CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING
Monday, March 22, 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

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

ROLL CALL

Present: Chairman Flores, Vice Chairman Sahagun, Commissioners Johnson, Lenhert and Vodvarka, Community Development Director Lustro, City Planner Diaz, and Deputy City Attorney Holdaway.

Excused: Associate Planners Frazier-Burton and Lai

MINUTES

The minutes of the February 8, 2010 regular meeting were presented for approval. Commissioner Johnson moved, Commissioner Vodvarka seconded, there being no opposition to the motion, the minutes were approved 5-0.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

6.a PUBLIC HEARING - CASE NUMBER 2009-21
(continued from February 8, 2010 meeting)

Project Address:	NEC Monte Vista Avenue and Moreno Street
Project Applicant:	Montclair I MGP Partners LLC
Project Planner:	Michael Diaz, City Planner
Request:	Tentative Tract Map, Precise Plan of Design and Variances

City Planner Diaz reviewed the staff report. He stated that the meeting was a continuation of the February 8, 2010 meeting. At that time, the Commission was given a full presentation of the Paseos project and also took comments from the public and the public hearing was subsequently closed. The purpose for the continuation was intended to give the applicant an opportunity to arrange for a City Council tour of a similar, large multi-family project which exemplified the desired qualities of the proposed project. The second reason for continuing the item was to enable the applicant time to meet with the adjacent property owners who spoke during the last meeting who raised questions how the project would impact their properties. In the meantime, the applicant responded and tried to arrange for a field trip that was scheduled for February 27, 2010, but due to inclement weather, was cancelled and rescheduled for Saturday, May 1, 2010. The applicant met with adjacent property owners; in particular, Mr. Kapoor, the owner of the EZ Lube property, and Mrs. Cheng, the owner of the property to the immediate northeast of the site. Mr. Kapoor did have an opportunity to meet and speak with the applicant and, after some discussion with them, has indicated that he preferred to see the existing easement between the two properties be maintained, and also wanted to make sure the Commission knew he was still opposed to the proposed variance along his property line. A letter to that effect was given to staff this afternoon and was provided to the Commission at their seats. There also was a letter included in the packets in support of the project. This letter comes from Larry Martin, who represents Montclair Plaza, and they seem excited about the potential of customers coming to their neighborhood. In response to Mr. Kapoor's position, the applicant has modified the site plan to work around the existing easement and he deferred to the applicant to give a better idea of where they are. He also noted there were bigger exhibits for the Commission to review, and the Commission received a smaller version (11" x 17") drawing in the packets and if they were a little too small, the Commission can review the larger exhibits on display at the meeting. The site plan was also modified along with what would be the extension to Olive Street that would intersect with Monte Vista Avenue. This particular modification includes the adding of a right turn lane which would allow people who are exiting north on Monte Vista Avenue. This was done in response to the recommendation made by the traffic study, which was prepared for the project. The applicant will provide more detail. He stated the City Engineer, Mike Hudson, was in attendance for any questions regarding the traffic study. There were no other changes to the plans and they stand as presented previously and the applicant was pursuing a decision at the meeting regarding the proposed project. Staff

continues to find the project to be very well designed and in keeping with design objectives and desires and goals of the North Montclair Downtown Specific Plan and recommends the Commission approve the project. He stated he was available for any questions regarding either staff report and the applicant was also available to make a presentation or for questions.

Chairman Flores opened the public hearing.

James Atkins, 445 S. Figueroa Street, Suite 2600, Los Angeles, 90071, partner with Merlone Geier Partners, stated they were here back in February 2010 and the plans remain essentially the same, with a few exceptions. They had a couple meetings with Mr. Kapoor. He has rights via access easement off Monte Vista, which they will respect and maintain. They have since moved their building to accommodate that existing access easement. The storm drainage easement mentioned in his (*Mr. Kapoor's)* letter provides for the anticipation some day that the property would be redeveloped and allows either party to build a similar system that provides the same capacity in conveyance of storm water, which they are doing. In addition, because they are going to be accommodating storm water on-site, it will be treated through their storm water treatment system. They have accommodated the easement and certainly the intent of the drainage portion of that easement in the re-design. He offered that they could answer any questions regarding that. They are prepared to talk about the design further. He stated that his partner, Garth Erdossy, who has far more experience in these types of institutional multi-family projects that Merlone Geier does, is prepared to speak about how these projects operate and evolve. He was involved in a couple neighborhood transformation projects and wanted to reiterate that this is how these kinds of projects, beginning with a "for rent" component and a market rate "for rent" component, built to high quality standards is not atypical of how the sort of urban redevelopment projects have occurred in the past, whether it be his experience in Los Angeles or in Portland, Oregon Pearl District. Those early projects provided those first residents who then became the comp for future projects that followed. The important thing was that the architecture was of a quality that could be maintained throughout and they have done that here. He asked Garth Erdossy to speak and offered that he was available for questions.

Garth Erdossy, 5780 Fleet Street, Suite 130, Carlsbad, CA 92008, a partner with GLJ Partners, who is partners with Merlone Geier in the development of this property. A couple things Jim did not mention was that they had a couple questions about the height variance and they prepared an exhibit that sort of explains that and if anyone needs significant detail, the architects were present to walk anyone who has a question through that. They also had a question about line of sight for their eastern boundary and also prepared an exhibit addressing that concern. The closest building face is approximately 62 feet away from the property line. There are a couple of windows, bedroom windows that look out and then there are some windows that are roughly 130 feet back from the property line as well. He wanted to take a few moments to discuss why they were here, he felt it was important to review. They were initially attracted to the project because of North Montclair's tremendous plan and potential and the quality they saw in the specific plan and forward thinking and said to themselves that this is a

city that understands where they want to go and they have a great map or plan to get there. They think its an exceptionally good urban plan and they think when the economy recovers, this plan has great potential. Really, Montclair has everything it needs. Good leadership, significant retail, existing investment in the city, two major freeways, rail transportation (if and when this property gets completed, the residents can walk to this rail and take day trips into Pasadena or downtown or even commute) and nearby universities. You have everything you need to be extremely successful. What we really need to do is deliver the residential households to north Montclair that will invigorate the area. To get that started, a really good kickoff community to launch the specific plan and set the tone for attractive, livable density, project quality and community orientation is needed and they think their project is that project. They knew some members of the Commission and members of the City Council and also members of the community had concerns about a rental community in north Montclair primarily because of the experience on existing rental projects. As it relates to their proposed community, he thought these concerns as it relates to their community are unfounded for several reasons. First of all, there is nothing like what they are proposing in Montclair today. Those who joined them on their tour saw representatives of communities that approximate what they are trying to do there, but they were not able to show anything in Montclair because it doesn't exist. Their community is a luxury, urban, direct-access garage community with beautiful architecture, landscaping and significant on-site amenities and that is important because amenities are for the residents use and it lessens the impacts on the community. They have a lot to do right on their own property and that should create less impact on other resources within the community. Their proposed community is institutional quality and size. What does he mean by that? Large, conservative, institutional investors like Merlone Geier and other investors like pension funds and life insurance companies demand the newer, better designed, larger and professionally on-site managed communities like the proposed project. They typically hold these communities for investment purposes for a relatively long period of time, seven to thirteen years. He was told that the largest community in Montclair is roughly over 160 units. Not quite large enough to attract institutional type capital, right on the edge, but not quite. The vast majority of apartment stock in Montclair consists of two to four unit, eight unit buildings that are, on average, fifty to fifty-five years old. Merlone Geier, as a typical institutional investor, has the capital and long-term perspective that insures the asset will be maintained properly. They are going to make a multi million dollar investment in this community. It is significant to them and should be significant to everybody. They will desire to maintain the community in pristine condition because they have to attract new residents everyday. One thing that distinguishes this concept from other apartment stock that they have seen here in Montclair, is that they will have professional on-site management and maintenance of the property. Virtually no apartments within the city limits have on-site professional management. Why does this matter? In this community, like many institutional managed communities, will have a professional landscape company that will be on-site two to three days per week, clipping, cutting, sweeping, and trimming each day to insure that the landscape looks good. They will maintain the automatic irrigation system and make sure the heads are all working, make sure the plants are receiving the right amount of water. Parking is a huge issue in every residential community. They take it very seriously. Each resident must register their car with the leasing office and they will

receive parking permits. If a resident has a two-car garage and they have two cars, they will be required to park both cars in their garage. They have a different strategy for guest parking, but if they see cars without the permit consistently parked in open spaces, they are given a very polite reminder because they have their own customer service on-site management team, they are our customers after all and they want them to have a nice experience, maybe they just forgot, but ultimately they will be towed at the resident's expense. They take parking enforcement very seriously. Folks that have three, four, or five cars will not be able to park more than two cars at their community and they probably will choose to not live there. The primary reason the Commission had with parking problems at existing apartments is because none of these communities have had an on-site professional management that enforces rules on a daily basis. Residents that come into the leasing centers ultimately are financially qualified. Most communities that they build in southern California have an affordable requirement and for that reason, they need to receive financial information on each and every resident and need to know that they qualify for the rent for the home they are wanting to rent and they sign a detailed lease, which sets forth the terms and conditions of the lease, what is required of them and what is required of us. They are required to abide by community rules and if they don't, they can and will be evicted. They run a tight ship primarily for the vast majority of the residents who do abide by the rules because they have a right to enjoy the community. A few people in Montclair have expressed the opinion that condos are better for communities than institutionally and professionally managed rental communities. They have developed a lot of "for sale" condominium products over the years and think that is a wonderful housing type and it is very important to the housing stock, especially in southern California where housing is so expensive. However, they respectfully disagree that it is better. It has been their experience that it is often more desirable to have a single, well-capitalized investor owner who owns the rental community, that is professionally managed, well capitalized, than to have a condo community, in this case with 385 separate owners, all with different motivations and financial capability, which is run by an often poorly capitalized HOA, a volunteer HOA board, with no on-site management. Remember, they have vast experience with these communities. They develop as many condos as rentals and there are a lot of pluses about them and there a lot of minuses. The recent economic downturn has shown that institutionally owned apartments tend to be better maintained than condo communities where several units are being foreclosed on. Before they are foreclosed, they are often rented to people who are not properly qualified, they may not be paying their rent and the condo members may or may not be paying or keeping current with their HOA dues. This causes a problem, the HOA does not have enough money to properly maintain the communities and the communities fall into deferred maintenance. Even if the goal of north Montclair is to have a majority of owner occupied multi-family housing, he thought Montclair needed a high quality rental community to provide the option to those households that want to rent. This property is not a rent by have to rent sort of community. This is a community that is provided for people that choose to rent. Many of the residents will have ownership experience in the past and most will have ownership in the future, but for whatever reason they are choosing to rent. Many people like to rent in a new place when they are considering to purchase. For example, his parents just bought in a new place in Naples, Florida and they rented for two years until they figured out where they wanted to live and they are

glad they did that because the first place they lived, they found out it was not as good of a fit. When they rented the second place, they liked it and ended up making a purchase there. Great people like us experience changes in their life that cause you to part home ownership and cause you to rent, even when we expect to own in the future. They feel their project is an ideal kickoff project. It meets the spirit and letter of the specific plan. It establishes the quality that they hope they are looking for, its pedestrian oriented and it's the type of social community with the park in the heart of the community that the specific plan contemplates. As Jim said, subsequent developers that will build other projects will use this project as an example. In a newer residential area, like north Montclair, which is characterized by a lot of retail, and commercial uses like malls and restaurants, concrete batch plants, and small strip centers, people may not be willing to put down their life savings to buy in a location like this right away. This is intuitive. You often need a high quality option for new residents to experience to decide if they absolutely do want to live in this location. They think that people who will ultimately live in north Montclair may come from other cities and not here yet. They think a large reason for that is because there is nothing like this to attract them. Residents that will live here demand this kind of lifestyle. They want to walk to the restaurants across the street, they want good floorplans, they want someone else to do all the maintenance for them, they want garages, they want lots of amenities to relax when they have time off, they don't want to do chores, they want to hang out by the pool. The new residents will bring new life to Montclair and will start this great plan, they will pay taxes through their rent of about $800,000 to the city, the project will generate somewhere in the neighborhood of $7 million in fees and the residents will patronize the local stores, businesses and restaurants. One of the reasons the people from the Chamber are present are to support the project. The residents will attend schools, churches and other community organizations and if they really like it and can afford it, they will probably buy a home here. They have a property tour scheduled for May 1st. He thanked the commissioners that attended last time; he felt it really demonstrates the commitment to the future of the city and their willingness to accept new ideas and to see a different perspective and he urged those who haven't been on the tour to try to go on May 1st. There are things there that the Commission will see are different and difficult to explain, it's easier to see them with your own eyes. They very much appreciate the opportunity to speak and be a part of Montclair's exciting plan and they had everyone involved present at the meeting to answer any specific questions.

Mark Kirkhart, 1426 Greenworth Place, Santa Barbara, CA 93108, principal of DesignArc Architects, was present at the February 8, 2010 meeting and took everyone through a complete presentation and he did not plan on doing that again. They did have a few exhibits that he wanted to explain. He reviewed several visual exhibits that were displayed at the meeting that regarded the property line issue along the east, the proximity and privacy issues raised by people that live in the nearby neighborhood, a variance request regarding the height of the building. They have garages along the easterly property line and they are asking for modifications to the setback. The existing site wall that is at the back of those homes is actually encroaching on their property, which they really don't want to change that, it's going to be a nightmare, but it is actually several feet over into their property so they are locating the garages in such a way that they are pretty much as tight as they can get them to existing fence that is there so they

don't have to remove the existing block wall. So, there are five car garages that will be 8 ½ to 9 ½ feet tall so they will be slightly taller than the 6-foot wall that is there and landscaped and provides a nicer buffer between the parking and the neighbors. So, the reason it varies is because the fence is encroaching on the property. Garth has already mentioned the easement issue with EZ Lube. The diagram, included in the packets, shows the two conditions when they were here previously they were proposing to abandon the easement and have that as a landscape buffer, having the EZ Lube portion of that to the property line go to that owner and after negotiations and discussions with him, he was determined that he would really prefer to keep the easement as it is. So, what they have done leaves the easement as it is and they shifted the villa amenity building to the south and modified the building by having the northerly wing of the building, which is the theater, restrooms, pool cabanas and maintenance, slid it and overlapped it a little more over the exercise room to make the footprint a little smaller and that provides them to be able to leave the driveway access where it is with a 4-foot landscape buffer up against the northerly side of the building. The garages in question, two 5-car garages, that up against the EZ Lube easterly property line and their westerly property line, where they can build a 6 to 8 foot high wall. Once again, this is a legal non-conforming use and feel that these two garages, which will more or less look the same as the site wall, actually provides a better buffer between the non-conforming use and the residential use. That is why they are really pushing for the modification.

Commissioner Vodvarka commented that he liked the idea of the extra garages but wanted to know how they would designated who will use them and hope they do not end up being storage components. Mr. Kirkhart replied that Garth alluded to that during his presentation. The garages and parking will be specifically assigned to certain residents and they will be required to park in those garages. If the person has a sticker on their car and they are not parking in their garage, they will be notified.

Commissioner Johnson thanked the applicant for being so responsive not only for the setbacks but to the adjacent property owners because it is critically important to them who have had their privacy for a long time, but for the applicant to give more space and attention to that is appreciated. She also wanted to thank the applicant for its attention to Mr. Kapoor's concerns. She commented that Mr. Erdossy talked about on-site management. When she attended the tour, she saw several buildings and all of them were quite well maintained, but there was one in particular, the one with the on-site Starbucks, the thing that made it stand out particularly for the type of resident that we are hoping to attract was that not only was everything clean, perfect and beautiful, but the property management company had planned activities, concerts, etc. and she was hopeful that it would also be included here. Mr. Kirkhart replied that here, there are two primary amenity areas and in the main villa, there will be a big meeting room, very gracious, high ceiling room where residents can sign up for it at no cost and have get togethers. In the past, they usually get a lot of wedding and baby showers and birthdays, but they also have a movie theater where they typically get used for events that are sponsored by community management. They usually see who moves in and what they like to do and they sort of modify and mold the resident programs whoever the customer is. A lot of Monday night football in the theater room, World Series, which is fun to watch in an environment like that. They usually decorate with the two teams

colors. The other amenity area is sort of a quieter, more spacious area for cookouts, etc. In the main room, they also have an event kitchen. It's basically Emeril's kitchen. They typically have a resident approach them who cooks or wants to teach a cooking class and for a fee, usually around $7, the teacher provides all the materials, and they learn how to cook something. They have had wine tastings in the past. They try not to force too much on the residents, but try to have an active calendar. They have a website to remind residents of the events, but also to invite them to the events. In this community, we have the best opportunity because there will be a park, specialty paving, a fountain, and they would like to work very closely with the city to have farmer's markets, grassy area for concerts, etc.. He was unsure how it all gets organized, but there is a lot of opportunity for this community to take advantage of it.

Vinod Kapoor, 3660 Startouch Drive, Pasadena, CA 91107, owner of the EZ Lube property, thanked Mr. Atkins and Mr. Erdossy for taking care of a few issues he had and he had a letter that was copied and left in the seats of the Commissioners. He stated that the zero setback was an issue. He believed there was no compelling reason to have it. The City has setback laws because they want separation and he believed the project has a tendency to box other property owners in. He has a small area, a small lot and he does take exception to Mr. Kirkhart saying in his presentation that it is a non-conforming use. Unfortunately, EZ Lube has been there since the early 1980s and the North Montclair Downtown Specific Plan has changed since then, but again, he felt it would encroach upon his rights. It is a small lot and the project is big enough that they should be accommodating the rights of the smaller neighbors. He has his life savings invested in it and does not have to tell what properties have done in the recent years and it may take years before it comes back up and he is very concerned that a big project should be able to accommodate the rights of the smaller neighbors and, basically, they have to live as good neighbors for the benefit of everyone. He felt very strongly that the variance should not be allowed and the five feet separation should be adhered to.

Darleen Curley, 5220 Benito Street, Montclair, CA 91763, spoke on behalf of the Montclair Chamber of Commerce, her board has decided to support this project and asked her to speak on their behalf. In the perfect world, we would all like to see home ownership. In this economy, that does not seem to be viable immediately or in the foreseeable future. This project can bring a high quality living and another 387 or, perhaps, another 600 people to Montclair who will be supporting our businesses, our restaurants, who will shop at Montclair Plaza, who will eat at the restaurants in town, who will join in City events and, perhaps, being optimistic, some of those people will so enjoy Montclair as we all do, they may decide to stay and open a business in Montclair. She thought this project can bring a lot of positives to our community and will bring people that can afford to shop in our community and can bring the very much needed new shot of energy to Montclair.

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

Commissioner Lenhert asked how many bedroom units are in the entire project. The applicant replied that he did not have the exact unit count in front of him but could certainly provide that to Commissioner Lenhert, but he stated was approximately one-half one bedroom and one-half two bedroom so that would be about 500 and ten percent are three bedroom. It's going to be approximately 600 bedrooms. The parking ratio is 2 per unit. Commissioner Lenhert commented that there is a potential for several hundred more people than there are parking spaces. There will be one parking space per bedroom. Commissioner Lenhert commented that if there are two people per bedroom, then you have double that. They qualify the residents and the most they can have is two cars per unit in their community and they enforce that very vigorously and if they have more cars, they probably won't live there because they will not make arrangements for them. If you live in a one bedroom and you have two cars, then you have two spaces. Commissioner Lenhert stated if there are three bedrooms and six people, there could be six cars. The applicant stated that the landlord-tenant laws in the State of California are the go to rule for occupancy standards and he did not know off the top of his head but he thought the maximum amount of residents in a three bedroom might be six so you can have the residents there, you can only have two cars. If you have four cars, you probably won't live here because they will not let you park them. City Planner Diaz stated that there are 714 parking spaces available for the entire complex. 460 of those spaces will be enclosed or garage spaces, the remaining would be open for guest and other parking needs. Commissioner Lenhert asked if the narrower streets in the back of the project were big enough for a 55 foot fire engine to get into. Commissioner Lenhert stated that in Brea they had a similar project where seven people burned to death because the fire engine could not get in there. Director Lustro commented that when staff began reviewing plans for this project, along with the two other projects that were previously approved in North Montclair, the fire department is one of the departments that reviews plans and does their own plan checking and one of the things they do as part of their plan checking is they have a template that they lay over scaled plans of a project to make sure that streets and radii to be able to make turns are adequate so they can get their equipment in and out of a project in the case of an emergency. This project was no different in that the fire department did have an opportunity to review this project and they did not have any objections to it in its present form. Commissioner Lenhert stated that until he attends the tour he cannot consent. He felt the design was beautiful and it would be a beautiful place to live, but another thing that bothered him is that within one mile of this location, Upland has three developments which are mostly empty. Ontario has a huge development on Holt Boulevard and it was supposed to be condominiums and they cannot even rent them.

Vice Chairman Sahagun commented that Commissioner Lenhert's point is an important one because the units built in Ontario were built to sell and, as a result of the market, they have turned them into rental units. He questioned the ingress/egress on Monte Vista and in the past when these large projects have come to town, he always brought up bus shelters and wanted to make sure that we are always pushing rideshare and commuting and this is perfect because it is by the rail and he wanted to make sure that we bring in shelters because not everyone is going to have a car and the North Montclair Downtown Specific Plan was specifically for livable walking communities, transit-oriented communities and he thought some of the Commissioners were

forgetting that. Later on, there are going to be parking structures as the other properties fill-in so he does not believe the parking is a concern because there are checks and balances. The applicant replied that with regard to ingress/egress off of Olive, they have added a right turn lane to make that two lanes of egress from the project. In addition to that, they are striping a center striped left turn lane where left turn movements move in and out of the project, there is enough width there and they will be restriping that so there will be a center lane for people who are making a left turn from southbound Monte Vista into the project and also westbound traffic on the other side of Olive. In the project, they have proposed in the middle of their garage building, they are actually going to have pedestrian access through that down to a new bus shelter they are proposing to build on Monte Vista. There is another bus stop on Moreno Street they will be developing in the architectural style of the project. Vice Chairman Sahagun commented that was great because you pass by a lot of the bus stops and the people waiting are sitting on the curbs, there are no shelters, its hot and we're really trying to move forward, maybe a couple of shelters, if you go into our surrounding cities, such as Rancho Cucamonga, they have done a wonderful job on shelters and while it has been brought up by staff that we have to be careful because we do not want the homeless to make use of these, but we do want to think of our women with strollers. The applicant stated that they would be more than glad to work with staff to make sure they are large enough to accommodate.

Commissioner Vodvarka commented that he had a different attitude because he is not worried about the parking now because he felt we were going to have some high-end people coming in, not teenagers with cars, some professional people that will possibly rent the three bedroom units and using the extra bedrooms as guest rooms and the extra garages that could be assigned to those who need them. With the Metrolink close by, these people are going to be young enough, he felt this project might work and he is not going to compare it to any other city because this is Montclair, little but mighty.

Commissioner Johnson thought there has been a lot of effort made by the Planning Commission, the City Council, and non-profit organizations to make sure we address housing the residents here and over a period of years, we have done a very good job of addressing low and moderate income people and we have done a good job of addressing the needs of senior citizens, but we have done a pretty pitiful job of addressing the needs of young people who are different from us. They do not want to mow the lawn, do not want to clean out the gutter, but they want to have something that is theirs. They want to play and party. The person who reminds her most of this is her nephew, active military in Fort Lee, Virginia, but he has a place off-site from the base and during the horrible winter storms he told her about not having to shovel snow and the landlord took care of that for him, they fix things when they are broken and he loves it because he has that pride of having his own community but he does not have to the stuff that is important to the old farts. There is a large population of young people who work far away from us but live here. Getting into your car and driving to Los Angeles everyday and those are the people who will want to live right next to the rail. That's the population that this project will attract. It is not a place to live, it's a community for the young people and she felt Montclair, for the first time, was right on track with that and thought this project was consistent with the North Montclair Downtown Specific Plan.

Commissioner Vodvarka stated that Mr. Kapoor was going to have a lot of customers because it will be the first thing they see when they come down Monte Vista. They will be happy because they will be near the fire station, the police station, and they have EZ Lube.

Chairman Flores commented that all the things he liked about the project have already been stated and he knew the plans adhere to the NMDSP and he believed that if we build it, they will come.

Commissioner Johnson moved that, based upon evidence submitted, the Planning Commission finds and recommends that the current application for the proposed 385-unit Paseos residential community is substantially consistent with the anticipated impacts evaluated in the previously certified EIR for the North Montclair Downtown Specific Plan and its anticipated improvements. The Commission further finds and recommends that the project will not have one or more significant effects not discussed in the previously certified EIR, not have more severe effects than previously analyzed, and that additional or different mitigation measures are not required to reduce the impacts of the project to a level of less than significant. As such, none of the conditions listed in Section 15162 of the CEQA Guidelines requiring the preparation off a subsequent or supplemental EIR are present and the project qualifies or the exemption for residential projects described in Section 15182 of the state CEQA Guidelines. Finally, the Commission directs staff to prepare a DeMinimis finding of no impact on fish and wildlife, seconded by Vice Chairman Sahagun, there being no opposition to the motion, the motion passed 5-0.

Commissioner Vodvarka recommended the City Council approve Tentative Tract Map No. 18213, subdividing a 15.1-acre site at the northeast quadrant of Monte Vista Avenue and Moreno Street into 13 numbered lots and 14 lettered lots for condominium purposes, finding that the map is consistent with the Montclair Municipal Code and the State Subdivision Map Act, seconded by Vice Chairman Sahagun, there being no opposition to the motion, the motion passed 5-0.

Vice Chairman Sahagun recommended the City Council approve a Precise Plan of Design request under Case No. 2009-21 for the site plan, floor plans, elevations, colors, materials, conceptual landscape plan, and public park associated with the proposed 385-unit residential community development at the northeast quadrant of Monte Vista Avenue and Moreno Street, and associated on- and off-site improvements per the submitted plans and as described in the staff report, subject to the conditions in Planning Commission Resolution No. 10-1714, seconded by Commissioner Lenhert, there being no opposition to the motion, the motion passed 5-0.

Commissioner Johnson recommended the City Council approve a Variance request under Case No. 2009-21 to allow a 61'-6" building height for Building F rather than the maximum allowed 45-foot building height in conjunction with the proposed 385-unit residential community development at the northeast quadrant of Monte Vista Avenue and Moreno Street, as described in the staff report and subject to the findings and

conditions in Planning Commission Resolution No. 10-1715, seconded by Commissioner Lenhert, there being no opposition to the motion, the motion passed 5-0.

Vice Chairman Sahagun recommended the City Council approve a Variance request under Case No. 2009-21 to allow setbacks less than the minimum 5'-0" required in the North Montclair Downtown Specific Plan for the one-story, detached garage buildings along the easterly project boundary and a portion of the westerly project boundary (adjacent to EZ Lube) in conjunction with the proposed 385-unit residential community development at the northeast quadrant of Monte Vista Avenue and Moreno Street, as described in the staff report and subject to the findings and conditions in Planning Commission Resolution No. 10-1716, seconded Commissioner Lenhert, there being no opposition to the motion, the motion passed 5-0.

INFORMATION ITEMS

Director Lustro reminded the Commission to mark their calendars for the 2010 State of the City event is scheduled for Wednesday, April 14th.

Commissioner Vodvarka thanked everyone from the City for what they did for his wife, it was so appreciative and he is so proud to be a part of Montclair.

Vice Chairman Sahagun commented he had an opportunity to speak with Mike Hudson, the City Engineer about the new construction for Costco which was badly needed and asked for an update since he was in attendance. City Engineer Hudson stated that for the last two weeks, Costco has been modifying their entrances off of Central. The signalized intersection, they are planning a second outbound lane so it will be a double left turn pocket and a single right turn pocket and there will be one inbound lane. There will be signage to direct those not familiar with the area as they exit the Costco parking lot if they want to go north on Central Avenue to westbound freeway, they need to be in the left left-turn lane and if they want to go eastbound, then they want to be in the right left-turn lane. It is much easier with arrows than when he explained it. They are also modifying the median by putting another median break in that will align with a new driveway that will replace the southerly driveway. That's to siphon off some of the left turn movements that do not want to go through the signalized intersection. We did some extensive modeling how this might work and the modeling indicates that it will have an improvement in getting into Costco and there will not be any detrimental affects to existing Central Avenue. It's something we want to monitor though for at least one year and determine whether we have so many left turn movements in that new left turn pocket that actually backs up into Palo Verde and causes some intersection problems there. If that happens, then we will be closing this new left turn pocket. We will do it temporarily with some glue-down interlineators and ultimately have Costco restore it to its original shape. There is about another one to two weeks worth of work.

Commissioner Vodvarka asked the City Engineer if he remembered how that shopping center was when Kmart was there. City Engineer Hudson replied that he did. Commissioner Vodvarka commented that the back of the shopping center was open and asked if that was possible to do again. City Engineer Hudson replied that it was not

unless you wanted to go against what the conditions of development were for the Costco project were. He was unsure if we actually deed-restricted them for access onto Carrillo or onto Palo Verde but that was the conditions of design they were given and a can of worms he would rather not open. Commissioner Johnson commented that she thought it was the residents there that asked for that to be closed-off like that. City Engineer Hudson stated that there is a grade difference between the circulation road around Costco and where Carrillo is right now. He thought if you went to the extreme north end, you could probably get a driveway to fit in there without too much of an issue over the grade.

Chairman Flores commented that for a long time on San Jose by Serrano school there is a very large moving van and they move it from one corner to another corner, completely full of graffiti and we should do something about it. He commented regarding the former gas station site at San Jose and Monte Vista, everything looks nice but the northerly fence dividing the space between them and Olive Garden is getting dilapidated. He also commented how nice the San Marino apartments look and he didn't realize how fast that project was being finished. Another observation, the school on Moreno, he saw a survey crew out there taking topo on the parking lot and he did not have time to stop and find out anything but they just said they were getting information on the north side of the school and asked if anyone knew what they were doing. Director Lustro stated that if they are working on the school site, they are not required to come to the City.

Chairman Flores adjourned the meeting at 8:17 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary