



CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES
REGULAR ADJOURNED MEETING
November 22, 2021
VIA ZOOM VIRTUAL MEETING PLATFORM

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Chair Martinez led those virtually present in the salute to the flag.

ROLL CALL

Present: Chair Martinez, Vice Chair Sanchez, Commissioners Eaton, Patel, and Sahagun, Community Development Director Diaz, Economic Development Consultant Caldwell and City Attorney Robbins

Also Present: Director of Public Works/City Engineer Heredia

MINUTES

None.

ORAL AND WRITTEN COMMUNICATIONS

None

AGENDA ITEMS

- a. PUBLIC HEARING – Case Number 2021-25
(continued from the October 25, 2021 Planning Commission meeting)
- | | |
|--------------------|---|
| Project Address: | 4583 Holt Boulevard |
| Project Applicant: | Realogic Investments, LLC |
| Project Planner: | Silvia Gutierrez |
| Request: | Tentative Tract Map No. 20499 request to subdivide an existing multiple unit commercial office building that is currently under construction on a 2.38-acre site into a five-unit commercial office condominium |

Director of Community Development Diaz stated Associate Planner Gutierrez was unable to attend the evening's meeting and he reviewed the staff report.

Director Diaz confirmed the building is the same size as when approved previously, but for condominium purposes, it is necessary to be very specific about the area and what the limits are to the spaces that are being created. In this case, each unit has a specified ground floor area that is sellable to someone that wants to purchase condominium space. One can buy more than one space and then combine into one bigger unit or someone could purchase the entire building and use it for one purpose. In April, the Commission approved this project and it was under construction and nearly complete. Originally, the property owner had hoped to sell this parcel off individually, but because they could not meet the minimum lot size for a new lot under the Holt Boulevard Specific Plan, they had to go to Plan B, which was to convert it into a condominium. This would give the applicant flexibility in recouping some costs for the overall project. If approved, the maintenance, access, and parking would remain under the jurisdiction of the CC&Rs adopted for the entire project. Individuals can purchase or lease the property(ies), but will be governed by the CC&Rs.

Chair Martinez opened the public hearing.

Commissioner Sahagun asked whether manufacturing is allowed. Director Diaz stated the only uses allowed are those permitted by the Holt Boulevard Specific Plan. Some uses require a conditional use permit and others are prohibited outright. It is not a zone intended for industrial-type uses, it is really for support to other businesses.

Chair Martinez asked if the footprint and/or the square footage is the same as what was previously approved. Director Diaz confirmed the building is the same size as previously approved.

Commissioner Patel asked if there are several allowable uses there. Director Diaz stated that is correct. Each of the three zones have their own specific uses. Because there are three, they have certain specified uses which are conditionally permitted or not permitted and likewise for the other two.

Hearing no other requests to comment, Chair Martinez closed the public hearing.

Commissioner Sahagun moved, Vice Chair Sanchez seconded, that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). The Planning Division has determined this project to be categorically exempt

from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301(k) (Class 1 – Existing Facilities) of the State CEQA Guidelines. The project qualifies because the proposed project is part of an approved developed site that involves no expansion of the building because of the division of the building into common-interest ownership (condominiums) **there being no opposition to the motion, the motion passed 5-0. The motion carried by the following vote:**

Ayes: Chair Martinez, Vice Chair Sanchez, Commissioners Eaton, Patel and Sahagun

Noes: None

Absent: None

Commissioner Eaton moved, Vice Chair Sanchez seconded, to recommend City Council approval of Tentative Tract Map No. 20499 to allow the design and improvement of land subdivision in compliance with the Subdivision Map Act of the State, including the conditions of approval in attached Resolution 21-1954, **there being no opposition to the motion, the motion passed 5-0. The motion carried by the following vote:**

Ayes: Chair Martinez, Vice Chair Sanchez, Commissioners Eaton, Patel and Sahagun

Noes: None

Absent: None

Chair Martinez moved to approve, Commissioner Sahagun seconded, the Conditional Use Permit for the 5-unit commercial office commercial condominium project and associated site improvements located at 4583 Holt Boulevard, under Case No. 2021-25, subject to the conditions of approval in attached Resolution 21-1954, **there being no opposition to the motion, the motion passed 5-0. The motion carried by the following vote:**

Ayes: Chair Martinez, Vice Chair Sanchez, Commissioners Eaton, Patel and Sahagun

Noes: None

Absent: None

- b. PUBLIC HEARING – Case Number 2021-31
 - Project Address: 5515 Holt Boulevard
 - Project Applicant: Shenoty Fuel, LLC
 - Project Planner: Silvia Gutierrez
 - Request: Conditional Use Permit and Precise Plan of Design to re-establish a gas station use with a drive-thru car wash and convenience store on a 1.24-acre parcel with an ABC Type 20 off-sale license to sell beer and wine

Director Diaz reviewed the staff report. This is a project that Associate Planner Silvia Gutierrez worked very hard on and has been very challenging. There have been a couple attempts and they never materialized. This is a new owner; they own gas stations in the surrounding community, including one in Pomona on Garey Avenue. The applicant purchased the property about one year ago and is now moving forward with plans to establish the use at the subject site. The applicant hired an architect and engineer to work through design issues with the site so they could get back to a design that everyone could support and that is what is before the Planning Commission tonight. The CUP also not only needed to be amended because the convenience store, which was not part

of the original operation, is being requested. The convenience store requires a CUP and they are requesting approval to sell beer and wine.

Commissioner Eaton asked about restrooms. Director Diaz confirmed restrooms are required by the Code for a store this size and found and shared the floorplan via Zoom showing the restrooms on the plans.

Commissioner Sanchez commented he understood there are six gas pumps and asked if they will be offering diesel gasoline. Director Diaz replied he believed they would be offering all the usual grades as well as diesel, but suggested asking the applicant.

Chair Martinez opened the public hearing.

Yvonne Halaka, the owner, stated in reference to the question about the bathrooms, there would be two bathrooms inside the facility and in reference to the gas, there will be 87, 89 and 91 octane gas and diesel.

Commissioner Patel stated he was pleased this corner is finally being developed, liked the idea of security gates and the convenience store and carwash along with the beer and wine being sold. He stated that in looking at the canopy, the building, and the 26-foot-wide drive aisle, he was concerned about access in terms of deliveries. The existing site plan is much different than what is proposed because he believed the fuel tanks were at the south end. She replied she has three other sites and those, no matter how much space on each side, when the truck delivery comes, it is the precaution of the driver, if he does not see any cars obstructing his way, orange cones are used to block off his truck so that no one will interfere around the area where he is delivering or servicing the fuel.

Commissioner Patel stated he had a question regarding water quality. He stated Director Diaz mentioned that existing trees would be left and preserved in place.

In looking at the southeast corner of Holt and Vernon, Commissioner Patel felt it could be an opportunity for the City to finish off the dedication that is there to take over the ramp that is already built and secure that. Director Diaz deferred to Public Works Director Heredia to make sure those particular past elements of the project are looked at and properly addressed. He liked the project and felt it was a very well designed project. Director Diaz replied that in reference to the WQMP question, they do have an approved WQMP and he believed that most of the water and runoff is going to be accommodated with planters along the west and south end of the site. How they do that exactly cannot be told from the plan, but that is the particular procedure for this project. Commissioner Patel asked how do you work with existing trees. Director Diaz stated the idea is to keep as many of the existing trees as possible. It may be that one has to be removed for a visibility purpose, but the goal was to try to save as many as we could and then leave the remainder areas for a new approach to landscaping that could be well maintained by the applicant.

Chair Martinez asked about the owner's other facilities and her experience with a 24-hour operation. Is it going to be isolated in that part of town? He read that she will have two employees there at all times and asked about her experience with running a 24-hour operation. Ms. Halaka commented she is running the other locations 24 hours and she has no issues at all.

Tom Lau, architect of the project, thanked Planning Division staff for their assistance. To answer the question regarding the existing landscape, most of the existing landscape is on the north side of the property. So, on the west and south sides, that is where the WQMP will take place and will not take up much of the existing landscape. For the gasoline delivery, most of the time, it is scheduled for the non-rush hours. They are okay with all the conditions.

Hearing no other requests to comment, Chair Martinez closed the public hearing.

Vice Chair Sanchez moved, seconded by Commissioner Eaton, that based upon evidence submitted the project is deemed categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15332 of the California Environmental Quality Act (CEQA) Guidelines – In-Fill Development Projects in that the proposed project is consistent with the applicable General Plan land use designation and meets all applicable general plan policies and zoning regulations of the Holt Boulevard Specific Plan. Further, the project site and proposed development are surrounded by urban uses and the project site is less than 5 acres. The site is disturbed and has no known habitat for endangered or threatened species; and will not result in any significant traffic, noise, air quality, or water quality impacts or result in any significant negative environmental effects on the surrounding area. Lastly, the site is adequately served by all required utilities and public services to support the project, **there being no opposition to the motion, the motion passed 5-0. The motion carried by the following vote:**

Ayes: Chair Martinez, Vice Chair Sanchez, Commissioners Eaton, Patel and Sahagun

Noes: None

Absent: None

Commissioner Eaton moved, Vice Chair Sanchez seconded, to approve the Conditional Use Permit and Precise Plan of Design request for the site plan, floor plan, elevations, colors, materials, conceptual landscape plan, as amended per conditions of approval contained in Resolution No. 21-1957, **there being no opposition to the motion, the motion passed 5-0, the motion carried by the following vote:**

Ayes: Chair Martinez, Vice Chair Sanchez, Commissioners Eaton, Patel and Sahagun

Noes: None

Absent: None

- c. PUBLIC HEARING – Case Number 2021-32
- | | |
|--------------------|--|
| Project Address: | 5220 Moreno Street and 9052 Central Avenue |
| Project Applicant: | 5060 Montclair Plaza Lane Holdings Venture LLC & Target Corporation |
| Project Planner: | Christine Caldwell |
| Request: | Conditional Use Permit and Precise Plan of Design request to allow the construction of a 3,950-square-foot full-service sit-down restaurant with outdoor dining and drive-thru service |

Consultant Caldwell reviewed the staff report, stating that staff did not receive any comments or contact from the public regarding the item.

Chair Martinez opened the public hearing.

Nina Ray, RSI Group, 3187 Airway Avenue, Costa Mesa, CA, representative for Panera Bread, thanked staff for all the help given throughout the process. They have reviewed the conditions of approval and do not have any concerns with any of the conditions and she was available to answer any questions and there was also representatives available via Zoom from civil to architectural to provide any feedback needed.

Hearing no other requests to comment, Chair Martinez closed the public hearing.

Commissioner Sahagun asked about the bus stop, the current location, and how it fits aesthetically. Consultant Caldwell replied that staff discussed the bus stop and did not see that it would be affected, but will be recommending the applicant paint the bus stop because now it is white and the building is going to be in the tans and staff is not sure what the final design of the Moreno Street will be because of all of the planning occurring in the Montclair Place District Specific Plan area. They will be evaluating Moreno Street and improvements similar to what is being done on Arrow Highway. So, at this point, staff is not asking the applicant to change or build a new bus stop, but to paint it and make it more attractive.

Commissioner Sahagun commented the landscaping around the bus stop also needed attention. He stated he is a big proponent of the bus shelters and stops. Consultant Caldwell commented that staff is going to be working more closely with the applicant in refining the landscaping. Commissioner Sahagun stated he was excited to see this one come to town.

Director Diaz commented the City would like to thank Panera Bread for sticking it out on this project, it was a long process and he thanked them for staying with us and felt when it is all done, we will all be happy. Commissioner Sahagun stated especially since it is a demolition and rebuild. He complimented whoever owns the Islands building because it has been maintained and it if was broken into, you could not tell and felt it would be a shame to demolish that building.

Chair Martinez reached out to the applicant to ask if they wanted to weigh in on the bus stop or the landscaping. Ms. Ray replied they have already agreed to work on the landscaping, but she did not think there was any conversation about the bus stop or painting. Ms. Ray asked her team members (via Zoom) if they had any input. Dan Cook thanked the Commission and staff for the opportunity. He stated they would, of course, work with staff; he believed painting the bus stop would certainly be a welcome improvement and felt they could work with staff to find mutual agreement on what is needed there.

Commissioner Sanchez commented that it was a great detailed report, great project and was looking forward to seeing it.

Director Diaz stated that John Dietrich was wishing to comment (via Zoom). He thanked everyone for the opportunity to speak. He is a Senior Real Estate Manager for Target, 1000 Nicollet Mall, Minneapolis, MN 55403, and wanted to say thank you to staff for the very thorough presentation and that Target was very supportive of this re-use of that corner of their lot and the lot split and he echoed Ms. Caldwell's comment that it has been a very long, detailed process and they were also in favor of all of the conditions of approval and asked the Commission for approval to move this forward.

Commissioner Eaton commented that she has been excited for this project since the first idea came by when her husband, Paul Eaton, was still Mayor. She is so pleased to see it coming to fruition.

Commissioner Patel stated he was excited for it too, but did have some questions. He commented that it will be a great addition to our community and liked the design. I hope that this will become the model of what is to come because it will be around for many, many years. He asked about the two openings in the drive-thru and commented that he could see a conflict taking place in terms of people going in and out and not being patient enough or leaving that part of the drive aisle and asked if they really needed both openings. Ms. Ray replied that actually they do, it creates more open parking, exiting and does not create any gridlocks. They would prefer to keep both those openings. She added that Panera is proposing a drive-thru, but you do not see back-ups at their restaurants like is experienced at other fast food restaurants. Commissioner Patel asked who enforces the drive-thru lane because he could easily see someone parking on the white striped line.

Commissioner Patel asked if the landscaping median, the 2-foot narrow strip, could be enlarged. He felt when you are building a building as beautiful as this and you have a 2-foot median, by the time you measure curb face to curb face, you only have twelve inches of landscaping left. He asked if there was a way of squeezing anything out of the site plan to add 6 to 8 inches to make it wider to give the landscaping a chance to grow because nothing will grow in twelve inches. Ms. Ray replied they will review the drive aisles that are between the drive-thru and those parking spaces and see if there is any room other than what the minimum requirements are so she cannot say, "yes, they can" but if there is room there, they can work with the civil engineer and architect, and are willing to work with staff. Commissioner Patel stated that based on the civil plan, it is a median, but it is a two-foot median, same thing on the north side, it's a two-foot median. Second question he had is in looking at the west side of the exit, the drive aisle in terms of drive-thru; he was looking at conflict with people coming from the west side and will they accidentally drive into the driveway, it's too wide. He knows the plans shows a striped area on the south side, maybe should do something on the north side to narrow it down just to one way. Ms. Ray replied there are signs that will say "do not enter" so it will prevent entry and she believed it will be painted on the exit of the drive-thru lane. Director Diaz commented that those are the items that staff will be exploring and refining to address that particular concern. Ms. Ray stated she appreciated all the help that staff has given them throughout the process.

Chair Martinez asked what the future parking site will look like. Is it going to be plain or what sort of landscaping layout. Ms. Ray replied that unfortunately she did not have an answer to that. Consultant Caldwell added that she just pulled up the preliminary landscape plan and even though it is small and hard to read, you can see that there will be landscaping in that area, creating a completely new, refurbished parking field with trees, etc.

Commissioner Patel asked if the mural will have a theme. Consultant Caldwell replied yes, it is a variation of Panera's logo. Director Diaz stated this will be the second mural allowed in the North Montclair Downtown Specific Plan, the other one at Clyde's and is allowed as part of the sign program.

Director Diaz commented that before the Commission takes action, he wanted to suggest modifications to the resolution so the Commission can go through that sequentially: The first change is in the title, change the 3,800 to 3,950-square-feet; in the first recital, there is another 3,800 that needs to be changed to 3,950; he also suggested that to make sure we capture

all the comments that were made regarding the bus stop that we modify Condition No. 4 on page 7, adding a “g.” regarding working with staff on the refurbishing and landscaping that surrounds it before we go to City Council for approval so that item can be clarified so we have a plan on how to handle it.

Commissioner Sahagun moved and Commissioner Patel seconded that based upon evidence submitted, recommend the City Council find the application for the proposed 3,950-square-foot full-service restaurant with drive-thru service and outdoor patio dining is consistent with and conforms to the provisions of the North Montclair Downtown Specific Plan for which an EIR has been certified. The Commission further recommends the City Council find that none of the conditions outlined in State CEQA Guidelines section 15162 and 15182 calling for preparation of a subsequent or supplemental EIR have occurred. Thus, the Planning Commission recommends the City Council find the project exempt from CEQA under State CEQA Guidelines sections 15162 and 15182 and adding a Condition No. 4 g., **there being no opposition to the motion, the motion passed 5-0. The motion carried by the following vote:**

Ayes: Chair Martinez, Vice Chair Sanchez, Commissioners Eaton, Patel and Sahagun
Noes: None
Absent: None

Commissioner Patel moved, Commissioner Eaton seconded, to approve Planning Commission Resolution No. 21-1956, recommending City Council approval of:

1. A Conditional Use Permit to allow for the establishment of a drive-thru lane and outdoor dining at the proposed 3,950-square-foot Panera Bread Café restaurant, based on required findings; and
2. A Precise Plan of Design for the site plan, floor plans, elevations, colors, materials, and conceptual landscape and sign program associated with the proposed Panera Bread Café restaurant development at Moreno Street, and associated on-site improvements per the submitted plans and as described in the staff report, **there being no opposition to the motion, the motion passed 5-0. The motion carried by the following vote:**

Ayes: Chair Martinez, Vice Chair Sanchez, Commissioners Eaton, Patel and Sahagun
Noes: None
Absent: None

- d. PUBLIC HEARING – Case Number 2019-26
- | | |
|--------------------|--|
| Project Address: | 10330 – 10338 Central Avenue |
| Project Applicant: | Ismail Emilie Living Trust |
| Project Planner: | Silvia Gutierrez |
| Request: | Time Extension Request for Conditional Use Permit, Precise Plan of Design and Variance |

Director Diaz reviewed the staff memo. This is the second time extension request for the applicant. The applicant is asking for a time extension for the project.

Chair Martinez opened the public hearing.

Commissioner Sahagun suggested that future time extension requests be placed first on the agenda.

Hearing no other requests to comment, Chair Martinez closed the public hearing.

Commissioner Sahagun moved, Commissioner Eaton seconded, to approve a time extension for the Precise Plan of Design, Conditional Use Permit, and Variance approved under Case No. 2019-26, to October 26, 2022, subject to the original 80 conditions of approval in Resolution No. 20-1944, **there being no opposition to the motion, the motion passed 5-0. The motion carried by the following vote:**

Ayes: Chair Martinez, Vice Chair Sanchez, Commissioners Eaton, Patel and Sahagun

Noes: None

Absent: None

INFORMATION ITEMS

Chair Martinez wished everyone a happy Thanksgiving.

Commissioner Patel commented the Commission approved two good projects this evening in terms of redevelopment of the property; both have been unsightly for several years, along with the addition of Panera Bread, good presentation in terms of staff report. He wished everyone a happy and blessed Thanksgiving.

Director Diaz added that in 2022 there will be three or four more exciting projects coming before the Commission that could be transformative.

Vice Chair Sanchez stated he remembered when the gas station at Vernon Avenue and Holt Boulevard first opened and he felt it was a welcome sight to see it reconstructed. Great reports, very detailed and informative making it very easy for the Planning Commission to review.

Chair Martinez adjourned the meeting at 8:36 p.m.

Respectfully submitted,



Laura Embree
Recording Secretary