



CITY OF MONTCLAIR  
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING  
February 22, 2016

COUNCIL CHAMBER  
5111 Benito Street, Montclair, California 91763

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**CALL TO ORDER**

Vice Chair Flores called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

Commissioner Martinez led those present in the salute to the flag.

**ROLL CALL**

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

Excused: Chair Johnson.

**MINUTES**

The minutes from the December 14, 2015 meeting were presented for approval. Commissioner Sahagun moved, Commissioner Vodvarka seconded, and the minutes were approved 4-0,

## ORAL AND WRITTEN COMMUNICATIONS

None.

## AGENDA ITEMS

- a. PUBLIC HEARING - CASE NUMBER 2016-2
  - Project Address: 4975 Mission Boulevard
  - Project Applicant: Kasner Family Limited Partnership
  - Project Planner: Steve Lustro, AICP,  
Community Development Director
  - Request: General Plan Land Use Map Amendment, Zoning  
Map Amendment, Tentative Tract Maps, and Precise  
Plan of Design
  - CEQA Assessment: Mitigated Negative Declaration

Director Lustro reviewed the staff report. The item was reviewed by the Real Estate Committee on December 21, 2015 and after a review of the plans and a brief presentation by the developer, the Committee indicated its support for this project. He indicated the property owner and developer were present.

Vice Chair Flores opened the public hearing.

Mario Vinoya, 10938 Whitewater Avenue, Montclair, said he did not have an opportunity to come and review the documents for this project but felt it would be good for the City. His only concern was that of privacy and how this project would affect the subdivision directly to the east where he lives. He also wanted to know what would happen to the masonry wall along his west property line. Director Lustro commented that when the adjacent subdivision was built around 2004, the homes on the west side of Whitewater Avenue were built with a masonry block wall along their rear property line and that wall will remain in place, most of its length backing up to the new single-family homes proposed for the south side of this particular property. A short section of the wall will adjoin the proposed condominium development, but the developer will make use of that existing block wall so there will be a separation between the existing homes and the proposed project.

Mr. Vinoya stated he read the description of the project and he noticed the condominiums would be directly west of his property and he wondered how far away the building would be from his property line. Director Lustro reviewed the plans and responded the separation between the condominium buildings along the east side of the property would observe a minimum 11-foot separation from the existing block wall.

Commissioner Sahagun asked whether we are still requiring block walls with new projects. Director Lustro stated the perimeter of both projects will be enclosed with a masonry wall or combination masonry wall/wrought iron fence. The vinyl fences proposed are internal to each

development and would be limited to side yard fencing between the condominiums and side yard fencing between the single-family homes. Commissioner Sahagun asked about the association and the maintenance agreements; he was curious if those would be handled outside because he did not remember getting copies of agreements. Director Lustro stated that was correct, the CC&Rs are drafted by the developer and reviewed by City staff and the City Attorney to make sure they are satisfactory to the City. Staff then works with the developer if there are any changes. The adopted CC&Rs are a legal document between the developer and the buyers.

Commissioner Vodvarka asked if there would be a security system as part of the project. Director Lustro replied the City's multi-family ordinance requires compliance with certain security requirements that would apply to the condominium portion of the development. There is a requirement that the developer work with the Police Department to pull together a security plan, which can include security cameras. Initially, we don't require that a security patrol be required; however, there is a recommended condition that if there is an inordinate number of calls for service to the Police Department over and above what the Police Department would consider normal, the Police Department would work with the developer on enhancing the security plan, which could include mandating private security patrols.

Commissioner Sahagun asked if staff heard from anyone else regarding the project. Director Lustro stated that other than Mr. Vinoya attending tonight's meeting, staff has not heard from any other property owners.

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

Commissioner Sahagun moved that, for environmental review, take the following actions as responsible agency:

1. Certify that the Commission has reviewed and considered the environmental assessment based upon the findings and proposed mitigation measures in the Initial Study prepared for the project, and that there will be no significant impact on the environment as a result of the proposed land use amendments and the subsequent construction of the proposed 22-unit residential condominium project and nine-unit single-family subdivision; and
2. Adopt the proposed Mitigated Negative Declaration and finding that there will be a DeMinimis impact on fish and wildlife; and
3. Direct staff to file a Notice of Determination (NOD) and pay appropriate fees within five (5) days of this action.

Commissioner Vodvarka seconded, there being no opposition to the motion, the motion passed 4-0.

Commissioner Martinez moved that, for the proposed land use amendments, make the following recommendations to the City Council:

1. Recommend approval of the proposed amendment to the General Plan land use designation for the northerly 2.30 acres of the subject property from "General Commercial" to "Medium Density Residential" (8-14 dwelling units per acre), and the proposed amendment to the General Plan land use designation for the southerly 2.30 acres of the subject property from "General Commercial" to "Low Density Residential" (3-7 dwelling units per acre), per attached Planning Commission Resolution No. 16-1851; and
2. Recommend approval of the proposed amendment to the Official Zoning Map for the northerly 2.30 acres of the subject property from "C-2" (Restricted Commercial) to "R-3" (Medium-High Density Residential), and the proposed amendment to the Official Zoning Map for the southerly 2.30 acres from "C-2" (Restricted Commercial) to "R-1" (Single-Family Residential), per attached Planning Commission Resolution No. 16-1852.

Vice Chair Flores seconded, there being no opposition to the motion, the motion passed 4-0.

Commissioner Vodvarka moved that, for the project, take the following actions:

1. Recommend City Council approval of Tentative Tract Map No. 19926, subdividing the subject property into a single lot for a 22-unit residential condominium project along with associated common areas for driveways, parking areas, landscaped areas, walkways, and recreation facilities, and Tentative Tract Map No. 19926-1, a nine-lot subdivision to accommodate nine (9) detached, single-family residences, finding that the maps are consistent with the Montclair Municipal Code and the State Subdivision Map Act.
2. Approve the Precise Plan of Design for the site plan, elevations, conceptual colors and materials, and conceptual landscape plan associated with the proposed 22-unit residential condominium development, nine-unit detached, single-family residential 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. 16-1853.

Commissioner Sahagun seconded, there being no opposition to the motion, the motion passed 4-0.

Deputy City Attorney Holdaway summarized the actions as recommending City Council approval for a General Plan Amendment, zoning map amendment, and Tentative Tract Map Nos. 19926 and 19926-1, and approving the PPD in connection with the condominium and single-family residential development.

## **INFORMATION ITEMS**

Director Lustro reminded the Commission to complete and bring in their Form 700 for the annual reporting as soon as possible.

Commissioner Sahagun asked for an update on Montclair Place. Director Lustro replied that CIM Group is continuing to work with the major tenants to obtain their buy-off on the plans approved by the Commission last April. In the meantime, they have submitted plans for the formal relocation of the food court from the west end of the mall to the center court wing of the upper level, opposite JCPenney. There has been discussion with staff about pursuing other components of the project, but there is not much else going on right now.

Commissioner Vodvarka commented that he really appreciated the City Manager's Weekly because it is chock full of information.

Commissioner Martinez commented that he frequented the new Starbucks and he found it so creative that we were able to fit so much into one shopping center but yet it felt so comfortable, very attractive, and was very excited about the rest of the shopping center coming together. Good job to staff.

Vice Chair Flores commented that what he did not like was that the new Starbucks did not have a grand opening because when word gets around that they have a drive-thru, they are going to get a lot more people. The project at Holt and Ramona is looking great. He asked for everyone's prayers and shared that his wife, his sister, his two brothers-in-law, and his younger brother are all not doing well.

Vice Chair Flores adjourned the meeting at 7:30 p.m.

Respectfully submitted,

Laura Embree  
Planning Commission Secretary