



CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES
REGULAR ADJOURNED MEETING
February 14, 2022
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

MINUTES

The minutes from the November 22, 2021 meeting were presented for approval. Commissioner Patel moved to approve, Commissioner Sahagun seconded, there being no opposition to the motion, the motion passed 5-0.

The minutes from the January 10, 2022 meeting were presented for approval. Commissioner Patel asked that the word "storage" be added after the words "unauthorized parking" and the word "not" be added after the word "would." Commissioner Eaton moved to approve, as amended, Vice Chair Sanchez seconded, there being no opposition to the motion, the motion passed 5-0.

ORAL AND WRITTEN COMMUNICATIONS

Bruce Culp, a resident, made suggestions to help the technical difficulties one of the Commissioners was having with their computer/phone equipment.

AGENDA ITEMS

- a. PUBLIC HEARING – Case Number 2021-35
Project Address: 5275 Holt Boulevard, units L, K and M
Project Applicant: CFG R&I Corporation
Project Planner: Silvia Gutierrez
Request: Conditional Use Permit to allow an ABC Type 41 License (On-Premises Sale of Beer and Wine) in conjunction with bona fide meals within the dining area of Kickin' Crab Seafood House Restaurant)

Due to computer and/or technical difficulties that Chair Martinez was having, Vice Chair Sanchez led the remainder of the meeting.

Consultant Christine Caldwell reviewed the staff report, filling-in for Associate Gutierrez, commenting that Associate Planner Gutierrez was virtually present and available for questions.

Vice Chair Sanchez opened the public hearing.

Bruce Culp, a Montclair resident, commented that staff's presentation of the agenda report was outstanding. He commented that restaurants and fast food restaurants are more and more often applying for Type 41 Beer and Wine sales. He thought it was an excellent way to bring people into restaurants and he was in favor of Kickin' Crab restaurant having beer and wine for sale. He appreciated all the work staff did to present the report and hoped the Planning Commission would approve the CUP application.

Commissioner Eaton commented it looks like a good project.

Commissioner Sahagun asked if the number of ABC Type 41 licenses identified in the agenda report included nightclubs. Director Diaz replied no.

Commissioner Patel asked staff how large Census Tract 3.06 is in terms of square footage or miles, etc. Associate Planner Gutierrez replied she believed it extended the width of the City—roughly two miles. Commissioner Patel commented staff provided a great presentation and stated the restaurant would be a good addition to the City. He further asked about some of the operational changes to restaurants that have occurred due to the pandemic. He questioned if the Chino Hills location has outdoor dining and would this restaurant have outdoor dining. Associate Planner Gutierrez stated outdoor dining was not part of this application and deferred the question regarding operation of the Chino Hills restaurant to the applicant.

A representative for Kickin' Crab, thanked the Commission and staff for their time and effort, stated this location would not have any outdoor dining and no alcohol consumption outside the premises. Their Chino Hills location does have a patio that was included in its ABC application.

Commissioner Patel asked, with the growth of Uber Eats, DoorDash, and other delivery services and/or pick-up service, would pick-up and drop-off of beer and wine be allowed as part of the service. The applicant's representative replied they do not sell alcohol for consumption outside the restaurant. Associate Planner Gutierrez commented Governor Newsom allowed restaurants to sell alcohol during the height of the pandemic and extended it until December 2021, when it sunsetted.

Vice Chair Sanchez commented he was wondering the same thing, as well. He also commented on what a great report, very informative, and felt the restaurant was going to be a great addition to the City, especially at that location. He asked about the hours of operation, closing at 9:00 p.m. He asked if the business could be used after hours for personal use or a private party. The only time there is going to be any usage after hours is going to be for team member meetings, but not for the public. Director Diaz added that after-hours events or private parties is not part of this CUP application.

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

Commissioner Patel moved, Commissioner Eaton seconded, 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, because it is on a fully developed site and involves minor exterior and interior improvements, and limited site changes for the installation of a grease interceptor will not involve grading, **there being no opposition to the motion, the motion passed 5-0.**

The motion carried the following vote:

Ayes: Vice Chair Sanchez, Chair Martinez (via non-verbal hand raise), Commissioner Eaton, Commissioner Patel and Commissioner Sahagun

Noes: None

Absent: None.

Commissioner Sahagun moved, Vice Chair Sanchez seconded, to approve Conditional Use Permit under Case No. 2021-35 approving the on-premises sale of beer and wine (ABC Type 41 license) in conjunction with a bona fide eating establishment and related tenant improvements at 5275 Holt Boulevard, Units K, L, and M per the submitted plans and as described in the staff report, subject to the conditions of approval in attached Resolution 22-1959. , **there being no opposition to the motion, the motion passed 4-0. The motion carried the following vote:**

Ayes: Vice Chair Sanchez, Commissioner Eaton, Commissioner Patel and Commissioner Sahagun

Noes: None

Absent: Chair Martinez (temporarily was unavailable due to technical difficulties with the Zoom platform)

- b. PUBLIC HEARING – Case Number 2021-37
 - Project Address: 4468 Holt Boulevard, Units B and C
 - Project Applicant: 4480 Holt Blvd Montclair LLC/KZMB LLC
 - Project Planner: Silvia Gutierrez
 - Request: Conditional Use Permit to allow an ABC Type 41 License (On-Premises Sale of Beer and Wine) in conjunction with bona fide meals within the dining area of Tacos La Bufadora Baja Grill Restaurant

Consultant Christine Caldwell reviewed the staff report, filling-in for Associate Gutierrez, commenting that Associate Planner Gutierrez was virtually present and available for questions.

Vice Chair Sanchez opened the public hearing.

Bruce Culp, a Montclair resident, stated he has visited a similar-type business where they sold alcohol behind the counter to sit-down patrons only and he felt that was a good business practice. He felt it was an excellent idea to stay competitive with some of the other places. He also suggested signage. Signage is very effective and useful just to remind people they cannot take alcohol out of the premises. Excellent staff report.

Sammy Lee, representing his parents who are the owners of the nearby Best Market, had concerns about allowing an alcohol license for a business right next to theirs.

Gabby Ruiz, representing Tacos La Bufadora Baja Grill Restaurant, thanked Mr. Culp and Mr. Lee for their comments. Regarding Mr. Culp's comment regarding signage, she pointed out they do have signage that states "no alcohol beyond this point" and have it at various points of their location. They put their alcohol behind the counter, they practice with the cashiers, train each employee how to ask for ID's and what to look for on the IDs before selling alcohol to any customers. They do not offer alcohol for take-out and do not serve alcohol at any of their locations outside the premises and it will be the same for this location. She further stated that it is their belief that the ABC Type 41 License will help their business significantly because it is a new location and due to the challenges of the pandemic, believe it would help with their sales. She thanked the Commission for their time and thanked Associate Planner Gutierrez for preparing the report on their behalf.

Mr. Lee added that his parents have had that property since 2006 and they have continued to invest in it and have been a steady source of employment for the neighborhood and he thought they did their part in keeping up their end of the agreement that was in place by not opening a bar establishment in their plaza. He felt they were a good contributor to the community and they were only asking that the other half of that agreement be kept. There was already a 7-Eleven store there when his parents purchased the property and they have been complying and ask the Commission to be consistent.

Bruce Culp, added that he totally respected Mr. Lee's comments, but it does not sound like this is going to be a bar establishment.

Ms. Ruiz further commented they are not a bar-related restaurant, just a fast food restaurant. Usually customer consumption is one or two beers, ordered with their food. She appreciated Mr. Lee's family having been here for many years and they are trying to stay active at that location for the same amount of years. They are hoping the license will help their sales.

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

Director Diaz stated Mr. Lee brings up a good point; they have a store built a long time ago and contributed to the neighborhood even before the construction of Orchard Plaza. The concern originally was in the opening of a liquor store and similar uses; 7-Eleven and the market-whatever agreement they made at that point—probably was more in line with the a liquor store for off-sale consumption. The items discussed tonight are for restaurant uses and requires the sale to be in conjunction with the purchase of food. This is not a bar; it is offering beer and wine for those who wish to purchase it with their meal. There is a difference between the types of uses here and they could both co-exist equally and be very successful in the types of businesses they do.

Commissioner Patel asked if the hours of operation would remain the same as currently exist. Director Diaz replied it was his understanding the hours are the same.

Commissioner Patel stated that in looking at Census Tract 305, the area can support four on-sale license types and the latest census report shows none. Director Diaz replied that is correct. He was speaking to the issues raised by Mr. Lee and his concerns about not being able to sell. Director Diaz replied he was not exactly sure what condition they agreed to that they could not sell, but he tried to state earlier that there is a distinction between the types of venues. The 7-Eleven store and Best Market and other stores like that would be primarily set up to sell for off-sale; people can come and purchase and take the item(s) away to consume off premises. This restaurant use is already in operation; serving food is required in conjunction with the consumption of alcohol on-site. There is a big distinction and difference between the types of venues where these beverages are sold and how they are sold. Staff does not believe it would be a difficult situation.

Commissioner Patel stated it was a coincidence to have two distinct restaurants at each end of town applying for similar licenses, distinct locations, one is Commercial, this one has residential elements, and in terms of concerns, he looked at the Police review and was in support of the application.

Commissioner Sahagun asked about the parking. Other than the parking stalls not be very wide, there is a lot of auxiliary parking to the north of the shopping center, plenty of overflow parking and he noticed one vacant business spot. Director Diaz confirmed there is ample parking to the northwest side and that has been the case for a while because in the original plans, there was supposed to be a Building D, which was not constructed. In the meantime, it has turned into available parking for use by any of the tenants. However, it has been staff's

observation there are busier times than others, but for the most part, there is ample parking. Staff feels adding alcohol sales at the existing restaurant will not make a significant difference to the parking demand.

Commissioner Sahagun observed two trashcans outside the trash enclosure that should be removed.

Commissioner Sahagun thanked Mr. Culp and Ms. Ruiz for their comments and remembered Mr. Lee's parents purchased their property and all the work, money, and effort they put in remodeling the Best Market shopping center and asked him to thank his parents. Mr. Lee stated he would pass that along to his parents; they could not attend the Zoom meeting, but they bought the property about 15 years ago and put a lot of personal money into the property. Commissioner Sahagun stated he thanked them for the community because of the laundromat there and the store.

Vice Chair Sanchez thanked staff for the great report, very detailed, and these changes are going to help the business and the area.

Commissioner Patel moved, Commissioner Sahagun seconded, 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, because it is on a fully developed site, **there being no opposition to the motion, the motion passed 5-0. The motion carried the following vote:**

Ayes: Vice Chair Sanchez, Chair Martinez (via non-verbal hand raise), Commissioner Eaton, Commissioner Patel and Commissioner Sahagun

Noes: None

Absent: None.

Commissioner Patel moved, Commissioner Eaton seconded, to approve a Conditional Use Permit under Case No. 2021-37 for the on-premises sale of beer and wine (Type 41 ABC license) in conjunction with an existing bona fide eating establishment at 4468 Holt Boulevard, Units B and C, per the submitted plans and as described in the staff report, subject to the conditions of approval in attached Resolution 22-1960, **there being no opposition to the motion, the motion passed 5-0. The motion carried the following vote:**

Ayes: Vice Chair Sanchez, Chair Martinez (via a non-verbal hand raise), Commissioner Eaton, Commissioner Patel and Commissioner Sahagun

Noes: None

Absent: None.

INFORMATION ITEMS

Director Diaz commented staff would let the Commissioners know if the next meeting would be virtual, hybrid, or in-person at City Hall. We are still working through the various scenarios based on the information received from outside agencies with regard to the Covid situation.

Commissioner Sahagun wished everyone a Happy Valentine's Day and commended staff on doing such a good job and go Rams!

Vice Chair Sanchez said the reports are exceptional and made it easy for them (the Commission) and he appreciates staff's hard work and he was looking forward to seeing everyone soon. Happy Valentine's Day.

Chair Martinez adjourned the meeting at 8:24 p.m.

Respectfully submitted,



Laura Embree
Recording Secretary

Approved 04-11-22