



MONTCLAIR

CITY OF MONTCLAIR  
PLANNING COMMISSION AGENDA  
CITY COUNCIL CHAMBERS  
5111 Benito Street, Montclair, California 91763

REGULAR ADJOURNED MEETING  
Monday, January 14, 2013  
7:00 p.m.

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*It is respectfully requested that you please silence your cell phones and other electronic devices while the meeting is in session. Thank you.*

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**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Chair Tenice Johnson, Vice Chair Luis Flores, Commissioner Sergio Sahagun, and Commissioner Don Vodvarka

**4. APPROVAL OF MINUTES**

The minutes of the November 13, 2012 Planning Commission meeting are presented for consideration.

**5. ORAL AND WRITTEN COMMUNICATIONS ON NON-AGENDA ITEMS**

The public is invited to address the Planning Commission regarding any items that are not on the agenda. Comments should be limited to matters under the jurisdiction of the Planning Commission. It is respectfully requested that speakers limit their comments to no more than three minutes in length.

Any person wishing to address the Planning Commission on an agenda or non-agenda item should complete a speaker's card and submit it to the City Planner. Speaker's cards are available at the entrance to the Council Chambers.

## 6. AGENDA ITEMS

- a. PUBLIC HEARING - CASE NUMBER 2011-15 'A'
- Project Address: 5165-5195 Bandera Street (odd addresses)  
5205-5243 Bandera Street (odd addresses)
- Project Applicant: AGS Construction Inc.  
Project Planner: Steve Lustro, AICP,  
Community Development Director
- Request: General Plan Amendment and  
Holt Boulevard Specific Plan Amendment

## 7. INFORMATION ITEMS

Although the Planning Commission is prohibited from taking action on or discussing items not on the posted agenda, a member of the Planning Commission may ask for information, request a report back or to place a matter of business on the agenda for a subsequent meeting, ask a question for clarification, make a brief announcement, or briefly report on his or her own activities, provided the foregoing are related to, or within the jurisdiction of, the Planning Commission.

## 8. PUBLIC INSPECTION OF MATERIALS

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

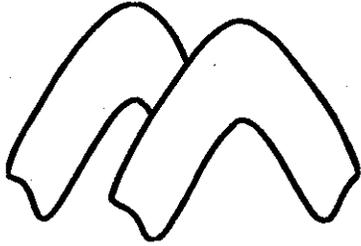
## 9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of January 28, 2013 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California.

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### CERTIFICATION OF AGENDA POSTING

I, Laura Berke, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda was posted on the bulletin board adjacent to the north door of Montclair City Hall on January 10, 2013.



CITY OF MONTCLAIR  
**PLANNING COMMISSION**

**MEETING DATE: 01/14/13**

**AGENDA ITEM 6.a**

**Case No.: 2011-15 'A'**

**Application:** General Plan Amendment from "General Commercial" to "Medium-Density Residential" and Holt Boulevard Specific Plan Amendment from "Auto Mall" to "R-3" (multiple-family residential)

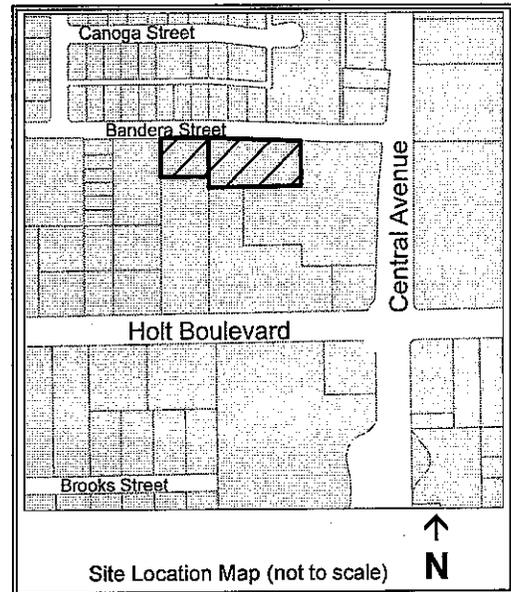
**Project Address:** 5165-5243 Bandera Street  
 (odd addresses only)

**Property Owner:** AGS Construction Inc.

**General Plan:** General Commercial

**Zoning:** "Auto Mall" per Holt Boulevard Specific Plan

**Assessor Parcel Nos:** 1010-611-23 and  
 1010-611-(34-46)



**ADJACENT LAND USE DESIGNATIONS AND USES**

	<b>General Plan</b>	<b>Zoning</b>	<b>Actual Use of Property</b>
<b>Site</b>	General Commercial	"Auto Mall" per Holt Boulevard Specific Plan	12 multifamily units (1.14 ac.) Vacant land (.49 ac.)
<b>North</b>	Medium-Density Residential (8-14 du/ac)	"R-3" (Multi-Family Residential)	Apartments
<b>East</b>	General Commercial	"Auto Mall" per Holt Boulevard Specific Plan	Watercraft and auto sales and service
<b>South</b>	General Commercial	"Auto Mall" per Holt Boulevard Specific Plan	Auto body and repair
<b>West</b>	Medium-Density Residential (8-14 du/ac)	"R-3" (Multi-Family Residential)	Apartments

## Report on Item Number 6.a

### PUBLIC HEARING - CASE NUMBER 2011-15 'A'

NAME OF APPLICANT	AGS Construction Inc.
LOCATION OF PROPERTY	5200 block of Bandera Street (south side), between Central and Marion Avenues
GENERAL PLAN RECOMMENDATION	General Commercial
GENERAL PLAN IMPLEMENTATION PROGRAM	General Plan and Holt Boulevard Specific Plan Amendments
EXISTING ZONING DISTRICT	"Auto Mall" per Holt Boulevard Specific Plan
EXISTING LAND USE	12-unit multifamily development (easterly 1.14 acres) and vacant land (westerly .49 acres)
ENVIRONMENTAL DETERMINATION	Mitigated Negative Declaration
PROJECT COORDINATOR	Steve Lustro

#### Applicant's Proposal

The applicant is requesting approval of a General Plan Amendment and a Specific Plan Amendment for 1.63 acres on the south side of Bandera Street, between Central and Marion Avenues. The easterly 1.14 acres is developed with 12 attached, two-story multifamily units completed in 2009. The westerly .49 acres is currently vacant, but entitled for a five-unit multifamily development pursuant to the Planning Commission's approval of a Precise Plan of Design (Case No. 2011-15) on November 13, 2012. The components of the project are as follows:

#### General Plan Amendment

The applicant is requesting that the General Plan designation for the subject 1.63 acres be changed from "General Commercial" to "Medium-Density Residential" (8-14 dwelling units per acre).

#### Amendment to Holt Boulevard Specific Plan

The applicant is also requesting an amendment to the adopted Holt Boulevard Specific Plan for the same acreage from the current "Auto Mall" designation to "R-3" (Multiple-Family Residential).

## **Background**

On February 23, 2004, the Planning Commission approved a Conditional Use Permit and Precise Plan of Design for the development of the 12 residential units on the easterly portion of the subject site (Case No. 2004-1). Also at that meeting, the Commission recommended City Council approval of Tentative Tract Map No. 16782 subdividing the then-vacant, easterly 1.14 acres into a single-lot subdivision for condominium purposes, and also for a General Plan Amendment (GPA) and Land Use Plan Amendment to the Holt Boulevard Specific Plan (SPA) encompassing the entire 1.63 acres. According to Planning Division records, the GPA and SPA were scheduled to be considered by Council on March 21, 2005; however, for reasons that remain unclear, the entitlements did not move forward and were not considered by Council at that time.

In early 2007, prior to the statutory three-year expiration of the Tentative Tract Map, the applicant submitted a request for a one-year time extension on the map, which was granted by former Community Development Director Rob Clark. On April 2, 2007, the City Council approved Tentative Tract Map No. 16782. Construction on the 12-unit project began in December 2007.

On February 9, 2009, the Planning Commission approved Tentative Tract Map No. 18728 and a Precise Plan of Design for a five-unit multifamily development on the westerly portion of the site in question. Because of the severe downturn in the economy and housing market, construction of the project was not initiated before the one-year PPD approval timeframe expired on February 9, 2010. Since the applicant did not request a time extension, the original PPD approval became null and void.

The applicant submitted a new PPD application on November 16, 2011. After a number of meetings with the applicant and his development team during 2012, staff presented the project to the Planning Commission on November 13, 2012, at which time it was approved. Pursuant to the Subdivision Map Act, the Tentative Tract Map approved by the Commission would have expired on February 9, 2012 (three years from the date of approval) had not the Governor signed AB 208 (on July 15, 2011), which extended by 24 months the expiration date of any approved tentative map or vesting tentative map that had not expired as of the effective date of the act and that was scheduled to expire prior to January 1, 2014. As such, the approval of the associated tract map was extended to February 9, 2014.

It was during the review of the PPD above (Case No. 2011-15) that staff discovered the GPA and SPA associated with the 1.63-acre site had never been completed. Staff decided to move forward with the PPD review and conditioned its approval upon completion of both entitlements. Should the Commission recommend approval of the GPA and SPA, they will be considered by the City Council in February.

### **Planning Division Comments**

While the Planning Commission recommended City Council approval of the General Plan and Specific Plan Amendments nearly nine years ago, the entitlements never moved forward for consideration. Irrespective of that positive recommendation, staff believed it prudent to go through the entire process again, given the amount of time that has elapsed. When the five-unit multifamily project is completed, the subject 1.63 acres will be developed as originally envisioned in 2004. Accordingly, staff feels the requested General Plan Amendment from "General Commercial" to "Medium-Density Residential" (8-14 dwelling units per acre), and Holt Boulevard Specific Plan Amendment from "Auto Mall" to "R-3" (multiple-family residential) remain appropriate. Staff believes that the requests are reasonable and appropriate for the subject site, given the lack of interest or demand for expansion of the automotive uses or other commercial uses that currently exist along the north side of Holt Boulevard. Further, the "Medium-Density Residential" General Plan designation on the parcels fronting Bandera Street would result in a continuation of the designation on the apartment properties to the west and is consistent with the land uses on the north side of Bandera Street.

### **Environmental Assessment**

An Initial Study was prepared for the project and released for public review and comment on December 6, 2012. The "project" that was analyzed includes construction of the five-unit multifamily development on the westerly .49 acres of the subject site. Based on the findings of the Initial Study, staff has determined that the project could have a potential significant adverse environmental impact unless reduced to a level of less than significance by the implementation of proposed mitigation measures. Areas identified as subject to potential environmental impacts were Air Quality (short term during site preparation) and Noise (short term during construction). Therefore, a Mitigated Negative Declaration is proposed for the project.

### **Public Notice and Comment from Adjoining Property Owners**

Availability of the Initial Study and notice of the public hearing was advertised in the Inland Valley Daily Bulletin newspaper on December 7, 2012, and mailed to property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of these discretionary entitlements. At the time this report was prepared, no public comments or inquiries have been received by staff regarding this proposal.

### **Planning Division Recommendation**

Staff finds the proposed General Plan and Specific Plan Amendments to be consistent with City policy and would result in compatible land uses and the addition of quality housing stock to the City's housing inventory. Accordingly, staff recommends approval of Case No. 2011-15 'A' by taking the following actions:

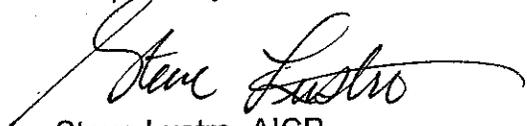
A. For environmental review, take the following actions as responsible agency:

1. Certify that the Commission has reviewed and considered the environmental assessment based upon the findings and proposed mitigation measures in the Initial Study prepared for the project, and that there will be no significant impact on the environment as a result of the proposed land use amendments and the subsequent construction of the proposed five-unit multifamily residential project; and
2. Adopt the proposed Mitigated Negative Declaration and finding that there will be a DeMinimis impact on fish and wildlife; and
3. Direct staff to file a Notice of Determination (NOD) and pay appropriate fees within five (5) days of this action.

B. For the proposed land use amendments, make the following recommendations to the City Council:

1. Recommend approval of the proposed amendment to the General Plan land use designation of the subject property from "General Commercial" to "Medium Density Residential" (8-14 dwelling units per acre); and
2. Recommend approval of the proposed amendment to the Holt Boulevard Specific Plan land use designation of the subject property from "Auto Mall" to "R-3/11 dwelling units per acre" (multiple-family residential).

Respectfully Submitted,

  
Steve Lustro, AICP  
Community Development Director

c: AGS Construction Inc.

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