



CITY OF MONTCLAIR  
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING  
Monday, July 14, 2014

COUNCIL CHAMBER  
5111 Benito Street, Montclair, California 91763

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**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 Martinez (arrived at 7:05 p.m.) Sahagun and Vodvarka, Community Development Director Lusto, City Planner Diaz, Associate Planner Gutiérrez and Deputy City Attorney Holdaway

**MINUTES**

Due to equipment upgrades, the minutes of the June 23, 2014 regular meeting were not available for review or approval and will be included in the packets for the July 28, 2014 meeting.

## ORAL AND WRITTEN COMMUNICATIONS

None.

## AGENDA ITEMS

- a. PUBLIC HEARING - CASE NUMBER 2014-14  
Project Address: 5060 Montclair Plaza Lane  
Project Applicant: 5060 Montclair Plaza Lane Owner /  
Verizon Wireless  
Project Planner: Silvia Gutiérrez, Associate Planner  
Request: Conditional Use Permit to allow an In-Building  
Distribution Antenna System (IDAS)  
CEQA Assessment: Categorically Exempt (Section 15303)

Associate Planner Gutiérrez reviewed the staff report, stating the applicant was in attendance to answer any questions.

Chair Johnson opened the public hearing.

Christine Song, 2749 Saturn Street, Brea, representing Core Development Services, the representative for Verizon Wireless, thanked Planning staff and the Commission and said she was available to answer questions.

Commissioner Sahagun asked if this antenna would have any roaming capabilities for other carriers. Ms. Song replied the site would only serve Verizon Wireless customers. There is another carrier at this site, she was not sure which carrier it was, but this would only be able to be used by Verizon Wireless customers.

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

Commissioner Sahagun commented he was glad to see this facility at the Plaza to enhance service for wireless customers.

Commissioner Vodvarka stated it was frightening to him that people were losing or dropping calls at the Montclair Plaza so he felt the project was a necessary evil.

Chair Johnson was tickled that it was inside and not visible from the outside; she felt that was a pretty wonderful thing.

Commissioner Martinez moved that, based upon evidence submitted, the project was deemed exempt from the requirements of the California Environmental Quality Act

(CEQA). Further, the project qualifies as a Class 3 Exemption under State CEQA Guidelines Section 15303, seconded by Commissioner Vodvarka, there being no opposition, the motion passed 5-0.

Vice Chair Flores moved to approve a Conditional Use Permit under Case No. 2014-14 to allow the installation of an In-Building Distribution Antenna System (IDAS) facility, roof-mounted GPS panel antenna within an existing equipment room at Montclair Plaza, 5060 Montclair Plaza Lane, per the submitted plans, as described in the staff report, and required findings subject to the 25 conditions of approval in Resolution No. 14-1810, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion, passed 5-0.

- b. PUBLIC HEARING - CASE NUMBER 2014-16
  - Project Address: 5200 Moreno Street
  - Project Applicant: 5060 Montclair Plaza Lane Owner / 99¢ Only Stores
  - Project Planner: Silvia Gutiérrez, Associate Planner
  - Request: Conditional Use Permit to allow off-premises sale of beer and wine (ABC Type 20 license – "Off-Sale Beer and Wine")
  - CEQA Assessment: Categorically Exempt (Section 15301)

Associate Planner Gutiérrez reviewed the staff report, stating the applicant was in attendance and available to answer any questions.

Chair Johnson opened the public hearing.

Steve Rawlings, 26023 Jefferson Avenue, Unit B, Murrieta, representing Alcoholic Beverage Consulting on behalf of 99¢ Only Stores, said that his client has appreciated the business here in Montclair and looked forward to continuing to be here for many, many years and possibly opening up some other locations within the community. They concurred with the staff report and findings and agree to all of the conditions of approval as presented and he was available to answer any questions.

Chair Johnson stated she was a little bit surprised to see the item on the agenda because you can get everything from lettuce to dishes at the 99¢ Only Stores so she actually thought there already was alcohol being sold at the store and wondered if it was just this one that does not have it. Mr. Rawlings replied they have been introducing beer and wine to the chain over the past few years to round out their grocery offerings. For about the past five years, their trucks have advertised produce. There certainly has been a change in their inventory and their product offering to offer more grocery-type products and this request rounds out that offering for them.

Vice Chair Flores was really glad to see that we are finally going to get control of the carts because it has been a problem for a long time and wondered how soon the cart

containment would be implemented. Mr. Rawlings stated that he believed it was already installed, but they would work with staff to implement it. Associate Planner Gutiérrez stated the cart containment system is not installed yet. Per the conditions of approval, they have until January 1, 2015. Mr. Rawlings stated that it was something they take very seriously because the carts are expensive and a real problem so they are more than happy to comply with that condition. If it has not already been done, it was in motion and they are actually doing it corporate-wide.

Commissioner Martinez commented as a shopper, he preferred the cart containment system where they go beyond a certain area in the parking lot and then lock up as opposed to the pole because guys like him do not like to have to walk all the way to the car with the groceries, etc. Only Store in Upland already has a similar system. Mr. Rawlings stated he did not think they utilize the pole system at any of the stores. Commissioner Martinez stated that regarding alcohol sales, the Police Department had a recommendation that the windows have a certain amount of visibility and it seems as though presently the way the windows are dressed, they have large decals, etc. and he wondered if they would be changing the visibility or the window dressing to comply with the alcohol sales condition and, more specifically, the condition that states that not more than 25% of the window area be covered. Mr. Rawlings stated they may have to look at the entire window section and not each window pane because one window pane might have a large poster but the next two or three might be open and, from a public safety standpoint and for their own store safety, they have spent a lot of money doing a lot of tenant improvements and remodels to a lot of their stores. He walked through this store and it certainly was an attractive store on the inside and they are continuing to upgrade it and are on a very large capital spending program right now. Associate Planner Gutiérrez clarified the 25% display is a general code requirement. However, a standard condition for all off-sale establishments that have a Conditional Use Permit is prohibiting advertisement on windows of alcoholic beverage products. So that will be prohibited. With respect to the display area, it will be in the northeast portion of the building so it will not be a prominent feature. Commissioner Martinez stated specifically what he was talking about was that MPD recommendation that the storefront windows and doors not be obscured by banners, posters, signs or other objects. He goes to the Montclair store quite a bit and it seems recently they dressed up the front windows and it looks nice, but, consequently, it is in conflict with the new provision. He was just bringing attention to whether that complies as is. Associate Planner Gutiérrez replied that it will be assessed prior to the license being issued as part of making sure that these conditions are complied with.

Commissioner Vodvarka commented on the number of stores: 238 in California, 44 in Texas, 33 in Arizona and 17 in Nevada and wondered why California is so special. Mr. Rawlings replied the company was founded here in the greater Los Angeles area and the expansion to other states actually has occurred in more recent history so, originally, the founder was looking to just be a California-based store and then over the years decided there were some good opportunities in Arizona, Nevada and Texas. They continue to open up new stores in those other states at quite a rapid pace and, of course, here in California they continue to open up stores also. Commissioner Vodvarka commented what he liked about it is that you go into their store and it's a senior citizen's market. Seniors

can go into one of their stores and stock up on food and still come home with money in their pocket; it is really wonderful how they help seniors and people with low income. Mr. Rawlings stated he appreciated hearing that because it was an important demographic for them. There was a recent article at *people.com* where a celebrity trainer wrote about how he put his clients on a diet and they bought everything at the 99¢ Only Stores. He highlighted the fact that you are not finding canned goods that are generic products, you are finding high-quality healthy products from top name manufacturers at very competitive prices and it's very meaningful. The senior citizen market is a really important demographic to the company and they will continue to be as competitive as they can. He wished they could keep offering everything for 99 cents but, unfortunately, that is not always possible.

Commissioner Sahagun knew in the past that this store had the tendency of having its windows covered more than 25% and he knew staff would work with that. He wanted to note that at the front of the store and the rear of the store, there are conduits with open wires that he hoped were not live. The back looks relatively clean, just a little bit of debris. Mr. Rawlings stated that they do not own the store, they are a tenant, and they are under new management/ownership and, thus far, the new owners have been putting some money into the center in general and have been pretty easy to work with. They want to present a really nice store to their customers because that's what keeps them coming back. If you let it deteriorate, it will scare away shoppers. Their store managers are graded on a lot of things. Obviously, they want their store to be running efficiently, but they are graded on appearance of the interior of the store as well as the exterior. So, that store manager is under the gun to make sure the carts are not all over the place, the parking lot is not trashy, etc. They got a new CEO about ten months ago and they have been investing a lot more into tenant improvements and other programs to really make sure their stores are an attractive place for people to come shop, so you will continue to see some changes on the cosmetic side.

Commissioner Sahagun stated if you compare the Montclair store to the Ontario store (on Mountain Avenue), Montclair has a lot of gum on the sidewalk and was looking pretty ragged. If they could pressure wash or steam clean the sidewalk where all the gum and ice cream spills are, it would really make a difference. If you compare stores, some are nicer, some are newer and some he would not go into because they're dirty, for lack of a better word. Mr. Rawlings stated he gets an opportunity to talk to some senior management people and give them field reports on a regular basis about certain things and he appreciated the comments because they will get relayed.

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

Commissioner Vodvarka 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 Sahagun, there being no opposition to the motion, the motion passed 5-0.

Commissioner Sahagun moved to approve a Conditional Use Permit under Case No. 2014-16 to allow the applicant to obtain a Type 20 ("Off-Sale Beer and Wine") license from the State of California Department of Alcoholic Beverage Control (ABC) in order to sell pre-packaged beer and wine products at the 99¢ Only Store at 5200 Moreno Street, within the Town Center (TC) land use district of the North Montclair Downtown Specific Plan (NMDSP), as described in the staff report and per the submitted plans, subject to the conditions of approval in attached Resolution 14-1811, seconded by Commissioner Martinez, there being no opposition to the motion, the motion passed 5-0.

c. CASE NUMBER 2012-5

Project Address:	5301 Holt Boulevard
Project Applicant:	Southeast Statesboro, LLC
Project Planner:	Michael Diaz, City Planner
Request:	Time Extension for Conditional Use Permit to allow the off-premises sale of beer, wine and distilled spirits (ABC Type 21 license – "Off-Sale General")
CEQA Assessment:	Categorically Exempt (Section 15301

City Planner Diaz reviewed the staff report, stating that the applicant was in attendance to answer any questions.

Sabrina Renner, administrative assistant for the owner, Jumana Hawatmeh, said they would appreciate the time extension. She is the one who personally handles the ABC applications and understands all of ABC's terms and policies with regard to upgrading their license.

Commissioner Martinez commented that back in January the request was made to be able to sell 3-packs instead of larger packs. He wondered if that historically increased sales for stores. Ms. Renner stated that Ms. Hawatmeh and her husband own other stores as well and Ms. Renner oversees a lot of the sales in those stores and has seen that it does increase sales; it seems that people buy less and are not consuming that much alcohol. With regard to sales, it does help sales and helps stocking as well.

Commissioner Sahagun moved to find the proposed time extension request for Case No. 2012-5 'A' to be appropriate and to approve the request for a six-month CUP time extension to January 10, 2015, subject to the conditions of approval contained in Planning Commission Resolution No. 14-1793, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 5-0.

## INFORMATION ITEMS

Director Lustro, on behalf of staff, congratulated Vice Chair Flores and Commissioner Sahagun for their reappointment to the Planning Commission for another four years, until June 30, 2018.

