



CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES
REGULAR ADJOURNED MEETING
Monday, July 27, 2009

COUNCIL CHAMBER
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 Johnson and Vodvarka, Community Development Director Lustro, City Planner Diaz, Associate Planner Frazier-Burton, and City Attorney Robbins.

Excused: Chairman Flores, Commissioner Sahagun, and Associate Planner Lai.

MINUTES

The minutes of the June 22, 2009 meeting were presented for approval. Commissioner Vodvarka moved approval with no changes, Commissioner Johnson 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 2008-35
Project Address: 1600 E. Holt Avenue
Project Applicant: Metropolitan Marketing for California
Recycling, Inc.
Project Planner: Michael Diaz, City Planner
Request: Conditional Use Permit Amendment time
extension

City Planner Diaz reviewed the request and indicated that in January 2009, the Commission approved a Conditional Use Permit for the operation of a recycling and collection facility at the subject site in the vacant parking area immediately adjacent to Mills Avenue and south of Holt Boulevard. He indicated that the project applicant was still in the process of working on complying with the conditions of approval and needed more time to get operational. They hope to have everything ready within the requested six-month extension of the CUP timeframe. A public hearing notice was published and mailed out to addresses within a 300-foot radius. No responses were received for the item. Based on that and the need for a recycling facility, staff recommended the Commission approve the extension to January 25, 2010.

Vice Chairman Lenhert opened the public hearing. There being no one present and no comments received, Vice Chairman Lenhert closed the public hearing.

Commissioner Vodvarka moved to approve a six-month time extension (expiring January 25, 2010) for a Conditional Use Permit approval under Case No. 2008-35 for the site plan, elevations, colors and materials associated with the installation of a recycling collection facility at 1600 E. Holt Avenue, subject to the original 46 conditions of approval, Vice Chairman Lenhert seconded, there being no opposition to the motion, the motion passed 3-0.

- 6.b PUBLIC HEARING - CASE NUMBER 2009-9
Project Address: 4875 Mission Boulevard, Units Q & R
Project Applicant: Calvin Quach/7-Eleven Inc.
Project Planner: Carol Frazier-Burton, Associate Planner
Request: Conditional Use Permit for a 7-Eleven
convenience market with off-premises sale of
beer and wine

Associate Planner Frazier-Burton reviewed the staff report.

Vice Chairman Lenhert opened the public hearing.

Terry Parker, 23792 Rockfield Boulevard, Suite 101, Lake Forest, representing Parker Commercial, stated that he is the party responsible for working on the leasing of the project and 7-Eleven is very much looking forward to establishing this location. On a personal note, he stated that he is a commercial landlord and has had a 7-Eleven for 25 years in Stanton and one in San Juan Capistrano and mentioned that 7-Eleven had been an excellent tenant over the years. They do an excellent job of running their stores, the staff is very easy to work with, and they do a great job on lighting, security and pretty much all matters that a landlord looks for. It's an ideally-sized store. 7-Eleven stores generally range from 2,000 to 3,000 square feet and this one is right in the middle at about 2,500 square feet. It is pretty much state of the art, beautiful layout and it's a very, very important tenant to them to serve as an anchor in the center. There are a number of people just waiting in line to see if everything gets secured with 7-Eleven and were waiting for him to give them an update the next day. He stated he was there to answer any questions and thanked the Commission for its consideration.

Commissioner Vodvarka asked if the clerks were going to be trained to handle customers who will come in and want to purchase alcohol between the hours of 2:00 and 6:00 a.m. when sales are prohibited. Mr. Parker deferred the question to the 7-Eleven representatives present. Commissioner Vodvarka commented that he would like to see the beer and wine coolers locked.

Jeff Tucker, 28654 Newcastle Road, Highland, representing the 7-Eleven Real Estate Department, stated that he also worked in the Operations Department for a number of years. He replied that the doors are locked for the vault with the beer and wine at 2:00 a.m. Additionally, for any beer, wine or cigarette sale, the registers actually stop the transaction once the product is scanned. Staff is trained to ask for ID at that point and they actually have to key in a birth date or swipe the actual ID to complete the sale. They also have an internal training system where they partner with the State Attorney General's office and have their employees take a "coming of age" test which they must pass with a 100% grade before they are actually allowed out on the sales floor or to complete a transaction of any kind. He stated he was happy to answer any questions and thanked the Commission for the time.

Sherrie Olson, 934 W. Yale Street, Ontario, thanked Associate Planner Frazier-Burton for all her hard work on the project. They are excited about being in the neighborhood and looked forward to being there. They concurred with the staff report and will comply with all the conditions of approval. She also stated she was available to answer any questions.

Commissioner Vodvarka commented that he visited the shopping center and was very impressed and was looking forward to the store opening.

City Planner Diaz asked on behalf of Commissioner Sahagun whether the restrooms would be available for public use. Mr. Tucker replied yes.

Vice Chairman Lenhert closed the public hearing.

Commissioner Vodvarka moved that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 3-0.

Commissioner Johnson moved to approve the proposed convenience market under Case No. 2009-9, subject to making the required findings and subject to the 47 conditions in attached Resolution Number 09-1699, seconded by Vice Chairman Lenhart, there being no opposition to the motion, the motion passed 3-0.

INFORMATION ITEMS

Director Lustro brought the Commission up to date regarding the Request for Proposals being reviewed for updating the Housing Element of the General Plan. Staff has received six responses from various consultants and staff is currently in the process finishing up review of those requests, which they hope to do this week, and from that they will select a smaller number of consultants to interview to see who will be best equipped to start the process of updating the City's Housing Element. Once we move down that road, staff hopes to complete the process in 2010. It's a very complex process compared to what it used to be. There is a lot of legislation that has been enacted over the last decade, which makes it almost a given that cities need to hire consultants to do the update because they are the experts and know what needs to be done. It is almost an impossible task for a city planning staff to do this on its own anymore.

Commissioner Vodvarka commented that the property at Mission Boulevard and Ada Avenue with the unfinished building has a lot of weeds. Also, the property to the north (10830 Ada Avenue) has weeds at the rear of the property and it appears that there is some kind of tanks being stored there also.

Commissioner Vodvarka commented he saw in the newspaper a bid notice for construction of an improvement project on Fremont Avenue and he wondered where that was. Director Lustro replied that it is a relatively minor capital project that is proposed on the east side of Fremont Avenue, generally between Saddleback Street and Phillips Boulevard. At the very south end of Fremont, there is a section of street on the east side that has no improvements, such as curb, gutter, and sidewalk. Part of the adjacent land is vacant and part of it is semi-improved. There a couple houses, but no street improvements. The reason the City decided to move forward with this particular project is that because of the residential development that has occurred to the north, between Saddleback and Howard, staff has found that there is a run-off problem that creates some ponding and mud issues along that unimproved portion that eventually travels south to Phillips and creates problems with mud and silt in the intersection. With the completion of this project, there will be full curb and gutter from Saddleback south to

Phillips to create a positive flow line along that side of the street when there is either irrigation run-off or if we ever get rain again.

Commissioner Vodvarka asked Vice Chairman Lenhert what a person is to do when you see another abusing the water restrictions. Vice Chairman Lenhert replied that Monte Vista Water District has a "water cop." Commissioner Vodvarka commented that he has seen sprinklers not adjusted properly that water more sidewalk and gutter than lawn and the wind blows a lot of the water away. Vice Chairman Lenhert stated there is a man who works in the publicity department that handles those complaints. Commissioner Vodvarka asked for the telephone number. Director Lustro stated that the telephone number is 624-0035.

Commissioner Johnson gave kudos to the Public Works Department. She had an incident in her neighborhood where a limb on the tree across the street had fallen. It had only been about 30 minutes and Mario Orioli, Public Works Superintendent, was already out there and did an awesome job. The tree could not be saved so he made arrangements for the tree to be taken out. They took the tree out and cleaned up and there was not a scrap of sawdust or anything, it was perfect, then shortly thereafter she came home and there was another tree planted. It was smooth and flawless.

Commissioner Johnson stated she would miss the August 10 meeting because she will be on vacation.

Vice Chairman Lenhert adjourned the meeting at 7:25 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary