



CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING
Monday, March 26, 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 Vodvarka led those present in the salute to the flag.

ROLL CALL

Present: Chair Johnson, Commissioners Lenhert, Sahagun, and Vodvarka, and
Community Development Director Lustro.

Absent: Vice Chair Flores

Excused: City Planner Diaz, Assistant Planner Gutiérrez, and City Attorney Robbins.

MINUTES

The minutes of the February 13, 2012 regular meeting were presented for approval. Commissioner Lenhert moved, Commissioner Vodvarka seconded, and the minutes were approved 4-0.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

- a. CASE NUMBER 2010-25
Project Address: 4115 Kingsley Street
Project Applicant: City of Montclair
Successor Redevelopment Agency / National
Community Renaissance of California
Project Planner: Steve Lustro, AICP, Community Development
Director
Request: Request for time extension of Precise Plan of
Design

Director Lustro reviewed the staff report.

Commissioner Lenhart asked about the funding. Director Lustro commented the project already has HUD 811 funding reserved. The funding they are applying for is through the State Tax Allocation Committee. It's another pod of money available for the type of housing they desire to build on that site.

Commissioner Lenhart asked if it was going to be similar to the housing on G Street in Ontario that is low-income. Director Lustro replied that if the Commission recalls, the three projects that were completed over the past six years, San Antonio Vista Apartments, Vista del Cielo and San Marino senior apartments, are all affordable housing projects and the amount of money the residents pay is based largely on their income. So, if you go into any one of those developments, the residents who live there pay differing amounts of rent based on their ability to pay. This particular project would be very similar to that with the main difference being that this project would be exclusively for the developmentally disabled, which is actually quite an unusual project that staff is excited about and we're hoping it goes forward.

Commissioner Vodvarka asked if it was connected in any way to Section 8. Director Lustro stated it is not.

Commissioner Sahagun moved to approve a one-year time extension (until March 14, 2013) for a Precise Plan of Design approval under Case No. 2010-25 for the site plan, floor plans, elevations, colors, materials, and conceptual landscape plan associated with the proposed 18-unit special needs residential development at 4115 Kingsley Street and associated on- and off-site improvements, subject to the original 80 conditions of approval in Resolution No. 11-1739, seconded by Commissioner Lenhart, there being no opposition to the motion, the motion passed 4-0.

INFORMATION ITEMS

Director Lustro commented that staff wanted to make the Commission aware of items that staff is working on right now. The first item was at the former Broadway/Macy's building at 5200 Montclair Plaza Lane. As it indicates in the memo, staff recently had a

meeting with the management and leasing teams from the Plaza. One of the items discussed was the possibility of using the former Macy's building to display large promotional banners and graphics. The Commission may recall that, before turning the property back to the lenders, General Growth displayed some large banners at the City's urging to promote the interior renovation of the Plaza. The City's concern was that there was a \$25 million renovation done to the inside of the Plaza and people driving by did not know it because there were no outward signs that investment had been made. So General Growth did display some oversize banners for a while, but staff allowed that to happen without any modifications to the sign ordinance. When it became apparent to other business owners that these banners were allowed to remain for a longer period of time than what other businesses were allowed, we started getting phone calls. So staff thought better of it this time and suggested a temporary ordinance governing the display of banners and graphics specifically on this building. The Commission received in their packets attached to the memo a draft of the proposed ordinance. The recitals on the first couple of pages of the proposed ordinance attempt to make a cogent argument why we should allow this at this particular location. The City Attorney has reviewed it and is comfortable with it. The idea is that staff would allow the owners to display a combination of professionally-done banners and graphics between the passage of this Ordinance and about this time next year. Their expectation is that the former Macy's building would be demolished sometime during 2013, at which time the display of banners would cease. He ran the draft Ordinance by the leasing team for the mall and they were fine with it, including the sunset dates that are a part of the Ordinance.

Chair Johnson said she thought when we re-did the banner ordinance last year, she there was an exception that was long term for that site. Director Lustro stated that staff did not include anything of that nature; however, she may be thinking of the provision where we now allow larger tenants to have larger banners. For example, in this particular case, the former Macy's building is over 100,000 square feet in area so rather than the 50 square feet of banner area they would previously be allowed, they are now allowed 200 square feet. Buildings between 50,000 and 100,000 square feet can now display up to 100 square feet. Those were the main changes made. The timeframe for display was extended citywide. All businesses are now entitled to a maximum display period of 90 days rather than the previous 48 days, but there were no other exceptions or deviations from the code that applied to Montclair Plaza.

Commissioner Sahagun commented he has seen very nice displays for advertisement and graphics in other cities so he was all for it. He asked if they were going to display on all three sides. Director Lustro replied that the way the Ordinance was drafted allows them to use the three exposed sides of that building: the freeway-facing frontage, the Central Avenue-facing frontage and the north-facing frontage, toward Moreno Street. His guess was that if they do anything, they will probably use the two most visible frontages which would be the south- and east-facing sides.

Commissioner Vodvarka commented the thing that bothers him is the fact that eventually they will be tearing it down. At the cost of construction today, you would think someone could remodel that building. Director Lustro stated the challenge is that

the footprint of the existing building is inconsistent with the concept they have for the expansion, which is proposed as a “lifestyle” component that feature more outdoor retail and dining opportunities. The other challenge is that the building was constructed in 1968. Building standards were significantly different over 40 years ago. For example, clear spans were not what they are today, so the building features a lot of support columns that contemporary retailers consider to be a detriment or hindrance to store layout. Altering that structural feature would be a huge expense. Commissioner Lenhart commented that he spoke to the contractor when the Best Products store was demolished (in 1998, to make way for Best Buy) and asked why they were tearing it down, the contractor said when you make significant changes, it is less expensive to tear it down and start over.

Director Lustro stated that no action was required to be taken by the Commission on this item; it was for information only. The Ordinance is scheduled to be considered by the City Council at its April 16 meeting.

Director Lustro introduced the next information item pertaining to yard sales. He stated that staff had been working on this for a number of months, and was driven largely by the fact that Code Enforcement is spending a lot of time every weekend of the year trying to regulate and police yard sales. Now that Code Enforcement is located with Community Development, he would rather see them spend their time on more productive things in the community. Staff has discussed this at length and settled on a draft ordinance that operates similarly to the cities of Ontario and Pomona. Those cities designate four weekends per calendar year as yard sale weekends. In the proposed code revision, the first full weekends in February, May, August and November are designated as the yard sale weekends. Those are the months that Ontario does theirs. Pomona does theirs in March, June, September and December. Staff had a couple of issues with those months. The first full weekend in September is usually Labor Day weekend so many people may be out of town, and the first full weekend in December is close to the holidays. Staff at the Community Development counter currently has to deal with issuing yard sale permits essentially 48 to 50 weekends per year. It takes a lot of staff time, particularly on Wednesdays and Thursdays and when the weekend weather is expected to be nice. This change would take some of the burden off counter staff and they would only have to deal with yard sale permits four times per year. While we know we will be swamped those four weekends, we can at least plan for it knowing when everyone will be coming in. If this code amendment is adopted by the City Council, then Code Enforcement would only have to worry about dealing with yard sales four weekends per year. The rest of the year they would have to simply close down illegal yard sales, but we know that will be a down side until the community gets educated. Staff feels there will be benefit to staff and also to residents too because if you have designated weekends during the year when everyone is having a yard sale, it has the potential of increasing the critical mass of shoppers. A couple of other additions to the yard sale regulations - Council Member Paulitz asked for provisions for moving sales and people wanting to conduct estate sales for selling a loved one's belongings after they pass away. So, there is a section included on moving and estate sales and certain criteria that must be met for those types of sales. The other significant change

proposed is with regard to signs. Presently, the way the ordinance is written, residents are only allowed one yard sale sign and it can only be placed on the property where the sale is taking place. That is not to say that we do not see a lot of illegal signs posted every weekend, but all if those are in violation of the current code. After discussing this at length with staff and with the Code Enforcement Committee, staff decided only allowing one sign and making a requirement to put it on your own property is really unfair, particularly for people who live off the beaten track, on a cul-de-sac or a couple streets away from the main roadway. One of the recommendations included in subsection .080 on the second-to-last page is that staff would issue two pre-printed yard sale signs to each applicant. They would also have an opportunity to purchase a maximum of two additional signs if they desire. They would not be required to buy them but we would make them available for a nominal cost of \$1.00 each. There are certain criteria for where they could be placed, how they can be placed, where you cannot put them, etc. During the discussion with the Code Enforcement Committee, there was some desire for consistency with regard to the signs. They did not want to see a lot of handmade signs, which is what most people do. The plan for implementation is to commence enforcing the new rules in August since it is one of the yard sale months. So, between now and August, residents can continue to obtain yard sale permits under the current rules and operate as they have in the past. Starting on August 1, the new rules would go into effect. Residents would be permitted to have a yard sale the first full weekend in August and then not again until the first full weekend in November and then we would be done for 2012. Staff plans on doing notices in utility bills in English and Spanish to reach the most people. We would also have something on the City's website, and would develop a handout to distribute at the counter for anyone coming in to get a yard sale permit between now and August. We would also probably put a blurb in the Daily Bulletin. This one is not quite ready to go to the Council yet. The Code Enforcement Committee reviewed it at its last meeting and they are now supportive of it after going through a few changes. It's just a matter of writing the ordinance and taking it to Council. Staff hopes to get it to Council in May.

Chair Johnson asked if staff felt that the current number of permits equals the number of yard sales because as she drives around town, she does not see any of the signs any more. Director Lustro stated that staff ran out of signs a couple of months ago and we have not re-ordered because we wanted to see what was going to happen with this code amendment. In 2011, staff issued 1,100 yard sale permits so it's almost 100 per month. It doesn't break down cleanly like that; normally the spring and summer are busier. We are on a similar pace this year. One of the benefits of the proposed change is that each residential location is currently allowed to have a maximum of three yard sales per calendar year - if the new ordinance is implemented they will get an extra one.

Commissioner Vodvarka asked if we have a local printing company that does printing for the City. Director Lustro replied there were a couple of local printers from which we received quotes and they were very similar. They worked out to about \$1.00 per sign and he felt that was a little expensive. At the recommendation of Council Member Paulitz, he checked another company that he and Council Member Paulitz are familiar with that is not in Montclair and they could do it for about half the price. Commissioner

Vodvarka suggested checking with another company that is in Montclair and he will forward the information to Director Lustro.

Commissioner Lenhert said that he read through the proposed language and found, based on his previous years helping Code Enforcement, that this would be a big help. The only thing he did not see was off-site signs. Director Lustro stated that over the next few months, staff will have to flesh out some details because not only do we have to try to figure out what to include in the ordinance to make it work and be reasonable, but we also have to think about how people are going to break the rules and that is part of our responsibility. One of the things that we would do when we were still handing out yard sale signs is that before staff would issue a yard sale permit and give out the sign, there was a place on the sign to write the address and staff would do it, so we would write the address with permanent marker. The draft mock-up of the new sign includes a place for the address and we would continue to do it the way that we have in the past. The other thing that we are starting to think about and haven't quite figured out yet is how to prevent residents from re-using a sign from a previous month's yard sale weekend. Staff is toying with a couple of different ideas involving color-coding, decals, etc. We realize nothing is foolproof but we will try to do it as much as we can to keep folks from circumventing the system. Commissioner Lenhert agreed because he said there is a neighbor around the corner from him that has had four or five sales this year and it's always the same sign. Commissioner Sahagun commented that it should change color every time you have it. Director Lustro stated that was another consideration but it is costly. Chair Johnson asked about a bunch of different colored Sharpies and Director Lustro replied that the Commission is thinking the same way as staff in trying to do this inexpensively and not be a huge hassle. Director Lustro said again that issuing different colored signs each designated weekend because gets expensive and is hard to stock. If we could justify the cost, that's probably one of the best ways to do it. Commissioner Lenhert asked about punching holes like they do on the tickets. Commissioner Sahagun asked if four per year would be enough. Director Lustro replied that if you strictly follow the rules of a yard sale where you are really only supposed to be selling things that you previously purchased or something you have in your house, whether it's clothes, furniture, etc., quarterly is more than enough. The average household cannot accumulate or get rid of that much stuff more often than that. You may put some things aside, but every three months is not unreasonable. One of the issues that is addressed in the code amendment is residents "renting out" their yards to outside individuals and entities. This has been a particular problem along Central Avenue. We are trying to cover all the bases using experiences we have had out in the field, things that we have seen or do not like or don't want to happen.

Chair Johnson adjourned the meeting at 7:41 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary