

MEETING AGENDA

**MONTEBELLO PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
1600 W. BEVERLY BOULEVARD
MONTEBELLO, CALIFORNIA
TUESDAY, OCTOBER 1, 2019
6:30 P.M.**

MONTEBELLO PLANNING COMMISSION

**SONA MOORADIAN
CHAIRPERSON**

**BERJ ALIKSANIAN
VICE CHAIR**

**ALEXANDRA BRISENO
PLANNING COMMISSIONER**

**MARLENE RAMIREZ
PLANNING COMMISSIONER**

**NATALIA LOMELI
PLANNING COMMISSIONER**

CITY STAFF

**MANUEL MANCHA
DIRECTOR OF PLANNING AND
COMMUNITY DEVELOPMENT**

**IAIN MACMILLAN
PLANNING COMMISSION LEGAL
COUNSEL**

**MATTHEW FESKE
PLANNING MANAGER**

**MARIA ROMAN
ADMINISTRATIVE SECRETARY**

1. MEETING CALLED TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. PLANNING MANAGER
- A. CORRECTION TO AGENDA
5. STATEMENT OF PUBLIC ORAL COMMUNICATIONS:

Members of the public interested in addressing the Planning Commission on any agenda item or topic must fill out a form provided at the door, and turn it into the Planning Commission Secretary prior to the beginning Oral Communications. A form does not need to be submitted for public hearing items.

Speakers wishing to address the Planning Commission on an item that is not on the agenda will be called upon in the order that their speaker card was received. Those persons not accommodated during this thirty (30) minute period will have an opportunity to speak under "Oral Communications – Continued" after all scheduled matters have been considered.

Please be aware that the maximum time allotted for individuals to speak shall not exceed three (3) minutes per speaker. Please be aware that in accordance with State Law, the Planning Commission may not take action or entertain extended discussion on a topic not listed on the agenda. Please show courtesy to others and direct all of your comments to the Planning Commission Chair.

6. MINUTES

A. September 17, 2019

7. STAFF COMMUNICATIONS ON ITEMS OF COMMUNITY INTEREST

A. None

8. PUBLIC HEARING(S)

For each of the following items, the public will be given an opportunity to speak, following Planning staff's presentation of its report and the Planning Commissioners' disclosures (if any) of site visits to the location at issue and any relevant information obtained during same. The applicant is allowed to speak and the public is allowed three (3) minutes per person to speak on issues relating to the case. After all persons have spoken, the applicant is allowed to rebut and/or summarize, and then the hearing is closed.

A. Zone Code Amendment (ZCA07-19) - Continued

Project Applicant

City of Montebello

Project Description:

A Zone Code Amendment by Electric Guard Dog, LLC to amend Title 17 of the Montebello Municipal Code to add electric fences as an allowed fence material.

9. CONSENT ITEM(S)

A. None

10. STAFF COMMUNICATIONS TO THE PLANNING COMMISSION

A. None

11. ORAL COMMUNICATIONS – CONTINUED (IF NEEDED)

12. PLANNING COMMISSION ORALS

A. Chair, Sona Mooradian

B. Vice Chair, Berj Aliksanian

C. Commissioner, Alexandra Briseno

D. Commissioner, Natalia Lomeli

E. Commissioner, Marlene Ramirez

13. ADJOURNMENT

The next regularly scheduled meeting on October 15, 2019

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Building Official at 323/887-1497. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II(203+))

Please note that the information contained in this agenda is a summary of the staff report prepared for each item. Complete copies of each staff report are available in the Office of the City Clerk.

**CITY OF MONTEBELLO
PLANNING COMMISSION
MINUTES**

September 17, 2019

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

1. CALL MEETING TO ORDER
6:28 P.M. by Chair Mooradian

2. ROLL CALL
Commissioner Present: Chair Mooradian, Vice Chair Aliksanian,
Commissioner Lomeli, Commissioner Briseno and Commissioner Ramirez

Absent: None

Also present:
Planning Manager –Matthew Feske

3. PLEDGE OF ALLEGIANCE
Commissioner Lomeli

4. PLANNING COMMISSION SECRETARY –CORRECTION TO AGENDA
NONE

5. STATEMENT OF PUBLIC ORAL COMMUNICATIONS
NONE

6. APPROVAL OF MINUTES:
 - A. April 16, 2019 - Approved
 - B. May 21, 2019 - Approved
 - C. June 4, 2019 - Approved with corrections
 - D. June 18, 2019 - Approved with corrections
 - E. July 2, 2019 - Approved with corrections
 - F. July 16, 2019 - Approved with corrections
 - G. August 6, 2019 - Approved
 - H. August 20, 2019 - Approved
 - I. September 3, 2019 - Approved

7. STAFF COMMUNICATIONS ON ITEMS OF COMMUNITY INTEREST
NONE

8. PUBLIC HEARINGS

A. Zone Code Amendment (ZCA07-19)

A Zone Code Amendment by Electric Guard Dog, LLC to amend Title 17 of the Montebello Municipal Code to add electric fences as an allowed fence material.

Staff – Applicant has requested that this item be continued to the next planning commission meeting.

MOTION: To continue item ZCA07-19 to next Planning Commission meeting on October 1, 2019

ACTION: 5-0-0-0

B. Zone Code Amendment (ZCA08-19)

The proposed Amendment will allow the promotion of high-density residential development in certain commercial zoned areas, specifically Whittier Boulevard, Olympic Boulevard, and Washington Boulevard for the properties already zoned C-2 (Commercial), as stand alone residential projects or as a part of a mixed-use development. In addition, the proposed will allow for affordable housing projects to be proposed and constructed to meet housing needs and provide a diversity of housing options for the community.

Staff – Staff is requesting that this item be continued to the next meeting.

MOTION: To continue item ZCA07-19 to next Planning Commission meeting on October 1, 2019

ACTION: 5-0-0-0

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 6:42p.m.

Matthew Feske, Planning Commission Secretary

City of Montebello

Planning Commission Agenda Staff Report

TO: Honorable Chair and Members of the Planning Commission

FROM: Matthew Feske, Planning Manager

SUBJECT: CONTINUED - Zone Code Amendment (ZCA07-19) to amend Title 17 of the Montebello Municipal Code to add electric fence as an allowed fence material.

DATE: October 1, 2019

RECOMMENDATION

Adopt Planning Commission Resolution denying Zone Code Amendment (ZCA07-19) to amend Title 17 of the Montebello Municipal Code to add electric fence as an allowed fence material.

SUMMARY FROM PREVIOUS STAFF REPORT

Staff and the Planning Commissions have been consistent in not allowing razor wire or barb wire due to safety concerns and liability concerns to the City. Electric fence material would be the same as razor wire or barb wire. Electric fences produce an electrical current that when in contact creates an electrical shock with the purpose to cause enough harm or discomfort to prevent additional contact.

Staff has expressed concern of the safety and liability issues with the applicant and at a previous Planning Commission meeting, where the Planning Commission denied the electric fence material.

ATTACHMENT(S)

- July 16, 2019 Staff Report, Resolution, and Survey
- August 6, 2019 Staff Report – Continuation
- September 17, 2019 Staff Report - Continuation

City of Montebello

Planning Commission Agenda Staff Report

TO: Honorable Chair and Members of the Planning Commission

FROM: Matthew Feske, Planning Manager

SUBJECT: CONTINUED - Zone Code Amendment (ZCA07-19) to amend Title 17 of the Montebello Municipal Code to add electric fence as an allowed fence material.

DATE: September 17, 2019

RECOMMENDATION

Adopt Planning Commission Resolution denying Zone Code Amendment (ZCA07-19) to amend Title 17 of the Montebello Municipal Code to add electric fence as an allowed fence material.

SUMMARY FROM PREVIOUS STAFF REPORT

Staff and the Planning Commissions have been consistent in not allowing razor wire or barb wire due to safety concerns and liability concerns to the City. Electric fence material would be the same as razor wire or barb wire. Electric fences produce an electrical current that when in contact creates an electrical shock with the purpose to cause enough harm or discomfort to prevent additional contact.

Staff has expressed concern of the safety and liability issues with the applicant and at a previous Planning Commission meeting, where the Planning Commission denied the electric fence material.

ATTACHMENT(S)

- July 16, 2019 Staff Report, Resolution, and Survey
- August 6, 2019 Staff Report - Continuation



The #1 Theft Deterrent Service in the U.S.

550 Assembly St., 5th Floor
Columbia, SC 29201

September 10, 2019

City of Montebello
Attn: Planning Commission

RE: Request to Continue

Dear Planning Commissioners:

Due to unforeseen and multiple conflicts with scheduling, Electric Guard Dog LLC is respectfully requesting a second and final continuance for ZCA07-19. Please continue the case to the next regularly scheduled meeting on 10/1/19.

Electric Guard Dog regrets the need to continue and appreciates your understanding. I will see you on 10/1/19.

Sincerely,



Keith Kaneko
Director of Business Development

Electric Guard Dog, LLC
916-532-6012
kkaneko@electricguarddog.com
electricguarddog.com

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City of Montebello

Planning Commission Agenda Staff Report

TO: Honorable Chair and Members of the Planning Commission

FROM: Matthew Feske, Planning Manager

SUBJECT: CONTINUED - Zone Code Amendment (ZCA07-19) to amend Title 17 of the Montebello Municipal Code to add electric fence as an allowed fence material.

DATE: August 6, 2019

RECOMMENDATION

Adopt Planning Commission Resolution denying Zone Code Amendment (ZCA07-19) to amend Title 17 of the Montebello Municipal Code to add electric fence as an allowed fence material.

SUMMARY FROM PREVIOUS STAFF REPORT

Staff and the Planning Commissions have been consistent in not allowing razor wire or barb wire due to safety concerns and liability concerns to the City. Electric fence material would be the same as razor wire or barb wire. Electric fences produce an electrical current that when in contact creates an electrical shock with the purpose to cause enough harm or discomfort to prevent additional contact.

Staff has expressed concern of the safety and liability issues with the applicant and at a previous Planning Commission meeting, where the Planning Commission denied the electric fence material.

ATTACHMENT(S)

- July 16, 2019 Staff Report, Resolution, and Survey

City of Montebello

Planning Commission Agenda Staff Report

TO: Honorable Chair and Members of the Planning Commission
FROM: Matthew Feske, Planning Manager
SUBJECT: Zone Code Amendment (ZCA07-19) to amend Title 17 of the Montebello Municipal Code to add electric fence as an allowed fence material.
DATE: July 16, 2019

RECOMMENDATION

Adopt Planning Commission Resolution denying Zone Code Amendment (ZCA07-19) to amend Title 17 of the Montebello Municipal Code to add electric fence as an allowed fence material.

PROJECT DESCRIPTION

The Zone Code Amendment would amend the Montebello Municipal Code, Title 17, Section 17.10.130 to add electric fence as an allowed fence material.

17.10.130 - Development standards—Walls, fences and hedges.

D. All screening or fencing visible from the public rights-of-way shall be composed of:

1. Decorative masonry walls (slumpstone, stuccoed, split-face or similar);
2. Evergreen shrubs closed spaced and maintained in a healthy and attractive state;
3. Wooden fencing of adequate aesthetic and structural quality (no plywood sheeting);
4. Decorative wrought iron, or
5. Other materials if found by the planning commission to be architecturally or aesthetically in keeping with the building and the neighborhood.

However, in no event shall corrugated or sheet metal, fiberglass or any plastic material ...

17.10.130 - Development standards—Walls, fences and hedges.

D. All screening or fencing visible from the public rights-of-way shall be composed of:

1. Decorative masonry walls (slumpstone, stuccoed, split-face or similar);
2. Evergreen shrubs closed spaced and maintained in a healthy and attractive state;
3. Wooden fencing of adequate aesthetic and structural quality (no plywood sheeting);
4. Decorative wrought iron, or

5. Electric Fence, or

6. Other materials if found by the planning commission to be architecturally or aesthetically in keeping with the building and the neighborhood.

However, in no event shall corrugated or sheet metal, fiberglass or any plastic material ...

ANALYSIS

Zone Code Amendment is being requested by the applicant so that additional security options can be installed. In addition, the applicant has stated that the electric fence is safe in that the electric fence can be grabbed and the electricity goes in pulses, but does not generate enough electricity to do bodily harm or damage.

Property owners have requested previously for razor wire or barb wire stating security reasons and that these types of fence material will only cause minimal damage. The same type of statements as the electric fence. Staff and the Planning Commission have been consistent in not allowing razor wire or barb wire due to safety concerns and liability concerns to the City.

Electric fence material would be the same as razor wire or barb wire. Electric fences produce an electrical current that when in contact creates an electrical shock with the purpose to cause enough harm or discomfort to prevent additional contact. There are many advances and safety elements that have been introduced over the years for electric fences, however the main function of electric fences remains the same – produce an electrical current and when contacted discharge an electric current.

Staff has expressed concern, with the applicant and at a previous Planning Commission meeting, the safety and liability with electric fences. The safety concerns are: (i) injury to person(s) or animal(s) who come in contact with the electric fence; (ii) electrical archs to nearby person(s), animal(s), and/or material(s) ; and (iii) potential fire hazard. The liability concerns placed with the City for the electric fence that causes damage or harm or fire.

In addition, as the applicant previously stated, the electric fence produces electric pulses that are uncomfortable but not strong enough to do harm. If the purpose of the electric fence is to prevent intruders, being momentarily uncomfortable would not be much of a deterrent.

ENVIRONMENTAL

Zone Code Amendment (ZCA16-19) are not considered a "project", per the California Environmental Quality Act definition of a "project" and no further CEQA analysis is required.

FISCAL IMPACT

No fiscal impact.

ATTACHMENT(S)

- Resolution
- Public Hearing Notice
- Surrounding Cities Survey

RESOLUTION NO. ##-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO DENYING ZONE CODE AMENDMENT (ZCA07-19) TO THE MONTEBELLO MUNICIPAL CODE TO ADD ELECTRIC FENCE AS AN ALLOWED FENCE MATERIAL.

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

WHEREAS, the applicant, Electric Guard Dog, LLC has initiated a Zone Code Amendment (ZCA07-19) to add electric fence as an allowed fence material;

WHEREAS, the Planning Commission of the City of Montebello, after giving notice as required by law, held a public hearing concerning Zone Code Amendment (ZCA07-19) on July 16, 2019;

WHEREAS, the Zone Code Amendment (ZCA07-19) is not considered a "project", per the California Environmental Quality Act definition of a "project";

WHEREAS, a duly notice public hearing has been held, at which the Planning Commission received and considered testimony, all other matters presented at the public hearing, and included in the record for this matter; and

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

NOW, THEREFORE, the Planning Commission of the City of Montebello resolves that:

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

SECTION 2. That the Planning Commission hereby finds that Zone Code Amendment (ZCA07-19) is denied because the proposed electric fence material poses a safety issue for the public, is not aesthetically in keeping with the surrounding neighborhood, and is not consistent with the objectives and policies General Plan.

PASSED, APPROVED AND ADOPTED this 16th day of July, 2019.

AYES:

NOES:

ABSENT:

ABSTAIN:

Sona Mooradian, Chair

ATTEST:

Matthew Feske
Secretary to the Planning Commission



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

**Zone Code Amendment (ZCA07-19)
Citywide**

Project Description: A Zone Code Amendment by Electric Guard Dog, LLC to amend Title 17 of the Montebello Municipal Code to add electric fences as an allowed fence material.

Environmental: The proposal is not considered a "Project" under the California Environmental Act (CEQA).

NOTICE IS HEREBY GIVEN that the City of Montebello Planning Commission will hold a public hearing on the Conditional Use Permit application. The meeting is scheduled on:

Date: Tuesday, July 16, 2019
Time: 6:30 p.m.
Place: City Hall Council Chambers
1600 West Beverly Boulevard
Montebello, CA 90640

Any party interested in speaking may appear at the public hearing and comment on the project. Written comments may also be mailed or delivered to the City of Montebello Planning Commission at the Planning Division office address identified below. If you challenge the matter in court, you may be limited to raising those issues you or someone else raised at the public hearing, or in written correspondence delivered to the City of Montebello at, or prior to, the public hearing.

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

Contact Person: Matthew Feske
Phone: 323.887.1200 **Fax:** 323.887.1488
Email: mfeske@cityofmontebello.com
Address: City of Montebello, City Hall, Planning Division, 1600 W. Beverly Blvd, Montebello, CA 90640
City Website: www.cityofmontebello.com

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**MATTHEW FESKE
CITY OF MONTEBELLO/PLANNING
1600 W BEVERLY BLVD
MONTEBELLO, CA 90640**

CNS 3270016

COPY OF NOTICE

**NOTICE OF PUBLIC HEARING
CITY OF MONTEBELLO
Planning Commission**

**Zone Code Amendment
(ZCA07-19) Citywide**

Notice Type: HRG NOTICE OF HEARING
Ad Description: Zone Code Amendment (ZCA07-19) Citywide

Project Description: A Zone Code Amendment by Electric Guard Dog, LLC to amend Title 17 of the Montebello Municipal Code to add electric fences as an allowed fence material.

To the right is a copy of the notice you sent to us for publication in the WHITTIER DAILY NEWS. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

Environmental: The proposal is not considered a "Project" under the California Environmental Act (CEQA).

NOTICE IS HEREBY GIVEN that the City of Montebello Planning Commission will hold a public hearing on the Conditional Use Permit application. The meeting is scheduled on:

07/04/2019

Date: Tuesday, July 16, 2019
Time: 6:30 p.m.
Place: City Hall Council Chambers
1600 West Beverly Boulevard
Montebello, CA 90640

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an

Any party interested in speaking may appear at the public hearing and comment on the project. Written comments may also be mailed or delivered to the City of Montebello Planning Commission at the Planning Division office address identified below. If you challenge the matter in court, you may be limited to raising those issues you or someone else raised at the public hearing, or in written correspondence delivered to the City of Montebello at, or prior to, the public hearing.

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

- | | |
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| DAILY COMMERCE, LOS ANGELES | (213) 229-5300 |
| LOS ANGELES DAILY JOURNAL, LOS ANGELES | (213) 229-5300 |
| ORANGE COUNTY REPORTER, SANTA ANA | (714) 543-2027 |
| SAN FRANCISCO DAILY JOURNAL, SAN FRANCISCO | (800) 640-4829 |
| SAN JOSE POST-RECORD, SAN JOSE | (408) 287-4866 |
| THE DAILY RECORDER, SACRAMENTO | (916) 444-2355 |
| THE DAILY TRANSCRIPT, SAN DIEGO | (619) 232-3486 |
| THE INTER-CITY EXPRESS, OAKLAND | (510) 272-4747 |

Contact Person: Matthew Feske
Phone: 323.887.1200 **Fax:** 323.887.1488
Email: mfeske@cityofmontebello.com
Address: City of Montebello, City Hall, Planning Division, 1600 W. Beverly Blvd, Montebello, CA 90640
City Website: www.cityofmontebello.com
7/4/19
CNS-3270016#
WHITTIER DAILY NEWS



Electric Fencing Requirements Survey

Commerce

Prohibited

Pico Rivera

Prohibited

Rosemead

Prohibited

Downey

Prohibited

La Mirada

Prohibited

El Monte

Prohibited

South El Monte

Prohibited

Baldwin Park

Prohibited

Ontario

Allowed for commercial and industrial zones, prohibited for residential zones