



CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING
Monday, September 10, 2012

COUNCIL CHAMBER
5111 Benito Street, Montclair, California 91763

CALL TO ORDER

Chair Johnson called the meeting to order at 7:00 p.m.

MOMENT OF SILENCE - PLEDGE OF ALLEGIANCE

Chair Johnson asked those present to join her in a moment of silence in honor of Commissioner Maynard "Mac" Lenhert who recently passed away.

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

ROLL CALL

Present: Chair Johnson, Vice Chair Flores, Commissioners Sahagun and Vodvarka, City Planner Diaz, Assistant Planner Gutiérrez, and Deputy City Attorney Holdaway.

Excused: Community Development Director Lustro

MINUTES

The minutes of the July 23, 2012 regular meeting were presented for approval. Vice Chair Flores moved, Commissioner Sahagun seconded, and the minutes were approved 4-0.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

- a. PUBLIC HEARING - CASE NUMBER 2012-12
Project Address: 4651 Holt Boulevard, Unit A
Project Applicant: 1668 Investment & Associates for H₂O Market
Wireless
Project Planner: Michael Diaz, City Planner
Request: Conditional Use Permit to allow a convenience
store

City Planner Diaz reviewed the staff report and indicated that the applicant was present in the audience to answer any questions.

Vice Chair Flores commented that he realized the plans were probably computer generated with some freehand but they do not show a north arrow or a scale. He said when he receives plans, he checks them to verify that there are no errors on the totals and the plans for this project shows a separate one for the building and you have to hold it upside down for the dimensions and there is nothing to help you out; no north arrow and no scale and he felt it should not be too hard for staff to ask for a north arrow or a scale on all the maps, it's a standard procedure anywhere else.

Commissioner Vodvarka commented he did not see a restroom for the public, he felt the restroom that was there was not going to be open to the public. City Planner Diaz stated that the use is a convenience store and believed it would be up to the operator as to whether the restrooms are available to the public. He was not sure if there are any building code requirements that would otherwise require they be made available to the public. Commissioner Vodvarka stated he saw one restroom on the plans and he knows that building has two. There were two restrooms originally.

Commissioner Sahagun commented he believed if you serve food and have tables where people will sit down and eat, he believed it was a requirement to have public restrooms. If you serve food and there is no seating, you do not have to. That might be a health and safety requirement. City Planner Diaz stated his understanding of the code is that they are supposed to have one restroom for at least minimal operation of the store. There is no requirement for separate men and women's restrooms, but staff will check with the Building Division to verify that what is there meets minimal code requirements. If the Health Department has any requirements that Mr. Nguyen needs to incorporate into his plans, he will have to follow through if he wants to have this food prep area. The food prep area is for incidental sandwiches and ice cream; it is not intended to support a restaurant use. There will be no cooking. Assistant Planner Gutiérrez commented that as an example, Baskin-Robbins, which has seating for customers, does not necessarily provide a bathroom to the public, it is simply for employees. Staff talked about the scope of the proposed use with the Building Official and she understood the nature of the business. Chair Johnson commented that she has been in places that she thought was a restaurant because they make sandwiches and had tables, lots of them, but the sign on the door says "no public restroom."

Chair Johnson opened the public hearing.

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

Commissioner Sahagun asked staff about the minimum parking requirements. City Planner Diaz stated the parking is more than adequate and since this is a retail convenience store, parking would be 1 space per 250 square feet of floor area. The seating is intended to be incidental and a minor part of the operation and not for the purpose of permitting a restaurant use. If you have been there during the day, there is ample and available parking. The existing restaurant has its peak hours around noon and early evening. The existing martial arts studio and the tattoo shop operate during different hours so there should not be any conflict.

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. As such, the Commission directs staff to prepare a DeMinimis finding of no impact on fish and wildlife, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 4-0.

Commissioner Vodvarka moved to approve a Conditional Use Permit for a convenience store at 4651 Holt Boulevard, Suite A, under Case No. 2012-12, subject to making the required findings and subject to the conditions in attached Resolution Number 12-1764, seconded by Chair Johnson, there being no opposition to the motion, the motion passed 4-0.

b. CASE NUMBER 2012-14

Project Address:	4168 Holt Boulevard
Project Applicant:	Phillip Gutiérrez
Project Planner:	Silvia Gutiérrez, Assistant Planner
Request:	Precise Plan of Design for exterior building and site improvements

Assistant Planner Gutiérrez reviewed the staff report.

Vice Chair Flores commented he has been in surveying for about 50 years and this map shows two styles of north arrows that he has never seen. The first one looks like a little robot, no one is going to know that is a north arrow. You can't really read the map. On page A2 where they have the color elevations, the two big things on the west elevation, they must be windows, the large square with the cross going through it. City Planner Diaz stated that they were roll-up doors. Vice Chair Flores asked if that was where the loading was supposed to be. City Planner Diaz confirmed. Vice Chair Flores stated he did not see it on the floor plan. City Planner Diaz pointed out the area on the floor plan that indicated the wall openings where the roll-up doors would be.

Commissioner Sahagun pointed out to Vice Chair Flores that there was a scale on each plan. City Planner Diaz commented that the Commission should bear in mind that these are reductions of full size plans so they would conveniently fit into the commission's packets as requested in the past. Staff has the full-size drawings.

Chair Johnson opened the public hearing.

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

Commissioner Sahagun commented that we want to make sure that the enclosures and the maintenance (paint, landscaping, etc.) is kept up on these buildings.

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 exempts projects involving 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 4-0.

Commissioner Vodvarka moved to approve a Precise Plan of Design under Case No. 2012-14 for exterior building and site improvements related to the façade remodel of an existing multiple tenant building per the submitted plans, as described in the staff report, and subject to the conditions of approval, as amended, in attached Resolution 12-1765, seconded by Commissioner Sahagun, there being no opposition, the motion passed 4-0.

INFORMATION ITEMS

City Planner Diaz thanked the Commission for attending Mac's memorial service. It was a nice and moving time and wished their family the best.

Commissioner Sahagun commented that it was a very touching service for Mac and we will miss him. He thought Mac earned his directness but he learned that he was always that way, always speaking what he felt. He was a very good person. He wanted to dedicate the meeting to him.

Vice Chair Flores agreed with the comments, Mac was one of a kind; you won't find anyone else like him.

Vice Chair Flores noticed at the Paseos, they have been very good about removing graffiti; he saw it on the construction fence in the morning and by the afternoon it was gone. However, the graffiti at the bus stop seems to be building up.

Vice Chair Flores wonders if there is a safety organization where someone can go and report unsafe items for the City. City Planner Diaz replied that it depended what the issues was to determine which agency to contact. Vice Chair Flores stated the item was personal and with regard to his sidewalk. He was the only one on the block with a sidewalk going back to the 1960s. Now, wider sidewalks are required. So, there is a section of sidewalk north of his property that is wider that transitions to a narrower sidewalk in front of his property. He used to have plants adjacent to the narrow sidewalk, such as ivy and roses. But now, because he is trying to save water, he removed all the plants and replaced them with decorative rock. Since he has done that, several kids have fallen off their bikes when they hit the loose rock. Also, when the water district installed a new meter, they lost part of his lid and had to replace it, but it is not to grade. Something is happening to the sidewalk. The guy from the water company said they can't do anything about it because it is level with the curb. His concern is that there are a lot of people walking on his street now. Two have already tripped but didn't fall. Sooner or later some kid on a bike or a pedestrian is going to trip out into the street. He tried the water company, they can't do anything. He tried the City, someone came out, but said there wasn't anything the City can do. Anything would be better than what is there.

Vice Chair Flores also wanted to comment that everyone is speeding on his street. There have already been two or three accidents south of where he lives. There are school buses on Moreno Street and instead of going westbound to Mills to the stop sign, they turn on his street and when they get to the end, they don't make the stop. There's scuttlebutt that their street is getting re-paved, but could they get some speed bumps? Three or four days ago there was a truck and trailer full of hay on his street that shouldn't be there. If there is a safety organization, he would like to hear about it. City Planner Diaz stated that he was not aware of any organization and suggested that the issues related to the street or the public right-of-way be directed to the City Engineer or Public Works, and the complaints about speeding and commercial vehicles on residential streets should be referred to the Police Department.

Commissioner Vodvarka commented that he and Mac were good friends. When Mac was in Code Enforcement he used to stop in his driveway and show off all the pickings he took off the posts for illegal signs. He was a fantastic man; he taught him how to be a good Planning Commissioner.

Commissioner Vodvarka stated that there are three homes in his area that have substandard landscaping. They are at 10151 Saratoga, 10157 Saratoga and 5450 Fauna. All they have is dirt. The surrounding neighborhood looks fantastic. There doesn't seem to be any pride of ownership shown by these residents.

Chair Johnson commented that it was very strange to her to walk into the meeting and not see Mac's nameplate; she has never been to a meeting where Mac's name was not there. She has said that she wanted to be like him when she grows up because he forgot to age. He will be dearly missed; he never missed a meeting if he could avoid it and she was sure he was there in spirit.

Chair Johnson adjourned the meeting at 7:38 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary