



CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES
REGULAR ADJOURNED MEETING
Monday, June 23, 2008

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

Chairman Flores led those present in the salute to the flag.

ROLL CALL

Present: Chairman Flores, Vice Chairman Vodvarka, Commissioners Johnson, Lenhart, and Sahagun, Community Development Director Lustro, City Planner Diaz, Associate Planners Frazier-Burton and Lai.

Excused: City Attorney Robbins.

MINUTES

The minutes of the June 9, 2008 meeting were presented for approval. Commissioner Lenhart moved, Vice Chairman Vodvarka seconded, there being no opposition to the motion, the minutes were approved 5-0.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

- 6.a CASE NUMBER 2008-19
Project Address: 9536 Central Avenue
Project Applicant: Luis L. Garcia
Project Planner: Jim S. Lai, Associate Planner
Request: Precise Plan of Design for a single-family residence

Associate Planner Lai presented a review of the staff report and informed the Commission the property and building has been destined for demolition. Mr. Lai indicated that the applicant obtained a demolition permit and was approved to submit plans for building plan check so you will see a new home there within three or four months from now.

Chairman Flores asked if any notices were sent out. Associate Planner Lai replied that written notices were sent to the four abutting property owners and staff had not received any response.

Vice Chairman Vodvarka moved that, based on the evidence submitted, a finding is made that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15303(a), Class 3, in that the project involves construction of three or less single-family residences in a completely urbanized area, seconded by Chairman Flores, there being no opposition to the motion, the motion passed 5-0.

Commissioner Johnson moved to approve the Precise Plan of Design request under Case No. 2008-19 and as described in the staff report, for the construction of one (1) single-family residence at 9536 Central Avenue and the plot plan, floor plan, elevations, colors, materials, and all associated on- and off-site improvements per the submitted plans subject to the 27 conditions of approval, seconded by Commissioner Lenhart, there being no opposition to the motion, the motion passed 5-0.

- 6.b CASE NUMBER 2007-20
Project Address: 9780 Central Avenue
Project Applicant: Montclair Town Center LLC
Project Planner: Carol Frazier-Burton, Associate Planner
Request: Request for time extension for Conditional Use Permit

Associate Planner Frazier-Burton presented the staff report.

Commissioner Lenhart moved to approve the second time extension of the Conditional Use Permit (CUP) and Precise Plan of Design (PPD) until December 31, 2008, seconded by Vice Chairman Vodvarka, there being no opposition to the motion, the motion passed 5-0.

INFORMATION ITEMS

The Commissioners shared comments regarding the dedication of the new police facility. All were very proud and impressed, especially when compared to the virtual tour during its conceptual stage, to seeing the actual building itself. Commissioners Lenhart and Vodvarka commented they enjoyed the police reunion. Chairman Flores commented he heard lots of compliments and felt that the City of Montclair had an outstanding party celebration.

Vice Chairman Vodvarka commented that the potholing caused by work being done on Kingsley Street east of Central Avenue has resulted in a pretty bumpy ride.

Vice Chairman Vodvarka asked why the former Penske building on Central Avenue, which he thought was going to be torn down, is full of cars and inquired whether Penske was storing their vehicles there. Director Lustro replied that to staff's knowledge, the property is still "for sale." However, they may have struck a deal with Metro Honda because Metro Honda needs temporary storage for its stock during the construction occurring on its property. Metro had contacted staff for potential locations for them to store a large quantity of vehicles for up to one year and the former Penske site was one of the sites that staff suggested. If the property sale occurs, Metro will have to find another location. Commissioner Vodvarka asked what type of security they have for the cars. Director Lustro replied that they have not said anything to staff regarding whether they actually have a security service or a dog running around, but staff is confident that they have some kind of security.

Chairman Flores asked about the car wash project for Metro Honda because he saw grading going on and asked for an update regarding the block wall. Director Lustro answered that a condition of approval was added by the Commission in response to the concerns raised by an adjacent resident regarding the wall along the easterly property line. He stated that the architect and the contractor have contacted staff with regard to potential options for meeting that condition. At this point, it appears that the direction Metro Honda will take is to not demolish and reconstruct the wall, but are looking at potential options that would be less expensive. One idea is to do a type of screen material on top of the existing wall. Adding more masonry block on top of the wall is not possible because the wall is not engineered to carry that weight.

Commissioner Johnson asked if adjacent neighbors are notified about projects that do not need to come before the Commission. Commissioner Johnson also stated that every time there is a housing development, we talk about privacy and whether the windows look in to each other and how much privacy people have from one yard to the

other. She called in her concerns with regard to a neighbor and activities on the neighbor's property, but felt it would have been nice to have received a notice about the neighbor constructing a house. Director Lustro commented that like the first item on this agenda for a Precise Plan of Design for the construction of a single-family residence, it is not a public hearing and staff is not required to do a legal notice in the newspaper or mail notices to owners within the 300-foot radius. However, staff's policy has been that when we have a Precise Plan of Design which has the potential to impact neighboring properties, such as a complete demolition and construction of a new house or when a second-story addition is being added, staff typically does a courtesy notice to the properties that could potentially be affected, such as properties on either side and to the rear. Those residents would then have an opportunity to come to the meeting or contact staff if they have any questions. As the Commission is aware, a PPD is technically not a public hearing, but it has always been this Commission's policy to hear any member of the public who wants to provide their input. Director Lustro has indicated that trimming trees or removing trees on private property is not regulated by the City. With respect to demolition of buildings, a demolition permit is required before someone actually demolishes a building. One reason for requiring a permit is the potential presence of asbestos. Abatement is not just for the protection of the folks doing the demolition, but neighbors in close proximity.

Associate Planner Frazier-Burton indicated that the property Commissioner Johnson was referring to is on the corner and that she and City Planner Diaz had reviewed it. She stated that the property owner is proposing a second unit, the owner did pull a permit for the demolition, and that the review of a second unit is performed at staff level. Commissioner Johnson understood why certain things did not come to the Commission, but asked even if they do not come to the Commission, whether the adjoining properties can be noticed. Ms. Johnson stated that it seems to her that properties which abut a project site should still be noticed. Director Lustro stated that there is a fine line that has to be drawn because if someone comes to staff and proposes to do something on their property that is in compliance with code, there is no obligation to let neighbors know because there really is no forum. If there are plans submitted, the abutting owners are welcome to come in and look at the plans if they are aware of the project and if they have questions, staff will do its best to answer the questions. If a proposal codes out and someone still has an objection to it, you may object to it for whatever reason but it's in compliance with code and there is no real process to object to it. You do have property rights that are not subject to review by your neighbors. He feels Montclair does a good job in balancing what is allowed by right and can be reviewed at staff level over the counter and if it meets all the Code requirements and the Building Division has done its plan review and the project meets all their requirements, then a person can move forward with a project. Our process is such that the projects that staff feel have the potential to impact neighboring properties do get sent courtesy notifications to at least give the neighbors the opportunity to come in and take a look at it. It's a distinction that each city has to weigh based on its population, etc. He commented that there are neighboring cities that require stricter review, some less, depending upon the population's expectations. Here, he felt, there is a good balance of what we do

notification on and what we just review at the counter. Staff uses its judgment with respect to what might potentially impact neighbors or the neighborhood.

Commissioner Vodvarka commented that he has noticed around his neighborhood that property owners are doing work on the weekends because they believe there is no one around to stop them. He calls Code Enforcement to take care of it.

Chairman Flores adjourned the meeting at 7:30 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary