



**CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES**

**REGULAR ADJOURNED MEETING
Monday, December 11, 2006**

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

CALL TO ORDER

Vice Chairman Lenhert 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: Vice Chairman Lenhert, Commissioners Sahagun and Vodvarka, Community Development Director Clark, City Planner Lustro, Associate Planners Frazier-Burton and Lai and City Attorney Robbins

Excused: Chairman Flores and Commissioner Johnson

MINUTES

The minutes of the November 13, 2006 and November 27, 2006 Planning Commission meetings were presented for approval. Commissioner Vodvarka moved to approve, Commissioner Sahagun seconded, there being no opposition to the motion, the minutes were approved 3-0.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

- 6.a PUBLIC HEARING - CASE NUMBER 2006-47
- | | |
|--------------------|--|
| Project Address: | 3894 Mission Boulevard |
| Project Applicant: | Ronen D. Burdo |
| Project Planner: | Carol Frazier-Burton, Associate Planner |
| Request: | Conditional Use Permit to allow vehicle sales with outdoor display |

Associate Planner Frazier-Burton reviewed the staff report.

Commissioner Vodvarka asked about the existing building and whether it was up to Code as far as constructing an addition. Associate Planner Frazier-Burton stated that the applicant is not proposing to expand the building at this time and would be using the building as-is.

Commissioner Vodvarka moved that, based on the evidence presented, there will be no significant impact on the environment as a result of the proposed vehicle sales facility, 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 3-0.

Commissioner Sahagun moved to grant the Conditional Use Permit request to allow vehicle sales with an outdoor display area at 3894 Mission Boulevard by adopting Resolution No. 06-1640, subject to making the four required findings and subject to the 27 conditions of approval, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 3-0.

1. The Conditional Use Permit (CUP) approval is granted specifically to allow vehicle sales with outdoor display in the "C-3" (General Commercial) zoning district at 3894 Mission Boulevard.
2. CUP approval is contingent upon the privileges being utilized within six months from the date of Planning Commission approval. Failure to commence the approved use within six months of the date of Planning Commission action, or termination of the approved use for a period of more than six consecutive months automatically voids the CUP.
3. Prior to issuance of building permits, the applicant shall:
 - a. Submit detailed plans for all exterior building and pole lighting for review and approval by the Planning and Building Divisions. All lighting shall incorporate 90-degree cut-off style luminaires and flat lenses. Submitted plans shall include a photometric analysis of all exterior lighting. Pole lighting shall be a maximum height of 25'-0" as measured from adjacent grade to top of luminaire. "House-back" shields shall be installed if it is

determined that there is light spill or nuisance glare onto adjacent residential properties. "Wall pack" wide area lighting shall be prohibited.

- b. Submit a revised site plan illustrating the following:
 - i. Relocation of all fencing along the street frontage to be a minimum of three feet (3'-0") from the back edge of the Mission Boulevard sidewalk.
 - ii. Relocation of the loading area for the disabled-accessible parking stall to the right side of the parking stall per ADA standards.
 - iii. A disabled-accessible path-of-travel, minimum 5'-0" in width, from the public sidewalk to the proposed building entrance.
- c. Submit landscaping and irrigation plans for review and approval by the Planning and Building Divisions that include the following:
 - i. A perimeter landscape planter along the Mission Boulevard frontage of the property, minimum 15'-0" in depth.
 - ii. Four (4) *Pistacia chinensis* (Chinese Pistache) street trees, 30 feet on center, along the Mission Boulevard frontage.

All trees shall be minimum 24-inch box size and double-staked per City standards.
 - iii. Detailed information on quantities, species, and container sizes of all proposed plant materials, including ground cover, turf, shrubs, vines, and trees.
4. All new building mounted and freestanding signs shall comply with the Montclair Municipal Code and shall require Planning Division review and approval and a building permit prior to installation. If a new monument sign is desired, it shall be designed with a full pedestal constructed of a decorative building material. Maximum sign height shall be 10'-0" (as measured from sidewalk grade on Mission Boulevard) and sign area shall not exceed 60 square feet.
5. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including, but not limited to the following:
 - a. Temporary banners for the purpose of announcing the grand opening or advertising promotions shall require banner permits from the Planning Division prior to installation.
 - b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.

- c. All vertical or "snow cone" style auto dealership promotional banners shall require review and approval by the Planning Division and issuance of a sign permit prior to installation.
 - d. Portable flags, pennants, spinners, painted-on signs or the like shall be prohibited.
 - e. No trailer-mounted electronic sign/message boards or other similar types of portable signs shall be permitted on the property at any time.
6. No pay telephones or vending machines shall be located on the exterior of the building on the subject property.
 7. No outdoor storage of any kind shall be permitted without approval of a Conditional Use Permit by the Planning Commission.
 8. Razor tape, barbed wire or similar security deterrents shall not be used.
 9. All new utility services to the building shall be installed underground.
 10. All mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, vents, transformers, or similar equipment, whether located on the ground or on the roof of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building and to the satisfaction of the Planning Division.
 11. All satellite dish antennas, microwave receivers and transmitters, and other forms of communication equipment shall be located in a manner in accordance with the provisions of Chapter 11.46 of the Montclair Municipal Code.
 12. Mechanical equipment including, but not limited to, utility meters, air conditioners and repair equipment shall be located within the building or in a manner compatible with the architectural design of the building to the satisfaction of the Planning Division.
 13. All fencing and materials used for fencing shall be subject to Planning Division approval prior to issuance of building permits. Scaled drawings showing the location, height, materials and design of fencing shall be submitted for review. Fences located within the front yard setback along Mission Boulevard shall be limited to a maximum height of 48 inches. Chain-link fencing shall not be permitted, except along the westerly side of the property immediately adjacent to the San Antonio Wash easement. If chain-link fencing is erected in this location, it shall be vinyl-coated, black or dark green in color.
 14. Trash enclosure(s) shall be constructed of masonry consistent with, or complementary to, the primary type and color of that used on the building to the

satisfaction of the City Planner. The construction of such trash enclosure(s) shall conform to the City's standard drawing, including a standing seam metal roof.

15. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be enhanced with a decorative building material or texture (e.g., brick, block, stone, plaster, texture coat) consistent or compatible with those used on the main building.
16. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
17. Landscape maintenance shall be subject to immediate and periodic inspections by the City. The property owner shall be required to remedy any defects in grounds maintenance and replace any trees, shrubs, vines, or groundcover with a similar species, size, and quantity that are lost due to unauthorized removal, disease, windstorm, or other natural disaster as indicated by the city inspector, within two weeks after notification. Inspections shall be based on automatic landscape irrigation schedule, plant maintenance, weed and rubbish control, landscape plan approval, and any other area that is incidental to grounds maintenance.
18. All new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
19. The applicant and/or property owner shall be responsible for maintaining the building's signs, lighting, landscaping, and all improvements in good working order at all times. Any accumulation of trash, weeds, or debris on the property shall be removed immediately so as not to present a public nuisance. Graffiti on the building or associated improvements shall be removed immediately by the applicant/property owner upon notification by the City.
20. Tent sales are not permitted without a permit from the Planning Division. Auctions shall be prohibited.
21. An exterior public address/paging system shall be prohibited.
22. The developer/general contractor is to be responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
23. Landscaping adjacent to the entrance drives should be of low profile types not to exceed eight feet in height when mature (with the exception of trees).

24. All Fire Department access and fire lanes shall be clearly posted as "No Parking, Fire Lane." Signs shall be designed and mounted in accordance with Montclair Fire Department standards.
25. Prior to issuance of a Certificate of Occupancy, the applicant shall:
 - a. Crack seal and slurry all asphaltic concrete parking areas. Customer and employee parking area shall be striped.
 - b. Remove the existing, non-conforming pole sign.
 - c. Remove any non-conforming site lighting.
26. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
27. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

6.b CASE NUMBER 2006-45

Project Address:	4168 Holt Boulevard
Project Applicant:	Jesse Bojorquez
Project Planner:	Carol Frazier-Burton, Associate Planner
Request:	Precise Plan of Design for exterior remodel and 4,780 square-foot expansion of an existing commercial building

Associate Planner Frazier-Burton reviewed the staff report. She stated that there were changes proposed to two of the conditions in the staff report. Condition No. 5.e is proposed to be deleted in its entirety and the subsequent conditions re-numbered and re-lettered and Condition No. 18 would be amended by striking the words "Fire sprinkler risers and." Staff determined from the Fire Department that the applicant will not have to sprinkler the building.

Vice Chairman Lenhert asked if the building would be subdivided or would be occupied by the present tenants. Associate Planner Frazier-Burton replied that staff is unsure but she believed that one of the tenants might be staying and the other leaving. Vice Chairman

Lenhert asked if the building could be divided into multiple units to accommodate more businesses there. Associate Planner Frazier-Burton replied in the affirmative.

Commissioner Vodvarka asked if the building addition would be tied into the existing building. Associate Planner Frazier-Burton replied that yes it would.

Commissioner Vodvarka moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the proposed remodel and 4,780 square-foot expansion of an existing commercial building, 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 3-0.

Commissioner Sahagun moved to approve the Precise Plan of Design request under Case No. 2006-45 for the site plan, elevations, colors and materials associated with the remodel and expansion project and related on- and off-site improvements per the submitted plans and as described in the staff report, subject to the 43 conditions of approval, with the omission of Condition No. 5.e and amendment to Condition No. 18, seconded by Vice Chairman Lenhert, there being no opposition to the motion, the motion passed 3-0.

1. This Precise Plan of Design (PPD) approval is specifically for the construction of a new building façade and a 4,780 square-foot addition to the existing commercial building at 4168 Holt Boulevard.
2. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
3. The applicant and/or property owner shall ensure that a copy of the Planning Commission approval letter, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
4. Prior to issuance of building permits, the applicant shall submit the following documents for review and approval by the City Engineer:
 - a. A comprehensive grading and drainage plan prepared by a registered civil engineer in conformance with the Appendix to Chapter 33 of the Uniform Building Code and the requirements of the City. An advance plan check fee, in an amount to be determined by the City Engineer, shall be required at the time of plan submittal. Prior to the commencement of grading or any clearing of the site, a grading permit shall be obtained from the Building Division. A disabled-accessible

path-of-travel from the public sidewalk to the building on-site shall be shown on the grading plan. Sidewalks, pathways and curb cuts shall comply with the Americans with Disabilities Act of 1990 (ADA). The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).

- b. Plans for erosion control and stormwater pollution prevention. A general construction permit may be required. Contact Joe Rosales, NPDES Coordinator, at 909/625-9470 for requirements.
5. Prior to issuance of building permits, applicant shall:
- a. Submit five complete sets of plans for the project, including building elevations, colors and materials, electrical, plumbing, mechanical, landscaping, lighting, and accessibility details, plus two sets of soils, structural and Title 24 calculations for review and approval by the Building and Planning Divisions. Contact the Building Division at 909/625-9430 for an appointment to submit plans.
 - b. Submit detailed plans for all exterior building-mounted and pole lighting for review and approval by the Planning and Building Divisions. All lighting shall incorporate 90-degree cut-off style luminaires and flat lenses. Submitted plans shall include a photometric analysis of all exterior lighting. Pole lighting shall be a maximum height of 20'-0" as measured from adjacent grade to top of luminaire.
 - c. Submit detailed landscaping and irrigation plans for review and approval by the Planning and Building Divisions, including four (4) Brachychiton populneus (Bottle Tree) street trees within the front landscape setback, 30 feet on center. Street trees shall be minimum 24-inch box size and double-staked per City standards.
 - d. Clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs.
 - e. Pay all required Montclair Fire Department fees.
 - f. Pay transportation development impact fee of \$32,327 (based on a net increase of 4,780 square feet of commercial space at the adopted rate of \$6,763 per KSF).
6. Exposed raceways shall be prohibited on all building-mounted and freestanding signs.
7. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including, but not limited to the following:

- a. Temporary banners for the purpose of announcing the grand opening or advertising promotions shall require banner permits from the Planning Division prior to installation.
 - b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
 - c. At no time shall pennants, inflatable signs, "human" signs, other similar advertising devices be utilized on the property or off-site.
8. Final architectural design, wall treatments, building colors and elevations shall be subject to review and approval by the Planning Division prior to repainting of the building.
9. The existing, non-conforming monument sign shall be removed. If a replacement is desired, it shall conform to the City's current sign code and policies (Chapter 11.72 of the Montclair Municipal Code).
10. The applicant/developer shall install/replace all ADA-required disabled-accessible parking signs at parking lot entrances and parking spaces.
11. All decorative exterior lighting shall incorporate illumination sources of an appropriate wattage so as to not create any nuisance glare to the adjacent parking areas, private roadways, public rights-of-way, or neighboring properties. Should the applicant desire to install any building-mounted wide area lighting, it shall consist of fixtures set at 90 degrees to the building wall and incorporating fully cut-off lenses so as to direct illumination down to the surface to be illuminated. All soffit lighting installed within the building shall be flush-mounted so that the lens or bottom of the fixture is flush with the underside of the soffit. The use of wall packs, barnlighters, or other similar unshielded luminaires on the property shall be prohibited.
12. All mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, vents, transformers, or similar equipment, whether located on the ground or on the roof of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building and to the satisfaction of the Planning Division.
13. All building downspouts shall drain directly into landscape areas.
14. No public telephones, vending machines, or other coin-operated machines shall be located on the exterior of the building.
15. In order to comply with the City's parking standards, the 7,400 square feet of the building designated as "warehouse space" shall be maintained as such and not converted into retail/commercial space.

16. All satellite dish antennas, microwave receivers and transmitters, and other forms of communication equipment shall be located in a manner in accordance with the provisions of Chapter 11.46 of the Montclair Municipal Code.
17. Mechanical equipment including, but not limited to, utility meters, air conditioners, and repair equipment shall be located within the building or in a manner compatible with the architectural design of the building to the satisfaction of the Planning Division. Freestanding electrical transformers and fire department double detector check equipment shall be screened with masonry walls compatible with the building architecture and/or landscaping.
18. Roof access ladders shall be located entirely within the enclosed building.
19. Trash enclosure(s) shall be constructed of masonry consistent with the primary type and color of that used on the building. The construction of such trash enclosure(s) shall conform to the City's standard drawing, including a standing seam metal roof.
20. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be enhanced with an architectural material matching or complementary to those used on the main building.
21. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
22. Landscape maintenance shall be subject to immediate and periodic inspections by the City. The property owner shall be required to remedy any defects in grounds maintenance and replace any trees, shrubs, vines, or groundcover with a similar species, size, and quantity that are lost due to unauthorized removal, disease, windstorm, or other natural disaster as indicated by the City inspector, within two weeks after notification. Inspections shall be based on automatic landscape irrigation schedule, plant maintenance, weed and rubbish control, landscape plan approval, and any other area that is incidental to grounds maintenance.
23. All existing and new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
24. Final architectural details, including but not limited to, the colors to be used on the building, shall be subject to Planning Division/Building Official review and approval. Building permits are required for all work.
25. The applicant and/or property owner shall be responsible for maintaining the building's signs, lighting, landscaping, and all improvements in good working order at all times. Any accumulation of trash, weeds, or debris on the property shall be removed immediately so as not to present a public nuisance. Graffiti

on the building or associated improvements shall be removed immediately by the applicant/property owner upon notification by the City.

26. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. The numerical address of the building shall be displayed in the upper right corner of the south-facing elevation of the existing building, below the new cornice. Numerals shall be Helvetica font, 10 inches in height, minimum 1½ inches in depth, and in a color that adequately contrasts with the background to which they are attached.
 - b. The facility shall be provided with a minimum maintained illumination level of one (1) foot-candle from dusk until termination of business every business day. During all other hours of darkness, a minimum of one-quarter (.25) foot-candles of illumination shall be maintained at grade.
27. The applicant shall be required to install a "RIGHT TURN ONLY" sign for vehicles exiting the Holt Boulevard driveway.
28. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
29. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact Michael Hudson, City Engineer, at 909/625-9440 for fees.
30. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA). Contact Michael Hudson, City Engineer, at 909/625-9440 for fees.
31. No soil shall be imported or exported to or from the project site without first obtaining approval from the City Engineer. A plan satisfactory to the City Engineer shall be prepared showing the proposed haul route within the City. Subject plan shall include provisions for street sweeping and cleanup. Applicant/contractor shall comply with all NPDES requirements.
32. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
33. All off-site and on-site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.

34. A 20-foot wide, unobstructed roadway capable of supporting firefighting apparatus shall be maintained within 150 feet of the structure prior to and for the duration of construction. Roadway is subject to Fire Department approval prior to commencement of construction.
35. The applicant/developer is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
36. Landscaping adjacent to the entrance drives should be of low profile types not to exceed 8'-0" in height when mature (except trees).
37. All Fire Department access and fire lanes shall be clearly posted as "No Parking, Fire Lane." Signs shall be designed and mounted in accordance with Montclair Fire Department standards.
38. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
39. In the event that a portion of the structure is to be used for the purpose of a public assembly, the developer/architect shall contact the Fire Marshal's Office for requirements prior to submission of building plans.
40. A Certificate of Occupancy is required prior to occupancy of the subject building. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
41. Prior to issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Building Division electronic images of all plans and records, which are submitted for the purpose of obtaining a building permit, to the Building Division. Electronic images shall meet the City's Electronic Archiving Policy.
 - b. Submit to the Engineering Division electronic images of the Water Quality Management Plan. Electronic images shall comply with the City's Electronic Archiving Policy.
 - c. Dedicate to the City of Montclair an additional four-foot (4'-0") easement for sidewalk purposes through the driveway along Holt Boulevard as necessary to the satisfaction of the City Engineer.
 - d. Remove and replace all substandard/damaged P.C.C. sidewalk, curb and gutter along the street frontage of the project site.
 - e. Install all approved landscaping and exterior lighting.

- f. Install all ADA-required parking stalls and parking lot signs.
 - g. Remove all outdoor storage from the property. No outdoor storage or placement of any freestanding structures shall be permitted in conjunction with any present or future businesses on the property.
42. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
43. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, of employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

6.c Discussion of Planning Commission norms and rules of order

Director Clark indicated that this item would be continued to the Commission's regular meeting of January 8, 2007.

INFORMATION ITEMS

Director Clark advised that the meeting was the last for 2006. The next Planning Commission meeting is scheduled for January 8, 2007.

City Attorney Robbins distributed a copy of the Ralph M. Brown Act and stated that along with continuing Item 6.c to the next meeting, she would like the Commission to read over the Brown Act and to let her know if they have any questions.

City Attorney Robbins wished everyone a Merry Christmas.

Commissioner Sahagun commented that the southwest corner of Monte Vista and Palo Verde has an area near the traffic signal pole that was never filled in with concrete when the Richmond American development was constructed. City Planner Lustro replied that the area surrounding the signal pole and control box was intentionally left with decomposed granite. The reason it was decided to leave it that way is that there are so many utilities in that area that maintaining landscaping would be difficult.

Commissioner Sahagun commented that regarding the storm drain work on Harvard Street, he called Engineering last week regarding the dirt and excessive dust. The contractor has a sweeper truck and water truck but is not really using them. He realizes it is a construction zone but if staff could advise the contractor to use the equipment it would help. He thought that the City Engineer contacted the contractor already because after his phone call to the City Engineer, the contractor was using it. He wondered what the projected completion date would be. Director Clark responded that he did not have that information.

Commissioner Vodvarka asked if there are any adult bookstores left in the City. City Planner Lustro replied that there is one. Until about six weeks ago, the City did not have any. When Annexation No. 26 was completed on October 24, 2006, the City inherited an adult bookstore on Mission Boulevard west of Fremont Avenue, on the north side of the street. Pursuant to the City's Municipal Code, there is a section that states that any adult businesses that are brought into the City as a result of annexation have a maximum amortization period of two years before they must cease operation. They cannot convert it to another adult business. A certified letter has already been sent out to the business owner and the property owner advising them of that particular code section and that they have until October 24, 2008 for that business or any other adult business to cease operation. The worst-case scenario is that we have an adult bookstore for another 22 months. That is the only one. City Attorney Robbins added that the reason the business owner was sent the letter and the reason for the beginning of the amortization period is that the adult-oriented business is not legally zoned now where it is located. It could relocate to certain designated areas in the City and we could acquire adult businesses in those certain zoned areas in the City. Right now, there is only the one and it is not in an area that is currently zoned for adult businesses. Commissioner Vodvarka asked if we annex an area that has an adult bookstore and it is not zoned for adult businesses but the owner wants to relocate to an area that is zoned for adult business, does that business owner have to come before the Commission to get permission to do so. City Planner Lustro replied that an adult business needs to be in a location that is defined in the Municipal Code, which is primarily the industrial area generally between State Street and Brooks Street. If this particular business, as City Attorney Robbins stated, decides to move to a different location, provided that it is located within those boundaries, he believed that they would be allowed to move there as a permitted use so it would not come before the Commission.

Commissioner Vodvarka stated that he has been approached by people living on the south side of Mission Boulevard asking if the City has plans for a park in that area. City Planner Lustro responded that the City owns a 4.8-acre parcel on the west side of Vernon Avenue, between Howard Street and Phillips Boulevard that is designated as a park site. The subject site is currently in the County. There are other sites that could potentially be available to be developed as a park but as the Commission is aware, the cost would probably be prohibitive for an adequate size park site. The vast majority of properties that might be available for a park would likely otherwise be developed residentially and we all know what residential property values are.

Vice Chairman Lenhart adjourned the meeting at 7:25 pm.

Respectfully submitted,

Laura Berke
Recording Secretary