



CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING
Monday, February 10, 2014

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

Chair Johnson led those present in the salute to the flag.

ROLL CALL

Present: Chair Johnson, Vice Chair Flores, Commissioners Martinez, Sahagun and Vodvarka, Community Development Director Lustro, City Planner Diaz, Associate Planner Gutiérrez and Deputy City Attorney Holdaway

Also Present: Building Official Westerlin and Senior Code Enforcement Officer Fondario

MINUTES

The minutes of the January 27, 2014 regular meeting were presented for approval. Commissioner Vodvarka moved, Vice Chair Flores seconded, and the minutes were approved 5-0.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

- a. PUBLIC HEARING – CASE NUMBER 2013-27
Project Address: 10325 Central Avenue
Project Applicant: Gary H. & Helga Sherman Trust
Project Planner: Silvia Gutiérrez, Associate Planner
Request: Conditional Use Permit to allow an auto sales facility with outdoor display
CEQA Assessment: Categorically Exempt (Section 15301)

Associate Planner Gutiérrez reviewed the staff report.

Vice Chair Flores advised the applicant that he needs to pay attention to the deficient property conditions and get the maintenance items taken care of.

Commissioner Sahagun moved to approve the proposed use is desirable to the public convenience and public welfare, in that it will provide local residents with a convenient and organized location to purchase previously-used vehicles within the City, seconded by Vice Chair Flores, there being no opposition to the motion, the motion passed 5-0.

Commissioner Vodvarka moved to approve a Conditional Use Permit under Case No. 2013-27 to re-establish a used automobile sales and service business as described in the staff report at 10325 Central Avenue, subject to the required findings and conditions of approval contained in Resolution No. 13-1795, Commissioner Sahagun seconded, there being no opposition, the motion passed 5-0.

Commissioner Vodvarka welcomed the applicant and was happy to see the building being re-occupied. He also reminded the applicant that Montclair has a Chamber of Commerce and it is here to help and encouraged the applicant to join the Chamber.

- b. PUBLIC HEARING - CASE NUMBER 2013-29
Project Address: 5391-5399 Holt Boulevard
Project Applicant: RGS Investments LLC
Project Planner: Michael Diaz, City Planner
Request: Conditional Use Permit and Precise Plan of Design to allow an auto sales facility with outdoor display
CEQA Assessment: Categorically Exempt (Sections 15301 and 15311)

City Planner Diaz reviewed the staff report.

Commissioner Martinez asked if everyone had a chance to read the Daily Bulletin article and commented that it was an interesting piece of information that put it all together.

Commissioner Vodvarka commented he looked at the building and saw no way that it could be restored.

Chair Johnson opened the public hearing.

John Ramos, 755 N. Gibbs Street, Pomona, CA 91767, stated he was researching the possibilities of moving the structure to two potential sites, one in Chino and one in Ontario. He has also contacted CenCal Moving in Montclair. They are the company responsible for relocating two historical homes in 2005 and 2006 in the City of Los Angeles that were featured and chronicled in the LA Times. Although these types of endeavors are unique, he felt it was a win-win for the cities and preserved something historic. Sometimes they work, sometimes they do not. He felt it was viable; he just needed a reasonable period of time to seek the financing and channels. He has a team of individuals who have worked on prior projects and they are ready to get on board and see what can be done about completing this. It's something he has experienced in the past, has done it and completed it. When these things are completed, it very much instilled a great sense of civic pride and this house can serve another family for another 100 years.

Chair Johnson stated that if Mr. Ramos read the staff report, there are several organizations that were contacted in 2012 to move the house and she asked if the organizations he spoke about were one of those listed in the staff report. Mr. Ramos stated that he was not involved with any organization; he is just a sole individual.

Chair Johnson asked for his comments on the staff report regarding the restoration cost being estimated at about \$200,000. Mr. Ramos replied that he felt it would be about \$100,000 to \$150,000 to restore. The mantel has been stolen and he has reviewed pictures of the interior and they have been forwarded to the State of California Office of Historic Preservation. There will probably be a petition or a request to have that structure designated as historical. There is a substantial amount of restoration work, but it can be accomplished. Chair Johnson asked if his sense was that it can be accomplished within a short period of time. Mr. Ramos replied that he is vigorously putting together people, contacting agents, looking at lots, one in particular is located on Hillview Drive in Chino, another one is located on California Street in Ontario; these are available vacant lots at this time that are suitable for this particular structure.

Commissioner Sahagun asked about the house itself, was it a Craftsman? Mr. Ramos replied that the State is reviewing that and they haven't really made a determination; they were reviewing the interior and exterior photos to see if they can come up with an exact description. It is somewhat on the border of a Craftsman/Victorian, based on the structure, but they have not confirmed exactly what the architectural integrity is. Commissioner Sahagun asked if Mr. Ramos was associated with any of the six

organizations listed in the staff report. Mr. Ramos stated no and that he was not even familiar with them. Commissioner Sahagun asked if he intended to follow through on this. Mr. Ramos stated that he is not doing this as an exercise in futility. The property owner has his rights, but he is just trying to express that, given a reasonable period of time, he could put together a group and plan to move it, restore it, and have this structure viable for another 100 years. It's done extensively on the East Coast. In Virginia, Maryland, South Carolina and North Carolina, they have 300-year-old homes; they don't tear them down, they just move them farther away from the coast, restore them and families buy them. Commissioner Sahagun commented that it is unfortunate that so many old buildings are demolished and part of it is the public agencies in charge are the owners and don't know the value and, of course, you have to take into consideration the cost. So many of the old buildings need expensive retrofitting, especially the commercial buildings, but it is a shame that so many of our old buildings are just being demolished. Mr. Ramos stated he believed that moving it is the only viable option for this structure. It would be difficult to maintain it there and use it for a commercial purpose, as it does not meet the Americans With Disabilities Act; that was the downfall of the Pomona YMCA, they just couldn't meet those standards. It was the oldest YMCA building west of the Mississippi and they finally had to relinquish it and move on. So, moving this house to another location and restoring it is the only viable option to preserve that structure.

Commissioner Martinez asked about communication with the present owner; he wanted to be updated on that. He also stated he had feasibility questions. Mr. Ramos stated he had not been able to communicate with the owner because he just returned from (U.S. Navy) orders in San Diego. The owner called him in late December, but the owner did not allow him to secure his telephone number so, other than calling his establishment or writing him a letter, he had no way to contact him. Commissioner Martinez stated that, hypothetically, the house is not going to be demolished tomorrow, so would he take that next step and update the owner or communicate with him? Mr. Ramos stated by all means. Commissioner Martinez asked Mr. Ramos about the feasibility and stated there is extensive work that needs to be done on the property and the current location is not suitable so the big picture is to move it, in its current condition, somewhere and then eventually plug in the tune of \$200,000. He asked if CenCal Moving quoted a cost to move it or a timeframe. Mr. Ramos replied the general partner is working on a project in Hollywood, but he did speak with him and he was going to try to make the meeting, but within the week he hoped to go by the property and also view the two possible locations and come up with an estimate. Commissioner Martinez asked for clarification if Mr. Ramos had moved a house before. Mr. Ramos stated that in 2005 he had CenCal Moving move a house. Commissioner Martinez asked what it cost and if it was donated. Mr. Ramos stated that he purchased the structures for \$1 from the LA Unified School District in an eminent domain area at Washington Boulevard and Vermont Avenue and was able to move a smaller California Craftsman and a three-story Victorian for a little over \$500,000. They had to take it off in sections because there were issues with the I-10 Freeway. Commissioner Martinez asked with regard to communicating with the owner, if everything was set to go and if he had a location to put the house and CenCal scheduled something, how long would a move like that take. Mr. Ramos replied that by law, the move must take place between 12:00 a.m. and 6:00

a.m., because the 10 and 60 freeways cannot be used so it has to go on surface streets. In Los Angeles, they submitted a plan to the Department of Transportation. Montclair does not have that so he was not sure if Building and Safety would assume that liability, but a route has to be approved and we need to have public safety to escort the transportation to the next location. Commissioner Martinez asked once the house was prepped to move, was it just a matter of hours. Mr. Ramos stated they lift it onto dollies and then it's moved off the property, onto city streets and on to the next location. Commissioner Martinez asked if either the Chino or Ontario location was accepted in principle. Mr. Ramos replied that right now they are negotiating with agents to see if it is viable, but they are both vacant lots. Commissioner Martinez thanked Mr. Ramos for answering his questions and explained that he was just trying to figure out where he was on the item. He realized that he has done some hard work and it may be untimely. Mr. Ramos stated that Montclair is one of the only cities in California that does not have preservation guidelines. He felt if we take a little bit more time, it looks favorable on cities, he felt he was not out to harm the owner's property rights, it just takes a little time to figure this out. Commissioner Martinez asked if he were to pin a timeframe on it, what would be a reasonable timeframe. Mr. Ramos replied six to eight months. Chair Johnson thanked Mr. Ramos for his comments and for his service to our country.

Gus Wahid, 5589 Brooks Street, Montclair, California 91763, the owner of the property, stated that he has been working on the project for over one year and has spent over \$30,000 to date just to get the process to where it is today. He currently has the demo contractor on standby. The demo contractor will remove what may have any value inside the house, such as casework, doors and windows, and that is part of the deal. He is ready to move forward with this and he felt he has waited long enough. He has been inside the house many, many times and sees no value to the house. He was unsure how someone could say there is value without seeing the inside. The house is in bad, bad shape. It needs a lot of work and would easily require over \$200,000 to restore. He feels they have run out of time and it complies with what they are trying to accomplish with the property. He felt they have invested a great deal on this and to wait another six to eight months would be a waste of time and money and he is not in a position to continue losing money. They advertised the house, received no calls, and at this stage he needed the Commission's approval so he can move forward with the design and finish making the property into one.

Commissioner Vodvarka commented that he used to volunteer as a fireman years ago and they would use structures such as this one to burn and practice putting fires out. Mr. Wahid stated that the Fire Department actually did call them and they are on standby to do just that.

Commissioner Sahagun asked what Mr. Wahid meant when he said that he has been working on this project for quite some time. He believed the Planning Commission created a historical society when the Reeder Ranch was designated. Other than Mr. Ramos attending the last meeting and this one, this is the first he has heard about this property. He is for preserving the property, but he was also for approving the project, maybe giving them a maximum of eight months to move it and if not, demo it. He is not for just tearing it down; he heard about it just briefly a few weeks ago. He was not

concerned with the price to restore it, even though real estate is his profession, he was concerned about moving it and letting someone take care of that part. Mr. Wahid stated he has been in the construction business for over 25 years and saw zero value to this house. He does not have another six to eight months; he felt they have gone way over their budget trying to bring something good to the city, trying to enhance their property. He has already committed to working with a demo contractor, who is going to walk into this house, salvage what he can and that will be part of the contract. And the six to eight months is only if the move is a "go." Then he is concerned about the safety. There are so many factors involved here. If he went on for another six to eight months, wasting more time and money, and in the end, they may have no interest in the house. He did not feel it was a fair proposal, and, again, he felt they had plenty of time to come forward and no one came around and he felt they should move forward on the project. There is no time for him to try to work out an entirely different deal now. Chair Johnson thanked Mr. Wahid for his comments.

Rubio Gonzalez, 924 Casa Hermosa Drive, Pomona, California 91768, stated he respected Mr. Wahid's right as a property owner and understood that his patience is running thin because this is dragging out too long, but he respectfully disagreed with him that the house does not have value in its current condition, but if you would have seen it in its original condition, you would not have the same opinion. Everything looks worse right before the end, that's just how it works. In 2009, when the owner died, it was unfortunate that he did not have his children take over the property and maintain it like the Reeder family was able to do. From aerial views of the property, you would be able to see that it is a twin lot to the Reeder property, just the difference of two families. One family took care of business and took care of the house, kept it in the family and got it preserved. The citrus grove ended and now its just a big lot, not maintained, the house is in shambles, but from what he knew, it was a 1913 Craftsman home and the value he could see in it is because he is an Historic Preservation Commissioner with the City of Pomona and is also on the Board of the Historical Society of the Pomona Valley. They did receive the offer, but their president turned it down or did not consider it because in 2004, their resources were tapped out, because they had moved a house from Walnut to Pomona and that cost approximately \$900,000. The City of Industry paid for most of that, the Historical Society paid between \$20,000 and \$100,000 of that full amount. The house, a three-story mansion, had to be cut into five pieces. First they had to convince the City of Pomona to allow it because the City Council wanted to know why they were moving a house from Walnut to Pomona and they had to explain to the city that when this house was built there was no City of Industry, there was no Pomona, this house is so old, it was built before these cities had names. It was in an unincorporated area called Spadra. So, that's the thing, when you look at just the present and forward, you are not going to see these kinds of details. This house is one of about 12 houses like this in Montclair. By removing it, you are removing 10% of all your historic structures and that's kind of sad. In the City of Pomona, he has identified over 50 historical properties or sites, compiled a list and given it to the City Council. Thirty of the 50 are protected as a Pomona historic landmark, a state historic landmark, a national historic landmark, or they are in an historic district. By being in any of those four categories, these properties cannot be touched unless damaged by Mother Nature, lightning, fire, etc. So, 30 out of 50 historic sites in Pomona are protected. His personal

mission is to get the other 20 protected. He did have a friend email Mr. Ramos and Mr. Wahid about the books. It used to be a bookstore and the newspaper article said that there might be books there and he did not like the idea of books being thrown away or discarded if they could be used or donated to libraries. A friend of his, in the book industry, emailed Mr. Wahid that he would be interested in purchasing the books from him so at least that could be salvaged. Normally, when properties are demolished in Pomona, right before they are demolished, the owner makes an offer to let historical societies come in and try to salvage whatever they can with doors and windows and fixtures, but it seems Mr. Wahid already has an arrangement with a demolition company, just so long as it is salvaged. Pomona has established five different historic districts within the last ten years. They used to have two and now have five. So, that's the direction Pomona is going and it seems Montclair is going the other way, demolishing everything and it's not like having these 30 protected sites has been an easy task; every single one of those properties someone had to fight for. The City of Pomona and the Historic Committee have been at odds since 1960. The City of Pomona was incorporated in 1888 and the Historic Committee in 1960 and every time the City of Pomona is about to demo a historic structure, the Historic Committee had to step in to preserve. They have an adobe from 1837 and one from 1854. Chair Johnson apologized for interrupting Mr. Gonzalez and thanked him for the information that he was giving the Committee, but she asked if we could stray away from the Pomona issues and talk about the Montclair issue.

Mr. Ramos asked if a CEQA report was issued on this structure. Chair Johnson deferred the question to staff. City Planner Diaz replied no, the item was not formally reviewed through what is called an Initial Study process because the subject property is not on a local, state or national register of historic structures. If it was, we would automatically go to another process. For example, offering the property up for possible relocation. When he worked for the City of Claremont, they went through a number of those processes. The only time houses were successfully moved was when the colleges were involved because they had vast resources to move these structures and they moved relatively smaller homes onto smaller lots in the Arbol Verde Historic District, but absent that, a number of houses they did work on, after the CEQA process was completed, were ultimately torn down. Chair Johnson thought this project was exempt from CEQA. City Planner Diaz stated that it is, based on staff's analysis. Mr. Ramos asked if it was exempt because it is a 100-year-old home and has no environmental impact on removing it. City Planner Diaz stated it is exempt because CEQA allows for the demolition of a residential structure under a categorical exemption. It doesn't place any emphasis on the age; it's just a straight exemption. The project also involves construction on the property; in this case, it is a parking lot, which is exempt from CEQA. The house was offered for relocation but there were no takers. As you heard Mr. Gonzalez say, his organization was unable to participate because of the financial burden. Mr. Ramos asked if the determination is an opinion letter or just a memo generated by the City that a report does not need to be done. Was there anything more that would be considered or has it been finalized? City Planner Diaz replied that this is the process; a public hearing process for a conditional use permit request that has been made to the City. Staff is acting on that and it has been with the City since December. When the applicant acquired the property in 2012, that's when

staff initiated the opportunity for this house to be moved and recognized that it had some value and it would be nice if it could be moved. Staff has always been supportive of that and still is supportive of that. Mr. Ramos stated that he did not see the notice, he was in the Persian Gulf, it wasn't until he returned at the end of the year and was able to drive by and see it. City Planner Diaz stated that was a good example because just that day, someone called because they just drove by the previous day. We could be here six or eight months from now and this might not work out and someone else will come in and say, "Hey, I didn't know this was happening."

Director Lustro stated that he would like to address some of the comments made by the speakers before moving on to other City staff, including Building Official Merry Westerlin, who will talk about the structural deficiencies she has observed inside this structure, and Senior Code Enforcement Officer Gabe Fondario, who will narrate a short PowerPoint presentation. Director Lustro stated that the City of Montclair does, in fact, have a historic preservation ordinance and it has been in place for at least 15 years, if not longer. City Planner Diaz walked the Commission through the process that the City made Mr. Wahid go through in October 2012. Mr. Wahid was not happy about it, but staff felt that we needed to make an effort to see if we could find a taker for this particular house. Director Lustro stated he took a little bit of offense to the comments that the City of Montclair doesn't really care about preservation, given the fact that our historic preservation ordinance does not require us to go through the process that we made Mr. Wahid go through. We sent out a letter to six historical preservation organizations locally, giving them 60 days to respond. None of them responded within the 60 days. However, since the house is still standing on the site, the reality is that any of those organizations have had 15 months to respond to the offer or refer any potential interested other parties to the City to inquire whether this house was still available. Staff has made an effort and if someone had come along during 2013 and expressed an interest, we would have told them the same thing we told Mr. Ramos when he first contacted staff - you need to contact the property owner. The City does not own the property; Mr. Wahid does. If any deal or agreement is to be worked out, then it needs to be with the property owner and someone who is interested in relocating the structure. The State Office of Historic Preservation did contact staff regarding this issue. Director Lustro spoke with a representative from that office about 2½ weeks ago and provided that individual with the history of the house and some of the issues we've had to deal with over the past five years, all of which is covered in the staff report. The representative at the State Office of Historic Preservation said they would probably send us a letter, which we haven't received yet, but that they were not going to stand in the way of demolition. There has been a little bit of discussion among staff and the speakers about relocating the house and he felt a lot of it has been covered with respect to getting a local moving company, CenCal was mentioned, that are expert at moving houses and other buildings. A couple of the things that weren't discussed were that Mr. Ramos made reference to certain permits that are required in the City of Los Angeles where he has some experience. Moving permits are required in most local cities as well; we required them in Montclair. If the house was to be moved to recipient lots in either Chino or Ontario, he believed it was reasonable to expect that those cities would require moving permits as well. Another issue that was not discussed was the actual permitting of the relocation of a house onto a particular site. Mr. Gonzalez

touched on that just a little bit in the instance he referred to about moving a house from Walnut to Pomona. Here in Montclair, we require a conditional use permit for relocation of a house onto a vacant lot because of the issues that are involved and also whether the move of a particular structure onto a vacant lot is going to be compatible with what's existing in a particular neighborhood. So, we have the ability to recommend conditions to the Planning Commission to place on the relocation of a structure and it's not unreasonable to expect that other local cities might have a similar process. There's time and effort that would need to be invested in that as well and then, finally, there was a reference made that the City is not sensitive to the demolition of historic structures. If this particular structure were to be demolished, it would certainly be the first residential structure of any significant age to be demolished here in at least 15 years or probably longer. We take seriously the limited inventory of historic structures we have in Montclair, those that might be 75 years or older. We don't have the inventory of Ontario, Pomona or Chino because Montclair was developed much later. He disagrees with the comment that we have only about a dozen historic structures; he estimates there are probably at least twice that many, possibly up to 30 old grove houses that are scattered around the City in various stages of repair or disrepair. Since most of these houses were grove houses, the City to do what is reasonably and legally necessary to get the owners to preserve and restore them whenever possible to preserve the City's citrus heritage. He asked Building Official Merry Westerlin to come forward to talk about what her observations have been in this house and her knowledge of its structural condition and potential deficiencies.

Building Official Westerlin stated she first visited the property approximately eight months ago. She went into the basement and looked at the foundation; that's the first place they usually start when checking the structure of a house, especially one of this age because that's where they will see the most deficiencies. If the house were moved, it would be set on a new foundation. However, the underside of the house needs a lot of repairs. She would agree with Commissioner Vodvarka that it would cost about \$200,000 to repair the house in the state that it is in right now, not considering moving costs. So, if it is true that the moving costs would be around \$100,000, then it would be disproportionate for what they'd get for the house. When she saw the structure eight months ago, it had a lot of the original architectural elements and details that were important to the historic value of the house, such as a claw foot bathtub, the plumbing fixtures and the front door. Since then, things have disappeared one by one. When she visited the house last week, she observed the house to be in serious disrepair. Stairs are actually missing from the staircase. You have to be careful just looking at the second floor. Much of the house is being dismantled piece by piece for whatever value they can get. She noticed the plumbing has been removed almost in its entirety so that would have to be replaced. The amount of repairs necessary, even if it were moved, would be disproportionate to the value. In a world where money was not an object that would not be a problem, but she felt the cost would be too much. Commissioner Sahagun asked why the property was not secured eight months ago to prevent vandalism. Building Official Westerlin replied that it was boarded up at the time and when they got there they met with the owner's representative who had done some structural review of his own. He opened the front door for us because it was under his lock and she and City Planner Diaz went in. When you board a house, you're really

keeping good people out because the bad element will find a way in and we can make it as difficult as we want, but they will take a saw and cut through whatever you have put up and they will do whatever it takes to get into the house and once inside the house, they break it out and take whatever they want. Director Lustro commented that this house has been boarded-up and secured on multiple occasions, not only by the owner, but by City contract crews to try to keep trespassers and vagrants out of the house. He felt Building Official Westerlin said it well; when you board up a house, you keep the good people out, but the people who have other intentions are going to find a way to get past whatever security has been put on the house to be able to get inside the house and do what they are going to do.

Director Lustro prepared the PowerPoint presentation, prefacing it by saying that the oldest photos were taken in mid-2009 and the newest ones were taken one week ago.

Senior Code Enforcement Officer Fondario thanked the Commission for the opportunity to speak. He commented that the question he felt that needed to be asked is at what point does public safety outweigh the need to protect or preserve material things such as this old house that really, at this point, is nothing more than a harbor for homeless and immoral persons. When he speaks of homeless persons, he is not talking about families or the type of homeless that just lost their house or job; he was talking about drug-addicted homeless, criminals and thieves that are just looking for crimes of opportunity. There are families with kids who shop at the adjacent thrift store. Officer Fondario then reviewed the photos in the PowerPoint presentation with those present. He commented that he knew Mr. Ramos' and Mr. Gonzalez's were well-intentioned, but the property is a detriment to our community and is taking up a lot of Code Enforcement and Police staff time. Neighboring businesses have been impacted. The air conditioning units were removed from the roof of the thrift store and the copper wiring stripped. Vehicle parts from the adjacent used car lot have been found on the property. It is a constant battle day in and day out. As far as safety in the neighborhood goes, the structure needs to be relocated right away or be demolished. Waiting the eight months that Mr. Ramos suggested is just opening the door for a lot more problems.

Commissioner Sahagun commented that he has worked with Senior Code Enforcement Officer Fondario before on trying to help some families that have lost their homes. Mr. Fondario arranged for trash bins and roll-off bins donated by Burrtec. He asked how this house became this way. He felt the current owner and previous owner should be cited. The books should have been donated a long time ago or given away; he cannot believe the conditions in the photos. Officer Fondario stated that as far as the books go, there have been numerous organizations in the Inland Empire that have been contacted by Code Enforcement and Mr. Wahid's employees, but nobody wants them. So in the meantime, the homeless are going in there, pulling books off shelves and throwing them onto the ground. It is costly for the owner or the City to constantly secure the property to keep the criminals and homeless out. Commissioner Sahagun commented that he is surprised that the Commission wasn't apprised sooner because it is appalling. Officer Fondario stated that there was mention of citing the owner, and replied that this is such a reoccurring event that it's hard to do sometimes because the owners are victims of

crime and vandalism over and over again. It is his opinion that this attractive nuisance needs to be eliminated one way or another.

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

Chair Johnson thanked all the speakers; the Commission appreciated their time, attention and passion. She had concerns about both Mr. Ramos' and Mr. Gonzalez's presentations. Passionate though they were, she felt there was nothing concrete, no contact with the owner, no specific plan and no acceptance from the new property owner. Right now, relocation is a good idea, but there's no one here tonight saying they're ready to go. By contrast, the Commission has heard Mr. Wahid say he's ready to move forward. He's already put money forth, he has people ready to extract what can be of value, he's waited and gone through a process to try to offer the house to historic preservation organizations and there seems to be no takers. So, how much more of Code Enforcement's and Police's time and energy are we going to use for a "maybe." She would have liked to hear something concrete; it sounds like a really great, wonderful, fabulous "maybe" and she is not certain that maybe is enough to hold it right now.

Commissioner Martinez commented that you have to ask how long is reasonable and since October 2012, Mr. Wahid has been working in earnest with the City. Mr. Ramos and Mr. Gonzalez, thank goodness for folks like you, your passion has obviously paid off in the past. You don't win them all, but as you're kind enough to point out, the property owner has a property right and he certainly did more than his due diligence and to ask him to wait another six to eight months on ideas is probably asking too much. He felt Mr. Wahid has expended more than a reasonable amount of time and work and should be able to move forward on this project.

Commissioner Flores commented it is really tough because how do they know if it's a historical site, when it was built, and all this good stuff. If it is a historical site, it shouldn't be up to the Commission to say that they can't spend more than \$300,000 to fix it. It's either a historical place or it isn't. He didn't think he was ready to commit yes or no and will abstain from voting because he doesn't really know if it's been declared a historical site by our society or anything else. It's been going downhill, if we knew it was a historical site, maybe at that time we should have cited the person and told them they have to maintain it. There's just too many things that have happened along the way and he didn't think the Commission should tell anyone they can't spend the money to fix it, it's their money, it's not coming out of our pocket, so to him it's either a historical site that's worth keeping or it's not. He felt our historical society should be able to tell them that. He knows its awful conditions and he did not know whose fault it was that it got that way, but at this time he would rather abstain.

Chair Johnson commented that she heard earlier in the meeting that it had been submitted for historical significance but we were still waiting to hear back.

Commissioner Vodvarka asked if this is such a valuable historical building, why doesn't anyone want it?

Commissioner Martinez asked Director Lustro which state organization staff had contact with. Director Lustro replied the State Office of Historic Preservation. Commissioner Martinez asked in the Director's opinion and based on the discussion with the State Office of Historic Preservation, they said they were not interested and staff was only waiting for a formal letter stating that. Director Lustro replied that the State Office of Historic Preservation indicated in the phone conversation that they were not going to formally object to demolition of the house, they were simply going to issue a letter to the City stating they had been contacted by an individual, that they had spoken with City staff and that was pretty much it. To date, we have not yet received a letter from the State office. Commissioner Martinez asked what the role of that state agency was. Director Lustro stated their responsibility is to look after historic preservation in the State of California. In Montclair, we have a process for nominating properties to a local historic register. The one property that is on the local register is the Reeder Ranch and that was done a number of years ago. If you read the ordinance in the Municipal Code, you will note that anyone can nominate a property or a structure for local historic designation, but it has to be done with the permission or the agreement of the property owner. If someone saw a property they felt should go on the register and they were to contact the City, we would direct them to speak with the property owner because you need to have their agreement if you're going to do this. Based on what was stated during the public hearing, he did not believe Mr. Wahid had any interest in doing that because that would certainly delay his project. But we do have a local process, much as the state has a process for nominating structures to be placed on the state register and there is also a process for being placed on the national register. Commissioner Martinez summarized by stating: (a) no one from our local community suggested or recommended that this particular property be listed on the local register, (b) Mr. Ramos contacted the State Office of Historical Preservation and, based on the findings they had, they were not going to step in and stop Mr. Wahid's right to develop this property, and (c) we have contacted several local historic preservation organizations and none of them presented any interest. So, based on all that, he wanted to point out that we have done enough due diligence to determine that this house probably wouldn't make it or pass muster for historical accreditation.

Commissioner Vodvarka moved that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15301 and 15311 of the State CEQA Guidelines, which exempts projects that result in negligible or no expansion of existing structures or uses. Move to approve a Conditional Use Permit and Precise Plan of Design under Case No. 2013-29, subject to making the required findings, and subject to the conditions contained in attached Resolution Number 14-1797, seconded by Chair Johnson, and the motion passed 3-0-2, with Vice Chair Flores and Commissioner Sahagun abstaining.

Commissioner Martinez moved to approve a Conditional Use Permit and Precise Plan of Design under Case No. 2013-29, subject to making the required findings, and subject

to the conditions contained in attached Resolution Number 14-1797, seconded by Chair Johnson, and the motion passed 3-0-2, with Vice Chair Flores and Commissioner Sahagun abstaining.

- c. CASE NUMBER 2014-1
 - Project Address: 9185 Central Avenue
 - Project Applicant: Blanche Chavin Family Limited Partnership
 - Project Planner: Michael Diaz, City Planner
 - Request: Precise Plan of Design for exterior remodel of existing fast food drive through restaurant (El Pollo Loco)
 - CEQA Assessment: Categorically Exempt (Sections 15301)

City Planner Diaz reviewed the staff report

Commissioner Johnson noticed in the staff report that the salsa bar is moving to the front counter. City Planner Diaz stated that is correct. To reorganize the dining room a bit, they are moving the salsa bar to the far left side, near the front counter. Stephen Shaw, speaking on behalf of the applicant, stated that Foster's Freeze has not renewed its contract for this location so soft-serve ice cream will no longer be available. The salsa bar is being relocated to maintain it better because there are constant drips and spills and the closer it is to the point of sale area, the easier it is to clean. Mr. Shaw thanked Mr. Diaz and Ms. Gutiérrez for their assistance on this project. He explained there are two tier levels for remodels: Tier 2 maintains the same shape and is a less-extensive remodel. When it was first proposed to the City, staff pushed for the Tier 1 remodel, which is more extensive, so it was because of staff's efforts that this will be a Tier 1 remodel.

Chair Johnson opened the public hearing.

Hearing no other 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, which exempts projects involving limited site changes not involving grading, seconded by Commissioner Vodvarka, there being no opposition to the motion, Chair Johnson announced the motion passed 5-0.

Commissioner Sahagun moved to approve Precise Plan of Design Case No. 2014-01 for exterior, interior tenant and minor site improvements related to the façade remodel of the existing fast food/drive through restaurant building per the submitted plans, as described in the staff report, and subject to the conditions of approval in attached Resolution 14-1796, seconded by Vice Chair Flores, there being no opposition to the motion, Chair Johnson announced the motion passed 5-0.

INFORMATION ITEMS

Director Lustro commented the City Council adopted the 2014-2021 Housing Element at its meeting one week ago so the resolution of approval was sent to the State by the consultant and we have a final copy of our Housing Element that will be posted on the website within the next week.

Director Lustro commented that the Commission will probably read in the Daily Bulletin in the next day or two a story about the owners of the former Déjà Vu Showgirls appealing the operation of the adult business to a panel of the Ninth Circuit Court of Appeals to overturn the settlement agreement that was struck back in 2002, which required them to close the business in November 2012. The Commission will be pleased to know that we found out last week that the panel denied the request to overturn the settlement agreement and, for the time being, shuts the door on any adult business re-opening at that particular location. We do not know what the owners' next move might be, if any, with respect to whether they will appeal it higher or take a step back and reactivate their application to institute new land uses at that location. He spoke with the Daily Bulletin and told the reporter the same thing. We really don't know what's going to happen at this point since it is within the County's purview. Of course, the question came up about the color of the building. We would love to see it repainted a neutral color again, but that's a question better posed to County Counsel because since the business is not operating there anymore, staff is unsure whether the terms of the settlement agreement still apply, which required them to repaint the building in the first place. Chair Johnson asked about the removal of the sign. Director Lustro replied that was part of it and staff will continue to monitor the situation. Commissioner Vodvarka asked what the possibility of that property becoming part of the City would be. Director Lustro stated that staff has had discussions about it. The City has been hesitant to annex the area including and surrounding the property because we did not want to risk inheriting the legal battle that the County has been fighting for well over 15 years. The fear has always been that if the City were to move forward with annexation, the legal issues surrounding Déjà Vu would then become the City's to fight. The property is within our sphere of influence so it will not be annexed into any surrounding city, but the timing is a question mark because we do not know what is going to happen in the near future on the uses of this property.

Commissioner Sahagun wanted to comment on Agenda Item b. again. He commented he was glad Officer Fondario was present at the meeting and he had the pleasure of working with him on other properties in helping people, but somehow, some way, we missed the boat on this one and wanted to recommend to staff to take a look at all our grove houses to see if we can or can't save them.

Commissioner Sahagun commented that he observed on television that the City of Temecula passes out battery recycling packages with the trash bills and maybe we could look into doing something similar. It's only one or two little batteries but if it's multiplied by 30,000 residents, etc., all these little batteries are highly contaminated and go into our drinking water and into our environment. Temecula provides a self-

addressed stamped package to place your recyclable batteries in and they get mailed to a proper recycling plant.

Commissioner Martinez also wanted to comment on Agenda Item b. again. He heard several comments that attempts have been made to give the books away, which he applauds. He was curious about the condition of the books. He realizes it's his property and he was unsure what the proper channel or avenue was, but he thought if Mr. Wahid would hold an open door for people to come and look at the books, people might be interested. Chair Johnson asked if that would be safe. Officer Fondario commented he wouldn't know how you could do that safely. City Planner Diaz commented that staff will relay that message to Mr. Wahid, but Mr. Wahid had already made attempts to box up some of the books and tried to give them away and no one wanted them, there were too many for any place to take. They're either dated or have been discarded by libraries. Just for clarification, when the Building Official stated they were there eight months ago, the site was clean because he remembers only one weed sticking out of the ground that looked like a flower. What has happened is that the property gets cleaned up and boarded up, and then the gates are constantly pulled off and thrown to the ground. When the last occupant of the house passed away, it was already in a deteriorated condition, it was just that someone was still living there.

Chair Johnson adjourned the meeting at 8:58 p.m.

Respectfully submitted,

Laura Embree
Recording Secretary