



**CITY OF MONTCLAIR  
PLANNING COMMISSION MINUTES**

**REGULAR ADJOURNED MEETING  
Monday, April 13, 2015**

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

**MINUTES**

The minutes of the March 23, 2015 regular meeting were presented for approval. Vice Chair Flores moved, Commissioner Sahagun seconded, and the minutes were approved 5-0.

**ORAL AND WRITTEN COMMUNICATIONS**

None.

## AGENDA ITEMS

- a. PUBLIC HEARING - CASE NUMBER 2015-2
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|--------------------|--|
| Project Address:   | Citywide   |
| Project Applicant: | City of Montclair  |
| Project Planner:   | Steve Lustro, Community Development Director   |
| Request:           | Zoning Code amendment adding Chapter 11.65 to the Montclair Municipal Code related to reasonable accommodations for disabled individuals |
| CEQA Assessment:   | Categorically Exempt, Section 15301 (Class 1) and Section 15303 (Class 3)  |

Director Lustro reviewed the staff report.

Commissioner Vodvarka asked if a disabled person needed work done for an accommodation, can City staff recommend someone. Director Lustro replied that staff does not make such recommendations as a matter of policy. If permits are required, the applicant can obtain a permit as owner-builder and do the work themselves or they can hire a licensed contractor. Commissioner Vodvarka asked if a permit would be required to build a ramp. Director Lustro stated it depended upon the scope of work that is being done. Typically, flat work (sidewalks, etc.) do not need permits, but if the work being done to provide reasonable accommodation requires any structural work, it would require a building permit.

Chair Johnson asked about minor versus major reasonable accommodation. If she read the staff report correctly, major is something that cannot be restored. What could we possibly do to a building that we could not undo? With respect to a major accommodation, Director Lustro suggested that might possibly involve an actual addition or modification to the structure of a residence. What Commissioner Vodvarka was describing would likely be a minor accommodation; something that could be easily removed if the need for the accommodation terminated. To some degree, it is a judgment call on a case-by-case basis. Chair Johnson asked if "minor" generally applied to improvements outside the footprint of the house. Director Lustro replied probably yes, but it would be largely dependent on the extent of the improvements.

Chair Johnson opened the public hearing.

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 Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent judgment, concurs with the staff's determination of exemption and directs staff to prepare a Notice of Exemption and a DeMinimis finding of no effect on fish

and wildlife, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Commissioner Vodvarka moved to recommend the City Council adopt proposed Ordinance No. 15-948, adding Chapter 11.65 to the Montclair Municipal Code to establish criteria and procedures to provide reasonable accommodations for disabled individuals as set forth in Planning Commission Resolution No. 15-1826, seconded by Vice Chair Flores, there being no opposition to the motion, the motion passed 5-0.

b. PUBLIC HEARING - CASE NUMBER 2015-1

Project Address:	MIP (Manufacturing Industrial Park) land use districts of the North Montclair Specific Plan
Project Applicant:	Holualoa Montclair Business Center LLC
Project Planner:	Michael Diaz, City Planner
Request:	Specific Plan Amendment and amendment to Chapter 11.78 of the Montclair Municipal Code adding microbreweries as a conditionally permitted use
CEQA Assessment:	Categorically Exempt (Section 15305)

City Planner Diaz reviewed the staff report.

Commissioner Sahagun asked if a larger brewery wanted to construct a larger tasting room and all of the upgrades that it would trigger, could they come before the Commission with a CUP application. City Planner Diaz stated yes, that it would be the appropriate way to ask for consideration of a larger tasting room. Staff would likely recommend that consideration be given to the rough proportion of the size of the tasting room in relation to the overall facility and the Commission could make a determination. Commissioner Sahagun asked if the separation rule from schools would apply. City Planner Diaz stated staff was not aware of any separation requirements between schools and microbreweries. special requirements regarding schools and the location of micro-breweries.

Vice Chair Flores stated he has noticed that microbreweries have opened in nearby cities and wondered if any would come to Montclair.

Commissioner Sahagun stated that microbreweries are very popular.

Commissioner Martinez stated he has not had the opportunity to visit a microbrewery but imagined a commercial restaurant with a small brewing area. But it sounds like staff found local microbreweries to be primarily manufacturing with a small tasting room. City Planner Diaz confirmed that the ones staff visited were industrial park-based microbreweries where the primary operation was manufacturing beer and the tasting room hours were limited to late afternoons or weekends. There are some other types of microbreweries embedded in

restaurants, such as BJ's Restaurant and Brewhouse. That is a commercial operation where food is primary and alcohol is ancillary but an integral part of the business.

Chair Johnson saw in the staff report that microbreweries could have food trucks come in, but she also thought there was a limit on the number of trucks. City Planner Diaz stated the current Municipal Code limit on food trucks applies to those on public streets, while the Code is somewhat vague on food trucks on private property. Because of the increased popularity of food trucks, staff will be working on a code amendment during 2015 to more clearly address their operation on public and private property.

Rick Gomez, 6207 Crystal Drive, Rancho Cucamonga, consultant for microbrewery proponents Susan Elias and Nikki Paternoster, was there to introduce himself and the proponents and was available to answer all the technical questions. They are in agreement with the staff report and have been very pleased with the responsiveness and helpfulness of the staff. They realize this is a new use to the City and understand that issues needed to be worked out and they have been very pleased with staff's support.

Chair Johnson opened the public hearing.

Nikki Paternoster, 4868 Princeton Street, Montclair, stated she was available to answer questions.

Commissioner Martinez wanted to get an idea of how the business would be operated and how sales are conducted. Ms. Paternoster explained they intend to be a small beer manufacturer; you could call it a nano-brewery. They will be starting as a one-barrel system doing very small batches and experimental batches, but the intent is to have different types of beer for people to try. They will start off producing six different beers and one or two non-alcoholic beers. Guests will be welcome to taste the different beers. If they like something, they can get a glass of it. If they would like to take it home, we would sell them a growler, which is a half-gallon jug. It's not meant to be consumed on the premises, but to take home. That is how they intend to start the business. Commissioner Martinez asked if they would want to expand their retail sales. Ms. Paternoster stated the eventual goal would be to distribute to local restaurants within the City and Inland Empire.

Commissioner Vodvarka asked if someone wanted to buy some of their beer would they have to bring their own bottles. Ms. Paternoster stated they will have their own growlers with the brewery's logo along with other items for sale such as T-shirts and pint glasses, but anyone who wants to bring a growler in, they will be able to fill it for them.

Commissioner Sahagun thanked Ms. Paternoster for wanting to open her business in the City where she lives. Ms. Paternoster stated she has lived here since she was eight years old and because she loves it so much, it was her passion to be able to open a microbrewery in Montclair. Not only that, but she and Ms. Elias were excited about opening the very first microbrewery here and equally excited to be the first female-owned and operated microbrewery in the Inland Empire. City Planner Diaz reminded the Commission that the agenda item before them was not for specific consideration of the

proponents' business, but simply to amend the Code to allow them to return to the Commission at a later date with an application.

Chair Johnson stated that if this code amendment is ultimately approved, she would look forward to seeing them return to apply for their Conditional Use Permit.

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 Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent judgment, concurs with the staff's determination of exemption and directs staff to prepare a Notice of Exemption, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Vice Chair Flores moved to recommend the City Council adopt proposed Ordinance No. 15-949, amending the Land Use Matrix (Table 3-1) contained in the North Montclair Specific Plan to add microbreweries under "5. Eating/Drinking Establishments" as a conditionally permitted use within the MIP (Manufacturing Industrial Park) land use district of the Specific Plan, and amending Section 11.78.030.C of the Montclair Municipal Code to allow microbreweries in said land use district, as set forth in Planning Commission Resolution No. 15-1828, seconded by Commissioner Martinez, there being no opposition to the motion, the motion passed 5-0.

## **INFORMATION ITEMS**

Director Lustro commented that the Commission received in their packet delivery the expansion plans for Montclair Plaza, which will be considered at the April 27 meeting. Staff thought it would be helpful to have the bulk of the information in the Commission's hands ahead of time to allow adequate opportunity for review. The only remaining items that will be delivered to the Commission will be the staff report, resolution and any supporting documentation staff might have for the Commission at that time. If Commissioners have any questions or need any clarification on the plans, staff would be pleased to discuss those in advance of the meeting. The Plaza expansion will be the only agenda item at the next meeting.

Commissioner Sahagun commented he was not sure if everyone received the update for the Metro Gold Line Foothill Extension. There will be a community meeting on Tuesday, April 21<sup>st</sup> at the Senior Center from 6:00 to 8:00 p.m.

Vice Chair Flores commented he had an occasion to go by the Arrow Station project and asked Project Superintendent Curt Sumner when the project would be finished. He was told it would depend how sales go.

Vice Chair Flores commented that the owners of the property across from Costco finally fixed their fence and it looks nice and clean.

Commissioner Martinez commented about Governor Brown's recent order for mandatory cutbacks in water usage. He asked if staff knows at this point whether natural turf would even be allowed any longer given the limited types of irrigation that would be permitted. Director Lustro replied the current Municipal Code places reasonable restrictions on the types of landscaping and the types of irrigation that can currently be used or installed. Our water-efficient landscape conservation ordinance that was enacted in 2010 currently limits new landscapes to 50% living turf. We do not know at this point if the amendments that will be made to the State's Model Water Efficient Landscape Ordinance will preclude the use of real turf. If it does, we will amend our code to be consistent with State law. One of the things that has been made very clear already is that all new irrigation must be either drip system or micro-spray, not traditional pop-up irrigation. If turf continues to be allowed, it can be irrigated with either of the allowed systems, including underground drip systems. The drip system would be laid out in a grid on the bare dirt and then the sod laid over it, so it is watered from underneath rather than from above. He has had an opportunity to observe a couple of those systems and they seem to work pretty well. He did not know how prone those systems are to clogging or problems but they do exist. Staff is going to wait until the State law is modified and then we will amend the Municipal Code. Any changes will be brought to the Planning Commission and City Council for consideration, probably sometime later this year.

Vice Chair Flores stated that his neighborhood has been trying to have sidewalks installed since about 1980. they have been waiting for sidewalks since 1980. He understood that the City was going to pursue construction under the California Street Improvement Act of 1911 ("1911 Act") but he had not heard of any recent progress. Director Lustro suggested he contact the Public Works Director to find out the status.

Commissioner Vodvarka commented that the City Manager's Weekly Report, available on the City's website, is very informative and provides information about what is happening throughout the City.

Chair Johnson adjourned the meeting at 7:48 p.m.

Respectfully submitted,

Laura Embree  
Recording Secretary