

**CITY OF MONTEBELLO
PLANNING COMMISSION
MINUTES**

November 19, 2019

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

1. CALL MEETING TO ORDER

6:38 P.M. by Chair Mooradian

2. ROLL CALL

Commissioner Present: Chair Mooradian, Vice Chair Aliksanian and Commissioner Ramirez

Absent: Commissioner Briseno and Commissioner Lomeli

Also present:

Director of Planning and Community Development – Manuel Mancha
Deputy Director of Planning and Community Development – Joseph Palombi
Planning Commission Legal Counsel – Gloria Ramirez and John Lam

** Record to reflect this meeting will start at 6:30pm instead of 6:00pm as there was a typo.

3. PLEDGE OF ALLEGIANCE

Commissioner Ramirez

4. PLANNING COMMISSION SECRETARY –CORRECTION TO AGENDA
NONE

5. STATEMENT OF PUBLIC ORAL COMMUNICATIONS

Margot Eiser - Is not in favor of the development. People of Montebello want this land left as open space.

Jim Flournoy - We need to stay on top of the constantly changing building codes.

Tila Gregorian – Voiced her concern regarding the health risks of people living near and on top of oil fields. Traffic study is old and a new one should be done.

Peter Marizcurrena – Voiced his concerned regarding traffic

Michael Popoff – largest development done in Montebello and should have attention of all 5 commissioners. Traffic report is 10-15 years old and there needs to be a new traffic study done.

Linda Strong – voiced concerned and urged that this matter be continued due to project of this size. A list of everyone who wanted to be kept inform of this project did not receive a letter. There's a potentially active earthquake fault that underlies this active oil field. The Environmental Impact ignores that earthquake fault and trenching needs to be done to find out exactly where it is.

6. APPROVAL OF MINUTES:

A. November 5, 2019 – Approved

7. STAFF COMMUNICATIONS ON ITEMS OF COMMUNITY INTEREST

NONE

8. PUBLIC HEARINGS

A. Site Plan Review 01-19 and Vesting Tentative Tract Map No. 82724

Site Plan Review for the development of 349 residential units and related amenities pursuant to the approved Montebello Hills Specific Plan ("MHSP").

Vesting Tentative Tract Map No. 82724 (commonly referred to as the "B-Map") to permit the subdivision of a portion of 78 lots originally established under Vesting Tentative Tract Map No. 70420 (commonly referred to as the "A-Map") resulting in the creation of 92 new legal lots for the B-Map (Phase A) consistent with the approved MHSP".

In accordance with the California Environmental Quality Act ("CEQA"), the proposed entitlements are exempt under CEQA pursuant to CEQA Guidelines Section 15182 and Government Code Section 65457 (residential projects pursuant to a specific plan for which an Environmental Impact Report was certified after January 1, 1980).

Deputy Director Palombi - Good evening Madam Chair and members of the Commission. I'm Joseph Palombi, the Deputy Director for the City's Planning and Community Development Department.

Item 8A before you today is a request from Toll Brothers regarding Vesting Tentative Tract Map No. 82724, commonly referred to as a “B level neighborhood map or the B-Map”; and Site Plan Review 01-19, collectively referred to as the B-Map-Phase A.

Just for the record, public notice was provided per municipal code chapter 17.78 we did everything according to the code; it is in your staff report on page 5. With that said the notice of public hearing was released and subsequently Toll Brothers informed the city of a change to the unit mix. This minor revision changed the number of attached residential units from 243 to 244 and the number of detached residential units from 106 to 105. Nevertheless, the overall number of residential units contemplated for the B-Map-Phase A remains the same. The staff report and material before you today reflects the most current information available regarding the proposed project.

Vesting Tentative Tract Map No. 82724 or the “B-Map” would permit the subdivision of a portion of 78 lots originally established under Vesting Tentative Tract Map No. 70420, commonly referred to the A-Map, which was approved by the City on July 10, 2019. The B-Map which is before you today would further subdivide the A-Map into 72 numbered and 20 letter lots resulting in the creation of 92 new legal lots to implement the residential development and related amenities contemplated under the approved Montebello Hills Specific Plan.

With regard to Site Plan Review No. 01-19, the Applicant seeks approval to allow the development of 349 residential units consisting of 244 attached residential dwelling units, 105 detached single family residential dwelling units, recreational facilities, and related amenities in Planning Area 1, Planning Area 2, and a portion of Planning Area 3 within the approved Montebello Hills Specific Plan.

The project site is comprised of approximately 43.39 acres and the development associated with the B-Map-Phase A was contemplated in the phasing program approved for the Montebello Hills Specific Plan Project which is a master planned residential development consisting of up to 1,200 residential dwelling units; public and private parks; walking trails; open space; an internal infrastructure and circulation network, a community center and 343 combined acres of open space. Approximately 263 of the 343 acres which will be dedicated as a habitat reserve for the California Gnatcatcher. The entitlements before you today will not

increase the development area or maximum number of dwelling units approved under the Specific Plan.

An Environmental Impact Report, including a Mitigation Monitoring and Reporting Program, was previously approved and certified by the City Council for the Montebello Hills Specific Plan Project pursuant to the California Environmental Quality Act or "CEQA." Therefore, the proposed entitlements associated with the B-Map-Phase A are exempt under CEQA pursuant to CEQA Guidelines Section 15182, California Government Code Section 65457, and California Public Resources Code Section 21083.3. The B-Map-Phase A would implement the Montebello Hills Specific Plan Project.

Therefore, the recommendation from staff is that you determine and find that this action is consistent with the previously certified Environmental Impact Report for the Montebello Hills Specific Plan Project and exempt from CEQA and adopt resolutions included under attachment 2 and attachment 3 to the Staff Report recommending to the City Council approval of Site Plan Review 01-19 and Vesting Tentative Tract Map No. 82724. At this time Toll Brothers will provide a brief presentation and overview regarding the proposed project. Staff is available to answer any questions you may have.

Chair Mooradian – Before we continue I want to make sure with all the commissioners here, do any of you have a conflict related to this item?

Commissioner Aliksonian – None

Commissioner Ramirez – None

Chair Mooradian - None

Brian Harrelson (Toll brothers) – We hosted community outreach event held at the Montebello Senior Center. Tonight we have two premier architects who designed community from scratch. Mike Whitley, owner of Whitley Architecture Group, developed the land plan and designed the road towns. Dave Costco, Senior Principal and Director of Design designed and developed the recreation center, the ten plex product, six plex, forty-four by sixty four detached and fifty-four by seventy-five detached product.

Mike Whitley – Presented the land plan.

Dave Costco – Presented and proposed the architecture.

Tila Gregorian – Commented on issues that occurred regarding several lots in

Montebello with gas leaking into homes and having to be destroyed. Who will be responsible for any of these problems occurring? Will it be the City or the developer?

Jim Flourney – Document is not consistent with prior document in several places. We want to make sure the project does not cost the city more to operate than we taken in from it. The problem with sales tax is there is no southern entrance that points towards the city for people to get to the city and spend money. They go out towards the Northside, towards Monterey Park and Rosemead. I'd like to see a southern entrance. Same with Police and Fire, they have to go around getting in.

Michael Popoff – Toll Brothers says this project will be different than what was originally planned. If this is going to be different then we need a new Environmental Impact report. Their current materials are in English only in a city which is 78% Hispanic. It's an insult that none of their material is in Spanish. In regards to being properly noticed, I live 8 houses from the project and I was not noticed. There was a mailing list at the City Council meeting that approved the Environmental Impact report in 2015; it was promised that anyone who was on the comment list for the Environmental Impact report would be noticed by mail regarding the Montebello Hills Project and that has not been done.

Linda Strong – The mailing list that the city has should be used. This meeting should be continued. I'm aware planning staffing handling this matter are brand new and so they probably don't even know about that list but that needs to be done. The wells in the project area Cook Hill planned to put 8 well cellars within 200 feet, for some of them, of homes. A well cellar is a depressed space about 10-15 feet long, 3 feet wide about 2-3 feet in depth that would have about 10-15 wells. So they would have 10-15 wells 150 feet from property line of the homes and 170 feet from the homes. The state of California only requires 100 foot setback, that's what the city requires. Culver City has 400 feet; Los Angeles City is looking at 1200 feet and that's one well. There's also a fire issue. There are only 3 exits and all to the north.

Margot Eiser – You have entrances like that at cemeteries so considering all the health problems that are caused by the oil fields and oil wells, you might consider this to be a cemetery, why not. The houses look like the same like downtown LA. We already have some of these condos down by the railroad tracks in Montebello. Look at their reviews on the internet, there are some criticisms of the Toll Brothers. People in Armenia are saying please do not let corporations take away that mountain where it has the pure water. We can do that here. We have our natural hills, we don't want ugly plateau. We want this preserved. You don't have to do this. They can still make money but it would be at a rate of open space

being sold to a nature conservancy. You have the right to say no with all the technical things and all the dangers. We who have been doing this for many years and you're new we want you to know that we have put a lot of time, money and energy in our own weight. This is a bad project and the hills should remain open space.

Chair Mooradian – Can we have staff address or applicant address questions?

Deputy Director Palombi – We should defer to the applicant to address the Infrastructure questions.

Peter Kim (Toll Brothers) - In terms of the oil well question, this project is conditioned to have basically all of the oil wells within the active residential zone be abandoned. That is already in process by Centennial, the oil operator. All according to DOGGR regulations, this is the Division of Oil, Gas and Geothermal Resources. That is all within the boundaries of any residential development, all oil wells are being abandoned and there will be no active oil wells within the residential development. We will also be processing the site plan through the DOGGR site plan review process. We have already confirmed with our Environmental Consultants on set back requirements meeting all city code requirements in terms of oil well setbacks for abandoned wells, active wells and all other state regulations that are required for residential development. All safety precautions have been given. In terms of brush management and fire concerns, we do have 5 fire accessible access ways. We do have emergency access road going down to the backside down Lincoln. That has been reviewed and approved by city fire department. We also have three main access roads. Our two main access roads on Montebello and one on Plaza Drive; as well as another emergency fire access on Montebello Boulevard to provide full fire circulation. That has been fully reviewed by the fire department. We also have fuel modification plans that have been reviewed and approved by the fire department that makes sure we have proper clearance and brush management around the proposed residential development. They will be maintained on a regular basis by the HOA we will be forming to maintain amenities for the community.

Deputy Director Palombi – Just to expand on that, the Planning department did consult with the Fire Department as well as with Public Work. In your Staff Report on page 5, the fire department reports that the conditions associated with the approved A-Map including, but not limited to, the mitigation measures will be incorporated into the B-Map - Phase A request for compliance with the Fire Master Plan, Fuel Modification Plan and its related Fire Behavior Analysis Report and Fire Hydrant Plan and compliance with the Uniform and California Fire Code, Montebello Municipal Code, and the National Fire Protection Associations Standards. Just to expand on Mr. Kim's comments.

Commissioner Ramirez – I just want to clarify to our audience what we are approving here. We are recommending council to approve, is that correct?

Legal Counsel Gloria Ramirez - That is correct. You are not recommending the actual site map or site plan. You are recommending that it basically be moved to city council for their review.

Commissioner Ramirez – So we will review it first and then they would review it after.

Legal Counsel Gloria Ramirez – Correct.

Commissioner Ramirez - We cannot change what has been approved in the specific plan. Our review is based on seeing if this conforms to an approved specific plan. Planning Area 1 has 107 units; Planning Area 2 has 226 units that are in the Specific Plan and you are conforming to both those?

Peter Kim (Toll Brothers) - That is correct.

Commissioner Ramirez - I see two parks that are proposed. In the Specific Plan it says that those are for HOA in planning areas 1 and 2, is that correct? Or are those open to the public?

Peter Kim (Toll Brothers) – They are HOA community parks but they are accessible to the public through pedestrian means.

Commissioner Ramirez – I see your plan that show the public trails. I see something that is called multiuse trails and scenic promenade. Can you define what's under multiuse trails?

Peter Kim (Toll Brothers) – The multiuse trails and scenic promenade are very similar in terms of it's an all circulation around the entire community, it does an loop starting from Montebello Boulevard all the way down to Plaza Drive on the other end of the project as well as connection down to Lincoln emergency access pathway. It also serves as a pedestrian access for the trail system. The scenic promenade is along B Street which flows along the reserve which is the conservation reserve that will be conserved and perpetuity for natural habitat reservation. There is a scenic view corridor along B Street that is called the scenic promenade.

Commissioner Ramirez – The multiuse trail, is that pedestrian, bicycle, what does that entail?

Peter Kim (Toll Brothers) - Yes, that is pedestrian and bicycle. Meeting the specific plan guidelines it's open to the public and it will circulate throughout the entire community.

Commissioner Ramirez – Is the scenic promenade the same, bicycle and pedestrian?

Peter Kim (Toll Brothers) – That is also connected, correct.

Commissioner Ramirez – But because this is conceptual there's no details on the materials?

Peter Kim (Toll Brothers) – That is correct. All of those constructions drawings and improvement plans will still be processed through the planning department as well as the engineering department and all the other departments for its appropriate processing.

Commissioner Ramirez - If somebody was coming down Montebello Blvd that doesn't live in Montebello Hills how would they access the trail? Where would they park?

Peter Kim (Toll Brothers) – We do have, in the later phases, a public park that will be open to the public that comes out in planning area 4. There is a public park with parking available to the public and they will be able to access the trail system from there.

Commissioner Ramirez - So that is the only way that someone from the public can access this trail?

Peter Kim (Toll Brothers) – In terms of public parking, yes.

Commissioner Ramirez – It doesn't show yet but it's mentioned in the specific plan whether or not these are going to be gated communities?

Peter Kim (Toll Brothers) – These are going to be gated communities.

Commissioner Ramirez – All of them?

Peter Kim (Toll Brothers) – Yes.

Commissioner Ramirez – HOA's?

Peter Kim (Toll Brothers) – Yes.

Commissioner Ramirez – We are getting a new building code January 1st and it's going to affect some of the design, specifically also the landscape. I feel as though the landscape that's shown in these plans is not consistent with what our current Green Building Code is going to show. I know these are conceptual.

Peter Kim (Toll Brothers) – The conceptual drawing are in conformance with the Specific Plan. As we get into the construction drawings, all of the construction plans will be under review from current codes. All of the building codes will be based on current building code requirements, landscape and all other requirements will be under review with the planning department to make sure that they confirm with city requirements today. As long as they meet all of the fire requirements and all federal agency requirements that is already approved.

Commissioner Ramirez – What's the percentage of the plant list that you're using is going to be California Native landscape would you guess?

Peter Kim (Toll Brothers) – All of the habitat which is approximately over 250 acres of the property will be California Native. On the development side we haven't really gone over the precise landscape pallet yet. Those kinds of decisions haven't been determined. That will go through the planning department review and will adhere to whatever the city requirements are.

Commissioner Ramirez – Another thing that will be big in legislation next year will be the ADU ordinance. We have approved 1200 max single family dwellings. This is for staff, how is the ADU ordinance going to come into play when we have a maximum amount of units for this community?

Deputy Director Palombi – The ADU is dependent upon on we address the new state legislation that's taking effect in January and I believe that is in the works now. I cannot give a definite answer to that now but what I can say is that there could be potentially be some issues with ADU's in this area if the city fully complies with the new state law.

Peter Kim (Toll Brothers) – In terms of parking we have done a parking analysis for the site plan as well as every local street within the development that we are proposing has parking on both sides of the street. We have incorporated stall parking in multiple family locations as well as incorporated driveways within some of the multifamily units as well.

Commissioner Ramirez – On the masterplan, I see you have the retaining walls on the rear of the properties and then there's a space and it looks like you're keeping the natural slope there or what is that space used for?

Peter Kim (Toll Brothers) – Yes, there is a space there for fuel modification zone, this is our buffer zone in order for fire protection. In terms of native planting we are doing 100% native planting within the fuel medication zone which buffers the habitat reserve area from development. There is that transition there that encircles the entire property for fuel modification.

Commissioner Aliksonian – Is there a mailing list with the people that are concerned with the homes?

John Lam (Deputy City Attorney) – I've worked with staff with on this project for about a year. With respect to the question regarding the mailing list I can't attest to that but I can attest to the fact that we have complied with requirements that is required under the law. As you see in the staff report there is 3 ways of notice in which the city has provided. There is the 300 radius map which is required under state law. The city also has its agenda listed on its website and thirdly also publishing it in the local newspaper. All three of those methods comply with the state law.

Commissioner Aliksonian – Is this going to be an active oil field after development?

Peter Kim (Toll Brothers) – There will no active oil wells within the residential development there will remain active oil wells around the development around along the perimeter outside within the open space areas that will still be land that belongs to Sentinel, the oil operator. Any oil wells within the close proximity to the development, Sentinel will be modernizing those oil wells to put them underground.

Commissioner Aliksonian– Who is responsible for any damages or leaks from the oil wells?

Peter Kim (Toll Brothers) – That will still be Sentinel, as the oil operator.

Commissioner Aliksonian– Has a new traffic report been made after Monterey Park?

Deputy Director Palombi – The traffic analysis that would have been associated with the Environmental report would have specifically focused on the project site. I can't speak for other projects or other cities how the traffic analysis would relate to what goes on Montebello Boulevard regarding the subject property.

Commissioner Ramirez – With the worst case scenario, traffic study is not worst case scenario, people adding 2nd units to their property. So it's something that we really need to think about because every single time we've done a traffic studies, they don't work for us. We live on a car culture; unfortunately that rail line isn't going to go through our city it's going to go through Commerce. So our cars are not going away. So I think worst case scenario traffic study needs to be relooked.

Chair Mooradian – I had questions some of which were already asked by both commissioners and were also brought on by the audience and the members of the public that spoke at the podium. I want to bring this to a full circle, with one question that was previously asked, why we are here today,

what are we voting on. Could you please repeat what we are voting on just so everyone is clear why we are here? We talked about a lot of issues that are very important but not why we are here today as far as my understanding is. So can we please make that clear?

John Lam (Deputy City Attorney) – Tonight what's before you is two recommendations that the planning commission makes a recommendation to the City Council to approve the Site Plan. The second recommendation presented to you is to recommend to the City Council approval of the Vested Tentative Tract Map and those are the two recommendations. You are not taking final action on either of the items although typically the Site Plan review is within your jurisdiction to approve but because the Vested Tentative Tract Map requires Council approval we're taking both to Council so in the event of any kind of appeal; the appeal periods are concurrent with each other. And so that way it didn't create separate appeal period for entitlements, related to the same action. So tonight those are the two items that are before you is to recommend the Site Plan Review approval to Council and also to recommend Vested Tentative Tract Map approval to Council.

Chair Mooradian – One of the concerns that came a few times was there are only 3 commissioners here at the dais. If the city attorney can explain whether it is sufficient to have 3 commissioners vote on it and as a result of us voting for or against because it's a recommendation what happens?

Legal Counsel Gloria Ramirez – Because we have a resolution before us, the law requires the majority of the commissioners approve. If a resolution is not what we are looking for today, a motion can also be passed just to recommend that it be sent to City Council and on the alternative the commission can also recommend that it be continued to a later time.

John Lam (Deputy City Attorney) – If I may also add what deputy city attorney Gloria Ramirez said is with respect to what your question was. Under the Brown Act it requires a majority of the board to conduct a lawful meeting and take lawful action. So based on the five member board you have three members present, that a quorum. And the law allows you to conduct business. Otherwise, cities would not be able to get work done if they had three or fewer. So the law allows for three members of a quorum or three members sitting as a quorum to conduct business.

Chair Mooradian – Another question is if the EIR current it's over 4 years, it doesn't include certain elements that came up those are concerns that came up. My question is and staff addressed it a little bit, when a project at this magnitude comes it doesn't happen overnight. Throughout the course of it progressing, things may come up and correct me if I am wrong, you don't stop the process of the analysis and restart it over and over again

because that means you are starting the clock over and over again and this will never finish. We can't require a development project to restart its clock every time something new comes up. So I understand your concerns but we have to also understand the whole concept and not just the tunnel vision that concerns us specifically. If I am wrong in that, and we can ask the applicant that, because they are developers that have developed in many different communities, and I'm sure you come across this before. What do you do in that instance, are you resetting your clock or how do you address it because we had very valid questions and comments by the commissioners and by the audience.

Deputy Director Palombi – This project is consistent with what was studied in the EIR, we are in the implementation phase of the specific plan through the site plan review and the tract map. The tract map lays out your development diagram and the site plan provide you with the development of the proposed project.

Peter Kim (Toll Brothers) – In terms of this being a B level tentative map and a site plan review in the previous City Council action in July where we had a formal City Council approval of the A final map that basically certified all of the previous tentative map, the EIR, environmental studies, traffic reports and everything else that went along with a formal approval of this project that has already been approved by City Council back in July. And so what we are presenting today is not really subject to CEQA. What we are presenting here today is the design aspect in terms of aesthetics, the lot layout, our architectural features and the kind of product we are proposing here today with the architects in the presentation we made, the look and feel of the community. We are not here for approval of the project itself. We are here to request approval of the aesthetics of the project that we are proposing with acceptable to planning commission to recommend to City Council to move forward with the project. This is not a CEQA hearing. This is not a going back in history to relook at engineering and environmental studies, that's already been approved by City Council. We are here for the next step in terms of design, look and feel and the amenities we are proposing to provide, the parks, the landscape, plant pallets and comments and different aesthetics features. We are not requesting a project approval, that stage is already passed and approved. We are requesting a design approval in terms of the look and feel.

Chair Mooradian – Is everything done ADA compliant including the parks and everything in the development?

Peter Kim (Toll Brothers) – ADA compliance is always a mandatory requirement regardless of City Council or Planning Commission actions. There are ADA codes that update every year; we are required to abide by any updated ADA requirements and codes that constantly update every year.

As we get into the final design and engineering and go through plan check with planning and engineering there are strict guidelines in terms of ADA requirements we would have to abide by. If there is a new update in 2020 we would have to abide by the updated codes and so that is something that we are constantly aware of.

Chair Mooradian – Is the project environmentally friendly as far as green?

Brian Harrelson (Toll brothers) – There is a California Green Code that requires the builder to provide mini Title 24 features. We are working with two consultants and we intend to provide many Title 24 features a handful of them would be a tank less water heater, solar, 2x6 walls with upgraded insulation, high efficiency HVAC systems, cool roof and the list goes on and on. The way this works is we get a certain points for each feature depending on which region we are in and that adds up and that is basically what requires us to meet the code and we usually go between 10-25% above the code.

MOTION: Commissioner Ramirez motions to recommended approval of VTTM No. 82724 and Site Plan Review 01-19 (B-Map-Phase A). This recommendation included a request to consider the following items: 1) incorporating a an adequate percentage of transitional landscaping with California Native Plants into the proposed project to provide seamless transition between native and non-native landscaping; 2) study the issues associated with the potential accessory dwelling unit conversions; 3) adherence to the California Green Building Code; and 4) additional detail to the architectural renderings associated with the site plan review.

SECOND: Commissioner Aliksanian

ACTION: 3-0-2-0 (Lomeli and Briseno)

9. CONSENT ITEM (S)

None

10. STAFF COMMUNICATIONS TO THE PLANNING COMMISSION

None

11. ORAL COMMUNICATIONS –CONTINUED

None

12. PLANNING COMMISSION ORALS

Chair Mooradian
Vice Chair Aliksanian
Commissioner Briseno
Commissioner Lomeli
Commissioner Ramirez

13. ADJOURNMENT

The meeting adjourned at 8:26p.m.

A handwritten signature in cursive script, reading "Joseph Palombi", written over a horizontal line.

Joseph Palombi, Planning Commission Secretary