



CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING
Monday, February 25, 2013

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 Sahagun and Vodvarka, Community Development Director Lustro, City Planner Diaz, Deputy City Attorney Holdaway

Excused: Assistant Planner Gutiérrez

MINUTES

The minutes of the January 28, 2013 regular meeting were presented for approval. Vice Chair Flores moved, Commissioner Vodvarka seconded, and the minutes were approved 4-0.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

- a. CASE NUMBER 2013-1
Project Address: 5055 South Plaza Lane
Project Applicant: A&R Management and Development Co. /
Ashley Furniture Industries, Inc.
Project Planner: Michael Diaz, City Planner
Request: Precise Plan of Design for exterior remodel of
an existing commercial building

City Planner Diaz reviewed the staff report.

Chair Johnson asked about a condition regarding building-mounted lights. It indicates on Page 6.a-2 that there are currently no building-mounted fixtures but a condition has been included to address it. City Planner Diaz replied that Condition No. 7.a addresses any exterior lights they might want to add on the building. Staff would want to work with the applicant to ensure they are complimentary to the architecture.

Vice Chair Flores stated it was a good idea to include that in there now so they will not have to come back.

City Planner Diaz commented that the signs shown on the elevations are illustrative only; Condition No. 15 requires the applicant to submit detailed plans to staff for review and approval.

Commissioner Sahagun expressed a concern that he is aware of occurring in other cities; that is, a handful of local businesses and establishments that have accessibility violations have been sued by an individual representing himself as an advocate for the disabled. Commissioner Sahagun is worried if that happens in Montclair, the City could be dragged into the action as well. City Planner Diaz stated staff was aware of people like that who have found it to be a lucrative pastime. On January 1, a new state law went into effect that allows business owners with ADA violations an opportunity to bring their building or property into compliance before they can be sued. Staff sees that as a positive step in addressing this issue. In this particular case, since it is a comprehensive remodel of an existing building, all of those issues will be taken into account through the building plan check process. We are aware of the issues and working hard to make sure we do not play into that game, but also to make sure the people who are making improvements to their property are doing it correctly.

Director Lustro added that the Building Division has been cognizant of this issue for about three years or so, which is when we first started seeing these shakedowns happen in Montclair. In many cases, it was clear that these folks were representing themselves as advocates for the disabled, but in reality they were simply out for personal gain. The Building Division has been very proactive on accessibility issues, not only for ground-up construction, but whenever we have a project similar to what Ashley Furniture is doing, taking an existing building and doing a major renovation. In this particular case, they gutted the interior of the building and they are going to do

some exterior improvements on the outside. The Building Division has worked with developers, owners and contractors to bring properties into compliance, including exterior path-of-travel access and interior facilities, and we have experienced excellent cooperation from building owners, business owners and other professionals when it comes to bringing the properties into compliance with accessibility requirements. While the City does not want to be a party to any legal action, we feel an obligation to look out for our business owners and property owners as well. Commissioner Sahagun asked if staff had a copy of the legislation that took effect. Director Lustro stated he was sure the Building Division has it.

Chair Johnson opened the public hearing.

Aaron Hodgdon, 1461 E. Cooley Drive #230, Colton, California, representing the applicant, thanked staff for being so great to work with. They were a big reason why the applicant moved forward with purchasing the building because of their comfort level with the City. Everything has gone smoothly. They are a little behind schedule, but everything is on track. They have no concerns about the conditions; it was his fault about the omission of the lighting, but they do have a lighting plan and will work with staff on landscape and signage as well. On the ADA issue, unfortunately they are spending quite a sum to bring the property into compliance after meeting with the Building Division, but it's a lot less expensive to do it now than it is to deal with lawsuits in the future. Everything on the site will be 100% compliant before they open.

Commissioner Sahagun asked about the parking for the loading/unloading of the trucks. He visited the Ashley warehouse in Colton last week and saw the number of trucks there and was curious about when truck traffic would occur at the store. City Planner Diaz answered that the loading zones on the south side of the building are existing, but this is proposed to be a showroom, not a warehouse. Mr. Hodgdon added the majority of the truck traffic at the store will occur before the store opens each day to load the store with merchandise and to occasionally refresh the product. They sell very few items off the floor so if you purchase something, it gets delivered directly from the Colton distribution facility directly to your home. Only a small portion of accessory items, such as a rug, a lamp, or maybe a small chair, are actually picked up at the showroom. Once the store is loaded, there should be very little truck and trailer traffic in and out of that facility.

Vice Chair Flores asked if there would be any local hiring or if they would bring their own employees. Mr. Hodgdon stated there will be local hiring through a series of job fairs that they will conduct at the new store and also at the Colton location. They typically place ads in newspapers requesting local applicants. There will probably 40 to 60 new hires as a result of the store opening.

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, 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 Vice Chair Flores, there being no opposition to the motion, the motion passed 4-0.

Commissioner Vodvarka moved to approve a Precise Plan of Design under Case No. 2013-1 for exterior building and site improvements related to the façade remodel of an existing commercial building per the submitted plans, as described in the staff report and subject to the conditions of approval in attached Resolution No. 13-1774, seconded by Vice Chair Flores, there being no opposition to the motion, the motion passed 4-0.

INFORMATION ITEMS

Director Lustro reminded the Commission the Planning Commissioners Academy begins Wednesday, February 27 in Pasadena; it looks like a pretty good agenda and the handout of session materials has been distributed to the Commissioners that are attending.

Vice Chair Flores asked about what is happening at the former Long John Silver's location. Director Lustro stated there are a couple things occurring. The construction equipment out there belongs to Norstar Plumbing and Engineering; they are doing a project for Monte Vista Water District in the residential neighborhoods just east of that site. They are replacing water mains in those neighborhoods. We have permitted them to use the vacant lot as a staging facility in return for demolition of the two vacant buildings on the property. The demolition is going a little bit slower than we hoped because the utilities, Southern California Edison and The Gas Company, have not severed the utility connections to either building yet. Staff was in contact with public relations folks from each company last week and he has to follow up with them on Tuesday to find out when the utilities will be disconnected. Some preliminary demolition has occurred, but the contractor is at a standstill at this point. We are hoping that demolition will be complete in the next couple of weeks.

Chair Johnson thanked the department secretary, Laura Berke, for preparing the packets for the Planning Commissioners Academy. She commented that in years past, when you registered at the conference, they handed you a packet, but the last couple years, they sent you to a web page and asked you to download your own. She also thanked Director Lustro for setting up the bus walk tour; she really appreciated that and is very much looking forward to the conference and bringing back some good information.

Chair Johnson adjourned the meeting at 7:22 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary