



**CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES**

**REGULAR ADJOURNED MEETING
Monday, January 9, 2006**

**CITY COUNCIL CHAMBERS
5111 Benito Street, Montclair, California 91763**

CALL TO ORDER

Chairman Flores called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Vice Chairman Lenhert led those present in the salute to the flag.

ROLL CALL

Present: Chairman Flores, Vice Chairman Lenhert, Commissioners Johnson, Sahagun and Vodvarka, City Planner Lustro, Associate Planners Lai and Frazier-Burton, and City Attorney Robbins

Excused: Community Development Director Clark

MINUTES

The minutes of the December 12, 2005 Planning Commission meeting were presented for approval. Chairman Flores commented that his comments to staff complimenting them on doing a good job were omitted from the minutes and he would like to see the comments added, Vice Chairman Lenhert moved to approve, Commissioner Vodvarka seconded, there being no opposition to the motion, the minutes, as amended, were approved 5-0.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

1. PUBLIC HEARING - CASE NUMBER 2005-44
Citywide
City of Montclair
Municipal Code cleanup and amendments

City Planner Lustro commented that at the last Planning Commission, a workshop was conducted on the proposed amendments to various sections of the Municipal Code contained in Title 8 and Title 11. The Commission did not have any corrections or suggestions for changes. Staff is now bringing the item back for formal consideration in ordinance form with the corrections that were discussed at the workshop. As a refresher, the proposed amendments fall generally into two categories: 1) correction of typographical, grammatical and formatting errors and omissions that have been in the Code for a while; and 2) code sections that have caused staff problems, either dealing with the public at the counter with administrative issues or on items that have come to the Commission where there have been interpretation issues. Staff believes the proposed amendments are internally consistent with the rest of the Code and is, therefore, requesting approval of Case No. 2005-44, by taking the actions listed on page 1-1 of the staff report. If the Commission approves this item, it will continue on to the City Council for consideration.

Commissioner Vodvarka asked how soon after this is approved will the Commission have to bring their Code books back in for the updates. City Planner Lustro stated that the Municipal Code books are not updated after each Code amendment. Typically, the City Clerk's office allows code amendments to accumulate and updates the code books no more than a couple times per year. Clearly, there is a space in time when the code book is out of date. What staff does is keep a copy of the code amendment handy that serves as a reminder that those particular code sections were amended in some way, shape or form until the code books are updated.

Commissioner Vodvarka asked whether there was a code section that dealt with a time limitation for residents to remove their holiday lighting. City Planner Lustro stated that he would contact Code Enforcement and see if it has been an issue and get the code section information that is used. Commissioner Vodvarka mentioned that some Catholics like to leave decorations up until Epiphany, which he believes is in February.

Chairman Flores stated that he believed there should be an ordinance for it, but wanted to be lenient on the time.

Chairman Flores stated that Commissioners Johnson and Sahagun missed the previous meeting when the workshop occurred and encouraged them to ask any and all questions.

Commissioner Johnson commended staff on the changes that make a sentence more deliberate and inquired about an item from the minutes from the previous meeting what a 2½-story building would be; more specifically, what would a ½ story be, a loft or attic? City Planner Lustro stated that the question came up with respect to Chapter 11.26, which

governs the C-2 zone. The building height information is being inserted because it is not currently in the Code. It had simply been omitted. Two and one-half stories, or 35 feet, would not be uncommon for a commercial building to allow a little taller floor-to-ceiling heights and could also include a potential for a small mezzanine on the second floor if so desired. It also would allow for some additional architectural elements rather than limiting the building to 25 feet. For example, a tower element could be added to provide some architectural interest. As you may recall, the detached residential development proposed by South Coast Development in the 4200 block of Holt Boulevard includes a top floor that contains only a bedroom and a bathroom. The developer refers to that as 2½ stories rather than three stories, because of the minimal floor space on the top floor.

Chairman Flores stated that he felt staff did a great job on preparing the report and it showed that they did their homework.

Chairman Flores opened the public hearing.

Chris Caballero, 10743 Ada Avenue, Ontario, stated that he recently received a letter regarding a pre-zone workshop for some of the unincorporated County areas and he thought this meeting was going to cover that. City Planner Lustro stated that the public notice he received is for the workshop that will be conducted tomorrow night (January 10) in the Community Center. City Planner Lustro apologized for the misunderstanding and commented that he hoped Mr. Caballero could attend tomorrow night's meeting.

Chairman Flores closed the public hearing.

Vice Chairman Lenhart commented that he thought the information regarding the circular driveways was quite interesting because he has a circular driveway and it doesn't fit the proposed criteria. City Planner Lustro commented that, as with any other property in the City, where there is an existing condition that is inconsistent with Code, it is allowed to remain as a legal non-conforming improvement.

Vice Chairman Lenhart asked if there was any way to get the information out to the public on some of the items, such as the parking on unpaved surfaces. He commented that he felt it was one of the most violated ordinances in the City.

Commissioner Vodvarka commented that the thing that bothered him was that he and others see violations throughout the City and wondered why Code Enforcement did not see them. Chairman Flores asked if there any suggestions on how to give the public notice of what the Code requires. City Planner Lustro stated that it surprises staff on a regular basis that homeowners do major property improvements without building permits. These situations fall into two categories: 1) residents who simply do not know that a building permit is required; and 2) residents who deliberately choose not to obtain permits. Vice Chairman Lenhart stated that because the city is closed on Fridays, work crews show up on Fridays and by Sunday the work is done. City Planner Lustro stated that is why Code Enforcement works on Fridays and weekends. Commissioner Vodvarka wondered if the code changes could be included in the occasional mailers the City sends to residents or somehow announced at

City Council meetings. Too many people do not understand that building permits are not issued just to collect money for the City, but to protect them and keep them safe. Through mailers or announcements, maybe we could let these people know that there are other reasons that permits are required.

Commissioner Johnson wondered if we still had the "How to Do Things in the City" booklet where the first part was in English and you could flip it over and read it in Spanish. It advised who to call for what service you needed. She suggested that if the booklet still exists, it could be a good place to put information, particularly for new residents.

Chairman Flores commented that some of the real estate agents, especially when property is being transferred, could pass along a little handout. Commissioner Sahagun commented that some cities require an inspection; he believed the real estate community and homeowners would be against it and there are unscrupulous sellers and real estate agents who claim something is permitted when it is not.

Commissioner Vodvarka moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the proposed code amendments, and that a DeMinimis finding of no impact on fish and wildlife and Negative Declaration have been prepared, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Commissioner Johnson moved to approve Ordinance No. 06-871, amending various sections of Titles 8 and 11 of the Montclair Municipal Code, by adopting Resolution No. 06-1621, and forward to the City Council for its consideration, seconded by Chairman Flores, there being no opposition to the motion, the motion passed 5-0.

INFORMATION ITEMS

City Planner Lustro commented that staff has scheduled a workshop tomorrow at 6:30 p.m. in the Community Center regarding pre-zoning of a large portion of the unincorporated area in the City's sphere of influence. Staff will include all of the areas that were not included in the previous pre-zone (Annexation No. 26, the area bisected by Monte Vista Avenue), with the exception of the extreme west end of our sphere of influence, the Pomona Home Acres area generally west of Pipeline Avenue. Staff is not sure what direction to take with that area so we are postponing it for future consideration. However, we have developed recommendations for pre-zoning the rest of the sphere of influence. The City Council gave staff direction that they wanted us to move forward with this so that each time an annexation came forward, we would have an adopted pre-zone map so we would not have to go through the process each time. Whenever an annexation were to come forward, the Council would simply conduct a public hearing adopting a resolution of initiation for staff to prepare an application to LAFCO. Staff will be conducting the workshop, for which over 900 notices were sent out to property owners. We are not sure what type of turnout we will have, but 15 or 16 property owners have called over the last ten days mainly to obtain information about the process and inquire as to why the City is doing this. The next step will be to bring those

pre-zone designations to the Planning Commission, which will likely occur at the first meeting in February. The City Council has indicated that it is considering annexations in only two of the areas that would be pre-zoned: 1) the area east of Central Avenue, from State Street to Phillips Boulevard, that could be processed as two island annexations; and 2) a 41-acre, substantially surrounded island that is between State Street and Mission Boulevard, generally between Pipeline Avenue and the Mission Drive-In, the area including the old Agitator Shop. We looked at that area about four years ago, but it was put on hold. This is another area that could be processed as an island annexation under Government Code Section 56375.3 that expires at the beginning of 2007. Annexation of the remainder of the sphere is not on the Council's radar right now.

At the January 23 meeting, staff will be bringing another code amendment that Mrs. Robbins has been working on regarding regulation of adult businesses.

Commissioner Sahagun commented that the mall seemed to be slow this year, except for a few days before Christmas, and he wondered if Victoria Gardens affected business.

Commissioner Sahagun stated that in the past he asked for a report on the past tract maps so that the Commission could see all the development and that was great. He was also curious if there is a report or summary of the status of the past conditional use permits and various larger projects that the Commission has approved.

Commissioner Sahagun commented that the November report from Chicago Title indicated that the average price per square foot for single-family home sales in Montclair was \$315. City Planner Lustro added that the second phase of Brighton Place at Mission and Ramona is completely sold out. Their largest, furnished floor plan sold recently for \$640,000.

Chairman Lenhart announced that Monte Vista Water District's new pump facility at San Bernardino Street and Benson Avenue is completed.

Commissioner Johnson stated that it was her observation that Montclair Plaza was busy over the holidays.

Chairman Flores commented that he does not remember seeing so many days that the Plaza's upper parking lot off Moreno Street was closed because it was full.

Chairman Flores wished everyone a Happy New Year and hoped for another outstanding year. He wondered if there could be a handout prepared for future pre-zone hearings to explain that the Commission is not considering annexation, just pre-zoning. Every time the people get so upset and irate. City Planner Lustro stated that we could try that when the next pre-zoning comes to the Commission and see if that helps out, but as the Commission knows, staff has clearly stated in its presentations in the past that the only thing the Commission is considering during the meeting is pre-zoning, not annexation, and it still does not seem to do a lot of good. Staff is willing to try different things.

Chairman Flores asked about the two gas station sites on the Plaza perimeter. City Planner Lustro stated that Chick-fil-A is in plan check with the Building Division for the Central and Moreno pad. There has been no activity on the Monte Vista/South Plaza Lane site.

Chairman Flores asked about the former ARCO station site at Ramona and Mission. City Planner Lustro replied that the site was sold by BP ARCO to a private developer with whom staff has had several conversations. The architect for the project has submitted preliminary plans but no formal application. They hope to do an approximately 6,500 square-foot retail building that would contain four or five commercial tenants. They have indicated that they already have Starbucks signed as the anchor tenant for the end space with a drive-thru. Staff has commented back on their latest site plan but we have yet to receive any type of formal application. It appears they are serious.

Chairman Flores adjourned the meeting at 7:44 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary