



CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES
REGULAR ADJOURNED MEETING
Monday, November 24, 2008

COUNCIL CHAMBER
5111 Benito Street, Montclair, California 91763

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present: Chairman Flores, Vice Chairman Vodvarka, Commissioners Lenhert, and Sahagun, Community Development Director Lustro, City Planner Diaz, Associate Planner Lai and City Attorney Robbins.

Excused: Commissioner Johnson and Associate Planners Frazier-Burton

MINUTES

The minutes of the November 10, 2008 meeting were presented for approval. Commissioner Lenhert moved, Commissioner Sahagun seconded, there being no opposition to the motion, the minutes were approved 4-0.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

- 6.a CASE NUMBER 2008-34
Project Address: 5064 Holt Boulevard
Project Applicant: Lida Keshishyan and Vasgen Keshishyan
Project Planner: Jim S. Lai, Associate Planner
Request: Conditional Use Permit for used car sales

Associate Planner Lai reviewed the staff report and made recommendation for approval to the Commission.

Chairman Flores asked if any of the commissioners had any questions for staff. No questions were asked.

Chairman Flores opened the public hearing for comments. There being no members of the public wishing to speak, Chairman Flores closed the public hearing and returned the item to the Commission.

Vice Chairman Vodvarka indicated that he had visited the site in the morning and was somewhat disappointed to see a car hauler on the site that looked like it was delivering cars to the site before any approvals had been granted and asked if there was an explanation for what he saw.

Commissioner Sahagun stated that he thought the proposed business was good for the location and for the public.

Chairman Flores asked if the applicant was present to address Commissioner Vodvarka's question.

Vazgen Keshishyan, 819 E. Cornell Drive, Burbank, California 91504, the applicant, responded by saying the truck hauler was delivering only one vehicle which he bought at an auto auction. He indicated that he was trying to get a feel for how cars are obtained through the auction process and after he won the bidding process, he was required to take possession of what he bought. It was coincidental timing.

At the request of City Attorney Robbins, Chairman Flores asked if anyone in the audience wished to speak on the item.

Dustin Bryant, an urban planning student at Cal State San Bernardino, thanked the Commission for the opportunity to speak and stated he was simply in attendance to observe the meeting.

Chairman Flores closed the public hearing and asked for a motion.

Commissioner Lenhert 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

significant expansion, alteration or intensification of an existing business, Commissioner Sahagun seconded, there being no opposition to the motion, the motion passed 4-0.

Commissioner Sahagun moved to approve a Conditional Use Permit for a retail used car sales, in the commercial district of the Holt Boulevard Specific Plan under Case No. 2008-34 per the submitted plans and as described in the staff report by adopting Resolution No. 08-1688, subject to the 14 conditions of approval, Chairman Flores seconded, there being no opposition to the motion, the motion passed 4-0.

1. This Conditional Use Permit approval shall be for a limited retail car sales business in conjunction with and subordinate to an existing car wash and minor auto service business at 5064 Holt Boulevard.
2. Conditional Use Permit (CUP) approval shall be valid for a period of six (6) months from the date of Planning Commission approval. 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. Suspension of the approved use for a period of six months or more shall void the CUP approval for the specified use.
3. The maximum number of used cars offered for sale with this CUP approval shall be limited to no more than eight (8) vehicles at any time. The vehicles shall be parked and displayed on appropriately developed parking spaces located at the northernmost bank of the property behind the main building on the site and as depicted on the approved site plan.
4. No vehicles offered for sale may be parked, displayed, or stored at the front of the property adjacent to Holt Boulevard. The parking and/or storage of any inoperable vehicles (offered for sale or not) shall not be permitted on any portion of the property at any time.
5. This approval is for sale of autos and light trucks. No recreation vehicles, trailers, buses, or commercial trucks/equipment, or similar vehicles may be stored and/or offered for sale on the premises. All vehicles offered for sale and displayed on the property shall be maintained in a sound and presentable condition at all times.
6. Price displays for vehicles for sale shall be restricted to signage placed on the windshield only.
7. Display of flags, pennants, human signs and portable signs or devices, whether on- or off-site, for the purpose of drawing public attention to the used car sale shall be prohibited at all times. Pole-mounted banners such as "snow cone" or "Olympic" style banners, antenna flags, small balloons and banners as described in Sections 11.72.280.A.3-5 and B.1-5 of the Montclair Municipal Code for regular and special weekend and public holiday promotions shall not be extended to this CUP approval as this is

not a primary land use on this property. Existing monument sign may be modified to identify the proposed used car business, subject to compliance with the sign code and review and approval of the Planning and Building Divisions upon submittal of appropriate sign drawings.

8. The sales office for the used car business, as required by the Department of Motor Vehicles, shall be located within the existing main building on the site.
9. The subject business shall be subject to periodic City inspection to confirm compliance with the conditions of this approval. Failure to operate the used car sales business in conformance with the conditions of this approval, the Conditional Use Permit shall be brought back to the Planning Commission for consideration and possible revocation of the permit to operate.
10. One masonry trash enclosure on the property shall be provided with metal gates and constructed as per Development Standard #106. Material, color, and design shall be subject to the review and approval of the Planning Division.
11. The applicant shall maintain the property, including all landscape planters, free of trash and debris and abandoned vehicles or auto parts. Dead, missing, or dying plant materials shall be replaced and maintained in healthy living conditions at all times.
12. All applicable conditions of Case Number 2003-22 shall continue to apply to the subject property and approved uses.
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.

INFORMATION ITEMS

Director Lustro reminded the Commission that there is only one regular meeting in December and that the annual reorganization will occur at that meeting. He wished the Commission a Happy Thanksgiving.

Commissioner Sahagun asked about the status of the Ramona Avenue grade separation project. Director Lustro replied that it is about one month behind schedule because of some utility issues. It seems that some of the "as-built" utility drawings for Ramona Avenue were incorrect, so revisions needed to be made as to the location of new utilities. That has been completed and construction is moving forward. He added that the full closure of Ramona Avenue is now scheduled to occur in late February 2009.

Vice Chairman Vodvarka wished everyone a Happy Thanksgiving.

Chairman Flores adjourned the meeting at 7:20 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary