CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING
Monday, February 13, 2012

COUNCIL CHAMBER
5111 Benito Street, Montclair, California 91763

CALL TO ORDER

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

MINUTES

The minutes of the December 12, 2011 regular meeting were presented for approval. Commissioner Lenhert moved, Commissioner Sahagun seconded, and the minutes were approved 5-0.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

a. PUBLIC HEARING - CASE NUMBER 2002-49 'A'

Project Address:	9185 Monte Vista Avenue
Project Applicant:	Monte Vista Unitarian Universalist Congregation on behalf of AT&T Mobility
Project Planner:	Silvia Gutiérrez, Assistant Planner
Request:	Conditional Use Permit amendment

Assistant Planner Gutiérrez reviewed the staff report.

Vice Chair Flores asked about paragraph 2 of the staff report regarding the six existing antennas being replaced with 12 antennas. He asked if there is something in the Code that limits the number antennas overall? Assistant Planner Gutiérrez replied there is a condition in the resolution that indicates that any change to increase the number of antennas would need to be brought to the Commission for its consideration. Staff would review the aesthetics of the antennas, whether the proposal would pose any issues, and then it would be presented to the Commission with our recommendation. She indicated that the applicant was notified that if they choose to add antennas due to changes in technology, etc., it would need to be brought to the Commission again for the its consideration.

Director Lustro added that the key thing to remember is that technology is always evolving. We saw first generation cell towers evolve into what we see now, such as monopines and monopalms. They are a little bit easier on the eyes, but with changes in technology, wireless carriers may be coming forward from time to time with upgrades like this. The main thing staff is going to be looking for is how upgrades may affect the appearance of the facility.

Chair Johnson opened the public hearing.

Crislia Xicotencatl, representing STC for AT&T, stated this is a monopine. They are proposing to swap out the existing six antennas with 12 antennas. No visual changes to the facility are proposed. There will be socks on the antennas so you will not be able to see them and there will be no height change. The existing pole is 70 feet tall; currently their antennas are at 55 feet. They are planning to keep the height and also proposing to install two new cabinets that will be in the existing enclosure, so there will not be any visible changes.

Hearing no other comments and no one else being present, Chair Johnson closed the public hearing.

Commissioner Sahagun commented his only concern was the maintenance of the monopine and it sounded as if staff and the different carriers are on top of that. When they get old and deteriorated, they get maintained and replaced.

Vice Chair Flores 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, which covers infill projects in significantly developed areas, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Commissioner Vodvarka moved to approve a Conditional Use Permit Amendment under Case No. 2002-49 'A,' subject to making the required findings and the conditions as described in attached Resolution Number 12-1753, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

b. PUBLIC HEARING - CASE NUMBER 2011-17

Project Address:	9860 Central Avenue
Project Applicant:	Montclair Town Center, LLC on behalf of Dolgen California, LLC
Project Planner:	Silvia Gutiérrez, Assistant Planner
Request:	Conditional Use Permit

Assistant Planner Gutiérrez reviewed the staff report. She also noted that the applicant had contacted her with a request to allow additional aisle shelving space for the seasonal displays of non-refrigerated beer and wine items. Ms. Gutierrez indicated the area of shelves in question so the Commission understood the request and mentioned that a revised exhibit would be maintained in the file. Ms. Gutierrez also mentioned that several conditions were incorporated into the resolution with regard to the maintenance of the property and to ensure that shopping carts are contained on the premises and not leave the property. She stated that staff was working diligently with the applicant on that concern.

Chair Johnson opened the public hearing.

Steve Rawlings, 26203 Jefferson Avenue, Unit D, Murrieta, representative for Dollar General, noted he has read the staff report, concurs with the findings and was amenable to the conditions of approval staff has recommended and was available for questions or comments.

Commissioner Sahagun heard Dollar General was going to establish a strong presence in California and asked Mr. Rawlings how many stores were slated to open in California. Mr. Rawlings replied that Dollar General is a large company that operates approximately 10,000 stores nationwide and are now just opening stores in California, with Montclair being one of the first. He could not comment on exactly how many were going to open in California but knew they were looking at several dozen new store openings throughout the state. They will be celebrating their 10,000th store opening in

Merced later this month and then the Montclair store would be the next store to open. Commissioner Sahagun welcomed Dollar General to California and Montclair.

Commissioner Lenhert asked if Dollar General is similar to the dollar stores we used to have. Brad Umansky, one of the co-owners of the Montclair Town Center (the shopping center where Dollar General is locating), stated that Dollar General is different than say a Dollar Tree or 99¢ Only store. There is not a one-price concept. Until it actually opens its doors, it would be hard for him to describe it. He's heard it described as a mini-Target or mini-Walmart. He's also heard it described as a value-oriented CVS or Rite Aid, but without the pharmacy and very value driven. There will be a grocery component with produce and fruit, and they have installed an 80-foot wall of refrigeration and freezer units.

Commissioner Vodvarka commented the best thing about this project is that it fills up another vacant space in the shopping center. Mr. Umansky replied that it is nice to know they are a quality user that is making a huge investment in the space as we have made.

Mr. Umansky appreciated Ms. Gutiérrez's staff report and staff's assistance with the process over the last six months getting this new business into the shopping center. His only comment was on Condition No. 12 of the staff report, about which he had already spoken with Assistant Planner Gutiérrez. The way it is worded implies they are not allowed to take shopping carts out of the store. He thought the intention was that in the event they don't put in an electronic monitoring system to prevent shopping carts from ending up all over the neighborhood, that customers wouldn’t be allowed to take shopping carts out of the store, forcing people to get to the edge of the sidewalk and carry their bags to their car, which will put these guys out of business. So he wanted to make sure everyone was of the same mindset on the intentions. Assistant Planner Gutiérrez responded that the way the condition is written, there is a stipulation in the first sentence that says if the applicant intends to utilize shopping carts in conjunction with its operation, the following plans shall be submitted to Building and Planning and approved to the satisfaction of the Community Development Director prior to issuance: (a) plans for an electronic containment system involving sensors and such, and (b) design and location for on-site cart corrals, and (c) gives the alternative, as applicable. If it is clearer to the applicant, staff could change the language in (c) to read: "Plans for the placement of bollards or similar devices at the front of the demised tenant space to prohibit shopping carts from being taken into the parking lot if there is no containment system." Mr. Umansky stated it would make him more comfortable and they (the owners) have put Dollar General on notice that the City is requesting that. They are a huge corporation that is desperately trying to get themselves organized as they come into California, so its challenging to get people to listen, but they've put them on notice on a couple different occasions and they are hopeful Dollar General will come in the near future with the application for cart corrals and electronic monitoring system.

Mr. Umansky asked if it was the approval of the Conditional Use Permit for off-sale beer and wine that triggered the need for a cart containment system. The reason he was

asking was that Dollar General plans to open within two weeks and he felt they did not have a game plan for cart corrals and an electronic cart containment system.

Director Lustro noted that the need for a Conditional Use Permit allowed staff to apply appropriate conditions to this particular operation. Staff is actively pursuing a code amendment to implement a cart containment ordinance that will be applicable citywide and will be retroactive, within a specified timeframe, to those retailers that currently use shopping carts as part of their operation. We have a serious problem with orphaned shopping carts and are trying to address that. The answer to the question is that the CUP gave staff the ability to pursue this now to get ahead of the ordinance because we'd rather do it now than later. The only way he could answer Mr. Umansky's question about he timing of installation of the cart containment system was that we can maintain a dialog with him and the retailer to figure out what type of timeframe they are going to be looking at because do not want to delay their opening. He had no idea where they were on submitting plans so he doesn't want to leave that one wide open. Mr. Umansky stated that they will likely open the store without the sale of beer and wine because this just allows them to apply to ABC for the license. He hoped that Dollar General will submit plans for the containment system soon and that staff will be able to work with them (the owners) to install the system. Director Lustro stated that if it is acceptable to the Commission and the applicant, based on this discussion, staff will remove the language in the opening paragraph of Condition No. 12 that states, "…prior to the issuance of the Certificate of Occupancy" with the understanding that this is going to be a condition of approval and the applicant needs to pursue this with all due diligence to get plans submitted to staff and we can work with them on that.

Vice Chair Flores commented that his point of view is that the City has been having some problems (with shopping carts) at Target and the 99¢ Only store. He finds their carts many blocks away and we have been trying to fix the problem. He did not care about people taking the cart to their car and unloading it, but at least leave it within ten feet of the building because it really creates a problem. You drive through those parking lots at night and you really have to be careful that you don't hit those carts because they are all over the place. So far he thought the only one getting near compliance is Target because they have someone who goes out and rounds up the carts several times per day. Mr. Umansky stated that, as owners of the property, they do not object at all and actually encourage it because it's a very common thing. Most retailers are doing it voluntarily because they are finding the cost of replacing or retrieving the carts over the long term is more expensive than the cost to put the system in initially, especially because Dollar General will attract a lot of people who are within walking distance from the shopping center. There is no doubt about it, they are very much a neighborhood grocery retailer, very similar to how Stater Bros. attracts a lot of people that live in close proximity to the store. There were no objections from the owners; he just wanted to make sure they could open for business and asked for staff's assistance so we can all make sure this happens.

Chair Johnson commented she heard the plans would be submitted within 30 to 60 days but her question was, once the plans are approved, how long does it take to move

forward? Are we going to be six months out, twelve months? How long does it take to actually do it once the plans are approved? Mr. Umansky stated he could not answer because he is not the one who installs it. He has seen them done within a couple weeks of having approval. He saw a store open in Rialto and they approved it and within a few weeks it was installed. It's not hard to install.

Commissioner Sahagun commented about the potential loss of parking spaces to accommodate cart corrals and asked if there were still be plenty of parking spaces available. Mr. Umansky commented he thought the center has a surplus of about 40 spaces. He added that he would love it if his biggest concern was a parking problem.

Hearing no other comments and no one else being present, Chair Johnson closed the public hearing.

Commissioner Sahagun 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 Lenhert, there being no opposition to the motion, the motion passed 5-0.

Vice Chair Flores moved to approve a Conditional Use Permit under Case No. 2011-17 to allow the applicant to obtain a Type 20 off-sale license from the State of California Department of Alcoholic Beverage Control (ABC) in order to sell pre-packaged beer and wine products at the Dollar General retail store located at 9860 Central Avenue, within the C-3 (General Commercial) zoning district, as described in the staff report and per the submitted plans, subject to the conditions of approval in attached Resolution 12-1756, amending Condition No. 12 as proposed by staff, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

c. PUBLIC HEARING - CASE NUMBER 2012-1

Project Address:	4110 Holt Boulevard
Project Applicant:	Holt-Montclair Investors
Project Planner:	Silvia Gutiérrez, Assistant Planner
Request:	Conditional Use Permit

City Planner Diaz reviewed the staff report.

Commissioner Sahagun asked if this location had a previous unresolved issue about a streetlight. City Planner Diaz stated the streetlight issue was a holdover issue from the last entitlement approval on this property. At the time the property was going through extensive remodeling and site improvements, and one of the required improvements was to add a streetlight on the Holt Boulevard frontage and to narrow the driveway so that it more properly aligned with the existing driveway leading to the back of the property. There were some technical issues at that time regarding the installation of the light, but the property owner did post a cash deposit with the City. We are hoping that

those technical issues can now be resolved so the light can be installed by the applicant in the near future. It is again a condition of approval for this project and the property owner is aware of it.

Vice Chair Flores asked about Condition No. 41 (live entertainment). City Planner Diaz stated that this condition is from the Police Department and is a standard condition of approval. Live entertainment is not likely to be an issue because the applicant is not proposing nor are we approving any tournaments or things where you might see the necessity for live entertainment. Vice Chair Flores asked if a tournament is considered "live entertainment" or are we talking live bands. City Planner Diaz replied that it could be but more normally means live bands or some other kind of live entertainment.

Commissioner Vodvarka commented about the boxing ring and asked if there was a chance they would have some boxing matches and could you call that a form of entertainment? City Planner Diaz stated that the primary purpose for the boxing ring is for cardio training, not boxing matches.

Chair Johnson opened the public hearing.

James Horn, owner of Punch It Up Fitness, 3580 Temple Avenue, Pomona, and John Cataldo, property owner, approached the podium. Chair Johnson commented she was sure they heard the comments about possible boxing matches. Mr. Horn stated that by no means at all are they interested in doing anything like that. They specifically use the boxing ring as a form of exercise to allow people to learn self-defense and to get a great cardio workout. As far as live entertainment, they will not be conducting any boxing matches there. There are so many rules and regulations that govern a boxing event. You have to have the commission there, paramedics, along with a whole slew of other people so that is not their interest at all. This would be his second location if it's approved by the Commission. The boxing ring is used for exercise by clients who are interested in learning boxing as self-defense in addition to getting a phenomenal cardio workout. Commissioner Vodvarka commented that he was just curious about whether the boxing ring would be used for Golden Gloves competition or something similar. Mr. Horn stated that is not the intent. He boxed Golden Gloves for years himself, winning national and regional competitions. The people they deal with are just people who truly want to learn boxing in addition to wanting a phenomenal workout. The facility he currently has does not cater to boxers. Assistant Planner Gutiérrez and City Planner Diaz had an opportunity to visit his Pomona location and saw how clean it was. They are not interested in tournaments or live entertainment. Again, this would just be a facility used for cardio, vascular workouts, in addition to teaching self-defense.

Mr. Cataldo wanted to address and clarify the outstanding streetlight issue. He stated they posted a cash bond for the cost of doing the improvements, but part of installing the streetlight means cutting and rebuilding the driveway and that was something they wanted to do at the time they install the streetlight. The problem was that Southern California Edison was very difficult to work with and at first, refused to do it. There are some technical issues about where they are going to make electrical connection for the

light. He indicated that he had filed out all the paperwork and the application and gave Edison the plans. He left it at that until this opportunity came forth. He is hoping to resolve this with Public Works so the work can get done. If it doesn't get done because of Edison, the City still has a bond to protect itself.

Hearing no other comments and no one else being present, Chair Johnson closed the public hearing.

Commissioner Sahagun asked if the building and property are ADA-compliant. City Planner Diaz replied the building is being reviewed by the Building Division, but when the previous remodel was done, staff believes all of the required ADA improvements were installed. There is a disabled-accessible parking space at the rear of the building near the proposed entrance and one at the front of the property next to Holt Boulevard. Any interior changes will have to be reviewed by the Building Division and comply with building code requirements including access regulations.

Commissioner Lenhert felt this will be a good thing. He knows there are a lot of gyms around but most do not include boxing. He felt it would be nice to have a business that provides that as an option and can operate there because it’s a tough location.

Vice Chair Flores 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 Vodvarka, there being no opposition to the motion, the motion passed 5-0.

Commissioner Vodvarka moved to approve the proposed Conditional Use Permit under Case No. 2012-1, subject to making the required findings and subject to the conditions in attached Resolution Number 12-1755, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Chair Johnson welcomed the applicant to Montclair.

d. PUBLIC HEARING - CASE NUMBER 2011-16

Project Address:	5445 Olive Street
Project Applicant:	Whitt Family Trust
Project Planner:	Michael Diaz, City Planner
Request:	Variance

City Planner Diaz reviewed the staff report.

Chair Johnson opened the public hearing.

Tobin Whitt, property owner, and Cheri Wallace, property manager for Fast & EZ Self Storage, 5445 Olive Street, Montclair. Mr. Whitt stated he felt they have made tremendous improvements to the property and they would like to continue to improve it more. When he purchased the property, they found numerous people living at the facility and they have cleaned it up, secured it, and are starting to move forward to increase the number of units rented. The fence has improved the property tremendously by securing the north side and making the tenants on that side feel more secure about the storage units that we rent to them. He made himself available for any questions.

Commissioner Vodvarka asked if there would be storage available for recreational vehicles. Mr. Whitt stated they are not proposing any additional RV storage. Commissioner Vodvarka stated he was glad to hear that. Mr. Whitt replied that they do not have a lot of them, but the ones they do store are on the south side of the property.

Chair Johnson asked if they had problems with theft before the fence was installed. Mr. Whitt stated there were break-ins.

Hearing no other comments and no one else being present, Chair Johnson closed the public hearing.

Commissioner Lenhert moved that, based upon evidence submitted, the Planning Commission finds the current application for the proposed variance qualifies as a Class 5 exemption under Section 15305 of the California Environmental Quality Act (CEQA) Guidelines, which exempts projects that involve minor alterations in land use limitations that do not create a new parcel, change a land use, nor increases the allowable density of the project. The setback variance requested is limited in scope and does not create new parcels, affect land use, or increase density, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Vice Chair Flores recommended the Planning Commission approve a Variance request under Case No. 2011-16 to allow a 10-foot front street setback along the Olive Street frontage of the property located at 5445 Olive Street, as described in the staff report and subject to the findings and conditions in Planning Commission Resolution No. 12-1752, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 5-0.

e. PUBLIC HEARING - CASE NUMBER 2012-2

Project Address:	5445 Olive Street
Project Applicant:	Whitt Family Trust
Project Planner:	Michael Diaz, City Planner
Request:	Conditional Use Permit

City Planner Diaz reviewed the staff report.

Commissioner Vodvarka inquired whether there would be any type of camera security. Chair Johnson reminded Commissioner Vodvarka that the owner/manager could respond once the public hearing was opened.

Chair Johnson opened the public hearing.

Tobin Whitt, property owner, and Cheri Wallace, property manager for Fast & EZ Self Storage, 5445 Olive Street, Montclair. Mr. Whitt responded that they do have cameras on the site now that run all night. The video can be reviewed in the office. Basically every self storage facility that is built today has some type of caretaker apartment on the site because it is the most secure way to take care of things. Someone is there all night. They do have hours where people are allowed to access the site but they have to be out by 7:00 p.m. From that point on, having someone on-site full time is the best way to have security and keep eyes on that whole area, not just their site, but the whole block. They think it is definitely a benefit to have and it's hard to have a storage facility today without having an on-site caretaker.

Commissioner Sahagun asked how many total units are on-site. Mr. Whitt responded there are 220 units.

Ms. Wallace thanked the Commission for its review and thanked City Planner Diaz, who has been very helpful and noted that everyone will notice there have been many improvements done on the property. When Mr. Whitt purchased the property, it was definitely an eyesore with people living on-site, undesirables in and out of the property, it was quite a problem they had to undertake and she felt they have made a vast improvement. The on-site caretaker is a very common practice with the self-storage industry and the caretaker will be someone who actually works for the company as well so there is an added interest to the security of the property. Prior to purchasing the property, there was someone living in the apartment and their understanding was that they were simply a renter on the property, which explains the undesirables on the property; there simply was no interest. Now, the caretaker will be an employee of theirs and they thought it was an added benefit to the entire neighborhood.

Hearing no other comments and no one else being present, Chair Johnson closed the public hearing.

Commissioner Lenhert 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 3 exemption under State CEQA Guidelines Section 15303, seconded by Vice Chair Flores, there being no opposition to the motion, the motion passed 5-0.

Commissioner Lenhert moved to approve a Conditional Use Permit (Case No. 2012-2) to allow an approximate 600 square-foot caretaker's unit at the existing self-storage facility located at 5445 Olive Street, within the C-3 zoning district of the North Montclair Specific Plan, as described in the staff report and per the submitted plans, subject to the conditions of approval in attached Resolution No. 12-1754, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

INFORMATION ITEMS

Commissioner Sahagun suggested staff re-visit the ordinance regarding setbacks on commercial lots to update the Code. Director Lustro responded that is one of the Code amendments staff is currently working on.

Vice Chair Flores commented he had quite a list, but was going to cut it down. He noticed Long John Silver's is out of business and asked if it is because the project previously approved by the Commission is moving forward. Director Lustro replied the project approved by the Commission a number of years ago had long expired. The property, which includes the vacant lot, the former dermatology clinic (referred to as the "pink building"), and the former Long John Silver's is in escrow. The current owner is trying to sell it and staff is monitoring that closely to see whether that sale goes through.

Vice Chair Flores stated he has been critical of the Daily Bulletin because the only mention Montclair gets is when someone's purse is stolen, etc. and all the surrounding cities are getting good write-ups. However, the Daily Bulletin recently had stories on the Commission's annual reorganization, projects in North Montclair, and a very good write-up for Senator Ayala. It seemed all the other cities are backing the City of Ontario regarding taking back the airport and asked if we are going to back them or were going against it and, if we are, why. Director Lustro believed several Council meetings ago that Council Member Dutrey had asked a resolution be brought forth to support Ontario's efforts to purchase the airport from LA World Airports and he was not sure whether the resolution was ever brought forward but he did not recall anyone on the Council being against it. Vice Chair Flores stated he was thinking that we are the ones that are really affected by the airport than any of the other cities around here. When the wind changes, the jets fly over us. A little inconvenience of a plane flying over once in a while is not a big deal. He really felt we should be helping them out and that there should be something in the paper that we support Ontario.

Commissioner Vodvarka commented he was sad to see Long John Silver's close. He commented he was traveling eastbound on Kingsley Street at Central Avenue and he

noticed that the red signal on the lower pole was flashing like a strobe and should be checked and/or replaced.

Chair Johnson adjourned the meeting at 8:09 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary