanneries											C
Taxidermists										R	R
Telephone Answering Service						R	R	R	R	R	R

USE	ZONE										
	(R = Use by right; C = Conditional use permit)										
	R-A	R-1	R-2	R-3	R-4	C-R	C-1	C-2	C-M	M-1	M-2
Telephone Repeater Station						C	C	C	C	R	R
Temporary Storage Fills ⁴⁴	R	R	R	R	R	R	R	R	R	R	R
Terminals & Stations, Taxi, Bus, Limousines, Etc.									C	C	C
Testing Labs, Medical, Biochemical, Film									R	R	R
Textiles, Manufacturing										R	R
Theaters								C	C	C	C
Tile Manufacturing										R	R
Tile Sales								R	R	R	R
Tire Rebuilding										R	R
Tire Sales & Service									C	R	R

Toiletries, Manufacture of									R ⁴⁵	R	R
Tools, Manufacture of										R	R
Toys, Manufacture of										R	R
Trading Stamp Redemption Stores								R	R	R	R
Trailers, Sales									R	R	R
Transfer, Moving & Storage ⁵⁶	Prohibited in all zones 11/22/89.										R ⁵⁶
Transmitters, Radio & Television Commercial						C	C	C	C	C	C
Truck Repairing ⁴⁶										R	R
Truck/RV Storage Yard ⁵⁶										R ⁵⁶	R ⁵⁶
Truck Sales & Rentals								C ⁴⁷	R	R	R
Truck Storage, Washing & Cleaning ⁴⁸											C
Truck Terminals, Draying or Freight ⁵⁶										R ⁵⁶	R ⁵⁶
Truck, Trailer Rental (less than 2 tons)								C	R	R	R
Truck Transportation Yard ⁵⁶										R ⁵⁶	R ⁵⁶
Truck Washing & Cleaning (Heavy Trucking) ⁵⁶										R ⁵⁶	R ⁵⁶
Type Printers, Manufacture of										R	R
Typewriters, Sales & Repair								R	R	R	R
Upholstery Shop								R ⁴⁹	R	R	R
Vehicle Impound Yards										C ⁵⁰	R
Vending Machines, Sales & Service									R	R	R
Venetian Blinds, Manufacture of										R	R
Veterinarian								R	R	R	R
Vitamin Tablets, Manufacture of										R	R
Warehouses									R	R	R
Water Reservoirs	C	C	C	C	C				C	C	C
Wedding Chapels						C	C	C	C		
Welding Equipment & Supplies									R	R	R
Welding Shops										R	R
Wholesale Business									R	R	R
Wine Storage										R	R
Wineries											C
Wire Fabrication									R	R	R
Wood Products Manufacturing										R	R

Wool Pulling or Scouring											R
Yarn Products Manufacture										R	R
Zoos	C	C	C	C	C	C	C	C	C	C	C

Footnotes for Appendix A:

1. Days and hours of operation must be established through the conditional use permit.
2. Heliports only.
3. No baking on premises.
4. Wholesaling in conjunction with retail permitted with conditional use permit.
5. Over twenty-five percent of gross floor area of the building used by the primary use.
6. See Temporary Use Permits, Chapter 12.16.
7. By right if under fifteen children in R-zones.
8. If not on same lot as construction project to which it relates, requires conditional use permit in R-zones. Also permitted on abutting lots during construction and for thirty days thereafter in C- and M-zones.
9. Requires a conditional use permit if building is within one hundred feet of a lot line classified as any R-zone.
10. With no restaurant seating.
11. Conditional use permit required if building is located within one hundred feet of a lot line of any lot classified in any of the R-zones.
12. No plant.
13. See specific zones for more detail (Section 17.30.020 (B) (2)).
14. See Section 17.28.020 (B) (7).
15. No preschools, primary, junior or high schools.
16. Including microwave facilities not to exceed thirty-five feet in height.
17. Excluding medical, industrial and agricultural equipment.
18. Materials include bone, canvas, cloth, felt, fur, glass, leather (except machine belting), paper, plastic, shell, textiles, wire and yarn.
19. Excluding manufacturing and processing of pickles, vinegar, lard and sausage.
20. Three-horsepower or less.
21. Excluding auto glass and mirrors.
22. Accessory outdoor equipment storage must be screened.
23. Including rest homes.
24. See Section 17.22.200.
25. Within an enclosed building.
26. No planing mills allowed in C-M zone. Burning operations permitted only in M-1 and M-2, subject to conditional use permit.
27. See fabricating.
28. Precious or semiprecious metals only.
29. Temporary use permit permitted if use is for ninety days or less. Conditional use permits are subject to conditions of approval which include, but are not limited to, a specified expiration date and physical improvements needed to address public improvements, maintenance and aesthetics.
30. See Chapter 17.14 of this code.
31. See Section 17.22.200.
32. Except petroleum production.

33. Retail sales only.
34. Provided that the property has only one previously existing single-family dwelling unit, and subject to the relevant design and development standards.
35. See Chapters 17.44 and 17.56 of this code.
36. No boiling or tank farms. Above-surface storage limited to two hundred gallons.
37. Conditional use permit required if boiling process used.
38. See Section 17.10.210 (D).
39. No kilns or manufacturing.
40. See Chapter 17.64 of this code.
41. The following criteria shall apply as guidelines to the discretionary review of applications to establish second-hand stores subject to a conditional use permit in the C-2 zone:
 - A. Second-hand stores shall be allowed only if they have an appearance and are operated in a manner compatible with a thriving, stable and attractive commercial district conducive to retail shopping;
 - B. Second-hand stores shall utilize marketing and merchandise display techniques generally comparable to those used by retail stores selling only new merchandise. To evaluate this criteria, plans including but not limited to, an interior layout and design plan, building elevations, sign plan, window display plan, and an exterior and an interior lighting plan shall be submitted with the conditional use permit application;
 - C. All merchandise, except for items such as furniture and large appliances, shall be displayed on standard retail shelves and/or racks, and all merchandise shall be kept in a neat and organized manner;
 - D. In order to avoid an over-concentration of second-hand stores in any one area of the C-2 zone, second-hand stores shall generally be separated from one another by a distance of at least one thousand feet.
 - E. Six months after a CUP has been issued and a second-hand store has commenced operation, the city staff shall conduct a review of the business to ensure its compliance with the zoning code and the conditions of its use permit.
42. Or any use within a converted or existing service station.
43. See Drive-In Establishments.
44. Requires a grading permit. If over six months, also requires a conditional use permit.
45. Excluding soap manufacture.
46. Applies to trucks with a carrying capacity of two tons or more.
47. Including service and limited to two tons.
48. Applies to trucks with a carrying capacity of two tons or more.
49. Excluding automobile upholstery.
50. All impounded vehicles shall be stored and screened from exterior view within an enclosed building if any portion of the property upon which any impounding occurs is located within five hundred feet of a lot line of any lot classified in any of the R-zones.
51. If alcoholic beverages are or are proposed to be sold, served or given away for consumption on the premises that is licensed, or proposed to be licensed by the California State Department of Alcoholic Beverage Control, refer to Chapter 17.61 of this code.
52. Conditional use permit may be required. Refer to Chapter 17.61 of this code.
53. If alcoholic beverages are to be sold for off-sale consumption, and the establishment has a floor area of less than ten thousand square feet, and/or more than twenty percent of the establishment's retail floor area is dedicated to the sale of alcoholic beverages, a conditional use permit shall be required. Refer to Chapter 17.61 of this code.
54. Does not apply to mini-marts in conjunction with a service station.
55. Accessory dwelling units are subject to the development standards set forth in Section 17.10.280.
56. See Chapter 17.37 of this code.
57. Reserved.
58. Reserved.
59. See Chapter 17.63.

60. See Chapter 17.59 of this code.

61. Creation of an Emergency Shelter Overlay Zone with a specific area of the City where an emergency shelter is permitted by right within the underlying M-1 zone.

62. Body art establishment shall not be located within five hundred feet of another existing body art establishment, and shall not be located within one thousand feet of the following sensitive uses: a single-family detached dwelling; public or private elementary, intermediate, or high school; places of religious assembly; libraries; public parks; or any city-owned facility.

63. Establishment of a cannabis cultivation site, cannabis manufacturing site, cannabis testing laboratory, cannabis distributor, or cannabis delivery-only retailer, or any combination of the foregoing, is subject to the approval of a development agreement by the city, a conditional use permit, and the provisions of Chapter 5.90 and Title 17.

64. Cannabis distributors shall only be allowed by operators of a cultivation site, cannabis manufacturing site, cannabis testing laboratory (unless prohibited by state law), or delivery-only retailer that has been approved by the city pursuant to this title and Chapter 5.90. No establishments engaging exclusively in distribution activities shall be permitted.

65. Artificial Intelligence (AI) Data Centers shall be prohibited in all zoning districts throughout the City.

SECTION 3. GENERAL PLAN CONSISTENCY. The City Council hereby finds and determines that the amendments adopted by this Ordinance are consistent with the goals, policies, objectives, and implementation measures of the City's General Plan. The amendments promote orderly and compatible land use development, protect existing and planned land uses from potentially incompatible intensive uses, recognize infrastructure capacity and environmental considerations, and support the City's long-term objectives concerning public health, safety, community character, environmental quality, and responsible land use planning.

The City Council further finds that establishing a specific definition and classification for AI Data Centers, together with a citywide prohibition, provides a clear and predictable regulatory framework consistent with the City's authority to regulate land uses and protect the public health, safety, and welfare.

SECTION 4. CEQA. The City Council hereby determines and finds that the amendments adopted by this Ordinance are not a "project" subject to CEQA pursuant to CEQA Guidelines Section 15378 because the amendments do not have the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. The City Council further determines that the proposed amendments are exempt from CEQA pursuant to the commonsense exemption under CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the proposed amendments may have a significant effect on the environment.

SECTION 5. SEVERABILITY. If any action, subsection, line, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid or unconstitutional, either facially or as applied, by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining

portions of this Ordinance, and each and every individual section, subsection, line, sentence, clause, phrase, or word without regard to any such decision.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after approval by the City Council.

SECTION 7. 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 this XXth day of [Month], 2026.

Georgina Tamayo, 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], 2026, and was adopted by the City Council of the City of Montebello at its meeting held on the XXth day of [Month], 2026 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Christopher Jimenez, City Clerk

ATTACHMENT E

ORDINANCE NO. 2492

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTEBELLO, CALIFORNIA, AMENDING CHAPTER 17.08 (DEFINITIONS) OF TITLE 17 OF THE MONTEBELLO MUNICIPAL CODE TO UPDATE THE DEFINITION OF ACCESSORY DWELLING UNIT (ADU) AND ESTABLISH A DEFINITION FOR JUNIOR ACCESSORY DWELLING UNIT (JADU) TO COMPLY WITH APPLICABLE STATE LAW, AND TO ESTABLISH A DEFINITION FOR ARTIFICIAL INTELLIGENCE DATA CENTERS

WHEREAS, the City of Montebello ("City") is a municipal corporation duly organized and existing under the laws of the State of California and has the authority to adopt ordinances regulating land uses and development within the City pursuant to its police power and applicable provisions of California law; and

WHEREAS, Title 17 of the Montebello Municipal Code ("MMC") establishes the City's zoning and land use regulations, including Chapter 17.08, which contains definitions applicable to the City's zoning regulations; and

WHEREAS, Section 17.08.022 of the Montebello Municipal Code currently establishes a definition for "Accessory Dwelling Unit" ("ADU"); and

WHEREAS, California law establishes requirements and statutory definitions governing the development and regulation of ADUs and Junior Accessory Dwelling Units ("JADUs"), and local zoning regulations should be maintained in a manner consistent with applicable State requirements; and

WHEREAS, the City's existing definition of "Accessory Dwelling Unit" does not fully reflect the terminology and requirements contained in current California State law; and

WHEREAS, the City's Municipal Code does not currently establish a corresponding definition for a "Junior Accessory Dwelling Unit", creating potential ambiguity regarding the identification and treatment of JADUs under the City's zoning regulations; and

WHEREAS, a JADU is a distinct type of residential unit recognized under California law and is subject to requirements that distinguish it from a conventional ADU, including requirements concerning its location within or attached to an existing or proposed single-family dwelling, its size, kitchen facilities, and relationship to the primary dwelling; and

WHEREAS, updating the definition of an ADU and establishing a definition for a JADU will provide greater clarity to property owners, applicants, design professionals, City staff, decision-makers, and the public, while promoting consistency between the City's Municipal Code and applicable State law; and

WHEREAS, the City Council desires to amend Section 17.08.022 to update the definition of "Accessory Dwelling Unit" and establish a definition for "Junior Accessory Dwelling Unit" that is consistent with applicable State law; and

WHEREAS, the City is also experiencing increasing interest in facilities devoted to high-density computing, data processing, artificial intelligence ("AI"), machine learning, and related computational activities; and

WHEREAS, the City's Municipal Code does not currently contain a specific definition for an Artificial Intelligence Data Center ("AI Data Center"); and

WHEREAS, the absence of a specific definition may create uncertainty concerning whether a proposed facility principally engaged in AI computing, model training, machine learning, inference, data processing, or related computational activities constitutes a data center or another use under the City's zoning regulations; and

WHEREAS, establishing a definition for an AI Data Center will provide a clear and consistent basis for identifying facilities that fall within this use category and will assist property owners, applicants, City staff, the Planning Commission, and the City Council in applying the City's zoning regulations; and

WHEREAS, the City Council desires to add Section 17.08.081 to Chapter 17.08 of the Montebello Municipal Code, to establish a definition for "Artificial Intelligence Data Centers"; and

WHEREAS, the proposed amendments are intended to establish definitions only and do not, by themselves, authorize AI Data Centers in any particular zoning district, establish development standards for AI Data Centers, or supersede any applicable zoning, building, fire, environmental, utility, electrical, noise, or other regulatory requirements; and

WHEREAS, the proposed amendments to Chapter 17.08 are consistent with the City's General Plan and applicable State law and are intended to improve the clarity, internal consistency, and administration of the City's zoning regulations; and

WHEREAS, the City Council has considered the proposed amendments, the staff report and recommendations, public testimony, and all other evidence presented to the City Council concerning this Ordinance; and

WHEREAS, the City Council finds that the amendments adopted by this Ordinance are appropriate and necessary to maintain clear, current, and internally consistent definitions within the City's zoning regulations and to provide consistency with applicable State law; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred, and the City Council duly considered all evidence presented in connection with its consideration of this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTEBELLO DOES ORDAIN AS FOLLOWS:

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

SECTION 2. AMENDMENT – SECTION 17.08.022. Section 17.08.022 of Chapter 17.08 of Title 17 of the Montebello Municipal Code is hereby amended and restated to read as follows (Deletions in ~~strike~~through and additions in underline):

17.08.022 – Accessory dwelling unit.

- A. ~~"Accessory dwelling unit" means an independent dwelling unit located in any of the residential zones, and in the case of single-family zoning districts (R-1 and R-A zones), on a lot that has only one previously existing single-family dwelling unit prior to the addition of the accessory dwelling unit which is smaller than and visually subordinate to the previously existing single-family dwelling unit, and which may be an internal remodeling of, or attached to or detached from the previously existing single-family dwelling unit. Accessory dwelling units may also be referred to as "second dwelling units" within this title, and both terms may be used interchangeably herein.~~ "Accessory dwelling unit" means an independent dwelling unit located in any of the residential zones, and in the case of single-family zoning districts (R-1 and R-A zones), on a lot that has only one previously existing single-family dwelling unit prior to the addition of the accessory dwelling unit which is smaller than and visually subordinate to the previously existing single-family dwelling unit, and which may be an internal remodeling of, or attached to or detached from the previously existing single-family dwelling unit. Accessory dwelling units may also be referred to as "second dwelling units" within this title, and both terms may be used interchangeably herein. will have the meaning set forth in Government Code § 66313 (a), which states: an attached or a detached residential dwelling unit that provides complete independent living facilities for one (1) or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following: (a) an efficiency unit; as defined in Section 17958.1 of the Health and Safety Code; or (b) a manufactured home, as defined in Section 18007 of the Health and Safety Code. An accessory dwelling unit may also be referred to in this code as an "ADU."
- B. "Junior accessory dwelling unit" means a dwelling unit that is no more than five hundred (500) square feet of interior livable space in size and contained entirely within a single-family residence. A junior accessory dwelling may include separate sanitation facilities or may share sanitation facilities with the existing structure. A junior accessory dwelling unit may also be referred to in this code as a "Junior ADU." A JADU shall comply with the requirements of Government Code Section 66333.

SECTION 3. NEW SECTION 17.08.081 – ARTIFICIAL INTELLIGENCE DATA CENTER. Chapter 17.08 of Title 17 of the Municipal Code is hereby amended to add Section 17.08.081, to read as follows:

17.08.081 – Artificial Intelligence (AI) Data Center

"Artificial Intelligence (AI) Data Center" means a facility primarily used to house computer servers, hyperscale data centers, networking equipment, and related infrastructure designed to support artificial intelligence workloads, high-performance computing, cloud computing, large-scale data processing operations, or any data center relying on advanced technology.

SECTION 4. GENERAL PLAN CONSISTENCY. The City Council finds that the amendments adopted by this Ordinance are consistent with the City's General Plan because the amendments establish

and clarify terminology used in the City's zoning regulations, promote consistency between the Municipal Code and applicable State law regarding ADUs and JADUs, and establish a clear definition for a specialized technology-related land use without independently authorizing that use in any zoning district.

SECTION 5. CEQA. The City Council hereby determines and finds that the amendments adopted by this Ordinance are not a “project” subject to CEQA pursuant to CEQA Guidelines Section 15378 because the amendments do not have the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. The City Council further determines that the proposed Text Code Amendments are exempt from CEQA pursuant to the commonsense exemption under CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the proposed amendments may have a significant effect on the environment.

SECTION 6. 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.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after approval by the City Council.

SECTION 8. 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 this XX day of [MONTH], 2026.

Georgina Tamayo, 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], 2026, and was adopted by the City Council of the City of Montebello at its meeting held on the XXth day of [Month], 2026 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Christopher Jimenez, City Clerk