



CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES
REGULAR ADJOURNED MEETING
Monday, October 12, 2009

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

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

ROLL CALL

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

Excused: Associate Planner Lai.

MINUTES

The minutes of the September 28, 2009 regular meeting were presented for approval. Commissioner Vodvarka moved, Commissioner Sahagun seconded, there being no opposition to the motion, the minutes were approved 4-0-1, with Vice Chairman Lenhert abstaining.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

- 6.a PUBLIC HEARING - CASE NUMBER 2009-18
- | | |
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| Project Address: | 4609 Holt Boulevard |
| Project Applicant: | Vanduco, Inc. on behalf of Pomona Valley Habitat for Humanity |
| Project Planner: | Steve Lustro, Community Development Director |
| Request: | Conditional Use Permit |

Director Lustro reviewed the staff report and pointed out that the only reason the Commission is seeing this particular item is due to the fact that ReStore sells used merchandise. If their donations were strictly new and they were not selling any used merchandise out of their store, this would be a permitted-by-right use. So, we're strictly looking at it because one of the characteristics is that they sell used merchandise and it is a requirement of the Code. Staff supports the proposed use and does not anticipate any problems occurring on the site and believes the use will not be detrimental to the surrounding area as long as the use is properly operated pursuant to the conditions of approval. Accordingly, staff recommends the Commission adopt Resolution No. 09-1706.

Commissioner Johnson asked about donation drop-offs and while she knew about the condition requiring them to keep it clean, what about the drop-offs left at the front door. Will there be a receptacle or do they pile things at the front door? Director Lustro responded that there are no provisions for that. He believed the applicant does not want to have receptacles or bins, because it would encourage more "phantom" drop-offs. They have a core group of businesses and contractors that they work with who understand how the donations to the ReStore work. They make arrangements with the store management to show up at a certain time, unload the items on to the loading dock in back or directly into the store. Staff has included a condition prohibiting donated merchandise from being left outside past closing time. Same thing with private individuals. If any of us had any surplus items to donate, the hope would be that we go there during business hours, make contact with the store manager, and either take items directly into the store or unload them in the rear. He did have a discussion with the executive director of the local Habitat chapter about possibly posting signs if necessary. He would like to avoid that to start with, but he explained that if conditions start to occur where people are dumping, then we need to look at the possibility of posting signs to discourage that. They are entirely agreeable with that.

Commissioner Vodvarka commented that this is not a typical thrift store and did not feel it would become a problem because the City already has five traditional thrift stores

where people can donate typical goods. He wanted to ask a question of someone involved with the Habitat for Humanity. Director Lustro stated that no one was in the audience for the item.

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

Commissioner Johnson moved that based on the evidence submitted, the project is exempt from the requirements of the California Environmental Quality Act (CEQA) and, further, the project qualifies as an exemption under State CEQA Guidelines 15301, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 5-0.

Vice Chairman Lenhert moved to grant the Conditional Use Permit under Case No. 2009-18 to allow the sale of used merchandise in conjunction with a surplus store in the "Commercial" land use of the Holt Boulevard Specific Plan at 4609 Holt Boulevard (APN 1012-081-02), seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

6.b PUBLIC HEARING - CASE NUMBER 2008-33 'A'
Project Address: 9720 Central Avenue
Project Applicant: Nithyananda Foundation (aka Vedic Temple)
Project Planner: Michael Diaz, City Planner
Request: Conditional Use Permit amendment

City Planner Diaz stated that this item was submitted earlier in the month and involves a request to amend the Conditional Use Permit. Staff was asking the Commission to continue the item to the October 26, 2009 meeting in order to give staff and the applicant extra time to gather more information and review plans to bring a clear and concise proposal for the Commission's consideration.

Staff recommended the Planning Commission continue review of the item to its October 26, 2009 meeting.

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

Commissioner Vodvarka moved that the Commission continue Case No. 2008-33 'A' to the regular meeting of the Planning Commission on October 26, 2009, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

6.c CASE NUMBER 2008-14

Project Address: 10319 Mills Avenue
Project Applicant: National Community Renaissance of California
Project Planner: Michael Diaz, City Planner
Request: Precise Plan of Design time extension

City Planner Diaz reviewed the staff memorandum. A representative from National CORE was available for any questions.

Commissioner Sahagun moved to approve a six-month time extension (until April 10, 2010) for the Precise Plan of Design approval under Case No. 2008-14 for the site plan, elevations, colors and materials associated with the construction of the 50-unit Mills Family Housing at 10319 Mills Avenue, subject to the original conditions of approval, seconded by Vice Chairman Lenhert, there being no opposition, the motion passed 5-0.

6.d CASE NUMBER 2009-20

Project Address: 4875 Mission Boulevard
Project Applicant: Quach Investments, LLC
Project Planner: Carol Frazier-Burton, Associate Planner
Request: Precise Plan of Design

Associate Planner Frazier-Burton reviewed the staff report. The applicant was present in the audience for any questions.

Terry Parker, Parker Commercial, 23792 Rockfield Boulevard, Suite 101, Lake Forest, representing the owner, Calvin Quach, stated they have worked for some time on the sign criteria. He worked very closely with City Planner Diaz and Director Lustro and after grinding it back and forth about seven or eight times, he felt everything was nailed down. They look at the signs as being a very important part of the center and take it very seriously. So, anything that comes back before the City will have been reviewed carefully. All he deals with is shopping centers and they generally rake tenants over the coals before they even get to the City. He was available to answer any questions. Mr. Parker added that there was one minor discrepancy on Resolution No. 09-1707. He requested that a typo in Condition No. 1.a be corrected. The monument sign height is indicated as 0'-0"; it should be 10'-0".

Commissioner Vodvarka commented that he liked the monument sign. He asked if they had tenants already lined up besides 7-Eleven. Mr. Parker replied that in addition to 7-Eleven there is Tutti Frutti Frozen Yogurt, a small 99-cent store, and a beauty salon. Commissioner Vodvarka commented that it sounded like they were well on their way to having the plaza filled; he has visited the site several times and likes the trash enclosure. Mr. Parker stated that the owner, Calvin Quach, has really gone above and beyond on nearly every aspect of building code requirements for that center, from the parking lot, the electrical, the roof, the HVAC and concrete parking lot versus asphalt. Chairman Flores commented that many people ask when it is going to open.

Commissioner Vodvarka 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 15311, Class 11(a), in that the project involves the approval of a master sign program to govern the installation of on-premise signs, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 5-0.

Commissioner Sahagun moved to approve the Precise Plan of Design for a master sign program under Case No. 2009-20, subject to the 10 conditions of approval in Resolution No. 09-1707, as amended, seconded by Chairman Flores, there being no opposition to the motion, the motion passed 5-0.

INFORMATION ITEMS

Director Lustro stated that at the places of each Commissioner was a very colorful flyer for the Community Workshop for the update of the Housing Element. He and City Planner Diaz met with the City's Housing Element update consultant, RBF Consulting, last week and they are stepping on the gas with the update. Staff is working on getting information to them, and a fairly aggressive schedule has been set-up for public workshops and City review. The first Community Workshop will be Thursday evening, November 12, in the Community Room at the Police Department. The second Community Workshop is tentatively scheduled for Thursday, December 10. The other meeting he wanted the Commission to be aware of is a joint City Council/Planning Commission study session that would be conducted in the Council Chamber. The two potential dates being considered are Wednesday, November 18 and Thursday, November 19, which is the week before Thanksgiving. If the Commission has a particular preference of one of those days over the other, please let staff know. They have not heard back from the Council yet with respect to whether they have a preference or not, but the plan would be to have the study session the week after the first community workshop. The study session would be an hour to hour and fifteen minutes tops. It would be open to the public, but primarily to seek input from the Commission and City Council regarding the Housing Element update.

Chairman Flores adjourned the meeting at 7:45 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary