



CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING
Monday, June 10, 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, City Planner Diaz, Assistant Planner Gutiérrez and City Attorney Robbins

Excused: Community Development Director Lustro

MINUTES

The minutes of the May 13, 2013 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 2013-11
- | | |
|--------------------|---|
| Project Address: | 5119 Bandera Street |
| Project Applicant: | Foremost Healthcare Properties, Inc. |
| Project Planner: | Silvia Gutiérrez, Assistant Planner |
| Request: | Conditional Use Permit to expand a skilled nursing facility |
| CEQA Assessment: | Categorically Exempt (Section 15301) |

Assistant Planner Gutierrez reviewed the staff report.

Chair Johnson opened the public hearing.

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

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, seconded by Commissioner Vodvarka, there being no opposition, the motion was approved 4-0.

Commissioner Sahagun moved to approve Case No. 2013-11, subject to making the required findings and subject to the conditions in attached Resolution Number 13-1781, seconded by Chair Johnson, there being no opposition, the motion was approved 4-0.

- b. CASE NUMBER 2013-3
- | | |
|--------------------|--|
| Project Address: | 5242 El Morado Street |
| Project Applicant: | RJS Investments |
| Project Planner: | Michael Diaz, City Planner |
| Request: | Precise Plan of Design for a new single-family residence |
| CEQA Assessment: | Categorically Exempt (Section 15303) |

City Planner Diaz reviewed the staff report.

Vice Chair Flores commented regarding the grading plan, asking where the water would go once it got to the sidewalk (an under-sidewalk drain, flow over the sidewalk) because it did not show on the grading plan. City Planner Diaz stated he did not believe there was a drain in the immediate area so whatever surface flow comes off the property would probably drain through the normal drainage courses that are in that area for that street. One of the things that staff tried to do with these projects, even though it is not technically subject to the water quality management plans, is to, with the landscaping, we think that most of the water that is on it will be able to seep into the ground and there

will be very little overflow into the streets. Vice Chair Flores asked what gets there will flow over the sidewalk. City Planner Diaz stated that whatever existing drainage patterns are there, they will probably follow those.

Commissioner Sahagun stated that normally the vacant properties that have addresses indicates that there was a building there in the past, but he has lived here a long time and does not ever recall a building on that land. City Planner Diaz stated he was correct and normally an address is an indicator that something was there, but staff was not able to find anything other than a previously approved proposal for a home and maybe that is when the address came into play.

Commissioner Sahagun asked if the applicant's engineer was present and only the architect was. Commissioner Sahagun asked him if any there were any sewer laterals on the site and were any calculations done.

Doug Andreasen, 17087 Orange Way, Fontana, the architect for the project, stated that as far as he knew, there is sewer in the area because there are sewer manholes, but there was never a billing there.

Commissioner Sahagun stated the lot looks a lot smaller than 8,100 square feet and asked if it was under the 35% lot coverage. City Planner Diaz stated that it is just under the 35%, not leaving much else to do with this property. As the staff report indicates, the applicant and architect have been advised of where they are with regard to that limit, so there is a condition of approval that limits or prevents future expansion on the property because the lot coverage maximum has been reached. Chair Johnson asked if they could build going up and City Planner Diaz confirmed they could go up.

Commissioner Vodvarka stated he has been in Montclair since it was incorporated and he helped build a house on that street, across the street from the property, and that lot was empty then, in the early 1950s. He found it interesting that this lot will finally be used.

Mr. Andreasen thanked City Planner Diaz for his guidance and integrity through the process.

Chair Johnson concurred with the rest of the Commission in that she was glad that finally something would be on that vacant lot.

Chair Johnson moved that, based upon evidence submitted, the Planning Commission finds the application qualifies as a Class 3 exemption under Section 15303(a), seconded by Vice Chair Flores, there being no opposition to the motion, the motion passed 4-0.

Commissioner Vodvarka moved to approve the Precise Plan of Design request under Case No. 2013-3 for the site plan, floor plans, elevations, and colors and materials associated with the proposed 2,832 square-foot single family residence per the submitted plans and as described in the staff report, subject to the conditions contained

in Planning Commission Resolution No. 13-1779, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 4-0.

- c. CASE NUMBER 2013-12
 - Project Address: 4628 Holt Boulevard
 - Project Applicant: Lucky Holt Investment LLC
 - Project Planner: Michael Diaz, City Planner
 - Request: Precise Plan of Design for a three-story office building
 - CEQA Assessment: Adopt a Mitigated Negative Declaration

City Planner Diaz reviewed the staff report.

Chair Johnson asked about the environmental study. As she looked through it initially, most things had no impact or less than significant impact, but she thought there was one item that was potentially significant. City Planner Diaz replied that everything they found was less than significant because of either ongoing conditions that are always applied to every project or because of the result of the review for air quality, the building itself, even though it's big for us, it is not a big impact in terms of air quality in the basin, so it met with less than significant impacts so we were able to check those off accordingly.

Commissioner Sahagun asked if there would be any proposed medical uses in the building. City Planner Diaz replied that medical uses are an approved use, they are allowed there, they generate parking at a higher rate in terms of required parking, so staff advised the applicant and they are aware that they can have some medical uses, but it is going to eat up your available parking so that may preclude someone else, even though they are great and wonderful, coming in with the same kind of parking generation requirements. Staff hopes that in the end we will have a balance between regular offices, and real estate, etc. and some medical uses, but it is one of those things that staff hammered out early in the process because of that particular issue with respect to having enough parking on-site.

Commissioner Sahagun commented that parking looked adequate and asked how many spaces there will be. City Planner Diaz stated they are required to have 160 spaces and right now they have 163; however, they may lose one or two because they will have to expand the trash enclosure to accommodate recycling bins, but they will still have one more than needed.

Commissioner Sahagun asked about the ingress and egress stating that there are three curb cuts into the property. City Planner Diaz stated that there may be three now, but there will only be two. Commissioner Sahagun asked how wide the entryways will be because he would like to see that wide enough for larger trucks, SUVs, and cars coming in and out, especially since it's on a main thoroughfare. City Planner Diaz estimated it to be about 30 feet wide and easily wide enough to allow in and out traffic in a comfortable manner. The City Engineer did take a look at the property and did not

indicate any concerns about the proposal nor did the Fire Department; they seemed to think it was okay. Commissioner Sahagun asked what our minimum width is. City Planner Diaz stated he did not know what the minimum width requirement was, but estimated it was about 25 to 30 feet.

Commissioner Sahagun asked if any thought was given to the sewer lines now that we have added more bathrooms and the flow capacity to the existing sewer lines. City Planner Diaz replied that it was addressed in the Initial Study. From staff's indications, including discussions with the City Engineer, the existing utilities in that area are adequate to provide for this particular building. To construct the building, they will have to pay fees in order to hook-up to the sewer system and convey the effluent to the treatment center in Chino, but also as new uses come in there, there may be more plumbing improvements depending on what those uses are that might be required to handle any waste materials or wastewater generate from this facility. All in all, staff's findings were that the sewer that is in place presently is capable of handling this development.

Vice Chair Flores stated that they are nice plans, but they did not show the Commissioner a grading plan and that is what he looks forward to. City Planner Diaz stated he did have a grading plan he could share after the meeting.

Commissioner Vodvarka asked what they would do with the remaining Liquidambar trees that are still there. City Planner Diaz answered that all the trees will be removed from the site and replaced. Liquidambars are pretty from a distance, but they are a big maintenance issue and are not favored anymore. It will be all new trees, mostly Western Redbuds and some Brachychiton along the frontage of the property.

Chair Johnson opened the public hearing.

Allen Aldon and Franchesca Casado, 10440 Felipe Avenue, Montclair, residents that live directly behind the proposed commercial building, wanted to speak regarding their concerns. His concerns were that there are not a lot of three-story buildings in Montclair so his first concern was his and his family's privacy. A three-story building will be looking directly at his backyard. She stated that she worked from home and she sees everything that goes on back there and when they received the letter, she talked to the neighbors, and a concern is the dust that will be created during construction. They will have to clean more than they should be cleaning because three of the properties have swimming pools in that cul-de-sac. The second concern is the noise level. Now, when an ambulance goes by, there is a property with Chihuahuas that make a lot of noise so she was not sure how that would work out. The other thing is the wall. The wall right now is 13 feet so given on the other side, if whatever is going to be on that back wall, what are the chances that someone may jump over the wall. He stated that it has happened before where someone jumped over the wall so he planted bougainvillea and junipers to prevent trespassing because one can jump easily from that side into his backyard. Chair Johnson asked how high the wall was. Mr. Aldon replied that from the low side it is 13 feet, but it is only 6 feet from his side. He stated that they have four children and his concern is for their safety and property. He asked if they will be using

the existing wall or building another wall separate from his. Ms. Casado stated that she heard Mr. Diaz state that staff had received a survey from the residents and they only received the green courtesy notice in the mail, nothing else, and that is what prompted them to attend the meeting. Unfortunately, some of the residents work out of the area or work different hours and could not attend so they were speaking on behalf of the cul-de-sac, normally which is quiet and the main concern is the noise, no other property has three stories, and the privacy, because they will now be looking into the master bedroom and the neighborhood does have some single men and women. She asked for someone to help her understand what will go on behind her home because three stories is no privacy for her and her kids.

Chair Johnson wanted to restate the issues raised adding that in the past, where privacy was an issue, a building was reoriented so that the windows did not face that area and she was not sure if that was a possibility here; privacy; the wall (new or existing); dust mitigation during construction; and noise. City Planner Diaz stated the best way to handle the concerns was to walk the Commission through the plan.

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

Commissioner Sahagun felt the project with a nice building and a nice fence would be a huge improvement and a positive over a vacant lot.

City Planner Diaz commented that he would add a condition to page 14, under the Building Division's conditions and would be prior to issuance of a Certificate of Occupancy. The proposed language for Condition No. 49.d would be as follows: *The applicant shall work with the adjacent property owners to review any privacy concerns related to windows along the north elevation (third floor); tinting of the homeowners' windows shall be one consideration as a method to resolving the issues as raised during an on-site inspection.*

Commissioner Sahagun moved to approve, seconded by Chair Johnson, there being no opposition to the motion, the motion passed 4-0.

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 construction of the proposed three-story office building; 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 the applicant to pay appropriate fees within five (5) days of this action.

Vice Chair Flores moved to approve the Precise Plan of Design request for the site plan, elevations, conceptual landscape plan, colors and materials associated with the proposed three-story office building on 2.11 acres of property at 4628 Holt Boulevard (new address) per the submitted plans and as described in the staff report, subject to conditions of approval contained in Planning Commission Resolution No. 13-1780, adding Condition No. 49.d, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 4-0.

INFORMATION ITEMS

City Attorney Robbins stated that Deputy City Attorney Holdaway's absence from the meeting was due to his father being in the hospital. The Commission sends its best to Mr. Holdaway's father.

Vice Chair Flores stated he saw quite a few electrical contractor trucks parked just west of the car wash on Arrow Highway and he assumed that it was for a project close by. City Planner Diaz stated it was related to all the electrical improvements in the area so they have taken that property to use as a staging ground to store their vehicles. They will probably be there until the construction activities are completed.

Chair Johnson adjourned the meeting at 8:12 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary