CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING
Monday, June 14, 2010

COUNCIL CHAMBER
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 Vodvarka led those present in the salute to the flag.

ROLL CALL

Present: Chairman Flores, Vice Chairman Sahagun, Commissioners Johnson, Lenhert and Vodvarka, Community Development Director Lustro, City Planner Diaz and City Attorney Robbins.

MINUTES

The minutes of the May 10, 2010 regular meeting were presented for approval. Commissioner Johnson moved, Vice Chairman Sahagun 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 - PROPOSED AMENDMENTS TO TITLE 11 OF THE MONTCLAIR MUNICIPAL CODE REGARDING ACCESSORY STRUCTURES IN SINGLE-FAMILY RESIDENTIAL ZONES

Project Address:	Citywide
Project Applicant:	City of Montclair
Project Planner:	Michael Diaz, City Planner

City Planner Diaz stated the sole agenda item is a report on the proposed code amendment that would address accessory structures in single-family zones. The code amendment came to the Commission at the request of two residents in the community who have an interest in seeing the overall size limits of accessory structures increased for larger properties. They are both hopeful of constructing accessory structures on their respective properties in the near future. One resident would like an accessory structure for RV parking and storage and the other resident would like room for his train hobby set and also some storage. In both cases, the properties are over 20,000 square feet, located in the southern part of the city, and have ample room to accommodate a larger accessory structure. Both individuals were present at the meeting and would like to speak. The proposed amendment would allow for, among other things and of particular interest to them, the larger structures. Currently the code limits the size of accessory structures to a maximum of 400 square feet. In some cases, that size is sufficient for most people, but others on larger lots, would like larger structures as the applicants are seeking. For those with RVs they could construct an enclosure in the rear yard rather than park them in their front yards. That would be an overall benefit to the community as staff sees it. In the staff report, we tried highlight the most significant of the proposed changes that would apply to accessory structures in single-family neighborhoods. On Page 2 of the staff report, we have provided the relevant code sections that apply and it is these code sections that are proposed to be amended. Although the staff report referenced the entire code amendment as being attached to the report we decided not to attach the document at this time to avoid any confusion it might create at this time. Staff is still in the midst of making sure the proposed code amendment is fully considered to make sure we do not create any unintended consequences or conflicts with the remainder of the code.

On Page 3 of the report, staff attempted to identify the most important changes of the proposed code amendment. The first one is adding a "General Requirements" section. This particular addition to the code would give a list of prerequisites that properties must have in order to develop larger accessory structures. One frequent condition which comes up is that property owners want to build an accessory structure when they do not have required covered parking to begin with. Just last week, staff had to send someone back to the drawing board because they wanted to add a large storage structure on their property but did not have the required covered parking. Staff advised the applicant that they needed to resolve the covered parking deficiency first before considering building other accessory structures. That is an example of one of the prerequisites that would apply to adding accessory structures on a residential property. Staff is also

proposing a distinction between a "minor accessory structure" and "major accessory structure." Per the Building Code, anything that is less than 120 square feet in area is exempt from the requirement to obtain a building permit. Anything larger than that would require the applicant to submit plans for the Building and Planning review to ensure the structures are properly placed and constructed on the property. On Page 4, the maximum size and number of accessory structures are addressed. Staff reviewed accessory building standards from several other cities from all over the country which broke down into three basic approaches: 1) those that specify a fixed number and size of accessory structures; 2) those that specify the size of an accessory structure/building based on the size of the house and requiring a mathematical computation to determine the ultimate size, and 3) a formula based on the size of the property. Staff believed the last option was best because of the ease to calculate and administer. The proposed standard for Montclair is what is depicted in the table within the staff report. The standard allows for a minimum of size of 200 square feet for a property owner with a small lot up to 1,400 square feet for the largest properties in the City. The table also includes a maximum number of accessory structures allowed and a maximum height. Page 5 deals with lot coverage. The size limitations are meant to be cumulative, so if you have a property that is entitled to 1,400 square feet and if you don't have any other detached structures on the property then you could theoretically build a single 1,400 square-foot building, or two 700 square-foot buildings provided that required setbacks and lot coverage standards are met. The third major area is lot coverage. Staff sees no need to make any change to that criterion. The Code currently restricts lot coverage to a maximum of 35% of the lot area. The fourth item is building height. Presently, the Code specifies one story maximum but it does not define what that means. Staff is recommending that one story be identified as 15 feet in height but not taller than the main residence, whichever is less, as it applies to accessory structures in the rear yard. That way you can be assured that the accessory structure is ancillary and smaller than the main house both physically and in terms of use. Staff is aware of a concern raised regarding the 15-foot height limit which would make it difficult or impossible to accommodate a recreational vehicle. A 15-foot height limit would be somewhat tight because most garage doors for RVs are at least 13 feet tall leaving only two feet for interior clearance and to construct a roof pitch that would more closely match the appearance of the main residence. As an alternative, we could allow a greater overall height to accommodate an RV, say up to 18 feet, so long as it is still lower than the maximum height of the house. Staff would also like to hear the Commission's thoughts on changing the building height definition to allow the height measurement of a building be to the mid-point of a sloped roof. This change would allow more room to create a more desirable roof pitch and achieve a better design for the building. Staff recognizes that a strict limit of 15 feet for an enclosed RV structure could result in a structure design that resembles a carport-looking design that is not very attractive. Setbacks are the next major issue. The table on Page 7 was created to make it easier for someone to look at the table and find out what the setback requirement would apply to accessory structures. The table in the staff report is for major accessory structures; but the amendment would include a second table that would apply to minor accessory structures. One of the setback changes recommended by staff is in regard to the one-foot setback the Code currently allows for certain accessory structures. Staff believes that this standard should be modified to at least five (5) feet from adjacent property lines

to create better separation for aesthetics and privacy, allow property owners to properly maintain the structure, and avoid drainage/run-off issues with adjacent properties. A one-foot setback is an old standard that applies to many Montclair properties, but many cities have revised that standard just for the reasons stated. Lastly, the proposed amendment would strengthen design standards to ensure that accessory structures are aesthetically compatible with structures on the property and the neighborhood. In conclusion, staff is requesting that Commission provide feedback to staff as to whether we are on the right track or whether some area of the amendment needs to be further explored. It is staff's intent to complete in the near future and return to the Commission with the entire code amendment on accessory structures for final review and a recommendation.

Commissioner Vodvarka commented he felt a five-foot setback would be a huge area to clutter; it allows room for junk to be places around the accessory building. No matter the setback, one foot or five feet, if you make it tight enough, they cannot put anything in there that they can get out. He could see people putting ladders behind it, extra trash cans and old bicycles, junk that should have been sold at a garage sale. He felt if we give them more room around a structure, it will be more cluttered. As far as the RVs and height, there are different styles of roofs you can use to keep the height down and still have a decent looking roof.

Vice Chairman Sahagun commented that he desired a five-foot setback because he felt one foot is not enough and he felt five feet is a standard setback on residential projects and adequate to maintain the structure, re-roofing, etc. He felt staff is on the right track for accessory structures; they should conform to the existing neighborhood and existing buildings, including the roof and materials. He asked staff if cellars and attics would be considered accessory structures. City Planner Diaz replied that if it is directly below the house and usually considered part of the main house, and would not be classified as an accessory structure.

Chairman Flores agreed with the five-foot setback and suggested looking at requiring a concrete walk for the five-foot setback to guarantee no weeds growing in the setback area. He also commented that those things should come on a case-by-case basis and asked if they still would have to come before the Commission. City Planner Diaz replied that accessory structures would not have to come before the Commission the way the Code amendment is currently proposed. If the project meets all requirements of the Code, including setbacks, height, lot coverage, and the design complements the main structure, then staff would handle it administratively. Chairman Flores commented that once in a while someone asks for a variance. City Planner Diaz answered that it is possible someone could request a variance, but variances are, by definition, a much more restricted type of approval because the applicant must demonstrate that there is some exceptional or extraordinary circumstance that is applicable to the property. These requests are handled on a case-by-case basis. In response to Chairman Flores' earlier comment, he added that maybe the Commission could discuss the setback issue further and include something to ensure adequate maintenance within the setback area.

Director Lustro stated with respect to the issue of setbacks and the concern about property maintenance around the accessory structure itself, he felt it falls in the same category as general property maintenance would. The required setbacks in the Code for main residential structures are five feet on one side and 12 feet on the other side. Where properties may have excessive storage or lack of maintenance, staff believes those things should be handled by Code Enforcement just like general property maintenance. If a resident has an accessory structure or not and they have allowed an accumulation of junk that could harbor vermin, rodents, etc. or if there is not a hard surface and weeds have grown, that is a code enforcement issue. Similar concerns about the area around an accessory structure should also fall into that category. The property maintenance ultimately falls upon the shoulders of the property owner and just because an accessory structure may be built out on the rear portion of a property, there still is an obligation for property maintenance.

City Planner Diaz commented that one of the general requirements in the proposed code amendment is that all uses contemplated for an accessory structure are intended to be those which are typically associated with residential uses. If someone walks in and wants to do a paint booth, we're going to say no. Uses such as a workshop, an extra garage, or an RV parking space would be fine.

Commissioner Johnson commented that when we talk about accessory structures, she thought that some residents may not know what that means. For example, if you go online and look for information regarding building an RV garage, it might be listed under "accessory structures" so they might think there are no standards. She thinks there should be a cross-reference. City Planner Diaz commented that the proposed ordinance would have a definition section that identifies what an accessory structure is. By definition an accessory structure is a detached structure from the main house. The typical residential accessory structures would include gazebos, shade structures, patios, storage sheds, garages, etc..

Commissioner Johnson asked if someone checked our website and typed in the words "RV storage, patio, etc" would they be directed to this part of the code. City Planner Diaz replied that the appropriate place would be titled "Accessory Structures" and then you proceed to find the information that pertains to development of these types of projects.

Chairman Flores opened the public hearing.

Ben Bateman, 11157 Shetland Avenue, Montclair, stated that on his property he was interested in constructing a RV garage and workshop area. His goal is to retire, get a motorhome and drive around in his senior years and has been planning for that. He has lived in Montclair for more than 10 years. He indicated that he had attempted to obtain a building permit to construct his garage but was informed of the current limitation. He agreed to share in the cost for the proposed code amendment but did not have an opportunity to read the staff report in full before the meeting. Mr. Bateman also expressed his concerns about the building height limit and proportions which would affect his ability to build a suitable and attractive enclosure for his anticipated RV. He

also raised questions regarding the proposed rear yard setback requirements of the code amendment.

Tom Harich, 11377 Buckskin Avenue, Montclair, stated they were just trying to enjoy the best and highest use of their property and are not trying to install something that will denigrate the neighborhood because it's their property values also. They understand the City process and that government takes time and they are just trying to expedite the situation and get it done. They paid their fees and have been waiting months and thanked the Commission for its consideration.

Hearing no other comments and no one else being present, Chairman Flores closed the public hearing.

Vice Chairman Sahagun commented he liked that staff could handle the approval process of these structures administratively saving time and money. He commented that maybe each case needed to be reviewed individually by staff. He felt staff was doing a good job and hoped to get this passed and moved on.

Director Lustro commented that what staff was looking for were comments on what has been assembled thus far and some direction. Staff has heard good input from the co-applicants, Mr. Bateman and Mr. Harich, with respect to what their expectations are. Keep in mind that while staff would like to craft an ordinance that will largely meet what the applicants' expectations or desires are, staff needs to look at the big picture and how this ordinance and code change would impact the entire City, not just these two properties or the estate zone. This code amendment is long overdue. While staff knows one size does not fit the entire City, the ordinance will need to give staff and residents definitive guidelines with respect to what is allowed and what is not allowed. Some of the discussion heard is good and very valid; for example, the Commission may ask staff to take a second look at rear setbacks. Mr. Bateman has expressed his concern about the setbacks proposed in the draft. One of the things that could potentially be considered is on Page 7 of the staff report in the discussion about 15-foot rear setbacks for buildings 1,000 square feet or less and 20-foot rear setbacks for buildings exceeding 1,000 square feet. Those numbers are not so inconsistent with the setback requirements that we now have for primary structures. A primary structure in Montclair is required to be set back 15 feet from a rear property line if it is a one-story and 20 feet if it is a two-story. Staff did not pull those numbers out of thin air. Another thing that could be considered is where there is an alley condition in the City, the required setback is 25 feet from the opposite side of the alley for required garages taking direct access from an alley. An analogy could be made in the estate zone where we have equestrian trails. The equestrian trails are 15 feet in width and while the equestrian trails are not public property, they are equally split between the adjacent private properties and maintained by the respective property owners. So you have a property line right in the middle of an equestrian trail. However, if it is the Commission's direction for staff to research that, staff could look at establishing a setback of similar distance from the opposite side of the equestrian trail so if you have a 15-foot wide trail and the Commission's direction to staff would be to explore the possibility of setting a

rear or side setback at a certain distance from the opposite side of the trail, that's something staff could look at. If a similar setback were established for the trails as for an alley condition, then that would reduce a setback down to 10 feet, as opposed to 15 or 20 feet. What staff is seeking is direction and comments with regard to what has been reviewed, what was heard from the co-applicants, and what the Commission believes to be reasonable. With that direction from the Commission, staff will go back and research it. If staff finds that it is workable and reasonable, staff will say so.

Chairman Flores asked how many of the horse properties are left that would be that large to accommodate structures of that size. Director Lustro replied that staff does not have an exact count, but there are certainly well over 100 and possibly 200 properties located in the R-1(20,000) zoning district. Parcels in that zone are typically around 18,000 square feet so there are a significant number of properties that could potentially be entitled to accessory structures of 1,200 or 1,400 square feet. There is no question that they are large enough to accommodate those size structures just because of the sheer size of the property, close to one-half acre, but using that sliding scale based on the size of the property, staff believes it is the most appropriate method of maintaining scale and character, not just in the estate zone, but throughout the residential zones in the City. If a property is only 7,500 or 8,000 square feet, which is very common throughout most of Montclair, the owners of those properties are not going to be entitled to an accessory structure that exceeds 1,000 square feet because it just would not fit the character of the property. Chairman Flores asked if staff would be looking into the setbacks that are applied from the opposite side of the trail. Director Lustro replied that if that was the direction from the Commission, staff would be happy to look at any elements that have been addressed during the meeting before it is brought back to the Commission.

Chairman Flores commented that someone will ask for a variance, but he liked the idea of leaving it to staff to handle so that the resident does not have to file to come before the Commission. He encouraged Mr. Bateman and Mr. Harich to work with City Planner Diaz. He did not realize it affected so many properties.

Commissioner Lenhert commented the five-foot setback was a necessity for safety reasons. In the event of a fire, emergency personnel could get in there. He wanted to caution about the height of a 15-foot structure for an RV. Tall structures have been built on very small lots, such as the one on Rose Avenue that has been there for years and has stuck out like a sore thumb. He felt it was something we definitely need to look at. Horse properties are all fenced and the five-foot setback should apply to that back fence the same as it does for a property line. The structure should be kept away from the fence, because people use that for other things other than riding horses, such as walking and some people have dogs. Director Lustro commented that Commissioner Lenhert brought up a valid issue with respect to RV garages. While staff believes the ordinance does need to accommodate them, staff is familiar with the case on Rose Avenue and is a perfect reason why scale, mass and character need to be maintained in a neighborhood. Personally, he has seen instances where an RV garage is right in front of the property and totally out of scale with the main structure. If it is the Commission's desire, staff can explore provisions for RV garages and take into

consideration the comments by Mr. Bateman, including looking at the possibility of RV garages that are not necessarily at a taller height or for taller structures to be a certain minimum distance from the street rather than allowing a tall RV structure to loom over the front setback. He felt from a visibility standpoint, an RV garage that is located in the rear yard as part of an accessory structure would not have the same visual impact as something right out front. That is another component about RV storage that staff can explore a bit further and refine if that is the Commission's direction. Chairman Flores stated there was a consensus on that part. City Planner Diaz added that it would be prudent to come up with some criteria that specifically address RV structures. Another issue that was not addressed is whether RV covers/structures should it be fully enclosed or just roofed with open sides. One of the positive elements of Mr. Bateman's design is that his RV would be fully enclosed within the building so that once it's in, it's out of view. So, there are other things staff can do with respect to developing standards for RVs that would address both Mr. Bateman's concerns as well as staff's. The standards proposed in the staff report were numbers to work with. So, if it turns out that a 13' x 30' RV space is too narrow for an RV, perhaps staff can modify it so that there is ample room to fit an RV. The same thing applies with respect to the percentage of the building used as an RV garage. Maybe it is one-third, maybe one-half, but the idea would be to allow a building that is appropriately scaled rather than one that is an eyesore because it is so huge. Whatever the numbers are, staff can work them out so that the building is smaller than the main house and does not conflict with staff's goals, which is to allow them to do what they can with their properties but also make sure the accessory structures do not detract from the neighborhood or development of the property. Staff will continue to discuss with Mr. Bateman his thoughts on accommodation of RVs. He was pleased that no one was objecting to the sliding scale of the size of the units. Staff is still working out the details and that is the reason for the discussion because there are issues about setbacks, lot coverage, heights, that need to be clarified so it can move forward with a positive recommendation and hopefully, in the end, the Council will find it appropriate to approve.

Commissioner Vodvarka commented that he would like to see something in the ordinance regarding horse properties and access. If the property owner does not have access from the front of the property then they cannot utilize the equestrian trail to access their property by motor vehicle.

Commissioner Lenhert stated he felt the structures should be a fully enclosed building and not just four posts with a roof. City Planner Diaz replied that it would be something the Commission will see in the full text of the ordinance, that the design guidelines require these accessory structures incorporate all the materials of the main house. Unless the house was built with four poles and a roof, it should have walls with stucco, a roof with matching materials, same type of materials (siding, brick, etc.) and design so it looks like a natural extension and it belongs there as opposed to some different design.

Chairman Flores felt it was a very productive discussion and meeting and assured the applicants that nothing is set in stone yet and encouraged them to talk to staff because almost everything that comes from staff is 100%.

Vice Chairman Sahagun asked if we could limit the size of the RVs. City Planner Diaz replied there may be a good reason to put a limit on the overall maximum size of RV that can be parked on the property. He stated the best way to address that is by establishing a maximum size for RV garages.

Commissioner Johnson commented that staff was right on track in trying to make this more defined and more clear so that people understand. She asked when thinking about setbacks if there could be a differentiation between what the property looks like and how the property is set up in that particular neighborhood. For example, if a property has a 15-foot setback, we are taking away the property owner's ability to use that 15 feet so maybe the structure could be allowed with a narrower setback with some other mitigation. What springs to her mind is the Costco project and the mitigation measures to screen the big box with all the vegetation grown up. You can hardly see the building and that is pretty common where we say you can have this but you have to mitigate it by that. So, she would like staff to think about that kind of flexibility.

Chairman Flores commented that no matter what we come up, someone will request a variance and staff is probably the best one to handle it. He was sure there was an administrative adjustment that would fit any problem. Right now there are only a few owners, but once they build what they want to build, others will see it and can afford it and will come in and talk to staff. City Planner Diaz stated that staff and the Commission can come up with all the standards in the world and think everything is covered and there will be someone who will figure out what was missed. Staff is trying to cover all the bases and eliminate the exceptions. Whenever those situations come up, staff discusses all the applicable code sections with the applicant. We always have the prerogative of not making a decision and referring it to the Planning Commission for review. That is the exception. The idea behind this is not to create situations where people have to ask for variances.

City Planner Diaz stated that staff will continue to work on this, bearing in mind the discussion at the meeting, and he will meet with Mr. Bateman and/or Mr. Harich to see if he can better understand what their needs and concerns are and come up with a workable solution to bring back to the Commission for its consideration at a later date.

Director Lustro clarified that variances from any development standards require statutory findings and it is staff's practice that when an applicant comes in and asks to do something that is over and above what the code allows and it would, in theory, require a variance, we're able to gather up the information applicable to their property and what they want to do. If staff determines that the findings cannot be made, staff tries to stop it right there and explains to the applicant that certain findings need to be made for a variance and in their particular case, the findings cannot be made and suggest an alternate plan. It is not staff's position to have somebody submit an application and fees, knowing that staff is coming to the Planning Commission and recommending a denial because the findings cannot be made. Staff does not want to waste its time, the Commission's time or the applicant's time. Staff tries to head it off at the pass. Staff does not care to lead applicants astray or give them false hope. Finally, and simply as a point of information with respect to the subject of RVs, two RV storage

businesses are preparing to open in the City; one on State Street and one on Mission Boulevard. Staff recognizes there is a cost for homeowners to store their RVs, but these two new businesses will offer residents the option of storing their vehicles in a secure environment.

INFORMATION ITEMS

Director Lustro stated that Thursday, June 17 would be Associate Planner Carol Frazier-Burton's last day. She is retiring after 22 years with the city, 18 of which were in the Planning Division. He commented that most of the Commission had already attended Associate Planner Jim Lai's retirement luncheon several weeks ago. Those who know Carol know she is somewhat of a private person and she made it very clear that she did not want anything as big as Jimmy's luncheon, which none of us considered to be any big deal. His understanding is that she is going to go quietly but he was sure that she wouldn't mind if the Commission gave her a phone call or stopped by to say goodbye and wish her well. Planning staff will be without a line planner for probably at least one month. Because of the budget, we will only be able to replace one planner. Staff did a recruitment for an Assistant Planner and received 373 applications for the job, which is not the highest number the City has ever received for any particular position but it is the highest in a long time and a reflection of the economy. Interviews are being conducted on June 16 followed by second interviews of the top candidates. Staff is hoping they can get somebody on board by mid-July.

Commissioners Lenhert and Vodvarka both commented on how they enjoyed Lee McDougal's retirement party.

Commissioner Johnson asked how in the world Director Lustro and City Planner Diaz were going to interview 373 applicants in one day. Director Lustro clarified that staff did a first cut of the original 373 and divided them into several groups. At the end of the day, it was City Planner Diaz and himself looking at the remaining folks standing to try to narrow it down to a workable number for interviews. They thought about doing two days worth of interviews but after some consideration of the logistics and difficulty of seating the same oral board for two full days, the idea was scrapped, so they narrowed it down to 13. We have some real strong candidates. We're the beneficiary of the economy being the way it is right now because there are a lot of well-qualified and over-qualified people who are out of work right now. Commissioner Johnson wished them good luck.

Chairman Flores commented the parking lot at Stater Brothers was resurfaced and it looks very nice, but wondered whose idea it was to install the three-foot wide "waffle iron" outside the store that shakes you up when you run the shopping cart across it. Director Lustro answered that it is a tactile strip and it is a requirement of the Americans with Disabilities Act to warn folks with sight problems that they about to enter an area where there are vehicles. Tactile strips are typically found at intersections or on private property in locations to warn the vision-impaired that they are about to enter a street or driveway.

Chairman Flores adjourned the meeting at 8:23 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary