

MINUTES OF THE REGULAR MEETING OF THE CITY OF
MONTCLAIR PLANNING COMMISSION HELD ON MONDAY,
NOVEMBER 27, 2023, AT 7:00 P.M. IN THE CITY COUNCIL
CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

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 Patel, Commissioner Mendez, Director of Community Development Diaz, Economic Development Consultant Caldwell, City Attorney Robbins, and Building Official Dorsey

IV. Minutes of the Regular Safety Committee Meeting of August 14, 2023, and August 28, 2023

Moved by Commissioner Mendez, seconded by Commissioner Sahagun, and carried to approve the minutes of August 14, 2023, and August 28, 2023, Planning Commission meetings.

V. ORAL AND WRITTEN COMMUNICATIONS — None

VI. AGENDA ITEMS

PUBLIC HEARING

A. CASE NUMBER 2023-35

Location of Property Citywide

Project Applicant Amarok, LLC

Project Planner Michael Diaz

Request:

A request for a Zoning Code Amendment to allow Electrified Security Fencing within the City of Montclair

CEQA Determination:

The Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) (Common Sense Exemption), 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15311 (Accessory Structures) of the CEQA Guidelines

Director of Community Development Diaz presented the staff report along with a PowerPoint presentation.

Chair Martinez opened the public hearing.

Luis Farias and Keith Kaneko, representatives from Amarok LLC, and Joe Monteleone, from Stotz Equipment on Brooks Street, introduced themselves and provided information on the proposed amendment.

Mr. Kaneko suggested language edits on Conditions of approval for the draft Ordinance.

Director of Community Development Diaz and City Attorney Robbins responded to the condition of approval requests.

Chair Martinez received clarification from Director of Community Development Diaz and Building Official Dorsey regarding the monitored electrified security fencing system that must use security products listed from a Nationally Recognized Testing Laboratory (NRTL).

Building Official Dorsey advised that the condition should state that a specialized certified, electrical licensed C10 contractor install the monitored electrified fencing system.

Commissioner Patel asked how the system would be tested, to which Mr. Kaneko responded.

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

Commissioner Patel received clarification from the Director of Community Development Diaz, on the conditions for the decorative perimeter fence and warning sign requirements.

Director Diaz made note of a condition to be removed from the draft Ordinance that would have prohibited the possible use of a electrified security fence on any publicly owned property (except public parks).

Commissioner Mendez received clarifications on the response time for the monitored electrified fencing alarming system as well as the areas that allow electrified security fencing.

Commissioner Patel and Vice Chair Sanchez received clarification from Mr. Kaneko about the voltage of the system should multiple people touch the fence simultaneously. Mr. Kaneko noted that this scenario would be highly unlikely and could possibly lower the voltage but not eliminate the shock.

Chair Martinez inquired about the warning signage for different languages, if animals would get injured from the voltage, public safety personnel's access to the facility when responding to the electrified security fencing alarms, to which Director Diaz and Mr. Kaneko responded

Recommended Motion:

- A. Moved that based upon evidence submitted, the Planning Commission finds proposed Ordinance No. 24-1005 to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), under Section 15061(b)(3) (Common Sense Exemption), 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15311 (Accessory Structures) of the CEQA Guidelines. As such, there is no substantial evidence the proposed Ordinance will pose a potentially significant impact on the environment.
- B. Approve Planning Commission Resolution No. 23-1998 recommending City Council approval of Ordinance No. 24-1005 under Case No. 2023-35, a Zoning Code Text Amendment to allow Electrified Security Fencing within the City of Montclair, subject to the discussed amendments.

Part A. Moved by: Commissioner Mendez

Seconded by: Commission Patel

**Ayes: 5
Noes: 0
Absent: 0**

Part B. Moved by: Vice Chair Sanchez

Seconded by: Commissioner Sahagun

**Ayes: 5
Noes: 0
Absent: 0**

The project was approved with a 5-0 vote.

- B. CASE NUMBER 2023-39**
Project Address Single Family Residential Zones
Project Applicant City of Montclair
Project Planner Silvia Gutiérrez

Request:

A request for a Zoning Code Amendment allowing Urban Lot Splits and Two Unit residential projects in single family zones in compliance with Senate Bill 9 (“SB 9”)

CEQA Determination:

The proposed Zoning Code Amendment Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Government Code sections 65852.21 subdivision (j), and 66411.7, subdivision (n), the adoption of an ordinance by a city or county implementing the provisions of Government Code section 66411.7 and 65852.21, which is California’s SB 9 Law and which regulates urban lots splits and two-unit projects,

is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA).

Director of Community Development Diaz shared staff's request to have the item continued to the next regular meeting.

Chair Martinez opened the hearing for public comments on the subject matter before adjourning the item.

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

Moved by: Chair Martinez

Seconded by: Commissioner Sahagun

Ayes: 5

Noes: 0

Absent: 0

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

VII. INFORMATION ITEMS


Planning Commissioners congratulated Building Official Dorsey for his promotion and welcomed him to the Planning Commission meeting.

VIII. PUBLIC INSPECTION OF MATERIALS — None

IX. ADJOURNMENT

Chair Martinez adjourned the Planning Commission meeting at 8:47 p.m.

Submitted for City of Montclair Planning Commission approval,



Sharon Giang, Recording Secretary