



CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES
REGULAR ADJOURNED MEETING
April 25, 2016

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

Vice Chair Flores 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 from the April 11, 2016 meeting were presented for approval. Commissioner Vodvarka moved, Vice Chair Flores seconded, and the minutes were approved 5-0, as amended.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

- a. PUBLIC HEARING - CASE NUMBER 2016-4
Project Address: 2082, 2086, 2090, 2094, 2098, 2102,
2108, 2112, & 2118 Montclair Plaza Lane
Project Applicant: 5060 Montclair Plaza Lane Owner, LLC
Project Planner: Steve Lustro, AICP,
Community Development Director
Request: Master Conditional Use Permit to allow a maximum
of nine (9) on-sale ABC licenses in conjunction with
the establishment of a new food hall ("Moreno Street
Market") at Montclair Place
CEQA Assessment: Categorically Exempt (Section 15301)

Director Lustro reviewed the staff report. He commented that Larry Martin, the General Manager of Montclair Plaza, and Lee Rabun, the ABC consultant for CIM Group, were present and available to answer any questions.

Commissioner Martinez asked about the height of the railings. Director Lustro stated they will be required to meet minimum building code standards. The glass panels that exist now are compliant with the building code and the expectation would be that they probably want to match what is currently throughout Montclair Place. Commissioner Martinez asked that consideration be put on raising the railings just a bit for safety reasons.

Chair Johnson clarified that the item being considered was the ABC License and not the concept. The Commission will be looking at the concept at a different time.

Commissioner Sahagun asked if staff received any comments. Director Lustro replied there were no comments from the public in response to the public notice.

Chair Johnson asked for clarification on concerns about what would happen after mall hours so that people who had been drinking could not come back in. Her question was if the mall was closed, wouldn't patrons have to go out an exterior gate to get to the parking lot without going through or back into the mall. Director Lustro stated that was correct. There is direct access out to the parking structure currently and that would be maintained so you would be able to enter and exit through the existing exterior entrance to the upper level center court wing and that would be the primary means of egress from the two restaurants in the north end of the food hall along with the in-line tenants within the food hall itself. Staff's concern is that if the restaurants operate beyond the regular mall hours, which is what is being proposed, it needs to be shown how, when people are done eating, they are not going to wander through the mall, and will have to leave through the parking lot. Staff just needs to

see how access to the mall will be prevented, whether it's through physical devices or simply through security. It will be reviewed by staff by doing a plan check and if staff does not have sufficient information, that will be a correction on the plans that will need to be provided to staff.

Chair Johnson opened the public hearing.

Lee Rabun, 420 S. San Pedro Street, Suite 225, Los Angeles, CA 90013, of CLR Enterprises, Inc., a land use consultant and representative for CIM Group, along with Larry Martin, the General Manager of the Plaza, and Steven Felderman, Vice President of CIM Group were in attendance. They have actually been working on this project for about one and one-half years. If there were more planners like Mr. Lustro, he would probably be out of a job because Steve took away most of the things he was going to embellish on. His background was with Alcohol Beverage Control (ABC); he was a District Administrator at the ABC and he left 31 years ago and this is what he does now. Food courts have become, since the recession, the manor which regional malls use to attract more patronage to their malls. The days of Hot Dog on a Stick and a falafel sandwich are gone and people's palettes are more interesting now. They've been exposed to different cultures and ethnic foods and they prefer to have that. The seven spaces available in the food court will have the option to have beer and wine. So far, the tenants they have spoken to haven't expressed a desire to sell beer and wine so it's a possibility that Montclair Place will end up with a food court with no beer and wine. The two general, Type 47 licenses, are general eating place licenses, which are for more traditional sit-down, family-oriented restaurants. He'd like the Commission to note that the hours of operation for the food court restaurants ends at 10:00 p.m. and for the traditional restaurants, they end at midnight. There is no request for any entertainment or dancing, these are strictly family-oriented restaurants. CIM wants to maintain the character of Montclair Place by doing so. They have had kind of a brainstorm after speaking with Mr. Lustro about the access to the rest of the mall from the patrons. *Discussion followed while reviewing visual aids.* There are certain operating factors they wanted the Commission to be aware of. The entire mall closes at 9:00 p.m.; so, the food court can stay open until 10:00 p.m. After 10:00 p.m., housekeeping staff will be in the food court area cleaning up and they are anticipating they will be there probably a couple of hours. They also have 24-hour security and are installing an upgraded camera system, strictly for the food court, since they will be selling alcoholic beverages. There will be a number of cameras focused on the food court and the activity there. They did not know if most of the tenants want in-house bathrooms or want to avail themselves to the bathrooms already in the Plaza. They think it will be easy enough to just stanchion off the area at the top of the food court advising people that the mall is closed but restrooms are open and they can go down that hallway and use the restrooms. The doors to the Montclair Plaza are open for about two hours after close. If there is an emergency, an employee needs to get out, or if someone gets into the mall, they won't be lost or end up on some television show, they will be able to exit the Plaza. With 24-hour security, there's always a monitor on the security camera. They will know if someone is wandering around the shopping center. There are eight standard conditions by ABC that require every beverage sold to a customer in the food court come in a

distinctive container and the distinctive elements cannot be the name of a cup company or the color by itself, it has to include the logo of the business that sold it and the latest condition that Mr. Lustro proposed, and that they accept, is that all service of alcoholic beverages will be served by an employee from that restaurant, delivering it to the patrons seated at a table so it gives them a second chance for a different employee to make eye contact to make sure they are over 21, double-check IDs and that they are not intoxicated. They reviewed the staff report and the resolution and accept it.

Commissioner Vodvarka asked about the serving; if a beer comes in a bottle or can, they (*the restaurant*) will pour it into a container that's suits the business. He asked if there would be tap beer? Mr. Rabun replied there may be and in which case that would go in the same container. After you make your food order and sit down, then the beer or wine is served to you by wait staff.

Commissioner Sahagun asked if they knew the total amount of seating with all the combined restaurants proposed. Mr. Rabun replied they do not know the number because they do not know who the tenants are yet.

Bruce Culp, 9016 Sycamore Avenue, Unit 110, Montclair, resident, commented he was pleased to see full service restaurants coming back inside the mall. He hoped CIM Group would eventually develop more around the patio area facing north so you won't be looking from the patio area to a bunch of cars.

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

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

Commissioner Vodvarka moved to approve a Conditional Use Permit to allow the on-premises sale of beer and wine (Type 41 ABC license) in conjunction with a maximum of seven (7) eating establishments within a new food hall ("Moreno Street Market") at 2082, 2086, 2090, 2094, 2108, 2112, and 2118 Montclair Plaza Lane; and the on-premises sale of beer, wine, and distilled spirits (Type 47 ABC license) in conjunction with a maximum of two (2), full-service bona fide eating establishments at 2098 and 2102 Montclair Plaza Lane per the submitted plans, as described in the staff report, and required findings subject to the conditions in attached Resolution No. 16-1855, seconded by Commissioner Martinez, there being no opposition to the motion, the motion passed 5-0.

INFORMATION ITEMS

Director Lustro thanked the Commission for tolerating him for the last 15 ½ years. He had the pleasure of working with four of the five Commissioners during that entire time; anyone

familiar with Montclair knows the Council and Commissioners are pretty stable and that's probably a gross understatement when compared to other cities. He knew that staff has always tried to provide the Commission with all of the relevant information related to the dozens and dozens of applications they have considered since he got there in 2000 and staff has always appreciated the consideration they give everything. Staff knows that Commissioners go out and look at project sites, which certainly gives you a leg up when sitting at a meeting and discussing something you've had a chance to go out and see. That professionalism and diligence is much appreciated by staff because they try to put a lot of work into the written product that staff provides twice per month and that is presented orally at the meetings. He very much appreciated working with all the Commissioners and wished them all the best and asked that they keep doing the best for the City because the City deserves it.

City Planner Diaz wanted to publicly express his appreciation for Steve's many years of public service that included a stint in Claremont where they first met, with the School Board of Pomona, and in Montclair for the last 15 ½ years. For him and Associate Planner Gutierrez, it has been a privilege to work with and serve under Steve with his leadership, they have been able to grow professionally and they have appreciated that opportunity. On a more personal note, he wanted to personally express his thankfulness to Steve who has been a good friend and kind to him and his family over the years and they have similar life experiences that they can share and it gives that similar framework in how they view the world and what's in it. Steve and Sharon, Steve's lovely wife, made it a point to both be present, particularly when he and his family celebrated many good times and even when they had to mourn. He and Steve share similar stories about their parents, their growing-up years in and around L.A., their educational journey and their agony over whether the Dodgers will ever win the Series again while they are still alive. He asked that Steve text him with his excitement when Ernie hits a home run or when he is in disgust when the bullpen blows it again. He congratulated him on his retirement and hoped for many good years of rest and fun and noted that he will be retiring someday soon, but until then, his door is always open.

Deputy City Attorney Holdaway joined in wishing Steve the best; he is a very skilled, professional and knowledgeable individual who has done a great job for the City, but more than that, he is very caring, respectful and dignified and a pleasure to work with.

Commissioner Sahagun commented he has known Steve a little bit longer, when Steve would call to give him a ticket for a building owned in Claremont back when Steve worked in Code Enforcement. When he found out Steve was coming to Montclair, he was pretty jazzed because of Steve's professionalism. He always knew when Steve was going to present the reports because of the clarity in his writing. The Commission is going to miss you and thanks for all you have done!

Vice Chair Flores stated the other Commissioners haven't been around as long as he has, but in his free time he frequents other cities and their meetings and he would put up our staff against any other city in the County. There is no other city that does planning quite the way Montclair does and Steve was a great part of that!

Commissioner Vodvarka congratulated Steve and stated that in his 20 years as a Commissioner, he spent all the years Steve was here learning more from him than you could "shake a stick at." Steve has so much knowledge and he hoped he enjoys his retirement as much as he has enjoyed his. He's been retired for 26 years and has been having a wonderful retirement. Take it easy, God bless and thank you!

Commissioner Martinez stated he was the new guy; he knew Steve for many, many years as part of the Montclair family but then on the Commission for a couple years. You are a gentleman to work with, articulate, very respectful to the Commission and folks coming before the Commission and it has been a pleasure working with you and he has learned a lot. God bless you and your family in retirement!

Commissioner Johnson stated that to Laura Embree, the Administrative Secretary who supports the Montclair Planning Commission, and the one who pulls everything together ever so quietly in the background, the one who types up the reports and makes sure that she gets a hold of the Commissioners no matter how she has to do it. Thank you and Happy Administrative Professionals Day!

Commissioner Johnson stated that as people transition into new roles, we are compelled to remember all they have done to reach this milestone and when you lose a leader, there's a whole kaleidoscope of memories. It's been said that you don't lead by hitting people over the head, that's not leadership, we are reminded of how Steve Lustro has lead the Commission over the years, not by berating us, but, rather, firmly providing the viable, easy-to-understand clarification. With great patience, Steve consistently answered all of their questions, even when they all asked the same question five different ways, he just hung in there with them. Ronald Reagan once said the greatest leader is not necessarily the one who does the greatest things, he is the one who gets the people to do the greatest things. On behalf of all the current and past Montclair Planning Commissioners, she thanked Steve for being a great leader, for guiding them as they attempted to improve the landscape of Montclair as well as the lifestyle of Montclair residents, for sharing his broad knowledge base, for his friendship, for the wind beneath their wings, and they all wished him well as he enters into this new phase of life and hoped all the desires of his heart are met. Please know that you will be missed and they really hope he stops by from time to time to make sure they are on the right track. Congratulations!

Associate Planner Gutierrez stated that Steve was leaving a great legacy in Montclair and one thing that she found invaluable and struck her as a good, valuable lesson is that he has been consistently unselfish and willing to pay it forward to the next generation of planners. Time and time again, in his spare time, he mentored planners, accepted interviews from students at Cal Poly that wanted to learn about the planning field. For her, it was particularly memorable because it's people like Steve that took the time to instill that sense of passion and interest in community improvement and development that really serves to propel leaders for the future and inspires students to continue in this profession because it's a tough profession, there's good days and bad days and one thing she learned from Steve and hoped to remember is, "what would Steve do?" He really demonstrated his love and care for not

only his profession, but also for his fellow communities of Montclair and Pomona where he lives. She thanked him for the opportunity to join the Montclair family.

Chair Johnson adjourned the meeting at 7:47 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Laura Embree". The signature is written in a cursive style with a large, looping initial "L".

Laura Embree
Planning Commission Secretary