CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING
Monday, January 25, 2010

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 Johnson led those present in the salute to the flag.

ROLL CALL

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

Excused: Commissioner Lenhert and Associate Planner Frazier-Burton

MINUTES

The minutes of the December 14, 2009 regular meeting were presented for approval. Commissioner Vodvarka moved, Vice Chairman Sahagun 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 2009-25

Project Address:	5587 Holt Boulevard
Project Applicant:	Storage Properties LP/TR
Project Planner:	Jim S. Lai, Associate Planner
Request:	Conditional Use Permit Amendment

Associate Planner Lai reviewed the staff report. He advised the applicant and architect were present.

Chairman Flores asked about whether the DeMinimis finding was usually included in the Planning Division recommendations and felt it would be better to include there. City Planner Diaz answered the phrase "DeMinimis finding" is actually included in the previous paragraph. City Planner Diaz stated if the Commission wished, that language could be added in the motion at the end of the first recommended action.

Chairman Flores opened the public hearing.

Jim Fitzpatrick, 701 Western Avenue, Glendale, representing Public Storage, stated he was present for any questions and thanked staff for support and help in putting the project together. He commented the storage facility was going to function as it does already. All the new units will be loaded through the existing facility, as mentioned in the staff report. They appreciated the Commission's consideration.

Hearing no other comments and no one else being present, Chairman Flores closed the public hearing.

Commissioner Vodvarka stated because it was not a normal building designed for this type of use, he wondered when people brought in their stuff to put in storage, would they enter through the front or the back. Mr. Fitzpatrick responded they will enter through the back and into the existing storage area as it already functions and the front will be closed off and not accessible from the parking area.

Commissioner Johnson stated when she visited the property, what struck her the most is that passersby cannot really see the activity in the facility, such as trucks loading and unloading, etc. From the east side, there is a huge block wall that you cannot see past to see the mattresses and such or whatever they store over there. They have done a very good job at keeping it from being an eyesore.

Vice Chairman Sahagun commented that he wanted to remind the Commission and Commissioner Vodvarka that the Commission did approve this project as a storage facility and he was in agreement because of office space and vacancy rates and felt it was not a bad idea to let them convert it and wise of staff to allow re-conversion if there is a need for additional offices. One other nice thing about the project is that we do not have to worry about the parking because with more storage, there will not be that much parking.

Commissioner Johnson moved that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA) as it qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301 as it involves no or little expansion of an existing facility and a DeMinimis finding of no impact on fish and wildlife has been prepared, seconded by Chairman Flores, there being no opposition to the motion, the motion passed 4-0.

Commissioner Vodvarka moved to approve a Conditional Use Permit amendment under Case No. 2009-25 to allow conversion of up to 6,860 square feet of office suites into a self-storage facility, per the submitted plans, as described in the staff report, and required findings subject to the conditions in attached Resolution Number 09-1712, seconded by Vice Chairman Sahagun, there being no opposition to the motion, the motion passed 4-0.

6.b PUBLIC HEARING - CASE NUMBER 2009-26

Project Address:	4651 Holt Boulevard, Unit F
Project Applicant:	1668 Investment & Associates
Project Planner:	Carol Frazier-Burton, Associate Planner
Request:	Conditional Use Permit

City Planner Diaz reviewed the staff report and commented that staff checked with the Police Department, inspected the property and, based on the information gained from that, staff did not find any specific issues that needed to be reviewed for this request. The business owners fully understand the requirements that are upon them by the County and State for providing these services and intend to comply with all those requirements and the conditions of approval, including the hours of operation, which are included in the Resolution, and staff is recommending approval.

Regarding property maintenance at the site, City Planner Diaz explained that typically when a Conditional Use Permit or particular entitlement is requested, the entire property is usually fair game with regard to the maintenance thereof. Staff, on two visits, noticed a number of items that need to be addressed by the property owner before the business gets started and those are included in Condition No. 22. The conditions are required before the business can actually obtain a business license. It may look like many, but staff believes the conditions can easily be addressed in a weekend. He did have an opportunity to discuss the project and conditions with the property owner's representative and the representative indicated the conditions were well within their ability to handle. Condition No. 23 indicates two bigger issues, which may take a little more time to resolve and staff separated them so they do not conflict with the operation of the business, but also leave the condition of approval that the property owner needs to pay attention to and work with staff to resolve.

Commissioner Johnson commented that typically when she thinks of tattoo places, she has a less than positive outlook. However, when she went by and was just "hanging out" in the parking lot, she found it interesting that as she sat there staring at the

buildings, the business owners came out and stared at her too, to check her out and she felt it has to be a pretty safe place. She questioned the work areas and City Planner Diaz deferred to the business owners for a better answer.

Chairman Flores opened the public hearing.

Gerald Ramirez, stated he would be the tenant. Commissioner Johnson stated that as she understands the staff report, each of the work areas can accommodate up to four artists, but was there to be just a 10' x 10' room and four people in it or partitions dividing up the space? Mr. Ramirez replied that the Health Department requires a 10' x 10' area for each artist so that area is a 20' x 20' area that up to four people could work in, not that it is going to be divided up in that way. Commissioner Johnson wanted to clarify and repeated back that in a 10' x 10' space there could be four people getting a tattoo all at the same time. Mr. Ramirez clarified by stating that in a 10' x 10' space, only one artist could work. Commissioner Johnson asked about the sterilization techniques that would be used because she noticed in the staff report that the needles are one-time use and disposable, etc., but she guessed that some things still need to be sterilized. Mr. Ramirez confirmed that they do have a steam sterilizer and it is good to have it at the site all the time, but it is really not needed anymore, unless something like forceps are used for piercing. Forceps would be sterilized because that was not a one-time use item. Commissioner Johnson asked where it would be located. Mr. Ramirez answered in one of the back rooms because you want to keep it separate and the pre-existing wall that divides that area is perfect for the sterilizer and a place to keep all the inks, needles, tubes, etc.

Commissioner Vodvarka asked about sanitation and who governed them cutting into people's skin and preventing infection. Mr. Ramirez replied the County Health Department inspects and regulates their business, adding that they register with the County before they get started.

Hearing no other comments and no one else being present, Chairman Flores closed the public hearing.

City Attorney Robbins stated she wished to add language to Condition No. 12, which would address persons under 18 years of age not being allowed to have body piercing or tattoos done without the written consent of a parent or guardian. She asked that the language, "pursuant to the requirements of California law" be added to the end of the sentence. There are more specific requirements such as a notarized written statement and if that is acceptable to the Commission, please add that language.

Vice Chairman Sahagun commented regarding the property maintenance issues already mentioned by City Planner Diaz and stated he desired to make sure that every project coming before the Commission maintained their building all the time, including graffiti, inoperable lights, rusted poles, and the like. He felt they were minor requirements that were very important in getting addressed, the Commission wants a nice, clean city and it will only add value to the building and business. Director Lustro added that he was glad it was brought up because staff's position is that it intends to

follow-up on these issues and believes that none of them are very onerous, just a list of very simple things that need to be done and if all of these things get done, great. If we have any problems with any of the items, staff intends to have Code Enforcement pursue them with the property owner to make sure they get completed.

Commissioner Johnson 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 and a DeMinimis finding of no impact on fish and wildlife will be prepared, seconded by Vice Chairman Sahagun, there being no opposition to the motion, the motion passed 4-0.

Vice Chairman Sahagun moved to grant a CUP for the proposed tattoo (dermagraphics) and body piercing studio, by making the four required findings and subject to the conditions of approval, amending Condition No. 12, contained in attached Resolution No. 09-1713, seconded by Chairman Flores, there being no opposition to the motion, the motion passed 4-0.

INFORMATION ITEMS

Director Lustro reminded the Commission the official dedication of the Youth Center is scheduled for Thursday, January 28th at 9:30 a.m. Entry will be through the front main entrance.

Director Lustro stated that there will be a grand opening of the Youth Center on Saturday, January 30th from 11:00 a.m. until 2:00 p.m. Stop in any time and stay as long as you like. There will be tours of the Youth Center and, weather permitting, there will be hot dogs and sodas as well. The event will be open to the public.

Director Lustro commented the first three tilt-up walls have been placed for the Senior Center so you can get an idea of the profile of the rear portion of the building. Keep in mind the easterly portion of the Senior Center will be tilt-up concrete construction and the front portion, which will be closer to the parking lot and which has not been started yet, will be masonry block construction. So, where the building is now is a considerable distance from the parking lot and it will actually be closer as the construction continues. His understanding is that the next set of tilt-up walls, weather permitting, will be poured, prepared and tilted into place in 2 ½ to 3 weeks.

Director Lustro stated that on February 8, the Merlone Geier proposal for 385 units at the northeast corner of Moreno and Monte Vista will be brought before the Commission for its consideration. Related to the project, City Council has requested a discussion item about rental units in North Montclair at its meeting on February 1. They will not formally be considering the item before the Planning Commission does, but there was a request to discuss the issue of "for-rent" versus "for-sale" properties. So, staff will be preparing a very brief agenda report on that and it will primarily be focused on Council

discussion and what their thoughts are on ownership type. At the Council's request, the applicant gave a brief presentation this morning at a meeting of the Real Estate Committee. It appears that at least a few members of the Council are now interested in going on a tour similar to what was conducted for the Planning Commission several months ago. Staff is working toward scheduling that tour to accommodate the Council.

Director Lustro noted that Associate Planner Carol Frazier-Burton fell at City Hall and broke her right wrist the first week of 2010 and has been out for almost three weeks. She has a full cast on her right arm all the way from the shoulder to her hand. She has to keep her arm elevated so she is expected to be off from work for at least another four weeks. So, if you do not see her at City Hall or at Commission meetings that is why. Staff is hoping that she has a quick recovery and we're sure she does too. She cannot drive because she has a stick shift car.

Vice Chairman Sahagun wanted to direct a comment to the Council regarding the project at Monte Vista and Moreno. Ten to 15 years back, Lewis Homes had projects that included "rent-to-own" where a buyer would rent the home and, if they paid on time, received credit and in two to three years, could become homeowners. That might be something to keep in mind for this project. He did not attend the tour, but was given the handout book and felt it was a class act with enough checkpoints to make sure this is a good project.

Director Lustro was sure during the applicant's presentation to the Planning Commission in two weeks, they will enumerate their business plan, logic and reasoning behind proposing an apartment project at this particular point in time rather than a "for-sale" condo. They have a fairly good grasp of the market and what will and will not fly out there. He thought what the Commission will hear from them is that the project will be built to condo standards so that at some point down the line if the market comes back and they see an opportunity where they believe where it would be in everyone's best interest to spin the project into a "for sale" project, they have that in the back of their mind. Vice Chairman Sahagun stated that it was very popular and right now a lot of developers do not want to build condos because of the liability.

Vice Chairman Sahagun commented he researched what "categorically exempt" meant because so many times the Commission approves a project with that recommendation and he wanted to clarify what it meant. He printed out the requirements and procedures, but forgot to bring it with him. He will bring it to the next meeting to share because he felt it was important to clarify what the Commission was approving and wanted staff to explain it. Director Lustro added that there are about 30 sections in CEQA that deal with types of projects that are categorically exempt, and there are certain exemptions used over and over again. What is typically found in the Commission staff reports are Class 1 or Class 3 exemptions, which are Sections 15301 and 15303. As Vice Chairman Sahagun stated, if you take a look at those, it describes certain types of projects that are exempt from CEQA, where staff does not have to do an Initial Study or prepare a Negative Declaration (when a project is a little bit more intense). There are certain projects that are exempt or not subject to the California Environmental Quality Act (CEQA). Commissioner Johnson commented that as she

understands it, as long as we are not disturbing dirt and the possible habitat, we should be okay.

Commissioner Vodvarka thanked everyone at City Hall for the prayers and well wishes for Nita, his wife, while she was in the hospital and now at home. She was doing so well and he was very proud of her.

Commissioner Johnson commented she was very tickled to hear the Monte Vista and Moreno project would be forthcoming in two weeks and if there are people that still have questions, do the tour because it will blow you away.

Chairman Flores commented that for awhile, every time he drove by the Monte Vista/ Moreno site, he noticed that their erosion control was coming apart but would forget to call staff to report it. Recently he noticed that they repaired the entire site with new sand bags. He was concerned due to the upcoming rain because their main driveway on Moreno broke loose again and their sand bags scattered all over the place.

Chairman Flores adjourned the meeting at 7:48 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary