CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING
Tuesday, May 29, 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, Deputy City Attorney Holdaway, City Engineer Hudson, and Police Captain deMoet.

MINUTES

The minutes of the May 14, 2012 regular meeting were presented for approval. Vice Chair Flores moved, Commissioner Sahagun seconded, and the minutes were approved 5-0.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

a. PUBLIC HEARING - CASE NUMBER 2012-3
(CONTINUED FROM MAY 14, 2012)

Project Address:	5363 Arrow Highway
Project Applicant:	Russell and Robin Whelan Trust
Project Planner:	Silvia Gutiérrez, Assistant Planner
Request:	Request for a Conditional Use Permit to allow a sports bar

City Planner Diaz commented that this item was continued from the May 14, 2012 meeting at the request of the applicant. The reason for the continuance was to enable staff and the applicants to meet and discuss a number of the conditions needing clarification. Staff met with the applicants on May 17 to discuss and follow up with revisions to the staff report and resolution. What was before the Commission was a revised resolution addressing some of the issues the applicants brought up and, to the best of staff's knowledge, what staff thought was an appropriate recommendation for the project.

Assistant Planner Gutiérrez reviewed the staff report.

Chair Johnson opened the public hearing.

Russ Whelan, 643 Belmont Court, Upland, the applicant, stated they have been working diligently with staff, who have been very cooperative and they appreciated the support. This is new for them, he has owned the property for roughly 15 years, and he ran a business known as Accurate Automotive for 18 years out of the property and had a bar as a tenant, which has been there since 1964. Unfortunately, they ran into some roadblocks as they were trying move forward with a tenant that they were having some challenges with and he did not know at any time they had a six-month window to reestablish the use, which created quite a bit of heartache for them and they are trying to meet the requirements. There are some questions, concerns, and clarification needed on some of the items. He thought some of the items needing clarification were somewhat boilerplate. They want to move forward, the prospective tenants were in attendance and want to operate the bar under the requirements of the City, Police and Fire Departments. They have some experience to clean it up and work toward a business that the City can be proud of. He did not know if the Commission wanted him to get into any of the points. Chair Johnson stated that if he had concerns, to go ahead. One of the major concerns he had as a property owner was what was the requirement for the installation of fire sprinklers prior to occupancy. As a property owner, he is struggling to keep it going, receiving about half the rent that he used to, and probably looking at roughly $30,000 to do sprinklers and he was still waiting on estimates. He was not sure of the exact cost because it may require pulling a line across Arrow Highway for pressure which creates a lot of questions on what needs to happen. They would like to be able to open and create some revenue so he can collect some rent. He has collected rent for the time the building has been vacant, but it has been a partial payment. They're struggling, he is struggling and he was just asking for some

consideration on the fire sprinklers. There are some questions about exterior conduit. It is a block building and almost impossible to put conduit inside. Rooftop covers, which would basically cover the existing air conditioners. Is that for existing or new; what exactly needs to happen? There are a lot of items when you put a calculator to it, are very difficult. They are not saying they don't want to comply, they are just asking for consideration of time to get there. There are some other items the tenants would like to bring up. His main concern, as the property owner, is when it sits vacant, they have had problems with graffiti, etching of the glass and the glass is a $900 piece of glass. He can paint, pull weeds, but when he has to replace glass because of someone damaging the windows, he needs some time on that type of item as well. When the building is vacant, they have problems and think it would be more beneficial for the property and the City to have a tenant that is operating and complying.

Craig Bradshaw, 295 W. Commercial Street, Pomona, one of the operators of the proposed business, stated he has worked for Chili's opening their bars, been a business owner in Pomona just short of 20 years and he has similar concerns. One was the requirement for vendor promotions and entertainment to have a permit through the Police Department, and then later on the conditions says none at all. He believed that Mr. Diaz stated with a permit they get two or three per year for a promotion for something like karaoke, which is considered live entertainment. What if they are going to do that once per month and they are only allowed three per year. Vendor promotions, where the vendor comes in and helps them get their business going, he believed that was twice per year and no karaoke. He would like to be open with the City's approval, their ABC license says it is not available right now, but that's for the first 90 days, and after the first 90 days, they can ask for that change in their license. So, down the road, they are thinking of adding karaoke and live entertainment. Right now, they have nothing, but it states with a permit, that is fine if there is no limitation to once or twice per month, but not a year, but in Condition No. 56, it says none at all so he needed clarification. He also had concerns with regard to the restaurant operation. A lot of the requirements were for the bar and one of the conditions was for the restaurant, but there are a lot of requirements that say prior to opening or occupancy and that is kind of gray on whether it is prior to opening the restaurant or prior to occupancy of the bar. It is crucial from a cost standpoint that they open the bar so they can make some money and then open the restaurant. He stated that their intention is to maintain a Type 48 license with a restaurant and it stated in the staff report a couple times that it is open for review, modifying the license. The grease traps and some different requirements need clarification. They are in agreement and want to move forward, but when they open up in a week or month from now, other conditions come up. He wants clarification on seating, timing, and restaurant or bar.

Matthew Shannon, 4347 San Bernardino Street, Montclair, a co-business owner, stated Mr. Whelan and Mr. Bradshaw have already touched on the items he was concerned about and just wanted to thank the Commission and staff for its time and diligence.

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

Director Lustro wanted to address Mr. Whelan's comments concerning Condition No. 46 regarding fire sprinklers. Although no one was present from the Fire Department, he personally had a conversation with Fire Chief Troy Ament a couple weeks ago subsequent to a meeting the Fire Chief had with the applicants. Chief Ament informed Director Lustro that it was his intention to require fire sprinklers to be installed before a Certificate of Occupancy was granted for the bar use, not the restaurant use. He made it very clear to him so it was included in the staff report. Planning staff does not have the authority to override the Fire Chief on this issue. Chair Johnson clarified that it was non-negotiable for the Commission.

City Planner Diaz said he wanted to address the remainder of the items that were discussed. Regarding the rooftop equipment screening, it would only be required for new equipment and anything in the future with respect to hoods and vents and air conditioning units, including the kitchen expansion related to introducing the restaurant use to this building. This is a common requirement and he thought Condition No. 22 covered it. City Hall has screens around rooftop air conditioning units and this building is similar in some ways because of the flat roof like the building in question. Chair Johnson clarified that this was an item when they come back in six months and not something that had to be decided right now. City Planner Diaz continued that with respect to graffiti, the applicant raises a good point about etching on windows. That is, it takes more time to correct those issues, but it is still typically something that needs to be addressed in a rather quick fashion so that it does not detract from the building. It is a standard condition and they are still responsible. Staff would recommend they use film or something similar on the windows like we do here at City Hall to help mitigate the etching problem. Writing or spray painting on the wall needs to be taken care of right away and it sounds like they are geared up for that. Staff would work with them on getting the windows changed. Code Enforcement is very cooperative with owners who notice things and take care of it. Staff will work with the applicants on those items that need more time to fix. Chair Johnson asked if they would have to change the windows before occupancy. City Planner Diaz stated he did not know what condition the windows were in right now. He felt if it was visible to the street, then it's an issue that needs to be resolved. He was not sure if a film could be put over existing etching and correct the problem, but staff will work with them in resolving the issue. In terms of exterior conduit, we have a standard condition (Condition No. 25) that is geared more toward the future. Again, this is a good example; City Hall is built of block like that building and we would work hard to make sure that any runs of wire were inside the building. Unfortunately, if there are not any lights that had permits, we would have to correct those to the extent that we can at this point. Unshielded lamps were something that staff was concerned about. The issues related to Mr. Bradshaw's comments regarding special events are events that would occur outside the building, such as a fundraiser. If any exterior part of the building or property would be used, they would need to apply for a Special Outdoor Event Permit through the Planning Division. That is different than outside vendors and/or karaoke. Condition No. 13 is a standard condition about live entertainment that the Police Department has handled on a case-by-case basis. Likewise, Condition No. 12 says any temporary alcohol event or vendor promotion would be coordinated through the Police Department, through the entertainment permit process.

Director Lustro clarified that the applicants are allowed to have four Special Outdoor Event Permits per year, just like any other business would be allowed. With respect to Condition No. 12 and to temporary promotions by outside vendors that would be subject to review and approval of an entertainment permit through the Police Department, there are no limitations on that. So, if they wanted to come in and do a promotion every other month (6 times per year), they can do that provided they submit an application for an entertainment permit and have it approved by the Police Department. If Captain deMoet wants to elaborate on this, he welcomed his input on Condition No. 56, which is a Police Department condition. There should be no dancing or live entertainment of any type, including, but not limited to, live music, disc jockey, karaoke performance or fashion shows. Again, that was a Police Department condition so he deferred to Captain deMoet.

Mike deMoet, Captain, Montclair Police Department, stated it was his assumption in his meetings with Planning staff that the business was going to be taking over the existing Type 48 alcohol license and in reviewing that license, that license bans any of the activity that is stated in Condition No. 56. In writing Condition No. 56, it was based on the spirit of the language on the restrictions under the current alcohol license. One of the applicants stated that after 90 days, they may be able to have that ban lifted off their alcohol license. If that is the case, then we convert back to the previous conditions from the prior approval for live entertainment. In reality, Condition No. 56 could be edited or changed to comply with any restrictions in effect.

Assistant Planner Gutiérrez addressed Condition No. 55, with respect to the grease trap, as written by the Environmental Manager. The Environmental Manager requests that inspections be completed prior to issuance of a Certificate of Occupancy for the restaurant use, so the costs involved with the grease trap are not applicable immediately. City Planner Diaz stated that Condition No. 5(b) requires that at the time when the restaurant is submitted for review and approval, a full menu is going to be requested by staff to review to determine whether any further future plumbing improvements need to be made on the site, which may include a grease trap to ensure that the restaurant use is complying with City ordinances regarding waste. Those would be in the future when they come before the Commission for the restaurant expansion.

Mr. Bradshaw asked for clarification on Condition No. 28; it says "all roof-mounted equipment, satellite dishes and antenna and other similar equipment shall be screened…" It doesn't state that it was only for the future and so it is confusing. Again, they are trying to be thorough and that they understand it. City Planner Diaz suggested the word "future" be added after "all" in Condition No. 28(a)(2).

Mr. Bradshaw stated his concern with revisiting this CUP in six months is that they do not have access to the part of the building where the expansion would occur until March 2014. At that point, they will be able to get in, prepare a floor plan and do the design work. So if we revisit it in six months, they will not have any more answers with regard to a floor plan or a respective need for a grease interceptor. Assistant Planner Gutiérrez clarified that because the addition of the restaurant would involve an

expansion of the building that is being allowed in this CUP, staff needs to revisit and amend the CUP to incorporate a restaurant portion and she misspoke by saying six months. It wouldn't be six months, it would be at the time of the addition of the restaurant; therefore, in 2014. City Planner Diaz clarified that it would be when they submit their application to comply with the required opening date of July 2014. Assistant Planner Gutiérrez stated staff was encouraging them in order to meet the timeframe to submit, which would roughly be within six months of the time they want to open the restaurant. City Planner Diaz stated it is covered under Condition No. 5. He also stated that Condition No. 37 mentions a 12-month review by staff and report to the Planning Commission just on how everything is going and then if there is a problem, the Planning Commission can formally set a meeting to discuss those issues with respect to anything that may have arisen. Staff is anticipating that everything will be fine with no issues and staff will report that there are no issues and move on. Mr. Bradshaw stated that Condition No. 6 states that the six months is from the date of the Commission's approval. City Planner Diaz clarified that it is for implementation of the CUP.

Mr. Bradshaw stated that Assistant Planner Gutiérrez said the permitted occupancy increases to 120 after 6:00 p.m., but the report says 110. City Planner Diaz replied that it is 110 because they are going to lose a space or two to provide required disabled-accessible parking.

Deputy City Attorney Holdaway suggested that the Commission add to Condition No. 56 that "there shall be no live entertainment" and add to the end of that "unless ABC approval is obtained and a City live entertainment permit is approved." Some of those requirements are spelled out as a condition of approval, but technically those requirements exist in the Municipal Code or state law whether we happen to mention them or not, such as Building Code requirements. We usually state that the applicant will comply with the Building Code, but whether or not we state that as a condition, those codes or state law still apply to every project and we cannot waive those. Chair Johnson thanked Deputy City Attorney Holdaway for his clarification.

Commissioner Sahagun asked for clarification of the sprinkler system and whether that was the entire building or just the bar. Director Lustro stated it was just the bar.

Commissioner Sahagun asked if there was any prior history at the location with respect to fights or drinking outside that the Commission should be concerned with. Captain deMoet replied that at this particular location, there is quite a history of violence and intoxicated persons, fights, property crimes; however, they cannot associate any of that with the current applicants/proposed tenants. So, if you want to look at it historically or demographically, yes, there have been prior calls for service. Commissioner Sahagun asked if the calls were excessive. Captain deMoet replied that he really would not know how to quantify what excessive was. Commissioner Sahagun asked if the Conditional Use Permit could be revoked if conditions are violated. City Planner Diaz stated that was correct, and as with all CUPs, if there is failure to follow the conditions of approval or there is a number of issues that have arisen, it can come back to the Planning Commission to be reviewed and possibly revoked. Up to now, there has not been a CUP on this particular use at this location, so now we would have something we can

rely on to help both staff understand what we are approving and have the applicant know what they are expected to live up to.

Commissioner Sahagun commented he saw the graffiti on the door and it looked like it was etched and it did look very bad and pretty expensive. One remedy might be to add cameras to help deter it.

Commissioner Lenhert commented he did not see anything regarding what type of restaurant it was going to be. City Planner Diaz replied that at this time staff does not have anything to tell him, but probably within the next 12 to 18 months, we will find out and it will come back to the Commission then.

Commissioner Vodvarka commented he had an interest in knowing how that building was designed originally. To him, that building was never designed to be a bar. It has entrances and exits that do not fit that type of business. Usually, a bar would have a window in the door and sometimes the doors would swing both directions. Out of curiosity, how did this building get approved to be built as a bar to begin with? Director Lustro responded that, as indicated in the staff report, the building was constructed in 1964 and a bar use was approved in its current location in the building one year later. So, the bar was approved in 1965 under City auspices. No CUP was required at that particular time, but clearly the City saw fit at that time to approve the use as a bar and a bar operated continuously at that location from 1965 through about one year ago.

Director Lustro suggested language for Condition No. 56 and deferred to the Deputy City Attorney and Police Department if he was missing something. As Deputy City Attorney Holdaway suggested, at the end of Condition No. 56, as it was originally written, he suggested language that says, "If the Type 48 license is amended by ABC to allow live music, a disc jockey and/or karaoke, the Police Department shall have the discretion to permit said live entertainment subject to the review and approval of an Entertainment Permit." He was purposely leaving out performers and fashion shows. If Captain deMoet wants to provide input on that, that is something that is normally discouraged in other applications such as this. Such activities can and have caused problems for the Police Department. Captain deMoet stated his concerns are the type of entertainment that was listed in Condition No. 56 and the fact that it was banned by ABC. He thought any type of entertainment at a facility such as this should require pre-approval by the Police Department and the primary reason for that is we need to know what type of entertainment there is going to be. That will help them determine whether there should be any additional required conditions or additional security guards. Director Lustro suggested, based on that comment, that we change the last sentence to read "if the Type 48 license is amended by ABC to allow any of the listed types of entertainment, the Police Department shall have the discretion to permit said live entertainment, subject to the review and approval of an Entertainment Permit."

Commissioner Flores commented that the bar was a super nice place when it first opened. He believes the downfall was when the bikers came in there and took over and then there were a lot of police calls. He drove by the location and saw the graffiti, which will be expensive to fix, and the condition of the parking lot. He has never seen a

parking lot so deteriorated; the paving is in bad shape and you can see watermarks from our last rain that shows where it puddles up before the street. So, at some point, the owner needs to get in there and rehabilitate the parking lot.

Chair Johnson asked about the occupancy increasing from 80 to 120. City Planner Diaz replied it was based on available parking, one space per every four seats. The number of occupants that would be allowed for full use of the parking lot, after 6:00 p.m., would be slightly less than the maximum occupancy the Building Division would allow for occupancy for Building purposes because of the number of parking stalls. Assistant Planner Gutiérrez stated that staff was talking about non-fixed seating. The applicants are not proposing booths; they are proposing tables and chairs. That is what facilitates the addition of chairs at the changing hours.

Mr. Bradshaw commented he believed the Building Code states that the maximum occupancy is 128 people, based on square footage and type of occupancy. They are asking for 88, which is just the floor plan, the seating that they put up there was 60 people before 6:00 p.m. because there is another business sharing the parking lot until 6:00 p.m. It is the same square footage. City Planner Diaz stated their target seems to be between 80 and 90 so that will give them a little wiggle room.

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, because it is on a fully developed site and involves minor exterior and interior improvements and limited site changes not involving grading. As such, a DeMinimis finding of no impact on fish and wildlife will be prepared, seconded by Commissioner Sahagun, there being no opposition, the motion passed 5-0.

Commissioner Sahagun moved to approve Conditional Use Permit under Case No. 2012-3 approving the on-premises sale of beer, wine, and distilled spirits (ABC Type 48 license) in conjunction with a bar and related site and tenant improvements at 5363 Arrow Highway, per the submitted plans and as described in the staff report, subject to the conditions of approval in attached Resolution 12-1759, as amended, seconded by Commissioner Lenhert, there being no opposition, the motion passed 5-0.

b. Discussion regarding vacation of the alley east of Mills Avenue between Bonnie Brae Street and San José Street and whether said vacation is in conformance with the General Plan.

City Engineer Hudson apologized for not having a report prepared for the subject, as the need for Planning Commission action became known just as the agenda was being prepared. The City had a meeting with the residents of this area, which has become known as Foundation Area 11. The Commission received a map of that general area in their packets. The meeting was Wednesday night, and a decision was made to proceed with the alley vacation. The agenda was being assembled the next day for the Planning

Commission meeting and he did not have a report at that time nor did he have an agenda item so, very hurriedly, staff did a revised agenda with the intent to deliver the report this evening. Foundation Area 11 is generally bounded by Mills Avenue, San José Street, Pradera Avenue and Bonnie Brae Street, and was discussed back in the early 1990s when one of the property owners of some apartments wanted to have the City come in and do what it had done in several other foundation areas to reduce crime in the area and improve the appearance of the project. The City, over the years, was able to obtain Community Development Block Grant funding and through some Redevelopment Agency funding, about ten years ago, we resurfaced the alley through a portion of the Foundation Area and then a few years after that we came in and completely re-landscaped. The intent was to provide a gated alley and a more secure environment for the apartments in that area. As part of the landscaping project, we installed gates at either end of the north-south alley at San José Street and Bonnie Brae Street, and changed the landscaping from individual property owners being responsible for just their property to what was hoped would become an association responsible for all of the landscaping. Those discussions have been ongoing for several months with property owners. A couple months ago, we were able to get signatures from almost all of the property owners agreeing to the formation of an association that would take over the maintenance. We had one property owner who did not want to participate, but he did not have alley frontage so it was not an issue; we could exclude him from the association. A few weeks ago, things started falling apart and one of the property owners who had originally agreed and signed documents indicating her desire to participate in the association had second thoughts. The meeting that took place Wednesday night was with the hopes of clearing the air on all the outstanding issues and hopefully proceed with the formation of the association for this portion of Foundation Area 11. The alley in question currently provides access to the garages to all of those tenants who live in fourplexes adjacent to the alley. Under the Streets and Highways Code, this alley cannot be gated and must remain public unless it is vacated by the City. The Government Code and the Streets and Highways Code both outline a process for vacation of an alley or street. In this case, it is an alley. The alley can be vacated if first the Planning Commission makes a finding that such vacation is in conformance with the General Plan and if the Planning Commission so determines and forwards that recommendation to the City Council, the City Council would then adopt a resolution of intent to vacate and then follow-up no sooner than 15 days with a resolution of vacation through the public hearing process, so the Planning Commission is the very first step in this vacation process. We do not know if we are going to proceed with the vacation because we still have one reluctant property owner that we are currently working with, but in the event that we are able to convince her to participate in the association, we do not want to then go back and go through this hearing process and delay the actual vacation of that alley. He offered to answer any questions the Commission had about the vacation process and it being consistent and in conformance with the General Plan. The General Plan is not very specific about alleys, unlike our major streets like Central Avenue. If we recommended vacating a major street, it would take a General Plan amendment because we would have to remove that street from the Circulation Element of the General Plan, but the General Plan is not specific with regard to alleys. Therefore, we feel a finding of conformity can be made.

Commissioner Sahagun wanted clarification as to whether a Foundation Area has already been established. City Engineer Hudson replied that it was established many years ago. Commissioner Sahagun asked if the Commission forwards a positive finding to the City Council, and the alley is vacated, does staff oversee the maintenance of this alley. City Engineer Hudson stated that with the vacation process is that the City will quitclaim all interest in the alley and it will be transferred to the owner's association, which will be responsible for maintenance probably through a contractor.

Vice Chair Flores commented he never heard of vacating an alley before and he was wondering if there was anything in the Subdivision Map Act regarding vacating alleys. City Engineer Hudson stated he was not aware of anything in the Map Act. This is covered in the Streets and Highways Code and by definition, an alley is considered a street. Commissioner Flores stated he drove by because his concern was that the alley would be vacated and everyone would push their property back to the center. City Engineer Hudson commented the City only has an easement on the alley and when the City quitclaims an easement or quitclaims the street, all it is doing is relinquishing its use for that specific purpose to the adjacent property owners. The center line of the alley is more or less the property line for the properties that abut it, but by vacating it, we'd actually quitclaim our interest in it to an association. In order to do that, all of the 31 property owners must consent to the association taking over responsibilities for the alley, but they are also able then to close it and restrict access to just themselves and their tenants. Commissioner Vodvarka asked why not have the association pursue the alley? Is there a majority? City Engineer Hudson replied no, there is not, and that is what we are trying to form. Commissioner Vodvarka asked why not form it with what we have and then let them pursue the remaining ones into the association? City Engineer Hudson replied that we cannot unilaterally impose an association on the property owners. We can form a Multi-family Improvement District with only a two-thirds majority, but that still requires some City participation. We really do not want to have City participation. We want the owners to unanimously agree through the election of a Board of Directors to be responsible for all the maintenance activities out there. Commissioner Vodvarka commented he could not see an alley happening if that is the case. Commissioner Lenhert asked if this is similar to what happened to alleys in the area of Bandera Street. City Engineer Hudson stated those were alleyways that were vacated previously by the City and the associations took over the maintenance of those alleys. Commissioner Lenhert stated that it sure made a big improvement in that neighborhood. City Engineer Hudson commented that staff agrees.

Chair Johnson clarified that vacating the alley is in conformance with our General Plan and knowing that City Engineer Hudson and other staff members are working toward creating the association, if the Commission chooses to forward a positive finding to the City Council, is there something else that would need to come back to the Commission. City Engineer Hudson stated no, not to the Planning Commission, only to the City Council. They would take the legal action necessary to vacate the alley. The Commission is only finding that such a vacation is in conformance with the General Plan.

Commissioner Sahagun asked if the City Engineer were in favor of the vacation. City Engineer Hudson replied "absolutely."

Commissioner Sahagun moved to forward the proposal of the vacation of the alley in Foundation Area 11 to the City Council and that vacating the alley would be in conformance with the General Plan, seconded by Commissioner Vodvarka, there being no opposition, the motion passed 5-0.

INFORMATION ITEMS

Director Lustro reminded the Commission that the annual Family Fun Festival was scheduled for Saturday, June 2, 2012, from 11:00 a.m. to 5:00 p.m. and encouraged everyone to come and spend the afternoon at the event.

Commissioner Sahagun thanked Mike Diaz and Code Enforcement for finally getting rid of the 4-wheel drive truck that was parked for months at Helena Avenue and Rosewood Street.

Commissioner Sahagun stated that several months ago, he was at the gas station at the northwest corner of Central and San Bernardino and noticed if you are at the pump islands facing east, when exiting the station it is easy to mistakenly drive over about an 18-inch curb between the drive approaches. You can see all the damage on top of the curb where cars have bottomed out and he wondered if there was something that could be done because it is a hazard. Director Lustro responded that it is a condition they have been aware of for a long time, noting that Commissioner Lenhert has mentioned it many times. The condition that exists is a result of the removal of a landscape planter that was previously at the nose of the pump islands that directed traffic on either side of the pump island to the two driveways exiting to Central Avenue. Several years ago, the owners of the gas station removed the landscape island and paved over it, creating the condition that currently exists. Since that time, motorists drive over the curb periodically. With the changeover that is in progress from Thrifty to USA Gasoline, Planning staff has been working with the new operators of the gas station to get some code violations corrected. One of the things staff has mentioned is to install a reverse U-shaped bollard across where the planter used to be so that people exiting easterly will see it and drive around it. We are hopeful that it is a condition that will be addressed permanently when the gas station re-opens.

Vice Chair Flores stated that nothing has been done about the disintegrating plastic sandbags on the east side of Central just south of the freeway. He was concerned about their appearance; they look like shopping bags stuck in the fence.

Vice Chair Flores noticed new chain link fencing on Monte Vista Avenue and Moreno Street and asked if that is a sign that The Paseos project is about to start. Staff confirmed that is the case.

Commissioner Vodvarka commented he has an issue with one of his neighbors throwing garbage on their driveway rather than putting it in the trash can. He did not know the address. He asked if Code Enforcement could visit his house and he would show them which house it is.

Commissioner Lenhert commented he read in the newspaper about other cities passing ordinances requiring shopping cart containment systems and wondered if we were doing the same. Director Lustro replied it is on staff's "to do" list. We hope to get to it in the near future. When the Commission approved the Dollar General store at the Montclair Town Center at Central and Benito, staff included a condition requiring a cart containment system to keep carts on the property. That cart containment system has been installed and during the first several weeks the store was open without the cart containment system, staff noticed several of their bright yellow carts out in neighborhoods several blocks from the store. The recently installed system should address that problem. An interesting comment came from the store manager when we checked on the status of the installation. The comment was that when the store opened, they started off with 30 carts but lost 20 of them prior top completion of the containment system, so they lost two-thirds of their carts in the course of 1½ months. It reinforces staff's position about the importance of this requirement. It is something we are going to remember when we bring forward a cart containment ordinance.

Chair Johnson adjourned the meeting at 8:17 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary