



**CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES**

**REGULAR ADJOURNED MEETING
Monday, February 9, 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

Commissioner Sahagun 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

MINUTES

The minutes of the December 8, 2014 regular meeting were presented for approval. Vice Chair Flores moved, Commissioner Vodvarka seconded, and the minutes were approved 5-0.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

- a. PUBLIC HEARING - CASE NUMBER 2014-29
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| Project Address: | 10152 Central Avenue |
| Project Applicant: | Koopman Brothers for 3-Way Thrift Store |
| Project Planner: | Silvia Gutiérrez, Associate Planner |
| Request: | Conditional Use Permit Amendment to relocate an existing thrift store within the same multiple tenant building |
| CEQA Assessment: | Categorically Exempt (Section 15301) |

Associate Planner Gutiérrez reviewed the staff report.

Chair Johnson opened the public hearing.

Commissioner Sahagun stated he has been to this thrift store twice and found it to be very neat. He did not go in the back on this visit, but had noticed a couple of years ago that some items were being dropped off in the alley and that they were quickly removed. He asked if staff checked the inside or outside of the stores.

Director Lustro replied that it is not customary for Planning staff to inspect the interiors of stores because it is not within staff's purview. However, as with most of the thrift stores that have been approved by the Commission over the last ten to twelve years, none of them have been allowed to accept donations and, as a matter of course, Planning will periodically check the areas around the exteriors of the thrift stores to ensure that they are not taking donations and that they are kept clean. What occasionally happens with thrift stores is that the public will just drop items off, even though they are not supposed to. In this case, as Associate Planner Gutiérrez stated in the staff report, 3-Way Thrift has been operating in their current location for nine years and staff cannot recall receiving any complaints about the operation. The rear of the building has been well maintained and free of trash. Staff feels very strongly that past performance predicts future performance and they will do a good job taking care of the exterior of their new location.

Commissioner Sahagun stated their landscaping seems to be kept up. He asked how many thrift stores are located in the City. Associate Planner Gutiérrez replied that Montclair has a total of five and this would not be an additional store, this is an existing one that is relocating.

Vice Chair Flores commented that he has shopped at the store a few times, and knew they also run a store in Chino. They are both well kept and felt this should not be a problem.

Commissioner Vodvarka has visited quite a few thrift stores in the City and always found this one to be the cleanest one. He never found any messes in the store or clothing lying on the floor. They take very good care of the store.

Commissioner Martinez said he also frequents this store and found it to be very well maintained with a good clientele. It would be a welcome addition and certainly a very positive thing for the community.

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

Commissioner Martinez 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.

Vice Chair Flores moved to approve Case No. 2014-29, subject to making the required findings and subject to the conditions in attached Resolution Number 15-1820, Commissioner Vodvarka seconded, there being no opposition to the motion, the motion passed 5-0.

- b. PUBLIC HEARING - CASE NUMBER 2014-31
 - Project Address: 9303-9407 Central Avenue
 - Project Applicant: Valley Chinatown, LLC and Central Square Properties LLC/Bral el Faro LLC
 - Project Planner: Michael Diaz, City Planner
 - Request: Conditional Use Permit to allow drive-thru lanes, Variance for required front and rear setbacks, Variance for reduced landscaping, and a Precise Plan of Design for an 18,892 square-foot multi-tenant commercial development
 - CEQA Assessment: Categorically Exempt (Section 15332)

City Planner Diaz reviewed the staff report.

As of the time of the meeting, staff had been in contact with three property owners who called in after receiving the notice and had questions or concerns. However, none of the property owners he had spoken with were in attendance at the meeting. Pat Deeton's siblings were in attendance as he was in Northern California at the time of the meeting. His concern was the separation between the residences to the east and the particular site in question. Others had concerns about the speakers for the drive-thrus but there are conditions in the Resolution to address that. The applicant and representatives from Original Tommy's Hamburgers were present to answer any questions.

Vice Chair Flores asked about the chain link fencing along the alley and whether that would all become block walls. City Planner Diaz replied the plan is to remove all the chain-link and decorative metal fencing that still exists and replace it with a masonry wall along the east boundary of the site for a more unified look.

Commissioner Martinez asked about the possibility of increased pedestrian and auto traffic on Rose Avenue. Director Lustro replied that staff did not analyze that because in developing conditions for this project and also for the two previous projects that came before the Commission in 2005 and 2007, one of staff's goals was to prohibit any vehicular or pedestrian traffic between this site and the residential area immediately to the east. The goal was that staff did not want a commercial project on the site to have negative impacts on the adjacent residential neighborhood. Because the access points are going to be limited to Central Avenue and the existing east-west alley just north of Wienerschnitzel, and that it is also planned to close off vehicular access to the adjacent north-south alley, staff is hoping it will quiet down the vehicular traffic in the alley. Staff has observed that many people who are looking for a route from the west end of San José Street to Central Avenue use the north-south alley as a shortcut, turning out toward Central Avenue through the east-west alley. By closing off that access, staff is hoping to make it a little more inconvenient to use the alley as a shortcut. It may very well increase vehicular traffic on Rose Avenue, but he did not think just the mere existence of the commercial development will be responsible for the increase in traffic on Rose Avenue. Commissioner Martinez felt it was a wonderful project, but wondered if we close the alley next to Wienerschnitzel, would there be pedestrian access or would they have to walk south to Palo Verde and then back up and around. Director Lustro stated there would continue to be pedestrian and vehicular access from the north-south alley through the Wienerschnitzel parking lot. We cannot require this developer to do anything about that, but that would be the only remaining break to access Central Avenue from the alley between San José Street and the driveway just north of Palo Verde Street.

Commissioner Vodvarka asked how trash would be picked up. Director Lustro replied trash pick-up will be from the alley side. The trash enclosures will be designed so that the tenants will be able to dump trash into bins from the project side, but there will be vehicular access gates to the trash enclosures from the alley side. They will be keyed and only accessible by Burrtec so when their trucks move through the alley, they will be able to dump trash and just move on. Commissioner Vodvarka asked if consideration was given for an easy way to exit out of Tommy's, which will be at the far north end of the site. Director Lustro answered that motorists intending to go northbound would be able to exit out of any of the three driveways. Drivers intending to go southbound or across to Costco would need to exit at the main signalized access. There will be no direct access to the north-south alley. The northernmost driveway on Central Avenue, the driveway that is right turn in and right turn out only, is sited as close as is allowed to the eastbound on ramp to I-10. Caltrans has rules that restrict private property owners from placing access driveways within 200 feet from any on-ramp. Commissioner Vodvarka asked if patients of the doctor on the north end would have to go through this project to get to the doctor's office. Director Lustro stated that is the way it was originally planned ten years ago.

Commissioner Sahagun asked about the storm water runoff and whether there was a plan for that. City Planner Diaz answered that a Water Quality Management Plan ("WQMP") has been prepared and approved for this site and project.

Commissioner Sahagun asked if there are enough disabled-accessible parking stalls for the project. City Planner Diaz stated the project is subject to the code-required disabled-accessible parking spaces. This project has at least six spaces available and the requirement is based on the total number of parking stalls.

Commissioner Sahagun asked if U-turns would be allowed from the southbound left-turn bay that is currently coned off. Director Lustro replied that will be the call of the Public Works Director at the time the left turn lane is opened up. Generally, it is based on whether there is adequate green time on the left turn arrow, whether there is enough width to safely accommodate U-turns, and if it will otherwise impact through movements on Central Avenue. There are three northbound lanes in that particular location, which should be enough roadway width to accommodate U-turns, but it is the Public Works Director's call. Commissioner Sahagun stated that one of the reasons he asked is that on the southerly ingress-egress at Costco's parking lot, probably 70-80% of the traffic exiting Costco, not through the signalized lane but through the other exit, everyone goes to Palo Verde and makes a U-turn and it does bottleneck a little bit. If you are just turning left, you have to wait for all the U-turners.

Chair Johnson wanted to dovetail on Commissioner Sahagun's comments about the disabled-accessible parking. She saw two spots in front of Tommy's, but if a disabled person wants to go to AT&T, would they need to park there? She did not see the other disabled-accessible parking. City Planner Diaz stated there are more farther to the south (and utilized visual aids available in the Chamber to demonstrate their locations).

Chair Johnson stated she understood the intent to curtail traffic in the alley, but asked if we eliminate that access to the alley, how, if at all, does it impact the residents or inconvenience them in any way? Director Lustro answered that we'd really have to ask the residents, but residents would continue to have access to the north and south ends of the alley from San José Street and Palo Verde Street and there would be access from the Wienerschnitzel parking lot as well. Removing the connection to the east-west alley could be viewed as a positive or negative. Staff believes the potential positive impact outweighs the slight inconvenience it may cause.

Chair Johnson commented she heard in the staff report about the wall being six-to-eight feet in height, but what is written is eight feet. In Condition No. 14.b, which is the one about the wall, it does not specify how tall. City Planner Diaz answered that Condition No. 14.b talks about a wall plan and the site review to be approved by the Public Works Director. That particular plan is the one that requires design details and specifications for heights to be put on the plan for review. The site plan indicates six- and eight-foot heights. Director Lustro added that eight feet is typically the height of the wall that used between residential land uses and more intense land uses, such as commercial, industrial, etc. The same condition was included in the approvals in 2005 and 2007 because we were trying to accomplish the same thing. The only conversation we've had about the wall issue has not been from the applicant, but from Southern California Edison. There are utility poles on the project side of the alley that have been there for a number of years and one of the issues they have raised is with respect to maintaining access to their facilities, meaning the

utility poles. There has been some discussion about how access is defined and how much room they need around their utility poles. Presently, there is between three and 12 inches separation between the inside of the pole and where the fence or wall is. So, there really isn't much clearance being provided right now and Edison doesn't seem to have had any real problem over the years accessing their facilities. So notwithstanding the condition staff has written into the proposed approval, which we're hoping will work out fine, we have a site meeting scheduled for Wednesday with staff, the applicant and Edison to get a determination from them what will be acceptable. Staff believes that in a worst case scenario, the block wall can be built on the easterly property line and where the wall intersects or comes close to the existing utility poles, staff will come up with a couple of options for providing clearance around the poles that will be acceptable to Edison.

Commissioner Vodvarka commented that staff has really done their job on this project and he hoped everything goes as smooth as it looks like on paper.

Chair Johnson opened the public hearing.

Luann Geesink, 9352 Rose Avenue, Montclair, stated she was concerned about the proposed building. Her initial concerns are the height of the wall and will there be any access. An eight-foot high wall is what she had hoped for. She was also curious as to whether left turns to go southbound would be allowed out of the project. Chair Johnson replied the main access would be opposite the Costco driveway and would accommodate traffic movements in all directions. Ms. Geesink asked about the positioning of the drive-thru lane speakers because she lives directly behind where Tommy's would be and was concerned about noise at night. Chair Johnson deferred the question to the Tommy's representative. Ms. Geesink also asked about the site lighting and would it impact the adjacent homes. City Planner Diaz stated that the exterior lighting plan will be forthcoming. A photometric plan is required to be prepared for the site so the lighting meets the minimum requirements of our Code, but our Code also requires lighting to be shielded and situated in such a way to prevent overspill onto neighboring properties. There are conditions in the Resolution that outline the lighting requirements. Staff's goal is that there is no impact to the adjacent properties. Ms. Geesink stated that during the construction she is worried about daily access to her garage. Director Lustro stated there are conditions in the Resolutions that only allow the developer to use the alley for construction of the perimeter wall. Access to the site for construction will be from Central Avenue to minimize inconvenience to the residents. With respect to construction of the block wall, if there is construction equipment in the alley, the contractor will be required to notify the City and the adjacent residents when the alley will be impacted. However, the condition requires that a ten-foot lane be maintained in the alley even during construction so that the residents who live across the alley will have access all the time to their properties and garages. Ms. Geesink stated her concern is with regard to her RV. She travels in the RV monthly and has a car trailer and tent trailer that are all removed through the alley access monthly. Director Lustro replied that the condition, as written right now, requires the developer and/or the contractor to give written notices to the residents on the west side of Rose Avenue when the work is going to be taking place. Ms. Geesink asked if we know the length of time there will be a blockage for the residences. Director Lustro

and City Planner Diaz stated that staff does not know at this time. City Planner Diaz further commented that he hoped they would know and include it in the notice to the residents. Ms. Geesink asked if it would be more than one day because her trips are already planned for the rest of the year so she knows when she will need access to remove the RV and trailers. City Planner Diaz stated that if she already knows her schedule for the remainder of the year, then she could provide it to the project manager on-site so they can help coordinate with her to make sure her access is not blocked during those times. Ms. Geesink asked for a business card or a contact person so that she would know who to contact before construction commences. City Planner Diaz provided his contact information and stated when the time is appropriate, he would put her in contact with the right party. Ms. Geesink stated that her husband leaves for work at 5:00 a.m. every day and returns about 5:00 p.m. and the vehicle is parked and exits every day from the alley. Chair Johnson commented that most of the work should be done between those hours. Ms. Geesink stated she was concerned about having a lengthy period of time with a blockage. Director Lustro stated that Condition No. 65 in the PPD Resolution addresses the issue being discussed. The way it is worded is that the alley may be reduced to a single ten-foot minimum lane and written notice of the temporary one-way alley shall be given one week in advance of said closure to all affected residents on the east side of the alley. He stated that the partial alley closure will be a "moving" project that will start at one end and move to the other end. While the alley may be reduced in width during the construction hours, which are allowed to be a maximum of 7:00 a.m. to 8:00 p.m., the alley would probably be completely open to traffic during non-construction hours. There wouldn't be any reason for it to be impacted if there is no construction equipment in the alley.

Colleen Johnston, 5383 San Jose Street, Montclair, stated she lives on the corner of Rose and San José. She and her husband attended both the meetings prior to this one and their concerns have been the same each time, some of which have been addressed. Mr. Diaz has been very kind and knowledgeable in giving her information. Then, as well as now, she had the same question – in the project description, it indicates that notices were sent out to residents within 300 feet of the project and she wondered how many residents that was. City Planner Diaz replied it was 55 residents. Ms. Johnston asked if that meant residents on Central and Rose. City Planner Diaz replied it is a radius from the corners of the property so wherever the 300 foot radius reaches, those properties were the ones that were identified. Ms. Johnston commented with regard to the alley closure and the traffic that can be caused going from Benson Avenue over to the center. They have been very happy to live in Montclair for over 30 years and since Costco went in, they were able to see the difference it made in traffic going through their street and the alley and she was still not clear where the closure would be because she heard that maybe it will not be a closure and that vehicles can still go in there. City Planner Diaz repeated that the east-west alley would be closed off from the north-south alley. Reference was made to the Wienerschnitzel which would still have access off the alley so there may be people that will still use that as a way of getting through. However, as far as this project is concerned, there would be no access from the north-south alley through this project site onto Central Avenue. Ms. Johnston asked about the traffic and exhaust created by the drive-thrus. It is indicated in the documents that there are 109 parking places and the stacking of the drive-

thrus would be nine vehicles in one drive-through and six in the other. Their concern is that they are going to be driving down their street, would there be any changes to the speed limit. Director Lustro answered that the prima facie speed limit on Rose Avenue is 25 mph and there would be no change to that. Ms. Johnston asked if it would change on San Jose, which is 35 mph. Director Lustro stated there would be no change.

Matt Willemse, 9390 Rose Avenue, Montclair, indicated from his seat in the Chamber that his questions about the project had already been answered.

Brent Maire, 452 W. 10th Street, Claremont, president of Koulax Enterprises, which operates Original Tommy's Hamburgers, said he was a resident of Montclair for over 20 years, so he was very familiar with Montclair and the history of the site. Original Tommy's has been in a lease to operate at that property since 2003. They have been through all three projects and they are so happy that they have a developer who has been able to put together their project which they feel is appropriate for this site and to bring excitement to this area. They understand the work that staff undertook to come up with the conditions of approval for the fast food use and a drive-thru use and they understand that the biggest issue with Tommy's has to do with the operation of a speaker for their drive-thru. They do use a traditional speaker for their drive-thru. However, staff was clear in its conditions that if they wanted to use a traditional speaker from 10:00 p.m. to 6:00 a.m., it would not be possible to have the drive-thru open. However, staff has given them an "out," and that was if they were to use a non-traditional speaker or, in this case, work with staff to have something that would be approved that would not be a speaker from 10:00 p.m. to 6:00 a.m., that it would be considered. In fact, nowadays, in fast food, it is possible to utilize a remote order taker. In-N-Out has used this for many years because their drive-thru is so slow, but Tommy's is a little bit better than that. They estimate two minutes at the window for their order so cars go much quicker, but in terms of noise, they can come up with a non-traditional method to keep their drive-thru open without using the speakers from 10:00 a.m. to 6:00 a.m. He understands it is an issue and, obviously, they have been working on this project for many, many years and are excited to finally come to Montclair, and if that's what it takes, then that's what they are going to do. It will be an opportunity to work with staff to come up with a remote order taker of some sort that would allow personal contact with an individual and a car and not using the speaker, possibly during periods on a Friday and Saturday night between 10:00 p.m. and 12:00 a.m. However, during the slower periods, they would still not use the speaker but possibly have the cars order at the pick-up window, which again, is not using the speaker. They are more than willing to work with staff so that is put into place and can be monitored.

Chair Johnson asked what the Tommy's standard was for the drive-through speaker. Mr. Maire replied that for years restaurants used a six-foot high menu board with the speaker in it but they have gradually moved away from it because it was so far away from the vehicle. They now use a speaker post that is located about three feet away from the car; it's more direct. Staff has also included a condition that Tommy's comply with the City's noise ordinance. He felt it should be fine for most of the business day and if the issue is after 10:00 p.m., then they will need to deal with that. Chair Johnson commented that she

appreciated their willingness to use a variety of ordering methods whether it's a speaker, a human being or at the window.

Commissioner Martinez commented that the same situation exists at Wienerschnitzel and it seems to be adequate as far as he can tell and thanked Mr. Maire and Tommy's for their innovative ways to attack that as well.

David Buxbaum, 9301 Central Avenue, Montclair, and his wife, Dr. Laurie Woll (who was also in attendance) wanted to thank staff for its cooperation and help in understanding what was going on and would like to support the project. As far as they could tell, everything seemed positive and they were happy to have something other than a large vacant lot next door. Commissioner Martinez commented that he was very grateful for Dr. Woll's business and hoped this project would solve their access issue once and for all.

Leandra Deeton, 9342 Rose Avenue, Montclair, stated she has a lot of interest in this project and most of her questions had been answered regarding light and sound pollution, but a big concern just arose when she heard the gentleman speaking about the hours between 10:00 p.m. and 6:00 a.m. and she wondered what hours Tommy's plans to be open.

Ralph Kemmerer, 9370 Rose Avenue, Montclair, commented he loved Tommy's Burgers. He stated his first question was answered because he guessed they would be open all night and Starbucks too, but that would be a concern for those who live just across the alley and sleep in those rooms and wondered if any thought was given to making the alley a one-way street to help traffic and then on the exit to San José, will there be an exit to Tommy's into San José Street. City Planner Diaz replied no there will not. Mr. Kemmerer asked for further clarification that if there is no ingress or egress to San José, how would the traffic be impacted on Rose Avenue because of this project and asked if anyone studied that, whether there would be 100 more cars per day, etc. The reason he asked was that they have quite a few cars going down there now because it is an alternate route from Benson Avenue down to Central Avenue. He had asked Council Member Raft if she could see about getting speed bumps on Rose Avenue and nothing was ever done, but he thought it might help the situation if some speed bumps could be put on Rose because there are children on that street as well and he has seen several cars go through there at a speed quite a bit higher than 25 mph. He wondered also about trees. Would the trees be taken down? City Planner Diaz confirmed all the trees on the site would be removed. Chair Johnson stated she would defer the questions about the one-way alley and the speed bumps to staff. Director Lustro stated that what he would suggest is that if Mr. Kemmerer or any of his neighbors have an interest in discussing that issue with the City to contact the Public Works Department, which is responsible for installing speed bumps or any other improvements in the public street.

Chair Johnson deferred to Mr. Maire regarding the hours of operation. Mr. Maire replied that in all their projects, they try to have an opportunity to operate 24 hours per day. There are not very many Tommy's that are open 24 hours and it's because it all has to do with the business. It takes employees to operate at 3:00 and 4:00 a.m. and in his experience,

although they have asked to have the ability to operate 24 hours per day, with his experience in that area, it is not likely in this location. He expects business to be strong on Friday and Saturday nights up until about midnight and it will then slack off from there, certainly by 1:00 to 1:30 a.m. It's not likely they will be open 24 hours, but they would like to have the opportunity to continue to do business. Chair Johnson commented that she knew he used to live in Montclair and reminded him that the City's sidewalks "roll up" after a certain time and there is little activity. Mr. Maire stated the only difference here is that it is a freeway site and there is also a lot of activity because of Costco, but Costco closes relatively early. Again, in his experience, it will most likely not be a 24-hour site, but they hope to at least have that option.

Commissioner Martinez asked if breakfast was served at Tommy's and what would be the projected opening time. Mr. Maire replied that most often their stores are open at 7:00 a.m. and most are open until about midnight. On Friday and Saturday, they will extend that to about 1:00 to 1:30 a.m. They do have breakfast and their breakfast burrito is fantastic. Their breakfast menu is relatively limited and he felt it would be correct in saying that most people will be visiting Starbucks in the morning, not Tommy's and it would be reversed in the evening.

George Castaneda, 625 S. Poplar Avenue, Brea, the architect for Tommy's, introduced himself and said he was available for questions.

Ms. Geesink stated that she apologized to Mr. Kemmerer, but a one-way alley would not work in her situation.

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

Commissioner Sahagun wanted to address the lighting issue. The homes on the west side of Rose Avenue face east, so the garages at the rear will buffer not only the lighting but also the sound. While the lighting is needed for security purposes, it should not be an issue for the residences. He commended staff and the developer for doing a wonderful job. He felt the project manager or superintendent on the job will want to work with the neighbors. It will also be nice to have better access to the doctor's office.

Commissioner Martinez commented that he is a neighbor, he walks and shops there and is guilty of taking the shortcut through Wienerschnitzel when he is running late for work. He knows that will be gone, but the big picture is that we are going to have an eight-foot wall to mitigate the impact of the new uses. He felt terminating the connection to the east-west alley north of Wienerschnitzel will be a positive for the neighborhood, in that it may reduce cut-throughs. The thing that is very reasonable for the residents to be concerned about the possibility of increased traffic on San José Street and on Rose Avenue. Rose Avenue (south of San José) is not a straight shot but has some traffic-calming effects; however, the neighbors should submit their suggestions to Public Works for consideration. He felt the project was a win-win, wonderful for the community and thanked Tommy's for bringing the information to the Commission so that as it is developed, it all works well for everyone.

Commissioner Vodvarka commented about the lighting in the alley and suggested the applicant look into motion lights that could be installed in that portion of the alley and that would prevent lights from being on all the time, the only time that they would come on and if the lights were installed low so that when they did light up that area, they would light it lower than the block wall and that way you wouldn't be getting the light pollution up above where it would be bothering the residents on the east side of the alley. Director Lustro stated there currently is street lighting in the alley that is suspended from the utility poles and that will likely not change because those fixtures are owned by Edison. As City Planner Diaz mentioned, Condition No. 14 in the PPD resolution is our standard condition with respect to site lighting on this particular site. The height of poles that will be on-site are limited to 20 feet. That sounds like it is tall, but it is the minimum that we normally require for most commercial projects. The reason we are specifying the minimum height is because of the adjacency to a residential area. The lighting on the majority of the site will be largely mitigated by Building B, which backs up to the alley. The site lighting that will be around Tommy's and to the south around Starbucks will likely be placed in such a manner so as to not create nuisance glare across the wall and over into the alley. If we have a situation where light poles are placed near the property line we will require the developer to install house-backed shields so there is no light spill back into the alley or onto the properties on the west side of Rose Avenue. It is our standard condition. City Planner Diaz stated the intention for this project is not to light the alley, we are just talking about overspill that might be caused by lighting, because most of the lighting will be on the Central Avenue side of the property where it is needed for the parking lot. There is no intention to light the alley with this project.

Vice Chair Flores commented that the first day (the residents) see a trailer come out to the site, that will be the superintendent; just go there, introduce yourself and explain your concerns up front so the superintendent is aware of the issues.

Commissioner Martinez moved to determine that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). The project qualifies as a Class 32 exemption under State CEQA Guidelines in that the project is consistent with the applicable policies of the General Plan, the City's zoning requirements, is less than five acres in size, has utilities present in the area to serve the development, and is substantially surrounded by similar by similar commercially developed properties. As such, there is no substantial evidence the project will pose a potential significant impact to the environment, seconded by Vice Chair Flores, there being no opposition to the motion, the motion passed 5-0.

Vice Chair Flores moved to approve the Conditional Use Permit request to allow a drive-thru lanes at Buildings "A" and "C," and outdoor seating areas at all three buildings by adopting Resolution No. 15-1821, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Commissioner Vodvarka moved to approve the variance request for reduced front and rear yard building setbacks, and frontage landscape planter depth for the subject property, as described in the staff report and subject to the findings and conditions in Planning

Commission Resolution No. 15-1822, seconded by Commissioner Martinez, there being no opposition to the motion, the motion passed 5-0.

Chair Johnson moved to approve a Precise Plan of Design request under Case No. 2014-31 for the site plan, floor plans, building elevations, colors, materials, and conceptual landscape plan associated with the proposed retail commercial development and associated on- and off-site improvements per the submitted plans and as described in the staff report, subject to the conditions in Planning Commission Resolution No. 15-1823, seconded by Vice Chair Flores, there being no opposition to the motion, the motion passed 5-0.

INFORMATION ITEMS

Council member John Dutrey greeted the Commission and advised them that one of his roles on the City Council is that he is the liaison to the Commission. He mentioned he was a Planning Commissioner for six years and stated that the Commissioners deal with land use in the City and it is really important that we have good planning projects. He commended the Commission and staff for the professionalism he witnessed with regard to this project. He stated he does read the minutes and the agendas for all the meetings, felt it was very important that we show the public and the applicant(s) that we do study our items, consider comments and base decisions on land uses and make the best decision for the City of Montclair. He complimented the Commission for that and stated that he was always available if there were any questions.

Chair Johnson adjourned the meeting at 8:37 p.m.

Respectfully submitted,

Laura Embree
Recording Secretary