



CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES
REGULAR ADJOURNED MEETING
Monday, August 25, 2008

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

Commissioner Sahagun led those present in the salute to the flag.

ROLL CALL

Present: Chairman Flores, Vice Chairman Vodvarka, Commissioners Johnson, Lenhart, and Sahagun, Community Development Director Lustro, City Planner Diaz, Associate Planners Lai and Frazier-Burton, and Deputy City Attorney Holdaway.

MINUTES

The minutes of the July 28, 2008 meeting were presented for approval. Commissioner Lenhart moved, Commissioner Johnson seconded, there being no opposition to the motion, the minutes were approved 5-0.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

- 6.a CONTINUED PUBLIC HEARING - CASE NUMBER 2008-14
(continued from 07/28/08 meeting)
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| Project Address: | SEC Mills Avenue and Kingsley Street |
| Project Applicant: | National Community Renaissance of California |
| Project Planner: | Mike Diaz, City Planner |
| Request: | General Plan and Holt Boulevard Specific Plan Amendments and Precise Plan of Design |

City Planner Diaz reviewed the staff report and indicated that the applicant was available to answer questions. Staff believed the project to be very well done, and recommended the Planning Commission approve the project and forward a recommendation of approval to the City Council. City Planner Diaz referred to a parking analysis, prepared by National CORE that left in each Commissioner's place setting at the dais. The parking analysis listed 18 of their projects within the greater southern California region as far south as San Diego. The analysis showed the type of facility, the number of units constructed, the number of parking spaces provided, and the ratio of spaces per unit. Except for two or three projects, the ratios for each development was under two spaces per unit. Other information provided was the number of registered vehicles on-site. One thing to note is that the San Antonio Vista project has just over fifty percent of its parking spaces occupied by tenant vehicles.

Director Lustro commented that he had the opportunity to speak with Councilmember Paulitz regarding this particular project and, for the Commission's benefit, he acknowledged staff's addition of Condition No. 13.c, which is the requirement of the parking plan which he felt was a good idea. He felt the Commission should have the opportunity to review that parking plan before the Commission takes any action on this item. Staff's intent was that if the Commission is comfortable enough to take an action on this particular item, then National CORE would be responsible for submitting a parking plan to staff for review so that it meets all the criteria that we have discussed and satisfies the concerns the Commission has expressed in the past. Director Lustro stated that he communicated to National CORE staff before the meeting started that if the Commission takes action on the item, it is staff's recommendation and expectation that the parking plan be submitted to staff for review before the project goes to the City Council.

Chairman Flores asked if they recommend the project to the City Council, are they recommending it with Condition No. 13.c as it is? Director Lustro stated that they can do that, modify it, or add some additional language for clarification because the way it was written it says that National CORE is to submit a parking management plan prior to issuance of building permits. If the Commission would like to add some language to say that the parking management plan will be submitted prior to this item being reviewed by the Council, it may do so.

Commissioner Sahagun asked what the Mayor thought of the project after the tour. Director Lustro replied that the Mayor did not attend the tour.

Commissioner Sahagun commented that several years ago when the Commission approved the other site, he visited three different sites, but he wanted to know how the Rialto site turned out and if there were any comments from Councilmember Dutrey, because he understood that the particular Rialto site had experienced four homicides. Director Lustro stated that he would defer a detailed answer to the National CORE staff because they are more familiar with that project than city staff, but it was one of the sites visited during the tour. He noted that the City of Rialto contributed \$13 million for acquisition and rehabilitation of that particular neighborhood with a total of 152 units. When staff toured the project two weeks ago, it was nearing completion. From what we heard on the tour by on-site management, there was a very high crime problem in that neighborhood, which was called Willow-Winchester before National CORE took it over. Since National CORE has been involved and has started the rehabilitation of the units' management to govern those units, there have not been any homicides.

Vice Chairman Vodvarka commented that the particular site in Rialto had no bearing on what they were looking for. Some of those homes had garages besides outside parking and it did not fit the criteria of what they were looking for on this project, although it was a beautiful site and he felt they were doing a beautiful job and it will be better than it was.

Chairman Flores opened the public hearing.

Alfredo Izmajtovich, 9065 Haven Avenue, Suite 100, Rancho Cucamonga, thanked the Commission for allowing him to address them. He stated they have been working in the affordable housing field now for over 18 years and are the largest non-profit housing developer in southern California, with approximately 6,000 units. He indicated they are very committed not only to building the highest quality and safest communities they can, but also to have those assets continue to be long-term benefits for the community they are in. Their goal is to continue to grow and they want a positive impression, not only in the short-term, but in the long-term. The Rialto development was a very dangerous area before National CORE went into that community and they have done substantial rehabilitation to the structures and the community in terms of working with the tenants. Those tenants that did not want to work with them and did not want to engage in activities conducive to positive communities were evicted or left and those families that did want to live in a safe area, have a place for their children to live in a responsible way and were very supportive. If you speak to any of the Rialto city officials or police department, you will get glowing recommendations as to what they do. The point of that property being on the tour was to demonstrate our commitment to management, which is what we think is the key to success in all of our developments. You can build a beautiful building but if you do not take care of it, over time it will become a blighted building and a problem for that neighborhood and that is not what we want to do. The other properties that we took the Commissioners to were similar in scope and concept of what we are proposing for Mills Avenue. We address the concerns that were brought up, particularly the parking issue. The parking study demonstrates how parking works at their developments and what they are proposing fits within that. It appears that they will have more parking than they need, but they want to be prudent and have adequate parking. All of their properties have those common facilities for the tenants (pool,

community room, after school programs that work and a wonderful environment where people come to and really appreciate). When you go to the San Antonio Vista project, the response was overwhelmingly positive. It's a wonderful feeling getting not only the tenants into a development who love and appreciate the homes they have built, but also the adjoining neighbors, the stakeholders in the community, who say "this is what we're talking about when transforming a community" that will have a long-term impact on their neighborhoods. National Core is hoping to continue that with this development. He stated that he was there to also answer any questions the Commission might have.

Commissioner Johnson thanked Alfredo for attending the tour with the Commission; she felt it was phenomenal and the best part was giving the Commission the opportunity to hang out with the managers so they could ask the probing questions about parking and community. Commissioner Johnson said it gave her a much broader view of 'what can be' as opposed to 'what currently is.'

There being no one else present wishing to speak on the item, Chairman Flores closed the public hearing.

Chairman Flores commented that it would be an advantage to change the language on Condition No. 13.c so it can be resolved before it goes to the City Council.

Commissioner Lenhart stated that he was quite concerned over this *[parking]* because what we're planning is not what is going to be there next week, next month or next year, or 20 or 30 years. Was there a guarantee that the rules and regulations were going to be in place then? He saw some similar units back East which were 25 to 30 years old and they were the pits because the company that originally had them sold them off to someone else who did not care and the units went downhill, old cars all over the place, trash, murders, rapes. He asked what we have to prevent that. Also, he understood that this company built one, this one is in the plans and they are also going to build the senior center. He would like to see something that shows exactly how the three fit together. He saw a piece of land between them. City Planner Diaz passed along an exhibit to the Commissioners that showed the three communities together showing no vacant areas between them.

Commissioner Johnson asked Commissioner Lenhart if the sites that he went to look at back East were ever involved with National CORE. Commissioner Lenhart stated he did not know all the details, but they were a mess. He stated that he was unable to attend the tour here due to previous commitments, but he did go out there on a Saturday and looked at the sites. Director Lusto stated that if the Commission concurs, he wanted Mr. Izmajtovich to address Commissioner Lenhart's concerns with regard to management, ownership, disposition, development agreement, etc.

Mr. Izmajtovich commented that in terms of their company philosophy, National CORE is a long-term owner/operator of their properties, they do not sell their properties. They have over 6,000 units in southern California. It is their plan and desire to own this into perpetuity as affordable housing. When they work with communities, whether it is cities or counties, typically and currently most of them have development agreements in place, for a minimum of 55 years. In those agreements, they are very specific about all

of the controls that local agency has to make sure the quality of the development stays the same, such as the ownership cannot be changed without the consent of the city. For example, if something did happen to their company, it would still be under the control and discretion of the Commission as well as the City Council of Montclair to be involved in any ownership transfer. That has never happened to them and they do not plan on it ever happening. Their goal when they develop the properties will be to hold them for long term ownership. On the tour, they did go to one property that was built in 1982, almost 30 years old, and, based on comments received from those who were able to attend the tour, they were very impressed by the maintenance of the structure and were not only impressed by the structure itself, the landscaping and how it was treated by the residents. Again, that is a long-term, older building that is still functioning and an asset to the community. They were trying to demonstrate that commitment to having that high standard of maintenance and high standard of capital improvements. One of the things that they do, although not common, besides looking at the project today, they actually set up 15-year capital improvement plans for all of their developments that they will fund out of their internal capital cash flow to insure that they are able to continue to maintain the structures in the state that they are in now. That is how they have done things and he welcomed the Commission to tour as many properties as they liked to get a sense of what they try to do and he felt they do a good job of maintaining those properties. With the additional regulatory agreement that is enforceable, there are additional protections as well.

Vice Chairman Vodvarka commented he visited the Rancho Cucamonga site on his own, around 7:00 PM. He walked all the way in the back to check out the back parking lot and there were only three cars parked there, the rest of the parking spaces around the other areas were filled up, and it looked like many of the units were lit up and occupied. He got the impression that there were plenty of parking spaces. He reviewed Condition No. 13 c and felt it would cover the problem. He liked what he saw.

Commissioner Lenhart commented there will be 34 units that take 5 people each and a pretty good possibility they will have 2 cars. Then you go to the larger one, there are 15 units for 7 people. Are you going to keep these people down to one car? Mr. Izmajtovich replied to Commissioner Lenhart's comments by stating that it was better to look at the charts they provided instead of guessing what could happen because these are actual properties functioning today with these parking ratios. This was not what they thought would happen, it is what is actually happening. The other thing that is important to know is that San Antonio Vista has the same exact makeup in terms of units, 2 and 3 bedrooms and is an existing property in Montclair. There are 75 units at that property and there are 258 people living on-site, which works out to 3.44 people per unit. Even though theoretically, you could rent a 3-bedroom unit to a 7 person family, it is very unlikely that you would do that for every single 3-bedroom unit. It is more likely that it will be a four-person family, because that is the size of the typical American family. So, when you look at the actual numbers from the actual properties that are actually operating, then you can say it really is overparked in terms of cars that are registered there. If you look at the very right column in the chart, the numbers are 1.4 per unit, 1.2 per unit, some are even lower like the senior ones, but even the family ones are all in that range. That is a lot of data they are providing and saying this is what we are actually seeing, not a guess but what is happening. If you look at San Antonio

Vista and see the big parking lot to the west of the site, it is completely empty every day, so there does not seem to be an issue. If there is an issue, Condition No. 13.c seems to address that, which is basically saying that if there is a problem at this development they have additional parking down the street because we are the owner of all three sites.

Commissioner Lenhert asked what is to keep them from bringing in more people. Mr. Izmajtovich replied that, again, property management will make the difference. Commissioner Lenhert commented he was concerned because it was a new place and he was unsure if all the units were even full. Mr. Izmajtovich answered that the 75 units have been full since day one with the demand for housing so great and the waiting list has over 280 people for the existing development. The typical waiting list for a development is 3 to 4 years. So, if you want to live in a community that National CORE develops, that is the length of time you have to wait because the demand is that overwhelming. When they open a building, they usually get 20 to 30 applications per unit. Clearly, they can go through those applications and look for families that have great credit, a wonderful tenant history at previous housing and who are also income-qualified and we can select those families to live in these communities.

Chairman Flores commented that if there were 7 people in a unit with 3 cars, they would probably be asked to leave because their income would be too great.

Commissioner Lenhert asked how you verify the income.

Mr. Izmajtovich stated that there is a whole verification process where they look at the W-2s, tax returns, confirm employment with their employer, verify salary, and a third party verification of bank accounts. Commissioner Lenhert stated that there are a lot of people that work day work and do not file income tax and have no record of them. Mr. Izmajtovich commented that anyone can just look at the facts of their existing developments.

Commissioner Johnson commented further that when the Commission first discussed this project and the parking, she had concerns based upon her own expectations and heard from Alfredo that the parking was not really needed, she did not really believe him. She heard it from staff and she did not believe them either because she knows how she lives and at her house there are four of them and there are five vehicles and she has an expectation that everyone is the same as her. When they toured the San Antonio Vista property she looked around at the parking and there seemed to be a lot of spaces where she was looking, but the thing that really blew her away was when they took them to the back lot, which is going to be next to the senior project, it was empty and when she asked the manager where the people are, the manager stated that the back lot never has more than two cars, something like 25 spaces that are never used. Each site that they toured, the magic number of what currently exists is about 1.7 parking spaces per unit and she finally realized even if there are 5 people in a unit, there may be only one car and that is the car for the person who goes to work and the other person stays home and takes care of the children. While some people in a different income bracket might expect to have more cars than one, the reality of this is that they have one, maybe two, vehicles. In her mind, parking is not an issue, because

while she was on the tour, she thought if we think there is not going to be enough parking at the new site and here is this whole parking lot never used, then how can we add to the flow? Based on what she saw, she did not feel that parking is a concern and just in case, as a back up, if something changes, there is Condition No. 13 c.

Commissioner Johnson commented that the female manager they met on the tour at the Rialto property was so informative and the thing that struck her was when they asked her to go and manage that property, she refused to do it because it was such a horrible neighborhood and then they kept talking and she said she would do it if she had a bullet-proof vest and she heard that the overall crime rate is down 67% since National CORE has been there and the interesting thing is when they pulled up to the property, there were people looking at them, they came outside and watched them to make sure they belonged there and it wasn't until the management team approached them that they backed up. That is not something you usually see in apartment complexes and as they walked the site in Rialto, which is set in the middle of an area that was not that wonderful, but the site was wonderful. As they walked it, people came out and talked to them and she felt it had to do with the way management runs the place. There are a set of rules and if you break the set of rules, you are gone and they all know that. The example they gave was the grandmother who lived there and her grandson was living with her and the grandson broke into someone else's apartment and because of that, grandma had to leave, because the rules say that if your visitors do anything that are not in line with the rules, you have to go.

Commissioner Lenhart asked what the city code was for parking. Director Lustro replied that the standard for parking for a multi-family market rate project is two parking spaces per unit and one guest parking space for every three units. The difference is that we are talking about a market rate project, which is what the code applies to versus an affordable project, which has a completely different demographic than a market rate project. He reminded the Commission that other than the city owning some of the four-plexes within the Foundation areas. The vast majority of these four-plexes are owned by private owners who have a lot of different ideas about how they maintain their properties, how they screen or don't screen their tenants, about what rules they may have or not have, which is diametrically opposed to what was heard at the meeting and the way that National CORE manages their San Antonio Vista project and all their other projects.

Commissioner Lenhart stated we have a lot of parking problems down there because when they were built, they were only provided one parking space per unit and one can hardly find a space along Canoga. Director Lustro stated that the intent is that staff will add language to Condition No. 13.c requiring the applicant to prepare a written parking management plan prior to this item being considered by the City Council so the Council will have an opportunity to review the parking plan as well.

City Planner Diaz suggested taking the first sentence of Condition No. 13.c and adding a clause to the end of that sentence to read, "A written parking management plan for the complex reviewed and approved by the City Council" that would still fit within the original format of the conditions.

Commissioner Johnson moved for an environmental review, by taking the following actions as responsible agency, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0:

1. Certify that the Commission has reviewed and considered the environmental assessment based upon the findings and proposed mitigation measures in the Initial Study prepared for the project, and that there will be no significant impact on the environment as a result of the proposed land use amendments and the subsequent construction of the proposed 50-unit multi-family residential project; and
2. Adopt the proposed Mitigated Negative Declaration and finding that there will be a DeMinimis impact on fish and wildlife; and
3. Direct staff to file a Notice of Determination (NOD) and the applicant to pay appropriate fees within five (5) days of this action.

Commissioner Vodvarka moved for the proposed land use amendments, make the following recommendations to the City Council, seconded by Chairman Flores, there being no opposition to the motion, the motion passed 5-0:

1. Recommend approval of the proposed amendment to the General Plan land use designation of the subject property from "Business Park" to "Medium Density Residential" (14 Dwelling Units/Acre); and
2. Recommend approval of the proposed amendment to the Holt Boulevard Specific Plan land use designation of the subject property from "Business Park" to "R-3/14 Dwelling Units/Acre"; and
3. Recommend approval of the proposed Density Bonus Agreement including requested development incentives pursuant to Chapter 11.85 of the Montclair Municipal Code.

Commissioner Sahagun moved to approve the Precise Plan of Design request under Case No. 2008-14 for the site plan, floor plans, elevations, conceptual landscape plan, colors and materials associated with the proposed 50-unit multi-family residential development on 1.75 acres of property at the southeast corner of Mills Avenue and Kingsley Street (currently addressed as 10307-10327 Mills Avenue), and associated on- and off-site improvements per the submitted plans and as described in the staff report, subject to the 26 conditions of approval, including amendment to Condition No. 13 c, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 5-0.

- 6.b PUBLIC HEARING – CASE NUMBER 2008-27
Project Address: 9004 Benson Avenue
Project Applicant: Hirsch Pipe & Supply Company
Project Planner: Mike Diaz, City Planner

Request: Conditional Use Permit to allow outdoor storage of oversize pipe products

City Planner Diaz reviewed the staff report. He commented that the architect and the representative from the company were in attendance.

Commissioner Johnson asked which condition covered the exterior screen walls. City Planner Diaz replied that it was Condition No. 4.a, which addresses about the outdoor storage area.

Commissioner Sahagun stated the only concern he had was the dried-up landscaping and the general disrepair and condition of the property, but he felt the conditions covered it.

Chairman Flores opened the public hearing.

There being no one else present wishing to speak on the item, Chairman Flores closed the public hearing.

Commissioner Lenhert commented that it was a good location and good product for that location.

Commissioner Sahagun stated that when passing the property he noticed the need for resurfacing of the street and wondered if there were any plans to resurface the street on the Del Mar side of the property. City Planner Diaz answered that staff is not aware of any timetable for any improvements in that area.

Vice Chairman Vodvarka moved that based on the evidence presented, there will be no significant impact on the environment as a result of the proposed wholesale plumbing supply business at the subject site. The Planning Commission has reviewed the Planning Department's determination of exemption, and based on its own independent judgment, concurs in the staff's determination of exemption, seconded by Commissioner Lenhert, there being no opposition to the motion, the motion passed 5-0.

Commissioner Lenhert moved to grant the Conditional Use Permit request to allow a wholesale plumbing supply business with outdoor storage as described in the staff report, at 9004 Benson Avenue by adopting Resolution No. 08-1684, subject to making the four required findings and the 23 conditions of approval, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

6.c PUBLIC HEARING – CASE NUMBER 2008-28

Project Address: 9645 Monte Vista Avenue, Suite 303
Project Applicant: In-Han Park, dba Bonny Spa
Project Planner: Jim S. Lai, Associate Planner
Request: Conditional Use Permit to establish a acupuncture clinic in an AP Zone

Associate Planner Lai reviewed the staff report.

Chairman Flores opened the public hearing.

There being no one else present wishing to speak on the item, Chairman Flores closed the public hearing.

Vice Chairman Vodvarka commented that this project did not look like one of those run-of-the-mill spas we used to have years ago around Mission Boulevard and it sounds like something that may be recommended by a doctor. He liked that it was located near the other medical offices and hospital.

Commissioner Lenhart moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the temporary and permanent improvements associated with the project and that a DeMinimis finding of no impact on fish and wildlife and that the project is categorically exempt from CEQA as it involves no expansion, alteration or intensification of an existing office facility, seconded by Vice Chairman Vodvarka, there being no opposition to the motion, the motion passed 5-0.

Commissioner Johnson moved to approve a Conditional Use Permit for an acupuncture clinic at 9645 Monte Vista Avenue, Suite 303, in the AP (Administrative Professional) zoning district under Case No. 2008-28 per the submitted plans and as described in the staff report by adopting Resolution No. 08-1686, subject to the 12 conditions of approval, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

6.d PUBLIC HEARING – CASE NUMBER 2008-26
Project Address: 4110 Holt Boulevard
Project Applicant: John Cataldo/Linda Gomez
Project Planner: Carol Frazier-Burton, Associate Planner
Request: Conditional Use Permit for an adult
daycare facility

Associate Planner Frazier-Burton reviewed the staff report.

Commissioner Sahagun commented that it was nice to see that a project that was approved in 2004 is growing and he felt it was a well-needed service for the seniors and other customers.

Commissioner Lenhart stated that he felt it was a good location.

Chairman Flores opened the public hearing.

There being no one else present wishing to speak on the item, Chairman Flores closed the public hearing.

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

Commissioner Sahagun moved to grant a Conditional Use Permit for the proposed adult day and health care center for a maximum of 100 adults at 4110 Holt Boulevard, Unit A, under Case No. 2008-26 by adopting Resolution No. 08-1685, making the four necessary findings and subject to the 24 conditions of approval, seconded by Commissioner Lenhert, there being no opposition to the motion, the motion passed 5-0.

6.e CASE NUMBER 2008-25
Project Address: 4110 Holt Boulevard
Project Applicant: John Cataldo
Project Planner: Carol Frazier-Burton, Associate Planner
Request: Precise Plan of Design for an exterior remodel

Associate Planner Frazier-Burton reviewed the staff report and informed the Commission that the applicant was present to answer questions.

Commissioner Lenhert asked whether the street on the west side was an actual street. Associate Planner Frazier-Burton replied that it was a private road, but is not a part of this site. Commissioner Lenhert wanted to know where the street was because they have to have access.

John Cataldo, 835 Mission Street, South Pasadena, thanked the Commission for letting him speak on the project and thanked staff for all the work put into this project. He stated that it has been a long, arduous road. He commented that he bought the building in December 2007 and it has been nine months and during this time, the building has been broken into, the electrical system has been vandalized, the exterior has been vandalized and he just wants to get on and get the project done. He wanted to take a few minutes and explain what happened initially because he felt in presenting that, there would be one condition he was looking for some judgment on. What happened when he bought the building, he was presented a letter that was put together by Mr. Lustro requiring certain things to be done by the seller. He looked at the letter and thought that it seemed very fair, he was willing to do it, and he met with Mr. Clark and showed him plans of what he intended to do. He was very receptive, very excited about the project. Since then, nine months have gone by and from ten conditions, if you take all the conditions that have been taken into account, plus the conditions for the adult day care center, it is a total of 88 conditions and he has agreed to do them all. He agreed to dramatically improve the exterior, he agreed to build a wall separating the building and the wash so that they can take care of the homeless problem there, he agreed to build a brand new sidewalk, rebuild the curb, put in the landscaping and it will be a beautiful project. There was one item he had discussed with the City Engineer and it has to do with the street light. The street light pattern is set up so that they are staggered, there are lights that are staggered on separate sides of the street and the

City Engineer does not want to recognize the street light that is directly across the street from him and is requesting a street light. He did not think it is a fair thing to ask in light of everything he has been through and in light of all the improvements. So, he was hoping the City Engineer would change his mind and hoped that the Commission would strike that condition and make it go away.

Chairman Flores asked which condition he was referring to. Mr. Cataldo replied it was Condition No. 24. Mr. Cataldo stated that he drove up and down Holt Boulevard and looked at all the street light patterns and they are all very similar to this. There is a light just immediately to the west of the facility and the light immediately to the east and one directly across the way. The City Engineer does not want to recognize the light across the street because it is across the street, but his point was that every time someone wants to improve a building, they are going to be asked to put street lights in front of their building. He just wants to improve the building and make it a beautiful project. It is really very expensive for him and he hoped the Commission would consider striking the condition.

Director Lustro stated that in reviewing the staff report and the conditions of approval, the condition actually caught his eye as well and the reason that it did was not based on a field survey, but based solely on the fact that when we did the Holt Boulevard improvements in the 1990s, it involved removal of all the overhead utilities, utility poles and installation of new street lighting from Mills Avenue to Benson Avenue. The reason it got his attention was that he thought that we had all the street lights we needed along Holt Boulevard and in appropriate spacing as suggested by Mr. Cataldo. He checked with the City Engineer to find out if this condition was included in error. The City Engineer, Mike Hudson indicated that the spacing in that particular area was somewhat irregular and felt there was a need for a street light right in front of Mr. Cataldo's property and that was as far as the conversation went. If the Commission would like to modify that condition to address Mr. Cataldo's concern, he recommended the following language be added, "Install one street light with underground service along the Holt Boulevard frontage of the property if it is determined after further conversation with the City Engineer that it is warranted,." Staff has no problem with Mr. Cataldo having some further conversation with Public Works to try and determine whether that street light is warranted or not, but he would not be comfortable recommending that staff strike that condition going contrary to what Public Works has put in as a condition of approval.

Commissioner Johnson asked when Director Lustro spoke with City Engineer Hudson, did he state there were any other specific lighting issues related to this property that needed to be addressed and that is why he wanted it? Director Lustro replied that the City Engineer visited the site and his observation of the street light pattern along that portion of Holt Boulevard was somewhat irregular and he felt that it warranted an additional street light in this particular location. He did not know if the irregularity or the spacing of the street lights has something to do with it whether the wash cutting across Holt Boulevard at a diagonal affected the original placement of the street lights, he was just speculating.

Chairman Flores commented that normally a lot of thought goes into the lighting and it seems that it has been working here for all these years and all of a sudden we need another light. He felt the conversation should be with the City Engineer.

Vice Chairman Vodvarka commented that if there is a concern about not enough lighting for that particular business, why can't some lighting be put on the outside of the building where the business is located to light up the area? He also asked what the hours of operation were. Mr. Cataldo stated that he did speak with the City Engineer and he expressed the fact that they are installing light standards, additional lighting in the front and there will be an abundance of lighting, and there is the one immediately across the street and for some reason he did not want to count the one across the street as a viable light. Hours of operation right now are until 4:30 PM for the adult day care center. His point is that the building has been there for over 40 years, it has been vacant for 3 years, and vandalized and he is agreeing to 87 conditions, a total of 77 more than the original ten Mr. Lustro presented when he bought the building. He has had to live with nine months of a vacant building and uncertainty and he is asking for one thing and that is if the condition could be stricken or re-written. Chairman Flores stated that he thought it was still worth talking to the City Engineer again and added that the Commission could not delete the condition. Director Lustro stated that all staff can offer is that if the Commission desires to modify that condition to enable Mr. Cataldo to have some further conversation with the City Engineer. With regard to striking Public Works' conditions, staff is not comfortable in recommending the Commission do that just as we would not be comfortable rewriting fire department conditions. Chairman Flores stated that the Commission needed to come to a consensus about it.

Commissioner Sahagun said he also wanted consensus and wanted to comment that the building has been there for quite a while and there are building lights, but at the same time he was not comfortable with striking something Engineering has put on, but he would like them to review and amend it. He pointed out to Mr. Cataldo that the added conditions were standard conditions attaches to every project.

Director Lustro stated that while there are 87 conditions, many of them are duplicates because they are standard conditions. More importantly, the assumed 10 conditions that were originally provided in writing to the previous owner of the property that got passed along to Mr. Cataldo were not associated with any particular proposal to do any improvements to this property, they were minimum expectations for upgrade of the property for us to even consider any proposal for that property because the property was in such a state of disrepair. Those should not be compared with conditions of approval before the Commission because they were considerably different. Mr. Cataldo asked if he could offer a very simple solution. He asked that the City pay for the light or share in the cost of it. Chairman Flores replied that the cost issue could be taken up when he spoke with the City Engineer. He reminded him that it is not over, the Commission is just trying to keep him moving along so he will not have to wait until the next meeting. The Commission just needs to amend Condition No. 24 so he can meet with the City Engineer.

Mr. Cataldo asked if he heard correctly and that perhaps the City would be interested in sharing the cost? Chairman Flores stated, “no” he did not hear that, but added that nothing is impossible.

Commissioner Johnson asked if the Commission could change it to state “install one street light or appropriate exterior lighting to the satisfaction of the City Engineer.”

Director Lustro replied that while he did not argue with the concept, it is really two different things. There are conditions of approval that are applicable to the exterior lighting of the building on private property and those are included as conditions of approval. Mr. Cataldo has agreed to do that and will no doubt add something to the front of the building for security so it’s apples and oranges. Typically when we have a new project or a substantial renovation such as this, if there are substandard public improvements adjacent to the property (sidewalks, curbs, gutters), the applicant is generally required to construct or install those public improvements associated with their project. So, that is where the street light falls in, based on the City Engineer’s site visit and determination of that. He was scribbling some language for Condition No. 24 and came up with alternative language that would read “install one street light with underground service along the Holt Boulevard frontage of the property if it is determined by the City Engineer that such light is necessary.” What that does is leave the door open for some further conversation about this street light and if the City Engineer revisits it and says that he took another look at it and the project will be fine without it, then he has made that determination that it is not necessary and the applicant will not be required to put it in and he can keep his project moving forward.

Vice Chairman Vodvarka moved that, based upon 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 15303(a), Class 1, in that the project involves the remodeling of an existing commercial building, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Commissioner Lenhert moved to approve the Precise Plan of Design request under Case No. 2008-25 for the site plan, elevations, colors and materials associated with the remodel and related on- and off-site improvements per the submitted plans and as described in the staff report, subject to the 41 conditions of approval, seconded by Vice Chairman Vodvarka, there being no opposition to the motion, the motion passed 5-0.

6.f	CASE NUMBER 2008-29
	Project Address: 5455 Arrow Highway
	Project Applicant: Frank J. Lizarraga, Jr.
	Project Planner: Carol Frazier-Burton, Associate Planner
	Request: Precise Plan of Design to construct an office building

Associate Planner Frazier-Burton reviewed the staff report.

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 15303(c), Class 3, in that the project involves the construction of a two-story office building within the Manufacturing Industrial Park zone, seconded by Vice Chairman Vodvarka, there being no opposition to the motion, the motion passed 5-0.

Commissioner Lenhart moved to approve the Precise Plan of Design request under Case No. 2008-29 for the site plan, elevations, colors and materials associated with the proposed two-story office building, and related on- and off-site improvements per the submitted plans and as described in the staff report, subject to the 46 conditions of approval, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

INFORMATION ITEMS

Director Lustro commented that after a long wait it appears that the modifications and renovations of the City Council Chamber will begin in the third week of September. The first meeting of the month on September 8 will take place in the Chamber, but the second meeting of September and both meetings in October will take place in the South Conference Room while the Chamber is under renovation. The Council will continue to meet in the Chamber, but not the Commission. It will be a huge improvement with regard to audio and visual improvements. It was a project that was supposed to start last month and was delayed.

Commissioner Sahagun did not recall the date it was in the newspaper, but wanted to congratulate Mr. Lustro for the appointment to the Pomona School District Board of Education.

Commissioner Lenhart asked about the Ramona overpass. Director Lustro stated that preliminary construction has begun adjacent to the large mound of dirt that has been there a while. The groundbreaking ceremony is scheduled for Thursday, September 4th at 9:30 AM and the Commission is welcome to attend. There will be a continental breakfast and brief speeches. If you attend, you will want to approach from Mission Boulevard, from the south coming north. They are going to block off the east side of Ramona Avenue to provide parking. Traffic will still be open in both directions, but the east side of the street will be blocked off for parking.

Commissioner Lenhart stated that no one filed against him for the water board position so he will continue on the water board. The Commission congratulated him.

Vice Chairman Vodvarka shared he had a wonderful experience with the Kiwanis feeding about 45 residents of the Ronald McDonald house in San Bernardino. They have 21 bedrooms, a great kitchen and a beautiful place.

Chairman Flores noted that he saw graders on Ramona Avenue and work progressing. He also noted that the northeast and northwest corners of Mission Boulevard and Monte

Vista Avenue need weed abatement and clean-up. Lastly, he drove by the car wash being built on Palo Verde and asked about the height of the walls and noticed that the way things were graded, the wall is sitting on the ground, about an eight or ten foot bank. He asked if anything had been decided about what they are going to do about the noise. Director Lustro stated that the condition of approval requires the applicant to develop a plan for raising the height of the barrier, they cannot simply just add to the block wall, because that wall is not engineered to take more courses of block. So, their options came down to demolishing the existing block wall or if they can come up with an option to attach something to the top of the block wall that will look okay and raise the height of it so it provides more noise attenuation, they have an option to do that but they are not required to complete that improvement until certificate of occupancy for the carwash and quick lube. They are working on it and have submitted preliminary plans, they still have a window of several months before they have to complete it. Chairman Flores just wondered if their finished grade was going to be the way it is now because it will add a couple more feet if that is finished grade. He wants the neighbors to be taken care of but at the same time if it is not necessary, with the way the grade is, there will be an eight foot separation from finished grade to top of the wall.

Chairman Flores adjourned the meeting at 8:44 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary