



CITY OF MONTCLAIR  
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING  
Monday, November 13, 2007

CITY COUNCIL CHAMBERS  
5111 Benito Street, Montclair, California 91763

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**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

Chairman Flores led those present in the salute to the flag.

**ROLL CALL**

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

Excused: Commissioner Vodvarka

**MINUTES**

The minutes of the October 22, 2007 Planning Commission meeting were presented for approval. Vice Chairman Lenhert moved, Commissioner Johnson seconded, there being no opposition to the motion, the minutes were approved 4-0.

**ORAL AND WRITTEN COMMUNICATIONS**

None.

## AGENDA ITEMS

- 6.a PUBLIC HEARING - CASE NUMBER 2007-36  
Project Address: 4601 Brooks Street, Suite 1  
Project Applicant: Brooks Industrial Park LLC  
Project Planner: Jim S. Lai, Associate Planner  
Request: Conditional Use Permit to allow a bunny adoption agency

Associate Planner Lai reviewed the staff report.

Caroline Charland, 6374 Syracuse Street, Chino, the applicant, stated that 26 years ago she started a non-profit organization called the Bunny Bunch and they started off by just going to shelters to rescue small animals such as rabbits. People have no idea how many end up in shelters and what happens is that they get euthanized because people get them for their children and they do not know how to care for them. They have gone to the shelters, rescued rabbits, talked to the public and learned more and more that people had no idea how to care for the rabbits. They started their non-profit rescue and adoption programs and hold those programs across Los Angeles, Orange and San Bernardino Counties. On weekends they take the animals with them to different locations to try and find homes for them. On Saturdays they go to Petco and Petsmart, educate people and make sure they are making the right choice of an animal. Some of the animals will be housed at this location and while many people think the animals are dirty, the only reason they are dirty is because people do not understand how to care for them or how to keep them. The rabbits will be kept in a living area, which is good for them and plenty of area for them to run around while they find these animals homes. They also have an online store called Bunny Bunch Boutique and then they also do a lot of education and will be holding small classes there. They teach children how to care for animals and that animals are not disposable.

Commissioner Johnson commented that as she read through the provided material, there was a lot on the subject of rescue and she thought it was rescue from the wild and wanted to clarify that it was only from shelters. Ms. Charland clarified that the animals are all domesticated, some from shelters, some from children who received it as a pet and cannot keep it, and some from a pet shop. Commissioner Johnson asked how many small animals would be there at one time. Ms. Charland replied that they plan on having a set up for 50 animals with large crates; sometimes there is a single rabbit in there and sometimes there are pairs. Their goal is to totally redecorate the place and have it immaculate. Commissioner Johnson commented that years ago when she lived in Los Angeles, the lady next door had rabbits that were not sterilized and she had a lot of rabbits and even though she very meticulous and outside every morning and evening cleaning, the stench from her yard was horrendous. She heard the applicant state that the rabbits use a litter box, but what would mitigate any negative impacts to the neighbors. Ms. Charland replied that these rabbits will be spayed or neutered because when they are not spayed or neutered, they have a very strong odor to the urine and often if they are kept in cages where they are just urinating through the cages, then the

cage gets that smell that you cannot get rid of. Our rabbits will be in a solid plastic crate with a litter box with absorbent material that will be changed every day. They have over 500 rabbits right now in the program and those rabbits are fostered in people's homes and the average house has one to two bunnies and you could walk into their house and never know they have a rabbit by the smell. Commissioner Sahagun commented that he was very impressed with the applicant's package of information.

Vice Chairman Lenhert moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the establishment and operation of a small animal adoption agency within an existing industrial property and that a DeMinimis finding of no impact on fish and wildlife and a Negative Declaration have been prepared, Chairman Flores seconded, there being no opposition to the motion, the motion passed 4-0.

Commissioner Sahagun moved to approve a Conditional Use Permit under Case No. 2007-36 to allow the establishment of a 2,000 square-foot animal adoption agency within an existing industrial building at 4601 Brooks Street, by adopting Resolution No. 07-1671, making the four findings and subject to the seven (7) conditions of approval, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 4-0.

1. Approval is granted for a Conditional Use Permit (CUP) to allow the keeping of animals in conjunction with a bona fide, not-for-profit, bunny adoption agency at 4601 Brooks Street, Suite 1. Any substantial changes to the operation, increase in floor area of the demised space or physical location shall require prior City approval. The boutique and classroom areas of the facility shall not exceed 50 percent of the total lease space. Any discontinuation or substantial changes to the operation or the type of animals to be kept at the facility without City approval shall be a violation of this CUP and may be cause for revocation.
2. Conditional Use Permit (CUP) approval shall be valid for a period of six months from the date of Planning Commission approval and shall automatically expire on the six-month anniversary date of Planning Commission action, unless the applicant is diligently pursuing building plan check toward eventual construction or implementation 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 CUP expiration date.
3. Approved hours of operation for the facility, including the boutique and classroom, are 8:00 a.m. to 10:00 p.m., Monday through Sunday. The applicant may close the facility earlier than the hours stated herein. Any

changes to the facility hours require written notification to the Planning Division and are subject to City approval.

4. Signage for the facility shall be consistent with the adopted sign program for the industrial complex. No separate freestanding sign shall be allowed to advertise the business.
5. Prior to receiving a Certificate of Occupancy to utilize the lease space for keeping of animals, the applicant shall apply and receive all necessary permits and inspections from Building and Fire Departments to ensure full compliance with all applicable building and safety codes.
6. This CUP for the animal adoption agency may be modified or revoked for failure to abide by these conditions or in the event that the use is determined to be a nuisance to surrounding properties, businesses or the community at large.
7. 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 2007-37

Project Address:	5060 Montclair Plaza Lane
Project Applicant:	General Growth Properties, Inc.
Project Planner:	Steve Lustro, AICP, City Planner
Request:	Precise Plan of Design for interior renovation of Montclair Plaza

City Planner Lustro reviewed the staff report.

In attendance at the meeting was Larry Martin, the General Manager of Montclair Plaza, and Dennis Bonds of Mulvanny G2 Architecture. Mr. Bonds gave a PowerPoint presentation. A similar presentation was given at the Council meeting several weeks ago, but this one was slightly modified.

Mr. Martin stated that Mr. Bonds of Mulvanny G2 Architecture is the architect on the project and, in addition to the PowerPoint presentation, they also brought art boards with the actual finishes being proposed. Basically, three major things are happening at the mall - a comprehensive interior renovation, re-merchandising at the mall, and the Nordstrom remodel. The time period for the major renovation would start mid-January and be completed in October 2008. The project would occur in phases, starting at the west end of the interior and working through the east end where Sears is located. The initial construction would be in the food court area, the mall entrance, and the Nordstrom wing. The first phase would be finished earlier in the year and you will definitely have an idea of what is happening in the other phases. [\[PowerPoint presentation\]](#)

Commissioner Johnson commented that she was "tickled pink" about the remodel. She asked regarding the reference to kiosks and whether they were being removed or remodeled. Mr. Martin clarified that the term "kiosk" means the more permanent type of vendor space that is generally a 10 x 10 foot area. The carts are the ones with the wheels. His reference to moving a couple of the kiosk locations is because they are physically in the way and they were going to put them in the center court area. He stated that they will not necessarily be changing the tenants as many have long-term contracts. Commissioner Johnson stated that she was trying to envision the difference between a cart and a kiosk. She asked for an example of a store that is in a kiosk. Mr. Martin replied that some of the cell phone places are kiosks and the good thing about kiosks is that the sales people are typically inside their kiosk area. The carts are the ones that are about 8 feet by 7 feet with only shelf space.

Vice Chairman Lenhart commented that he felt this project was very exciting.

Chairman Flores asked who would be doing the surveying. Mr. Martin stated that the contractor will probably hire the surveyor. Chairman Flores asked if it would be one for the entire project. Mr. Martin stated that General Growth has hired a civil engineer for the entire project.

Commissioner Johnson commented that she recalls trying to shop at the mall when her children were younger and it was very difficult to shop at the mall because the bathroom was upstairs and she thanked them for including new bathrooms on the lower level.

Commissioner Johnson moved that, based on the evidence submitted, a finding is made that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301(a), Class 1, in that the project is limited to interior improvements and upgrades to the common areas of a regional shopping center, seconded by Vice Chairman Lenhart, there being no opposition, the motion passed 4-0

Vice Chairman Lenhart moved to approve a Precise Plan of Design under Case No. 2007-37 per the submitted plans and as described in the staff report for a major renovation of the interior common areas of Montclair Plaza, subject to the 14 conditions

of approval, seconded by Chairman Flores, there being no opposition to the motion, the motion passed 4-0.

1. This approval is for a Precise Plan of Design for the floor plans, interior elevations, colors, materials, seating and landscaping options and conceptual signage plan associated with a major renovation of the interior of Montclair Plaza as described in the staff report and as depicted on the submitted plans.
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. No changes to the exterior of the building are included as part of this approval.
5. Prior to issuance of building permits, the applicant shall:
  - a. Submit five complete sets of architectural plans for the project, including floor plans, interior elevations, colors and materials, electrical, plumbing, mechanical, landscaping, lighting, and accessibility details, plus two sets of structural and Title 24 calculations for review and approval by the Building and Planning Divisions. Contact the Building Division for an appointment to submit plans.
  - b. Contact the Montclair Fire Department regarding the requirements for proposed modifications to the existing fire sprinkler system, if applicable.
6. Any new or replacement 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.

7. No public telephones or vending machines shall be located on the exterior of the building.
8. All satellite dish antennas, microwave receivers, 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.
9. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
10. The applicant/developer shall maintain approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
11. 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.
12. Prior to issuance of a Certificate of Occupancy for the new building, the applicant shall submit to the Building Division electronic images of all plans and records for the purpose of obtaining a building permit. Electronic images shall comply with the City's Electronic Archiving Policy.
13. 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.
14. 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 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.c CASE NUMBER 2006-45 'A'

Project Address:	4168 Holt Boulevard
Project Applicant:	Phillip Gutierrez
Project Planner:	Jim S. Lai, Associate Planner
Request:	Request for time extension of approved Precise Plan of Design for building renovation and expansion

City Planner Lustro reviewed the staff report.

Vice Chairman Lenhart moved to approve a 12-month time extension for a Precise Plan of Design approval under Case No. 2006-45 'A' for the site plan, elevations, colors and materials associated with the remodel and expansion project and related on- and off-site improvements per the previously submitted plans and as described in the staff report, subject to the 43 conditions of approval per the original PPD approval under Case No. 2006-45, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 4-0.

## **INFORMATION ITEMS**

Commissioner Sahagun asked about the storage containers at the Target store.

City Planner Lustro responded that staff had engaged in ongoing conversations with the previous store manager and a regional representative about resolving this issue, but a new manager was assigned to the store and staff never heard anything more. We were at a point where we did have some discussion with them about possibly constructing a freestanding building at the rear of the property to solve some of their storage problems. He would ask Code Enforcement to re-initiate discussions on this issue after the holidays.

Commissioner Sahagun commented that the traffic signal at Palo Verde and Fremont appears to default to traffic on Fremont, requiring motorists on Palo Verde to stop even when there are no cars traveling northbound or southbound (on Fremont/Autoplex). To him it is more a waste of gas than time, but he questioned whether there was a reason for that.

Commissioner Sahagun was approached by a resident who is a police officer for another city requesting lights at Essex Park due to the break-ins.

City Planner Lustro replied that the traffic signal at Fremont and Palo Verde defaults to Fremont Avenue because the loop sensors on the southbound leg of the intersection, Autoplex Drive, are inoperative. Evidently at some point in the past when some work was done in the street, the loop sensors were cut or there was some damage done to them and they have never been repaired. Repairing the loop sensors is somewhat cost prohibitive, so that is why the signal defaults to Fremont/Autoplex rather than Palo Verde.

Director Clark commented that he is not aware of what happens at Essex Park with regard to security lighting other than what is on the snack bar building itself. Director Clark commented that he believed it had ball field lighting but he did not know if it operated with some sort of security lighting and staff can verify that with the City Engineer.

Chairman Flores saw some construction going on at the railroad tracks north of Arrow Highway just west of the car wash and it looked like some kind of tunnel. City Planner Lustro confirmed that the pedestrian tunnel is under construction under the tracks.

Chairman Flores commented that he observed the nursery at Ramona and Holt is looking terrible, everything is dried out. City Planner Lustro answered that the nursery property has been sold to a developer and they are in the process of moving all the material off the property.

Chairman Flores adjourned the meeting at 8:05 p.m.

Respectfully submitted,

Laura Berke  
Recording Secretary