Director Lustro, as a follow-up to the second agenda item, and specifically toward the cart containment discussion as it will apply to existing retailers, said the Commission may be interested to know that staff will be taking an ordinance to the City Council on July 21 to implement a cart containment and management system citywide. As the Commission probably has noticed over the past 8 to 10 years, when we have had a new retailer that provides shopping carts to its customers, staff has included a condition very similar to what Associate Planner Gutiérrez included in her report for the 99¢ Only Store, in that we have required cart containment systems. It has been the retailer's choice, depending upon the number of carts that they provide to their customers, whether they want to do a less expensive system, such as attaching poles to shopping carts to keep them from leaving the store, such as Ross Dress for Less and Fallas, or an electronic cart containment system that allows carts to leave the store but does not allow them to move beyond the perimeter of the parking lot through the installation of a loop sensor embedded in the pavement. If a customer tries to move a cart beyond that perimeter, at least one of the wheels locks making it difficult, if not impossible, to move the cart off-site. In Montclair, examples of this type of system are in place at Target, CVS Pharmacy, and more recently, Dollar General at the Montclair Town Center, and also Family Dollar on Central Avenue. There has been quite a bit of discussion about implementing the system for existing retailers. The "problem children," with respect to abandoned carts, are Stater Bros., Cardenas and 99¢ Only Store. Those are the carts we see most often abandoned in the community. The intensification of use of the 99¢ Only Store gave staff an opportunity to resolve the issue there within the next six months. The way the ordinance is written for our existing retailers in the City that do not currently have cart containment systems is that they will have until January 1, 2016, to implement a system. While we recognize that is a long time, we also recognize for our larger retailers, such as our grocery stores that have a couple hundred carts, that it is a major capital investment and something that has to be budgeted for. The Code Enforcement Committee agreed that one and one-half years was a reasonable amount of time for implementation; if they do it sooner, great. Staff sent out letters to almost 40 retailers in the City advising them of the consideration of the ordinance. Staff also sent a letter to four coin laundries in the City because many times coin laundries use smaller versions of shopping carts for their customers to transport clothing to and from their vehicles. The way the ordinance is written, laundry carts are treated like shopping carts. We think that if they have not done so already, the coin laundries that use carts for their businesses will implement the lesser expensive system, such as the poles on the carts so they cannot leave the store. It's an aesthetic situation, it is a perception issue, and it is a nuisance issue to have carts abandoned throughout the community. It detracts from the appearance of the City and hopefully, within the next year and a half, we will have gone a long way towards resolving this problem. Commissioner Martinez asked if Cardenas or any other larger retailer already had a containment system at other locations. Director Lustro stated he did not know it for a fact, but his assumption was yes, probably

more than likely, either at their newer stores or in communities where cart containment systems are already required or have been required for a number of years. Certainly, as Mr. Rawlings indicated tonight for the 99¢ Only Store, losing carts is a huge cost to them. While the larger chains have the ability to buy carts in bulk and consequently pay less for them, in staff's research, we found that replacing shopping carts can cost anywhere from \$200 to \$400 each for even the larger retailers. So while staff acknowledges that a cart containment system can be a major capital investment, it is one that will probably pay for itself quickly by eliminating the problem of lost or stolen carts.

Commissioner Sahagun thanked the City Council and staff for his reappointment.

Commissioner Vodvarka congratulated Commissioner Sahagun and Vice Chair Flores for their "re-enlistment."

Commissioner Sahagun commented that the Gold's Gym parking lot was full around 6:00 p.m. and he was impressed.

Vice Chair Flores thanked the City Council and staff for letting he and Commissioner Sahagun serve another four years and hoped they will do a very good job for the City.

Commissioner Martinez congratulated Vice Chair Flores and Commissioner Sahagun for four more years and looked forward to working with them.

Chair Johnson congratulated and welcomed back Vice Chair Flores and Commissioner Sahagun, stating they are both very valuable members of the team, noting they have all worked so well together and she was tickled they are here.

Chair Johnson adjourned the meeting at 7:51 p.m.

Respectfully submitted,

Laura Embree  
Recording Secretary