

MINUTES OF THE REGULAR MEETING OF THE CITY OF  
MONTCLAIR PLANNING COMMISSION HELD ON MONDAY, JUNE  
26, 2023, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 5111  
BENITO STREET, MONTCLAIR, CALIFORNIA

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**I. CALL TO ORDER**

Chair Martinez called the meeting to order at 7:01 p.m.

**II. PLEDGE OF ALLEGIANCE**

Chair Martinez led meeting participants in the Pledge.

**III. ROLL CALL**

Present: Chair Martinez, Vice Chair Sanchez, Commissioner Sahagun, Commissioner Eaton, Commissioner Patel, Director of Community Development Diaz, Senior Planner Gutiérrez, City Attorney Robbins, Director of Public Works/City Engineer Heredia, Administrative Specialist Giang

**IV. APPROVAL OF MINUTES - None**

**V. ORAL AND WRITTEN COMMUNICATIONS**

Director of Community Development Diaz introduced and welcomed Administrative Specialist Sharon Giang onboard and stated she would be the recording secretary for the Planning Commission meetings.

**VI. AGENDA ITEMS**

**PUBLIC HEARING**

<b>A. CASE NUMBER</b>	<b>2023-06</b>
<b>Project Address</b>	<b>9645 Central Avenue</b>
<b>Project Applicant</b>	<b>Jeronimo Brito for Brito Brothers Property LLC</b>
<b>Project Planner</b>	<b>Silvia Gutiérrez</b>

**Request:**

**Request for Conditional Use Permit (CUP) to allow the sale of alcoholic beverages (Type 47 ABC On-Sale License) in an existing 4,800 SF restaurant and the addition of covered outdoor dining and Precise Plan of Design (PPD) for the related exterior site and building improvements including the construction of a 1,280 SF patio outdoor dining area, a 169 SF front tower entry, and 200 SF rear covered entry. The applicant also requests a Variance from the front setback from 75 feet to 20 feet. The subject restaurant is developed on a 1.07-acre site encompassing two parcels that shall be merged.**

**CEQA Determination:**

**The Planning Division has determined the project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15301 of the State CEQA Guidelines.**

Senior Planner Gutiérrez presented the staff report along with a PowerPoint presentation.

Director of Community Development Diaz shared revised Resolution No. 23-1982, noting the changes in red.

Chair Martinez opened the public hearing.

Victor Sanchez, consultant, and Daniel Brito, property owner/applicant, provided an introduction to the **Kalaveras** Restaurant project and requested changes to several conditions for the proposed Resolution. A robust discussion ensued regarding changing the operating hours and Happy Hour schedule.

Commissioner Patel voiced his concerns with the number of trees proposed in the site area. He requested that staff enhance the landscaping, as there should be more landscaping along the south of the property line on the exterior of the building to increase the experience for patrons.

Director of Community Development Diaz clarified that minimum landscaping allows the fire department access to the site in case of emergency as well as allowing patrons to get into the narrow driveway of the parking lot without conflict. Community Development Department staff will work with the applicant to enhance the landscaping in the back area of the site.

Commissioner Patel expressed concerns with the site having a gate as he believes it takes away the attractiveness of the restaurant. He added that there should be decorative designs from the sidewalk leading up to the patio to be inviting to the patrons.

Director of Community Development Diaz clarified that the gates were installed to deter unsolicited transients from entering the site. The gates will remain open during business hours.

Vice Chair Sanchez received clarification from Director of Community Development Diaz and Senior Planner Gutiérrez regarding the backflow setup on the site and main entrance to the restaurant.

Commissioner Sahagun expressed keeping the gates closed at the site can deter transients from entering the area during inoperable hours, and having more landscaping will help welcome patrons to the restaurant.

Chair Martinez inquired about the noise level for the longer Happy Hour time frame disrupting the neighboring residential area.

Mr. Sanchez shared that other **Kalaveras** Restaurant locations are close to residential areas and they have experience in controlling noise levels. The applicant stated they would work with the City regarding any noise level complaints.

Chair Martinez received clarification from Director of Community Development Diaz about the two parcels on site being merged as a condition of approval. In addition, Chair Martinez concurred that keeping the gates on the site is important to secure the property.

Commissioner Sahagun expressed his optimism that the **Kalaveras** Restaurant upgrade to the site may encourage neighboring businesses to revamp and improve their exterior appearance.

Mr. Sanchez, the representative of the property owner, clarified that the applicant is receptive to keeping the gate to protect the restaurant from unsolicited activities but hopes the Planning Commissioners do not require a gate. He believes that having staff and cameras on site will mediate the problem.

City Attorney advised if the applicant agrees to keep the gate, they must adhere to the requirements, but it is optional whether to keep the gate or not.

Vice Chair Sanchez and Commissioner Eaton concurred that having the gate will help with security as staff will be entering from the back main entrance.

City Attorney and Director of Community Development Diaz proposed changes to items on the resolution to allow for an established Happy Hour time frame and entertainment permits.

There being no remote or in-person speakers, Chair Martinez closed the public hearing.

**Recommended Motion:**

- A. 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 because it is on a fully developed site and involves minor exterior and interior improvements and limited site changes not involving grading.
- B. Moved to approve Conditional Use Permit, Setback Variance, and Precise Plan of Design, under Case No. 2023-06, approving an outdoor dining area with the on-premises sale of beer, wine, and distilled spirits (ABC Type 47 license) in conjunction with a bona fide eating establishment, and related site improvements including new landscaping, and variance to reduce the front (west) setback from 40 feet to 20 feet at 9645 Central Avenue, per the submitted plans and as described in the staff report, subject to the conditions of approval in attached Resolutions 23-1983.

**Part A.**            **Moved by: Vice Chair Sanchez**  
                         **Seconded by: Commissioner Sahagun**  
                         **Ayes: 5**  
                         **Noes: 0**  
                         **Absent: 0**

**Part B.**            **Moved by: Commissioner Eaton**  
                         **Seconded by: Commissioner Sahagun**  
                         **Ayes: 5**  
                         **Noes: 0**  
                         **Absent: 0**

The project was approved with a 5-0 vote.

- B. CASE NUMBER            2023-16**
- Project Address            5404 Moreno Street, Units A, and B**  
**Project Applicant        JAC Windows, Inc.**  
**Project Planner            Silvia Gutiérrez**

**Request:**

**Request for a Conditional Use Permit (CUP) to establish a church use within two vacant lease spaces that encompass approximately 4,728 SF at 5404 Moreno Street, Unit A, and B. The subject project is proposed to be located within a multiple-tenant commercial building on a 1.45-acre parcel.**

**CEQA Determination:**

**The Planning Division has determined the project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15301 Class 1 (a) of the State CEQA Guidelines.**

Director of Community Development Diaz shared that the applicant wants to continue the hearing at a later meeting.

Chair Martinez opened the hearing for public comments for opposition on the adjourning of the item.

**Moved by: Chair Martinez**  
**Seconded by: Commissioner Eaton**  
**Ayes: 5**  
**Noes: 0**  
**Absent: 0**

Item 6b was adjourned to be discussed at the next regular Planning Commission meeting.

**VII. INFORMATION ITEMS**

Chair Martinez, Vice Chair Sanchez, Commissioners Sahagun, and Patel thanked Commissioner Eaton for her years of service to the Planning Commission.

Commissioner Patel inquired about SB 9 and wanted to know if the City has a draft in place.

Director of Community Development Diaz shared that a draft for SB 9 is in development and will be presented to the Planning Commission for discussion in the future.


Commissioner Sahagun requested tonight's meeting be adjourned in honor of Commissioner Eaton's service to the City.

**VIII. PUBLIC INSPECTION OF MATERIALS - None**

**IX. ADJOURNMENT**

Chair Martinez adjourned the Planning Commission meeting in honor of Commissioner Eaton's service to the Planning Commission at 8:34 p.m.

Submitted for City of Montclair Planning Commission approval,



Sharon Giang, Recording Secretary