



CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING
Monday, April 11, 2011

COUNCIL CHAMBER
5111 Benito Street, Montclair, California 91763

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

MINUTES

The minutes of the February 14, 2011 and the March 14, 2011 regular meetings were presented for approval. Vice Chairman Flores moved, Commissioner Johnson seconded, and the minutes were approved 5-0.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

6.a PUBLIC HEARING - CASE NUMBER 2010-19

Project Address: 10550 Ramona Avenue, Units B-1, C, D, and E
Project Applicant: Richard C. Hunsaker / Hector Lopez
Project Planner: Silvia Gutiérrez, Assistant Planner
Request: Conditional Use Permit (CUP) Amendment to allow the expansion of an existing restaurant (Mariscos Licenciado) into two adjacent lease spaces (Units B-1 and C) and to allow the on-premises sale of beer and wine (ABC Type 41) with live band entertainment

Assistant Planner Gutiérrez reviewed the staff report.

The location was previously approved for on-sale beer and wine in February 2008 and is located within a multi-tenant commercial center at the southwest corner of Holt and Ramona. It is surrounded substantially by commercial uses and residential properties are greater than 600 feet away. The site has extensive parking overall, with over 220 spaces in addition to several disabled-accessible spaces. Staff reviewed the application carefully and conferred with the Police Department with regard to the particular use and, in terms of the existing restaurant, there have been no concerns from the Police Department with regard to the existing operation and alcohol sales at that location. Staff has looked at this issue thoroughly in terms of trying to mitigate any potential concerns to adjacent property owners and business tenants and have negotiated certain conditions to mitigate the hours of operation for the expansion area so that adjacent tenants are impacted minimally. The applicant has agreed to limit performances by live bands in the expansion portion of the restaurant to Fridays from 5:00 p.m. to 9:00 p.m., and Sundays from 4:00 p.m. to 9:00 p.m., in order to operate at a time when there is a lesser demand for parking. In addition, the applicant has agreed to limit any bands to eight members or less within a designated area and keep the expansion area closed the remainder of the week. Further, staff has worked with the Building Division and Fire Department to ensure the interior layout, as proposed, is adequate and meets Fire concerns as well as Building and Safety concerns. Therefore, staff is recommending approval of the Conditional Use Permit amendment and the applicant was available to answer any questions.

Commissioner Vodvarka commented he noticed the entertainment will be only on Fridays and Sundays and asked about Saturdays and dancing. Assistant Planner Gutiérrez replied the live entertainment would not occur on Saturdays and no public dancing is proposed.

Commissioner Johnson asked since the entertainment is limited, if business picks up and at some point in the future the applicant wants to expand it, can they do that at a staff level or do they have to come back to the Commission? Assistant Planner

Gutiérrez answered if they want to expand their hours of operation, they would have to amend the Conditional Use Permit by coming back before the Commission.

Vice Chairman Flores commented he saw three different notes with regard to the area space. One says Area B-1 and C and the other sheet says D and E and on the map there is a B-1, C, D, and E and asked which one is correct. Assistant Planner Gutiérrez explained that Units D and E house the existing restaurant; B-1 and C represent the expanded area; and B-1 through E indicates the restaurant footprint including the expanded area.

Chairman Sahagun opened the public hearing.

Hector Lopez, 10550 Ramona Avenue, Units D and E, Montclair, the applicant, asked the Commission to approve the expansion because they are having problems due to the current economic situation and would like to expand their business to make more money.

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

Vice Chairman Flores asked what type of entertainment (a trio, mariachi, a band, etc.) is proposed. Assistant Planner Gutiérrez replied it would be an eight-member live band. City Planner Diaz clarified that it would be limited to a maximum of eight persons so if they wanted to have a trio or quartet one night, that would be okay.

Chairman Sahagun commented that he did not go inside the restaurant when he visited the site, but he did notice some kids inside with an adult and he understands it to be a family restaurant.

Commissioner Lenhart commented it was good to see an existing business expand and it seemed to be a good location for it. The only problem he saw was getting in and out of the parking lot because of the traffic on Ramona Avenue. He realizes the restaurant has nothing to do with that, but he thinks it's a great location and he intends to stop by.

Chairman Sahagun noticed that when he was exiting, traffic was not coming too fast because the stop sign at Brooks Street slows it down.

Chairman Sahagun commented he thought the only other thing going on there was the Pomona Valley Workshop. Assistant Planner Gutiérrez replied that Pomona Valley Workshop is located immediately to the south of this business and there are other industrial businesses in the back, as shown on the site plan. The applicant would be taking over the entire tenant space, which extends all the way to the back of the building. There is a drive aisle behind the building where the grease interceptor would be installed. In terms of making sure Pomona Valley Workshop would not be impacted, staff worked with the applicant to make sure the live entertainment would occur when

Pomona Valley Workshop was closed. Pomona Valley Workshop operates from 8:00 a.m. to 4:00 p.m., Monday through Friday.

Director Lustro commented in response to the previous comments, you do have the ability to circulate through the parking lot to and exit onto Holt near Quality Thrift Store, or you can circulate around the back and exit out one of the rear driveways onto Brooks Street and then take advantage of the four-way stop if you want to go northbound on Ramona.

Chairman Sahagun commented he looked at the entire building and it seems to be very well maintained.

Commissioner Vodvarka stated he visited the business to observe the premises.

Commissioner Johnson commented she had the same concern as Commissioner Lenhert regarding traffic. She felt it was a great place and would rather see live music at this location than in a center close to a residential district. Staff has done a really great job making sure that it does not impact the other tenants and she felt it was a good fit.

Commissioner Lenhert moved that, based on the 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, which exempts projects involving little or no expansion of existing structures or use. As such, a De Minimis finding of no impact on fish and wildlife will be prepared, seconded by Commissioner Johnson, there being no opposition, the motion passed 5-0.

Commissioner Vodvarka moved to approve a Conditional Use Permit Amendment under Case No. 2010-19, approving the on-premises sale of beer and wine (ABC Type 41) in conjunction with an existing bona fide eating establishment at 10550 Ramona Avenue Unit B-1, and C-E, and including live musical entertainment during specified times, subject to making the required findings, and subject to the 37 conditions of approval as described in Resolution No. 11-1740, seconded by Commissioner Johnson, there being no opposition, the motion passed 5-0.

INFORMATION ITEMS

Director Lustro distributed a reminder flyer for the April 12 Metro Gold Line meeting. The meeting begins at 6:00 p.m. in the Senior Center and the Gold Line Authority looks forward to getting comments, attendance, and participation. That project continues to move along in its environmental stage.

Director Lustro added that the Code Enforcement Division has completed its move from the Fire Department to the Community Development Department and all their operations are now out of City Hall. The phone numbers for the Code Enforcement

hotline and the Code Enforcement officers remained the same. If you need to get a message to them during regular business hours, you are welcome to call Laura on her line and she will get the message to the appropriate Code Enforcement officer for action. Yard sale permits are now also done out of City Hall. Commissioner Vodvarka asked if Code Enforcement will still be working weekends. Director Lustro confirmed that Code Enforcement will maintain a presence in the community seven days a week. Commissioner Vodvarka asked which officer we lost because there used to be four. Director Lustro replied that Scott Sherwood stayed at the Fire Department.

Commissioner Lenhert stated with regard to the restaurant reviewed earlier, he noticed that none of the businesses in the center has their address on the back door of the building. Director Lustro replied he will notify the Building Division and Code Enforcement for that.

Vice Chairman Flores commented he finally saw some activity at 911 Design on Moreno Street and it looks like they are finally getting in there.

Vice Chairman Flores noticed scaffolding at the new restaurant at Central and Moreno.

Vice Chairman Flores reminded the Commission that it is inappropriate to indicate your vote on an item through statements made before the public hearing is closed. He felt the Commission was a little lax on that before, but should be sure to do it correctly when the agenda gets full and things get busier.

Commissioner Johnson gave kudos to the Montclair Police Department. Apparently, some young people "took over" a vacant house several nights ago and decided to have a party. Shortly after they noticed cars and people in the neighborhood, the police arrived and within about 15 minutes, the party was shut down. Unfortunately, she understands that the inside of the house was vandalized and weapons were confiscated. But the Montclair Police Department was there quickly and shut it down, so mega kudos to them. The worst thing was people chanting, but the important part was that they were chanting while they were leaving. Director Lustro commented that what she experienced in her neighborhood is a side effect of residential foreclosures. Chairman Sahagun commented that Montclair has done a very good job of keeping the foreclosures clean, lawns cut, etc.

Chairman Sahagun adjourned the meeting at 7:24 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary