



MONTCLAIR
CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING
Monday, July 23, 2007

CITY COUNCIL CHAMBERS
5111 Benito Street, Montclair, California 91763

CALL TO ORDER

Chairman Flores called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Commissioner Johnson led those present in the salute to the flag.

ROLL CALL

Present: Chairman Flores, Vice Chairman Lenhert, Commissioners Johnson, Sahagun and Vodvarka, City Planner Lustro, Associate Planners Frazier-Burton and Lai and Deputy City Attorney Holdaway

Excused: Community Development Director Clark

MINUTES

The minutes of the June 25, 2007 Planning Commission meeting were presented for approval. Vice Chairman Lenhert moved, Commissioner Johnson seconded, there being no opposition to the motion, the minutes were approved 5-0.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

6.a PUBLIC HEARING - CASE NUMBER 2007-25

Project Address: 11170 College Avenue
Project Applicant: José Villa
Project Planner: Carol Frazier-Burton, Associate Planner
Request: Tentative Parcel Map No. 18657 to create two residential parcels and a Variance to allow reduced lot depth on Parcel 1

Associate Planner Frazier-Burton reviewed the staff report.

Chairman Flores asked how much of an offset the existing building is from the property line; he thought it appeared to be non-conforming. Associate Planner Frazier-Burton stated the distance was seven feet.

Chairman Flores asked what kind of fencing or walls currently exist around the property. Vice Chairman Lenhart stated there used to be a wood fence. Associate Planner Frazier-Burton stated that she did not remember seeing a fence.

Vice Chairman Lenhart asked why the stairway was in public view and why it wasn't put on the back of the building. City Planner Lustro responded that Vice Chairman Lenhart was looking at the plans for the second agenda item.

Commissioner Sahagun commented that it would be helpful for staff to take photos of each project site so that when discussion occurs, the Commission could refer to them.

Commissioner Johnson moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the residential land subdivision and variance for reduced lot depth and that a DeMinimis finding of no impact on fish and wildlife and a Negative Declaration have been prepared, Commissioner Sahagun seconded, there being no opposition, the motion passed 5-0.

Commissioner Vodvarka moved to grant a variance for a reduced lot depth of 62.69 feet rather than the minimum required 100 feet on Parcel 1 of Tentative Parcel Map No. 18657 by adopting Resolution No. 07-1664, subject to making the four required findings and subject to the 23 conditions of approval, Vice Chairman Lenhart seconded, there being no opposition to the motion, the motion passed 5-0.

Vice Chairman Lenhart moved to approve Tentative Parcel Map No. 18657 creating two residential lots per the submitted map, subject to the following 23 conditions, and forward a recommendation to City Council for approval, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 5-0.

6.b CASE NUMBER 2007-26

Project Address: 5025 Fauna Street
Project Applicant: Paul Kielsmeier
Project Planner: Jim S. Lai, Associate Planner
Request: Precise Plan of Design for second story addition to existing residence

Associate Planner Lai reviewed the staff report.

Commissioner Johnson asked about the windows and whether they faced south and west. Associate Planner Lai replied that they actually have windows facing east, south, and north. Commissioner Johnson asked if there were any comments from the neighbors. Associate Planner Lai stated that a notice was sent to all the abutting property owners, but we have not received any inquiries or comments.

Chairman Flores stated that in reviewing the photos you can see that once the water makes it past the house there is no problem getting the water out to Fauna. He asked if the water would cause any damage. Associate Planner Lai replied that the addition has a fairly large backyard on the east side.

Commissioner Vodvarka commented that the house was built in the 1960s and asked how they were going to strengthen the lower portion to support the second story. City Planner Lustro replied that structural upgrades would be addressed during the plan check process.

Paul Kielsmeier, 5025 Fauna Street, Montclair, the applicant, commented they are very excited about the project. The house has been in the family since the mid-1960s. They did at one point consider looking in the community for a larger house, but they like the cul-de-sac, his wife grew up in the house and attended Monte Vista, Serrano and Montclair High School, they felt it was a very good location and they like Montclair so they decided not to move and began discussions with City staff.

Mr. Kielsmeier added that they are proposing to upgrade the original half-inch galvanized domestic water line to one-inch copper to more effectively serve the larger house and the fire sprinkler system mandated by the Fire Department. As far as the building, they are doing a post-and-beam type structure so they will be constructing posts outside the existing structure to incorporate a pilaster look into the architecture of the house. The beams go over the first floor and are self-supporting, so there is no weight on the first floor. It is one of the most cost-efficient ways other than tearing out the middle and installing large beams to support the weight of the second floor. As far as talking to the neighbors, he has shared the plan with the neighbors and has had no negative comments from them. Most of the neighbors have been there for 20+ years, which is another reason that they decided to stay. They really like their neighbors and it's a great little community and cul-de-sac. He added that he would like to address the exterior stairway. Staff has communicated some concerns to him, but he has talked to the neighbors and received no negative comments back from them. The balcony itself

would have the same potential privacy impact. You would still be able to look into neighboring yards, if that is the main concern. They prefer having the stairs on the south side. Having it off the east side really takes up a lot of real estate in the backyard. They plan to install indoor/outdoor carpet on the stairs so that it would not be a noise factor. He would like to be able to construct the stairway on the south side as proposed because it cannot be seen from the front of the property and it does not add anything negative to the property and they feel it is still within code and a good addition without impacting their neighbors.

Commissioner Johnson asked Mr. Kielsmeier if they intended to leave all the existing foliage in place. Mr. Kielsmeier replied yes; there are two trees. Grandfather grafted an original Valencia tree so they have one of the best orange trees in Montclair. There is a Valencia tree out front and a navel tree in the back. Those two trees will remain. On the left side of the property, there is a big bottle brush tree that was a real concern to one of the family members and that will remain as well. Commissioner Johnson stated that she asked because she thought the foliage could help mitigate some of the problems with the stairs. Mr. Kielsmeier confirmed that it does as viewed from the front elevation.

Commissioner Vodvarka asked whether Mr. Kielsmeier was considering re-piping and using copper. Mr. Kielsmeier repeated that they will be using copper and they are also upgrading the electrical. All the air conditioners are going to be located within the attic and the condensers will be on the north side of the house. They are also proposing a high-end shingle for the roof.

Vice Chairman Lenhert commented that the exterior stairway could lead to the house being divided into two units. The stairway could also attract people wanting to break in because of the appearance of easy access.

Commissioner Vodvarka commented that they could get a security system. He also commented that whoever did the drawings did a very nice job.

Chairman Flores commented that placing the stairs on the other side might be better. He said it looks like a really close neighborhood and surely someone would see someone breaking in.

Commissioner Vodvarka moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the two-story addition to an existing residence and that a DeMinimis finding of no impact on fish and wildlife and a Negative Declaration have been prepared, Chairman Flores seconded, there being no opposition to the motion, the motion passed 5-0.

City Planner Lustro stated that if it is the Commission's desire to have the stairway remain where it is, then the motion will need to include deletion of Condition No. 5.b.iii. Commissioner Vodvarka and Chairman Flores agreed to amend the motion and second to reflect this change.

Vice Chairman Lenhert moved to approve the Precise Plan of Design for the site plan, elevations, colors and materials for a two-story addition to the existing single-family residence plus balcony per the submitted plans and as described in the staff report, subject to the ten conditions of approval, deleting Condition No. 5.b.iii:

1. This Precise Plan of Design (PPD) approval is for a two-story, 1,956 square-foot residential addition at 5025 Fauna Street, in the R-1 (Single-Family Residential) zoning district, subject to meeting all building setbacks, height and lot coverage requirements. The proposal consists of a 1,876 square-foot second story addition, exclusive of a 168 square-foot balcony, and an 80 square-foot first floor addition with a new fireplace. The total habitable area as a result of this proposed addition will be 3,366 square feet.
2. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval, unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
3. The applicant and/or property owner shall ensure that a copy of the Planning Commission approval letter, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
4. Applicant shall commence construction of the approved second-story project within 180 days of the issuance of a building permit and shall diligently complete the construction within 180 days from permit issuance date unless an extension is granted by the Community Development Director in the event of unavoidable circumstances.
5. Prior to issuance of a building permit, the applicant shall:
 - a. Submit five complete sets of architectural plans for the project, including building elevations, colors and materials, electrical, plumbing, mechanical, landscaping, lighting, and accessibility details, plus two sets of soils, structural and Title 24 calculations for review and approval by the Building and Planning Divisions. Contact John Clayden, Senior Building Inspector, or the Building Division at 909/625-9438 for an appointment to submit plans.
 - b. Submit revised building elevations illustrating the following:

- i. The proposed new roof shall consist of 'Class A' architectural grade composition shingles or a higher grade material, such as concrete tiles, subject to Planning Division approval.
 - ii. Exterior window treatments, such as wood shutters, moldings or surrounds shall be incorporated on all first and second level windows to match the west or primary elevation of the residence to the satisfaction of the City Planner.
 - iii. Exterior staircase on the south building elevation connecting to the balcony shall be relocated to the east elevation or be deleted from the plan.
 - c. Submit three (3) complete sets of plans for an approved, automatic fire sprinkler system for the entire residence directly to the Fire Marshal's office for review and approval, including two sets to be microfilmed/digitally imaged. The system shall conform to national standards.
 - d. Pay all required Montclair Fire Department fees at time of fire sprinkler plan submittal.
 - e. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
6. Any new air conditioning condenser units shall be located on the ground in the rear yard of the residence. All rooftop exhaust vents shall be painted to match as closely as possible the color of the roofing material on the residences.
 7. The applicant/developer is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris. The applicant shall also be responsible for immediate removal of graffiti from all temporary and permanent improvements on the project site for the duration of construction, including buildings, windows, walls, fences, signs, poles and storage containers.
 8. Prior to approval of a final inspection for the addition, the applicant shall submit to the Building Division electronic images of all plans and records for the purpose of obtaining a building permit. Electronic images shall comply with the City's Electronic Archiving Policy.
 9. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.

10. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

INFORMATION ITEMS

City Planner Lustro congratulated Commissioner Johnson for her reappointment to the Planning Commission on July 2, 2007 for another four-year term.

Commissioner Sahagun recently noticed that maintenance workers were cutting sidewalks on San Bernardino Street. He stated that about one year ago he mentioned the lifted sidewalks on Harvard Street and they got corrected when the storm drain was installed. On San Bernardino Street, some of the sidewalks are raised almost one foot in some areas and the City really should look at these and expend the money to avoid a future lawsuit. City Planner Lustro stated that in the city's multi-year capital improvement program, the City is divided into sections for sidewalk and curb repair. You may have noticed in the past couple months, there were a number of sidewalks and curbs repaired on Fremont Avenue, between San Bernardino and Palo Verde Streets. There are some areas of the City that are worse than others. Staff is aware that along San Bernardino Street there are a number of Liquidambar trees that have raised the sidewalks and cracked curbs over time. He did not know what is in this year's budget. If you happen to see a particular section of sidewalk that has been raised and is clearly a tripping hazard, please let Public Works know. If a permanent repair is not scheduled for this year, a temporary repair can likely be done to minimize the problem.

Chairman Flores commented the site on the east side of Central south of the freeway is free from piles of dirt and concrete and it looks good.

Chairman Flores asked about the former gas station sites and commented that the fences look really beat up. City Planner Lustro stated Public Works staff is in the process of drawing up legal descriptions for both of those properties in order to strike an agreement with General Growth Properties, the owner of both vacant sites, to construct a landscape berm similar to what we have done on Holt Boulevard. If that moves forward, the fences would be removed. He stated that he would follow-up on that before the next meeting.

Chairman Flores commented that driving down Palo Verde he noticed there are three different types of bus shelters. Starting at Central Avenue, there is an old Omnitrans concrete bench next to a newer blue one. At Fremont Avenue, there is a bench that is

constructed of just blocks and one big slab of concrete, no cover, no nothing. He felt that we should do a study and do a standard bus shelter. City Planner Lustro stated that Omnitrans has been cooperative with us when we have requested that benches be installed or benches be replaced if they are deteriorated, etc. Their standard design is the blue mesh bench, typically with an appendage for a trash receptacle. It's a clean, simple design. Public Works has a good working relationship with Omni, so staff will look at some of the areas where we have antiquated or inconsistent bench styles and try to work toward some consistency.

Commissioner Vodvarka commented that across from Montclair Hospital on the south side of San Bernardino Street there is a raised concrete panel on the sidewalk. City Planner Lustro replied that staff has been aware of that issue for several months and has contacted the utilities, which have yet to come out to make the fix. We have made more than one call. Staff has it well documented.

Commissioner Vodvarka commented that he had no problem finding Mr. Kielsmeier's property, but the one west of him is a jungle.

Commissioner Johnson commented about the vacant former gas station sites. Between the vacant lot (at Central Avenue and Moreno Street) and the former Macy's building, it looks like the mall is abandoned. She asked if we heard from General Growth and whether they plan on putting a sign on the old Macy's wall so it does not look like an abandoned building and is staff having ongoing conversations with them. She has also heard comments again about employees in the cell phone kiosks being very aggressive with mall customers. City Planner Lustro replied that staff has suggested to General Growth on numerous occasions that the former Macy's building be used as a potential billboard or to hang large graphics from to generate excitement with respect to their interior remodel plans, which are going to take place during 2008 after this year's holiday season, but they have not responded. We did get some input from General Growth a few weeks ago that seemed to indicate that they are leaning toward demolishing the Macy's building during calendar year 2008, which is good news because they would previously not commit to a date. The activity that you see occurring on the penthouse of the building is the contractor doing asbestos abatement, which they are required to do before the demolition occurs. They are cutting holes in the exterior wall of the penthouse to remove some of the asbestos because that is the only way they can get to it. They have installed the plastic because they are required to contain the asbestos. Once the abatement work is done in the penthouse area, they will patch up the voids and paint all four sides, which will look better. With respect to the cell phone kiosk issue, staff had a conversation with a former general manager of the Plaza some time ago regarding the same complaint. That issue seemed to subside for awhile, but staff will contact the current general manager and make him aware that the complaints are re-occurring.

Commissioner Johnson commented that she was with a group of people, some from Los Angeles, who commented how wonderful Montclair looked and thought there were no gangs. She had to tell them that the gangs are here but you cannot tell because our

graffiti abatement team is phenomenal. She wanted to publicly give mega-kudos to the graffiti abatement team for doing a terrific job!

Chairman Flores adjourned the meeting at 7:45 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary