

**CITY OF MONTCLAIR**

**AGENDA FOR CITY COUNCIL, REDEVELOPMENT AGENCY, AND  
MONTCLAIR HOUSING CORPORATION MEETINGS**

To be held in the Council Chambers  
5111 Benito Street, Montclair, California

October 4, 2010

7:00 p.m.

*As a courtesy please silence your cell phones, pagers, and other electronic devices while the meeting is in session. Thank you.*

*The CC/RDA/MHC meetings are now available in audio format on the City's website at [www.ci.montclair.ca.us](http://www.ci.montclair.ca.us) and can be accessed the day following the meeting after 10:00 a.m.*

Page No.

**I. CALL TO ORDER** - City Council, Redevelopment Agency, and Montclair Housing Corporation

**II. INVOCATION**

*In keeping with our long-standing tradition of opening our Council meetings with an invocation, this City Council Meeting may include a nonsectarian invocation. Such invocations are not intended to proselytize or advance any faith or belief or to disparage any faith or belief. Neither the City nor the City Council endorse any particular religious belief or form of invocation.*

**III. PLEDGE OF ALLEGIANCE**

**IV. ROLL CALL**

**V. PRESENTATIONS**

- A. Proclamation Declaring October as "Dyslexia Awareness Month" in the City of Montclair

**VI. PUBLIC COMMENT**

*This section is intended to provide members of the public with an opportunity to comment on any subject that does not appear on this agenda. Each speaker will be afforded five minutes to address the City Council Members and Redevelopment Agency and Montclair Housing Corporation Boards of Directors. (Government Code Section 54954.3)*

*Under the provisions of the Brown Act, the Council/Agency/ MHC is prohibited from taking action on items not listed on the agenda.*

**VII. PUBLIC HEARINGS**

- A. Second Reading - Consider Ordinance No. 10-916 Amending Chapters 11.02, 11.18, and 11.38 and Adding Chapter 11.19 to the Montclair Municipal Code Related to Accessory Structures in Single-Family Residential Zones [CC] 4
- B. Second Reading - Consider Adoption of Ordinance No. 10-917 Adding Chapter 6.26 to Title 6 of the Montclair Municipal Code Related to the Splash Pad at Alma Hofman Park [CC] 16

**VIII. CONSENT CALENDAR**

A. Approval of Minutes

- 1. Minutes of Regular Joint Council/Agency/MHC Meeting of September 20, 2010

B. Administrative Reports

- 1. Consider Approval of Parcel Merger No. 2010-1 for Three Parcels Located at 10543 Mills Avenue [CC]

Consider Acceptance of Grant Deed No. 1658, an Easement for Construction, Reconstruction, Maintenance, and Use of Public Street and Appurtenances for One of These Three Parcels Located at 10543 Mills Avenue [CC] 20

- 2. Consider Acceptance of Grant Deed No. 1659, an Easement for Construction, Reconstruction, Maintenance, and Use of Public Street and Appurtenances for a Parcel Located at 4910 Howard Street [CC] 29

- 3. Consider Adoption of Expenditure Plan for Use of Proposition 1B Funds During Fiscal Year 2010-11 [CC] 33

- 4. Consider Approval of Warrant Register and Payroll Documentation [CC] 35

C. Agreements - None

D. Resolutions

- 1. Consider Adoption of Resolution No. 10-2863 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges [CC] 36

**IX. PULLED CONSENT CALENDAR ITEMS**

**X. RESPONSE**

- A. Response to Council Inquiry Regarding Adding Stricter Regulations to Ordinance No. 10-916 Related to Accessory Structures in Single-Family Residential Zones [CC] 43

**XI. COMMUNICATIONS**

- A. City Attorney/Agency Counsel
- B. City Manager/Executive Director
- C. Mayor/Chairman
- D. Council/Agency Board

E. Committee Meeting Minutes *(For Informational Purposes Only)*

1. Minutes of the Personnel Committee Meeting of September 20, 2010

45

**XII. COUNCIL/AGENCY WORKSHOP**

- A. Review of Financial Audit by Lance Soll & Lunghard, LLP

(Council/Agency may consider continuing this item to an adjourned joint meeting on Monday, October 18, 2010, at 5:45 p.m. in the City Council Chambers.

**XIII. ADJOURNMENT OF CITY COUNCIL AND REDEVELOPMENT AGENCY AND MONTCLAIR HOUSING CORPORATION BOARDS OF DIRECTORS**

*The next regularly scheduled City Council, Redevelopment Agency, and Montclair Housing Corporation meetings will be held on Monday, October 18, 2010, at 7:00 p.m. in the Council Chambers.*

*Reports, backup materials, and additional materials related to any item on this Agenda distributed to the City Council, Redevelopment Agency Board, or Montclair Housing Corporation Board after distribution of the Agenda packet are available for public inspection in the Office of the City Clerk located at 5111 Benito Street, Montclair, California, between 7:00 a.m. and 6:00 p.m., Monday through Thursday.*

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (909) 625-9415. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)*

*I, Donna M. Jackson, City Clerk, hereby certify that I posted, or caused to be posted, a copy of this Agenda not less than 72 hours prior to this meeting on the bulletin board adjacent to the south door of Montclair City Hall on September 30, 2010.*

# AGENDA REPORT

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<b>SUBJECT:</b> CONSIDER ORDINANCE NO. 10-916 AMENDING CHAPTERS 11.02, 11.18, AND 11.38 AND ADDING CHAPTER 11.19 TO THE MONTCLAIR MUNICIPAL CODE RELATED TO ACCESSORY STRUCTURES IN SINGLE-FAMILY RESIDENTIAL ZONES	<b>DATE:</b> October 4, 2010
	<b>SECTION:</b> PUBLIC HEARINGS
	<b>ITEM NO.:</b> A
	<b>FILE I.D.:</b> LDU410
<u>SECOND READING</u>	<b>DEPT.:</b> COMMUNITY DEV.

**BUSINESS**

**PLAN:** N/A

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**REASON FOR CONSIDERATION:** Amendments to the Municipal Code require public hearing review and approval by the City Council.

**BACKGROUND:** On several occasions in the past few years, staff has been approached by property owners seeking to build larger accessory structures on their property. The Montclair Municipal Code has historically limited accessory structures to a maximum size of 400 square feet, with the exception of a 700-square-foot second dwelling unit pursuant to Chapter 11.23 of the Municipal Code.

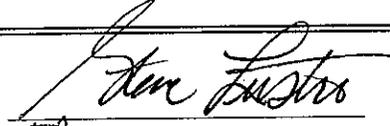
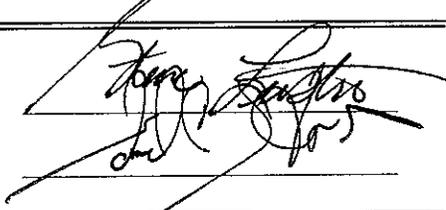
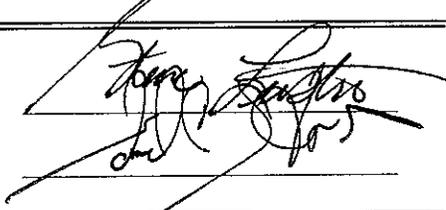
Staff has determined that there has been an inconsistent pattern of approving large, detached accessory structures, particularly on estate-zoned lots in the southerly portion of the City, over the past 15 to 20 years. Some of these structures are unsightly and do not appear to have been designed to be compatible with the home or neighborhood. The purpose of this code amendment would be to clarify the standards that apply to accessory structures to ensure that such structures are compatible within a single-family environment.

Proposed Ordinance No. 10-916 adds or clarifies definitions, including distinguishing between "major" and "minor" accessory structures, and sets forth general requirements, design standards, setback requirements, height limits, and the maximum number and size allowed for accessory structures. A copy of proposed Ordinance No. 10-916 is included in the Council packet for reference.

Staff conducted public hearings on the proposed Ordinance before the Planning Commission on June 14 and August 9, 2010. The two Montclair residents who are the proponents of the code amendment spoke at both public hearings and are supportive of the Ordinance as written. At the August 9 public hearing, the Commission expressed unanimous support for the proposed Ordinance and directed staff to submit it to City Council for consideration.

**FISCAL IMPACT:** There would be no direct fiscal impact to the City's General Fund should the City Council adopt proposed Ordinance No. 10-916. The review of accessory structures

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Prepared by: 	Reviewed and Approved by: 
Proofed by: 	Presented by: 

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for residential property is part of the routine and ongoing function of the Planning Division. For accessory structures requiring a building permit, the Building Division has in place plan check procedures and fees to cover the cost of this aspect of project review and approval.

**RECOMMENDATION:** The Planning Commission and staff recommend the City Council adopt Ordinance No. 10-916 amending Chapters 11.02, 11.18, and 11.38 and adding Chapter 11.19 to the Montclair Municipal Code related to accessory structures in single-family residential zones.

**ORDINANCE NO. 10-916**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING CHAPTERS 11.02, 11.18, AND 11.38 AND ADDING CHAPTER 11.19 TO THE MONTCLAIR MUNICIPAL CODE (ACCESSORY STRUCTURES IN SINGLE-FAMILY RESIDENTIAL ZONES)**

**WHEREAS**, California Government Code Section 65800 *et seq.* authorizes the adoption and administration of zoning laws, ordinances, rules and regulations by cities as a means of implementing the General Plan; and

**WHEREAS**, on several occasions in the past few years, staff has been approached by property owners desiring to build larger accessory structures on their residential property; and

**WHEREAS**, the Montclair Municipal Code currently limits accessory structures to a maximum size of 400 square feet, with the exception of a 700-square-foot second dwelling unit pursuant to the provisions of Chapter 11.23 of the Municipal Code; and

**WHEREAS**, an application for a code amendment was filed by two residents seeking a change in the existing code that would allow them to construct a larger accessory structure on their respective properties; and

**WHEREAS**, from time to time, it becomes necessary and/or advantageous to amend particular portions of the Zoning and Development Code of the City of Montclair to address new development issues or to improve the general welfare of the community and encourage attractive and logical development; and

**WHEREAS**, the purpose of this code amendment is intended to allow proportionately larger accessory structures on larger properties, and to provide development and design standards for the construction of said accessory structures on single-family zoned properties within the City to promote the general welfare of the community, and to ensure attractive and logical development; and

**WHEREAS**, the proposed Ordinance and subsequent code amendment applies only to single-family residential zoned properties within the City boundaries; and

**WHEREAS**, the City Council finds that the proposed Ordinance is consistent with the General Plan's goal of protecting residential property values and privacy by preventing the intrusion of incompatible land uses in that the proposed code amendment provides enhanced development criteria and design guidelines for accessory structures in single-family residential districts of the City; and

**WHEREAS**, the proposed code amendments regarding accessory structures would be incorporated into Title 11 of the Montclair Municipal Code

(Zoning and Development) and will modify and supersede the existing provisions addressing accessory structures on single-family properties in Title 11; and

**WHEREAS**, the City Council finds that this Ordinance is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The code amendment is an enactment of a zoning ordinance to modify existing development standards applicable to accessory (appurtenant) improvements on existing residential properties. The accessory structures envisioned with this code amendment would be categorically exempt as improvements to new construction of small structures under Section 15303(e) of the CEQA Guidelines. Moreover, the code amendment will not have a significant effect on the environment as it does not in itself directly approve any construction activities, but instead establishes standards, permit requirements, and other measures that regulate the design, installation, and maintenance of accessory (appurtenant) structures on existing residential properties; and

**WHEREAS**, the Director of Community Development is directed to file a Notice of Exemption in accordance with CEQA and the State CEQA Guidelines.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTCLAIR DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION I.** Section 11.02.010 ("Definitions") of Title 11 ("Zoning and Development") of the Montclair Municipal Code is hereby amended to include the following. In cases where a definition currently exists, it shall be replaced in its entirety by the definition contained herein.

**11.02.010 Definitions.**

**Accessory Structure/Building** - A structure that is subordinate to, smaller in floor area than, and detached from the primary structure of a residential property. Typical residential accessory structures include, but are not limited to, pool houses, storage buildings, patio covers, canopies, garages, carports, workshops, greenhouses (for noncommercial raising of plants), outdoor fireplaces, light poles, gazebos, tree houses, and play structures. A cargo/shipping container is not considered an accessory structure in any residential district.

**Attached Accessory Structure** - An accessory building or structure shall be considered an integral part of the principal building if it is connected to the primary building including by a covered passageway.

**Floor Area, Gross** - Gross floor area of the primary structure or residence, including the area of attached garages and solid roof covered patios.

**Lot Coverage** - The sum of the footprint area of the primary and all accessory structures on a lot.

**Minor Accessory Structure** - An accessory building or structure with a footprint of 120 square feet or less and which is 8 feet or less in height. Minor accessory buildings or structures shall not be connected to utilities without necessary permits.

**Major Accessory Structure** - Any accessory building or structure with a footprint greater than 120 square feet in area, and/or greater than 8 feet in height. Major accessory buildings or structures shall not be connected to utilities without necessary permits.

**Open Patio or Trellis Structure** - An accessory structure having a roof constructed of lattice or other roof material that allows light and air to pass through a minimum of 50 percent of the roof surface. Additionally, the sides of an open structure consist only of support posts and decorative or functional elements such as braces and railings such that light and air can pass through a minimum of 75 percent of each side. Open patio structures include, but are not limited to, trellises, trellis-like patio covers, and other shade structures.

**Space, Habitable** - A room or rooms meeting the minimum requirements of the California Building Code and that is intended for sleeping, living, cooking or dining purposes, excluding enclosed places (*e.g.*, closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms, garages, and similar spaces).

**Structure, Primary** - A structure that houses the primary legal use on a property or lot. It shall not apply to accessory structures (*e.g.*, garages, pool houses, sheds, etc.).

**SECTION II.** Section 11.18.010 is hereby repealed and replaced in its entirety as follows:

**11.18.010 Single-Family Residential Zone.**

The R-1 Single-Family Residential Zone is intended as a district of single-family homes with not more than one primary dwelling unit, a maximum of one second dwelling unit pursuant to Chapter 11.23 of this title, and detached accessory building(s) pursuant to Chapter 11.19 of this title, upon one lot. Except as specifically provided elsewhere in this title, any and every building and premises or land in the R-1 Zone shall be used for, or occupied, and every building shall be erected, constructed, established, altered, enlarged, maintained, and moved into or within such R-1 Zone exclusively and only in accordance with the provisions set forth in this chapter.

**SECTION III.** Section 11.18.030.H is hereby repealed and replaced in its entirety as follows:

**11.18.030 Uses Permitted.**

H. Second dwelling units pursuant to Chapter 11.23 of this title and accessory buildings pursuant to Chapter 11.19 of this title or improvements incidental to any of the permitted uses in this chapter. No motor home, mobile home, tank, shipping container, trailer, bus or other vehicle or similar item shall be considered or permitted as accessory buildings.

**SECTION IV.** Sections 11.38.050.E-G are hereby repealed and replaced in their entirety as follows:

**11.38.050 Yards.**

E. Detached accessory building(s) shall not occupy more than 35 percent of a rear yard and shall meet the setback criteria set forth in Chapter 11.19 of this Title.

- F. Reserved.
- G. Reserved.

**SECTION V.** Chapter 11.19 is hereby added to Title 11 ("Zoning and Development") of the Montclair Municipal Code to read as follows:

**Chapter 11.19**  
**ACCESSORY STRUCTURES IN**  
**SINGLE-FAMILY RESIDENTIAL ZONES**

**Sections:**

- 11.19.010 Purpose and Intent.**
- 11.19.020 Applicability.**
- 11.19.030 General Requirements.**
- 11.19.040 Accessory Structures in Multifamily Districts.**
- 11.19.050 Size and Number of Accessory Structures Allowed.**
- 11.19.060 Setbacks.**
- 11.19.070 Height.**
- 11.19.080 Building Separation.**
- 11.19.090 Lot Coverage.**
- 11.19.100 Design.**
- 11.19.110 Additional Standards for Recreational Vehicle Garages.**
- 11.19.120 Maintenance.**

**11.19.010 Purpose and Intent.**

The purpose and intent of this Chapter is to:

- A. Establish development standards that apply to accessory structures in single-family residential zoning districts.
- B. Ensure accessory structures are consistent with the residential character of the surrounding neighborhood.
- C. Minimize the visual impact associated with the design of accessory structures.

**11.19.020 Applicability.**

A. This Chapter shall apply to the construction of any accessory structure in single-family residential districts within the City as defined herein.

B. Except as provided elsewhere in this Title, it shall be unlawful for any person to erect, construct, enlarge, move or replace any accessory use or structure without first complying with the development standards established herein and obtaining necessary construction and alteration permits, as may be required by adopted codes listed in Title 10 of the Montclair Municipal Code.

C. Existing accessory structures that were legally constructed prior to the date of this Ordinance but which do not conform to the provisions of this Chapter are deemed to be legal nonconforming and shall be subject to the provisions of Chapter 11.78.060 of the Montclair Municipal Code.

D. The provisions of this Chapter shall in no way validate any existing accessory structure constructed without City approval. Accessory structures erected without benefit of City approval and a building permit shall be removed upon notification, or if possible, modified to comply with the provisions of this Chapter and any applicable requirements in the adopted codes listed in Title 10 of the Montclair Municipal Code.

### **11.19.030 General Requirements.**

Accessory buildings and structures, except walls and fences, in the R-1 Single-Family Residential Zone shall be subject to the following provisions:

A. An accessory structure may only be constructed on a lot containing a primary structure that is occupied by the appropriate use.

B. Accessory structures may only be used for purposes permitted in the district in which they are located. It shall be the responsibility of the Director to determine if a proposed accessory structure or use is appropriate, incidental, and subordinate to the principal permitted use.

C. No major accessory structure shall be allowed on a property that does not provide minimum required covered parking meeting the development standards of the underlying zoning district.

D. When an accessory structure is proposed on a property that is comprised of more than one lot or parcel, the parcels or lots in question shall be merged and recorded with County Recorder's office.

E. No mobile home, tank, shipping container, trailer, bus or other vehicle or similar item shall be utilized as an accessory building or storage structure in any single-family or multifamily residential zoning district.

F. Accessory buildings or structures containing machinery or other fixed equipment capable of creating noise audible outside of the structure shall comply with City noise standards as set forth in the Montclair Municipal Code.

G. No accessory building shall be used as a dwelling unit, sleeping quarters, or a housekeeping unit, or contain a kitchen unless permitted within an approved Second Dwelling Unit, subject to the provisions of Chapter 11.23 of the Montclair Municipal Code.

H. A bathroom may be allowed within an enclosed accessory structure if approved by the Community Development Director.

I. Accessory structures shall not be used for a commercial or industrial business, or home occupations. Other activities (*e.g.* hobbies) involving the use, manufacturing/processing, or the storage of flammable, combustible, explosive, toxic, or other hazardous materials in quantities that are not normally associated with a household use as determined by the Montclair Fire Department, shall be prohibited.

J. Accessory buildings or structures shall not be located in any utility or drainage easement.

K. Accessory structures shall be located and designed so as not to directly drain onto another property.

L. All accessory structures may be subject to the review and approval of the Montclair Fire Department including the requirement to install fire suppression (sprinkler) systems, monitoring, and/or alarms.

### **11.19.040 Accessory Structures in Multifamily Districts.**

A. No accessory structure shall be erected in a multifamily zoning district unless pursuant to a Precise Plan of Design (PPD).

B. For multifamily developments, all accessory structures including carports and garages, trash enclosures, common open space structures, etc., shall be subject to the approval of, or included as an element of a PPD.

C. Where a development standard in an underlying Specific Plan (SP) or Planned Unit Development (PUD) project site addresses a specific accessory structure standard (*e.g.*, height or setback) those standards shall take precedence over this Chapter.

**11.19.050 Size and Number of Accessory Structures Allowed.**

The maximum size and number of accessory structures on any single-family residential lot shall be as follows:

<b>Maximum Allowable Size for Accessory Structures on R-1 (Single-Family Residential) Properties</b>			
<i>Lot Size</i>	<i>Maximum Total Size<sup>1</sup></i>	<i>Maximum Number<sup>2</sup></i>	<i>Maximum Height<sup>3</sup></i>
Less than 6,000 s.f.	200 square feet	1	1 story or 15 feet
6,001 - 9,000 s.f.	400 square feet	2	
9,001 - 12,000 s.f.	600 square feet		
12,001 - 15,000 s.f.	800 square feet		
15,001 - 18,000 s.f.	1,000 square feet		
18,001 - 20,000 s.f.	1,200 square feet		
Over 20,000 s.f.	1,400 square feet		
<sup>1</sup> Maximum cumulative floor area of all accessory structures on the property, including approved second units. Does not include attached accessory structures. <sup>2</sup> In cases where the required garage is not part of the primary structure, it shall count as one of the two accessory buildings allowed, provided that the total floor area of the accessory buildings does not exceed the size limit or total lot coverage. <sup>3</sup> For RV garages see Sections 11.19.070 and 11.19.110.			

**11.19.060 Setbacks.**

Accessory buildings and structures shall comply with the following setback standards:

<b>Setbacks for Minor Accessory Structures (less than 120 square feet)</b>	
<i>Location</i>	<i>Setback Requirement*</i>
Front Yard	<ul style="list-style-type: none"> <li>No accessory structures allowed except for fences or walls pursuant to Section 11.38.050.</li> </ul>
Interior Side Yard	<ul style="list-style-type: none"> <li>None for structures less than 6 feet in height behind a solid fence or wall and not visible to the street or adjacent properties.</li> <li>3 feet minimum from side property line for structures greater than 6 feet but less than 8 feet in height.</li> <li>A 4-foot wide minimum unobstructed passageway to the rear yard shall be maintained at all times for access and onsite circulation.</li> </ul>
Street Side Yard	<ul style="list-style-type: none"> <li>No accessory structures allowed except for fences or walls pursuant to Section 11.38.050.</li> </ul>
Rear Yard	<ul style="list-style-type: none"> <li>None for structures less than 6 feet in height behind a solid fence or wall and not visible to the street or adjacent properties.</li> <li>3 feet for structures up to 8 feet in height.</li> </ul>
* Setbacks for all structures shall be measured from property line.	

<b>Setbacks for Major Accessory Structures (120 square feet or greater)</b>	
<i>Location</i>	<i>Setback Requirement**</i>
Front Yard	<ul style="list-style-type: none"> <li>• No major accessory structures allowed except for fences or walls pursuant to Section 11.38.050.</li> <li>• No swimming pools, spas, or hot tubs shall be allowed.</li> <li>• Required garage shall meet applicable setback requirements of the underlying district. A minimum of 20 feet is required in front of garage structures that directly face a public or private street.</li> </ul>
Interior Side Yard	<ul style="list-style-type: none"> <li>• 5 or 12 feet as required by the underlying zoning district.</li> <li>• A 4-foot wide minimum unobstructed passageway to the rear yard shall be maintained at all times for access and onsite circulation.</li> </ul>
Street Side Yard	<ul style="list-style-type: none"> <li>• 15 feet minimum</li> <li>• No accessory structures allowed except for fences or walls pursuant to Section 11.38.050.</li> <li>• No swimming pools, spas, or hot tubs shall be allowed.</li> <li>• Required garage shall meet applicable setback requirements of the underlying district. A minimum of 20 feet is required in front of garage structures that directly face a public or private street.</li> </ul>
Rear Yard	<ul style="list-style-type: none"> <li>• 5 feet minimum</li> </ul>
Alley	<ul style="list-style-type: none"> <li>• 25 feet from the opposite side of the alley for required garages taking direct access from the alley.</li> <li>• 5 feet minimum for all other major accessory structures.</li> </ul>
Equestrian Trails	<ul style="list-style-type: none"> <li>• 5 feet minimum as measured from fence line designating nearest side of equestrian trail easement in interior side or rear yards.</li> </ul>
Through Lots	<ul style="list-style-type: none"> <li>• Accessory buildings may be placed in the apparent rear yard that is enclosed with a solid wall or fence and behind the required front yard setback of the opposite street.</li> </ul>
** Setbacks for all structures shall be measured from property line except as noted. Eaves, cornices, and canopies shall not extend beyond 2 feet into the required setback.	

**11.19.070 Height.**

A. All accessory structures shall be limited to one (1) story and a maximum height of 15 feet, or the height of the primary structure, whichever is less. A rooftop designed so that it may be used as a deck shall be considered a second story for the purposes of this Chapter, and shall not be permitted.

B. For recreational vehicle (RV) garages, building height may exceed the stated height limit provided that overall height of the structure is the minimum necessary to achieve necessary clearances and allow a roof pitch that complements the roof pitch of the primary structure on the property. In no case, shall the maximum height of the portion of the accessory structure intended for accommodating an RV exceed 20 feet in height.

C. Accessory structures designed with exterior walls exceeding 10 feet in height shall contain architectural design elements as described in Section 11.19.100.B herein.

**11.19.080 Building Separation.**

A. Major accessory buildings or structures shall be separated from the primary structure and any other major accessory building or structure by a minimum distance of 10 feet, as measured from nearest exterior vertical wall or post surface.

B. No accessory structure shall be attached to a property line fence or wall.

**11.19.090 Lot Coverage.**

A. The sum total of all accessory structures (except in-ground pools) shall not occupy more than 35 percent of the rear yard of a property.

B. All accessory buildings or structures shall be counted toward the overall total lot coverage limit allowed by the underlying zoning district.

**11.19.100 Design.**

Plans for an accessory structure shall be reviewed for conformity with the following guidelines:

A. Roofing and siding materials shall match as closely as possible the predominant materials on the principal dwelling. Alternate materials may be approved if the Director finds that the alternate roofing and siding materials effectively complement the character and appearance of the primary structure on the property.

B. A single, large, dominant building mass shall be avoided. When large accessory structures are proposed, the overall mass of the structure should be broken up through the change in wall planes, setbacks, projecting and recessed elements, and similar design techniques. Roofline offsets shall be provided to lend an architectural interest and variety to the massing of a building and to relieve the effect of a single long roof.

C. The color(s) shall reflect, or be complementary to, the color scheme of the primary structure or dwelling.

D. Trim detailing, including but not limited to fascia, window trim, and door trim shall reflect and be complementary to the trim detailing of the principal dwelling.

E. Any lighting affixed to an accessory structure shall be designed or shielded so as to not cause glare upon neighboring properties.

**11.19.110 Additional Standards for Recreational Vehicle Garages.**

Recreational vehicles (RVs) may be parked and stored within a completely or partially enclosed garage structure. Such structures shall be subject to the additional development criteria provided in the following standards:

A. The RV garage shall be located in the rear yard meeting all applicable setback requirements.

B. An RV garage structure shall be designed to minimize volume and mass and comply with the general design standards for large accessory structures contained in this Chapter. Rooflines shall be varied to reduce the scale of structures and add visual interest.

C. RVs shall not be covered solely by means of a carport structure. A carport for an RV may be considered when it is a part of, and appropriately

integrated into, the overall design of a large accessory structure meeting the intent of the design standards for large accessory structures.

D. An RV garage structure shall not be placed on the property in any manner that blocks or obstructs direct vehicular access to required covered parking for the property.

E. Garages that are visible to the street shall have an automatic garage door opener and a decorative garage door design (e.g., "carriage style" garage doors) in keeping with the architectural style of the main house.

F. Temporary or permanent connections to an existing septic tank or the City's sanitary sewer system designed for the express purpose of conveying waste from RV septic holding tanks to a private sewer system or the public sewer shall be prohibited. Further, waste from RV septic holding tanks shall not be conveyed to a private sewer system or the public sewer system through toilets or other approved plumbing fixtures within an approved accessory structure, main dwelling unit, or second dwelling unit. RV septic holding tanks shall be evacuated only at a licensed dump station designed to accept such waste.

#### **11.19.120 Maintenance.**

All accessory structures shall be maintained in good repair, in conformance with the property maintenance standards of the Montclair Municipal Code at all times.

#### **Section VI. Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

#### **Section VII. Effective Date.**

This Ordinance shall be in full force and effect thirty (30) days after passage.

#### **Section VIII. Posting.**

The City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.

**APPROVED AND ADOPTED** this XX day of XX, 2010.

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Mayor

**ATTEST:**

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City Clerk

I, Donna M. Jackson, City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 10-916 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2010, and finally passed not less than five (5) days thereafter on the XX day of XX, 2010, by the following vote, to-wit:

AYES: XX  
NOES: XX  
ABSTAIN: XX  
ABSENT: XX

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Donna M. Jackson  
City Clerk

## AGENDA REPORT

**SUBJECT:** CONSIDER ADOPTION OF ORDINANCE  
NO. 10-917 ADDING CHAPTER 6.26 TO  
TITLE 6 OF THE MONTCLAIR MUNICIPAL  
CODE RELATED TO THE SPLASH PAD AT  
ALMA HOFMAN PARK

SECOND READING

**DATE:** October 4, 2010

**SECTION:** PUBLIC HEARINGS

**ITEM NO.:** B

**FILE I.D.:** PRK200

**DEPT.:** PUBLIC WORKS

**BUSINESS**

**PLAN:** N/A

**REASON FOR CONSIDERATION:** As the City Council is aware, the Splash Pad at Alma Hofman Park was opened in July 2010. Temporary rules and regulations were posted at the Splash Pad pending adoption of an Ordinance providing enforcement authority. The City Council is requested to consider the second reading of Ordinance No. 10-917 establishing rules and regulations for the Splash Pad.

A copy of proposed Ordinance No. 10-917 is attached for the City Council's review and consideration. In addition, the proposed Rules and Regulations to be permanently posted at the Splash Pad are attached as Exhibit A.

**BACKGROUND:** The Splash Pad at Alma Hofman Park was opened on July 1, 2010. At the time the Splash Pad was opened, staff posted Rules and Regulations regarding operating hours and use of the facility on a temporary basis. Since opening the Splash Pad, staff has gathered information regarding rules and regulations adopted by other cities for their water features and has had an opportunity to observe the Montclair Splash Pad in operation.

It is important to implement rules and regulations for use of the Splash Pad for public safety and in order to maintain the integrity of the Splash Pad's mechanical and filtration systems. In order to give staff the legal authority to enforce the Rules and Regulations for the Splash Pad, it is necessary for the City Council to adopt an Ordinance regarding the establishment and posting of such and rules and regulations. Proposed Ordinance No. 10-917 was drafted by the City Attorney and would provide the necessary authority to post and enforce rules and regulations for the Splash Pad.

**FISCAL IMPACT:** The cost to produce and install two permanent signs at the Splash Pad would be approximately \$500.

**RECOMMENDATION:** Staff recommends the City Council adopt Ordinance No. 10-917 adding Chapter 6.26 to Title 6 of the Montclair Municipal Code related to the Splash Pad at Alma Hofman Park.

Prepared by:

*M. STAATS*

Reviewed and  
Approved by:

*M. STAATS*

Proofed by:

*J. L. Smith*

Presented by:

*[Signature]*

## Exhibit A

### CITY OF MONTCLAIR SPLASH PAD RULES AND REGULATIONS

Hours of Operation:  
10:00 A.M. - 6:00 P.M.

Memorial Day Weekend through Labor Day

#### Safety First

- No lifeguard or attendant on duty. Play at your own risk.
- Children shall be supervised by an adult at all times.
- Surface may be hot/slippery-- Appropriate footwear recommended.
- Climbing on water play equipment is strictly prohibited.

#### Courtesy to Others

- Running or rough play in Splash Pad area is not permitted.
- No bikes, skates, roller shoes, scooters, skateboards, strollers, toys, wheeled vehicles (wheelchairs excluded) permitted in the Splash Pad area.
- No smoking allowed.
- No radios or other music-playing devices with audible sound are permitted.

#### Health and Sanitation

- Spray features use sanitized, treated, and recirculated water.
- Swimwear required.
- Swim diapers are required for children under the age of 4 years.
- No hanging of clothes or towels on trees, walls, fences, structures, or benches.
- Food, beverages including water, gum, and glass are prohibited in the Splash Pad area.
- No pets in the Splash Pad area.
- All articles left at the Splash Pad will be disposed of at closing time.

Facility is subject to closure at any time.

The City reserves the right to revise and add new rules and regulations as required; and prohibit anyone from using the Splash Pad at any time; for any reason, if determined to be in the best interest of all present, including limiting the number of users in the Splash Pad.

Montclair Municipal Code Title 6, Section 6.26

ORDINANCE NO. 10-917

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR ADDING CHAPTER 6.26 TO TITLE 6 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO THE SPLASH PAD AT ALMA HOFMAN PARK

THE CITY COUNCIL OF THE CITY OF MONTCLAIR DOES ORDAIN AS FOLLOWS:

**SECTION I. Addition to Code.**

**6.26.010 Definitions.**

For the purpose of this Chapter, words, phrases, and terms used in this Chapter shall have their ordinary meaning, unless otherwise provided as follows:

**Director** means the Director of Public Works or other designee.

**6.26.020 Purpose.**

It is the purpose of this Chapter to establish rules and regulations for use of the Splash Pad at Alma Hofman Park in the City of Montclair.

**6.26.030 Hours of Operation-Closure.**

The Splash Pad shall be open from 10:00 a.m. until 6:00 p.m. from Memorial Day through Labor Day or as otherwise posted by the Director. The Splash Pad is subject to closure without notice at any time for maintenance or as otherwise determined by the Director.

**6.26.040 Rules and Regulations.**

Swimwear is required for any person using the Splash Pad. All children must be supervised by an adult at all times. Users of the Splash Pad play at their own risk. Other rules and regulations for the use of the Splash Pad may be established by the Director as he or she deems appropriate, provided that signs describing such rules and regulations are placed and posted pursuant to Section 6.26.050. All persons using the Splash Pad shall comply with all rules and regulations specified herein.

**6.26.050 Signage and Posting Requirements.**

In order to provide reasonable notice to the public, the Director shall place and post signs in one or more conspicuous and visible areas at or near the Splash Pad specifying the rules and regulations established pursuant to Section 6.26.040. The signs required pursuant to this Section shall cite the respective code section being invoked.

**6.26.060 Enforcement.**

Violation of any of the provisions of this Section may be grounds for removal from the Splash Pad. Any person failing to comply with the provisions

of this Chapter shall be subject to citation or other applicable enforcement authority available to the City. Criminal violations of this Chapter shall be punishable as infractions.

**SECTION II. Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

**SECTION III. Effective Date.**

This Ordinance shall be in full force and effect thirty (30) days after passage.

**SECTION IV. Posting.**

The City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.

**APPROVED AND ADOPTED** this XX day of XX, 2010.

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

I, Donna M. Jackson, City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 10-917 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2010, and finally passed not less than five (5) days thereafter on the XX day of XX, 2010, by the following vote, to-wit:

AYES: XX  
NOES: XX  
ABSTAIN: XX  
ABSENT: XX

\_\_\_\_\_  
Donna M. Jackson  
City Clerk

## AGENDA REPORT

---

<b>SUBJECT:</b> CONSIDER APPROVAL OF PARCEL MERGER NO. 2010-1 FOR THREE PARCELS LOCATED AT 10543 MILLS AVENUE  CONSIDER ACCEPTANCE OF GRANT DEED NO. 1658, AN EASEMENT FOR CONSTRUCTION, RECONSTRUCTION, MAINTENANCE, AND USE OF PUBLIC STREET AND APPURTENANCES FOR ONE OF THESE THREE PARCELS LOCATED AT 10543 MILLS AVENUE	<b>DATE:</b> October 4, 2010 <b>SECTION:</b> ADMIN. REPORTS <b>ITEM NO.:</b> 1 <b>FILE I.D.:</b> LDU225 <b>DEPT.:</b> PUBLIC WORKS
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**BUSINESS PLAN:** N/A

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**REASON FOR CONSIDERATION:** Parcel mergers and Grant Deeds are permitted under the Subdivision Map Act and the Montclair Municipal Code, subject to the approval of the City Council.

**BACKGROUND:** Southern Pacific Latin American District has expressed its wish to merge three adjacent parcels located at 10543 Mills Avenue. A parcel merger application has been submitted and reviewed. The properties are currently developed and used for religious purposes and associated parking. Neither the Public Works Department nor the Community Development Department has any objection to this proposal.

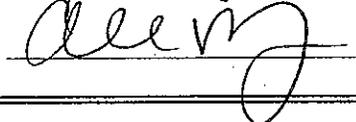
During the review of the documentation submitted as part of the parcel merger request, staff was unable to find a record of street right-of-way dedication for one of the parcels fronting Mills Avenue. Although full street improvements have existed through the frontage of this parcel for well over 30 years, it is not clear that the right-of-way for these improvements exists. Staff has requested, and the property owner has consented to, the dedication of this missing right-of-way.

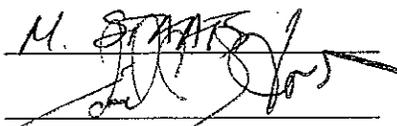
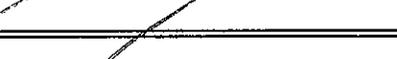
**FISCAL IMPACT:** The merger of the affected parcels would have no fiscal impact to the City. The City's acceptance of Grant Deed No. 1658 would allow for continued maintenance and use of a public street and appurtenances and would create no fiscal impact to the City.

**RECOMMENDATION:** Staff recommends the City Council take the following actions:

1. Approve Parcel Merger No. 2010-1 for three parcels located at 10543 Mills Avenue.
2. Accept Grant Deed No. 1658, an easement for construction, reconstruction, maintenance, and use of a public street and appurtenances for one of these three parcels located at 10543 Mills Avenue.

---

Prepared by:   
Proofed by: 

Reviewed and Approved by:   
Presented by: 

---

RECORDING REQUESTED  
BY AND MAIL TO:

CITY OF MONTCLAIR  
CITY ENGINEER  
P. O. BOX 2308  
MONTCLAIR, CA 91763

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CERTIFICATE OF PARCEL MERGER NO. 2010-1

RECORD OWNERS	EXISTING PARCELS ASSESSOR PARCEL NUMBERS
Southern Pacific Latin American District	Parcel 1 - 1012-021-08
Southern Pacific Latin American District	Parcel 2 - 1012-021-18
Southern Pacific Latin American District	Parcel 3 - 1012-021-50

LEGAL DESCRIPTION OF MERGED PARCEL

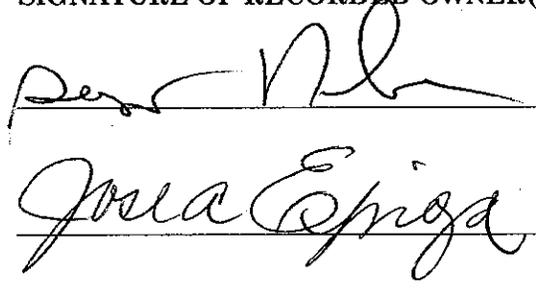
SEE EXHIBIT B

State of \_\_\_\_\_  
County of \_\_\_\_\_

DATED: 12-22-2009

On \_\_\_\_\_ before me,  
personally appeared \_\_\_\_\_  
who proved to me on the basis of satisfactory evidence to be the  
person(s) \_\_\_\_\_  
whose name(s) is/are subscribed to the within instrument  
and acknowledged to me that he/she/they executed the same  
in his/her/their authorized capacity(ies), and that by his/her/their  
signature(s) on the instrument the person(s), or the entity upon  
behalf of which the person(s) acted, executed the instrument.

SIGNATURE OF RECORDED OWNER(S)



I certify under PENALTY OF PERJURY under the laws of the State  
Of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

*See attached document*

\_\_\_\_\_  
Signature of Notary

CERTIFICATE OF PARCEL MERGER NO. 2010-1 WAS APPROVED BY THE MONTCLAIR CITY COUNCIL

ON: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

(Engineer's Stamp)

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles }

On Dec. 23, 2009 before me, N. Gamez  
Date Here Insert Name and Title of the Officer

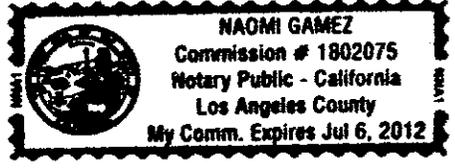
personally appeared Sergio Navarrete, Jose Espinoza  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Naomi Gamez*  
Signature of Notary Public



Place Notary Seal Above

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Description of Attached Document

Title or Type of Document: Application for Certificate of Parcel Merger

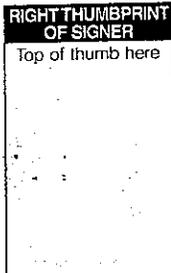
Document Date: 12/22/09 Number of Pages: 6

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer(s)

Signer's Name: Sergio Navarrete

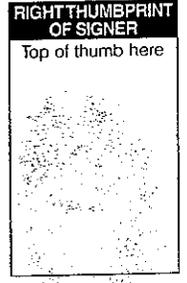
- Individual
- Corporate Officer — Title(s): owner
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: Southern Pacific Latin American District

Signer's Name: Jose Espinoza

- Individual
- Corporate Officer — Title(s): owner
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



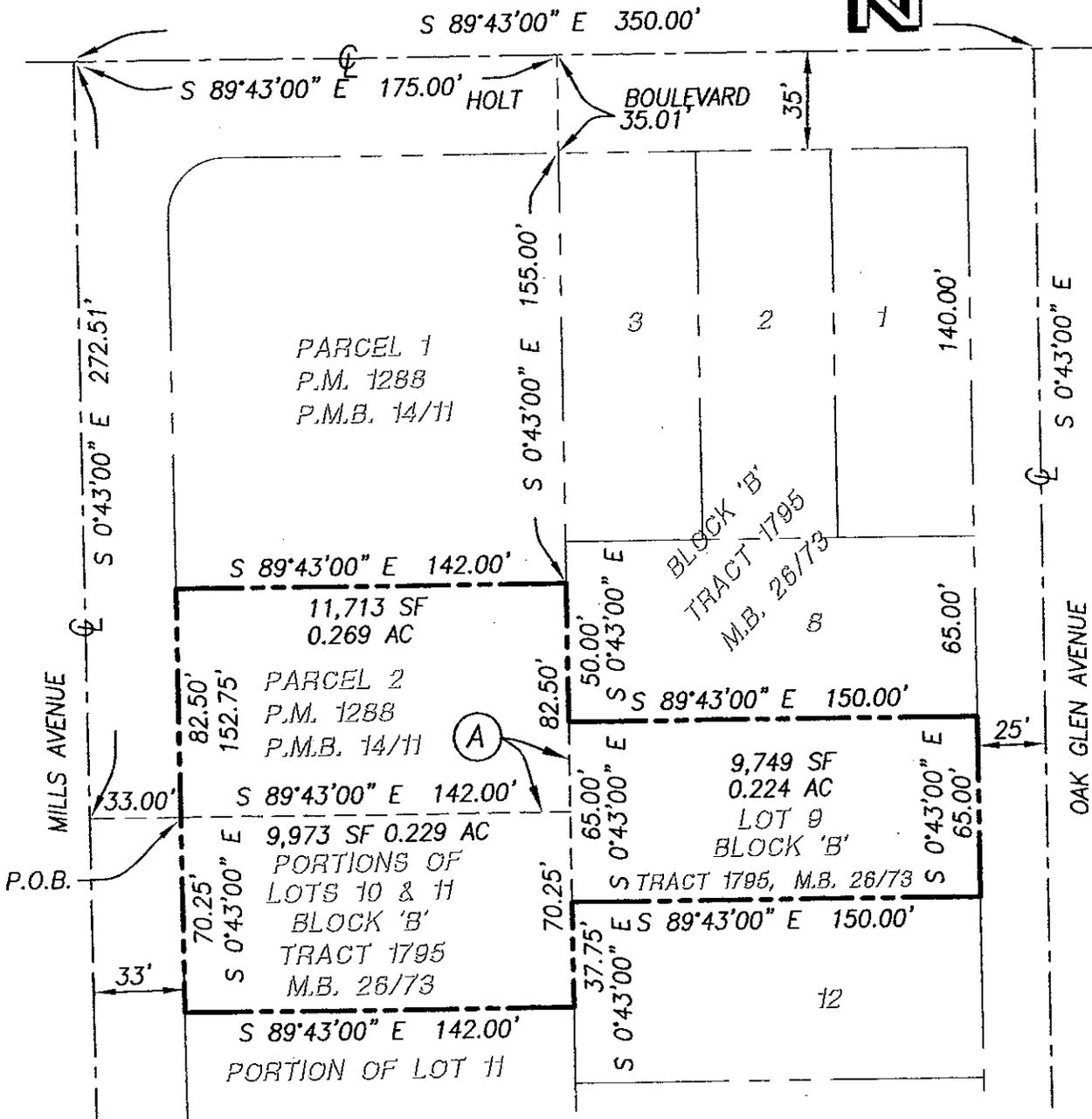
Signer Is Representing: Southern Pacific Latin American District

EXHIBIT "A"  
 CERTIFICATE OF MERGER NO. 2010-1

SHEET 1 OF 1



SCALE: 1"=60'



(A) - INDICATES LOT LINE TO BE ELIMINATED

PROPERTY ADDRESS: 10543 MILLS AVENUE

TOTAL SITE AREA: 31,435 SF, 0.722 AC

PLAT PREPARED BY  
**Lane & Associates**

274 West 9th Street  
 Upland, CA 91786  
 909-981-1800

Civil Engineering  
 Land Surveying  
 Site Planning

*T.A. Lane*

8/5/11

TERRANCE A. LANE DATE  
 R.C.E. 24838 EXPIRES 12/31/11



## EXHIBIT 'B'

### CERTIFICATE OF MERGER NO. 2010-1

#### EXISTING LEGAL DESCRIPTIONS TO BE MERGED

##### EXISTING PARCEL A (APN 1012-021-50)

PARCEL 2 OF PARCEL MAP NO. 1288, IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 14 OF PARCEL MAPS, PAGE 11, RECORDS OF SAID COUNTY.

##### EXISTING PARCEL B (APN 1012-021-18)

LOT 9, BLOCK "B" OF TRACT NO. 1795, EAST POMONA HOME ACRES, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 26 OF MAPS, PAGE 73, RECORDS OF SAID COUNTY.

##### EXISTING PARCEL C (APN 1012-021-08)

PARCEL 1: LOT 11, BLOCK "B" TRACT NO. 1795, EAST POMONA HOME ACRES, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 26 OF MAPS, PAGE 73, RECORDS OF SAID COUNTY.

EXCEPT THE SOUTH 27.250 FEET THEREOF

PARCEL 2: THE SOUTH 32.250 FEET OF LOT 10, BLOCK "B" TRACT NO. 1795, EAST POMONA HOME ACRES, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 26 OF MAPS, PAGE 73, RECORDS OF SAID COUNTY.

ALSO EXCEPT THAT PORTION OF SAID PARCELS 1 AND 2, AS DEDICATED TO THE CITY OF MONTCLAIR, LYING WESTERLY OF A LINE THAT IS PARALLEL WITH AND 33.00 FEET EASTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF MILLS AVENUE.

# EXHIBIT 'B'

## CERTIFICATE OF MERGER NO. 2010-1

### PROPOSED LEGAL DESCRIPTION OF MERGED PARCELS

BEING LOT 9, AND PORTIONS OF LOTS 10 AND 11, BLOCK "B" OF TRACT NO. 1795, EAST POMONA HOME ACRES, AS PER PLAT RECORDED IN BOOK 26 OF MAPS, PAGE 73, AND PARCEL 2 OF PARCEL MAP NO. 1288, AS PER PLAT RECORDED IN BOOK 14 OF PARCEL MAPS, PAGE 11, IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, RECORDS OF SAID COUNTY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL 2 OF PARCEL MAP NO. 1288, SAID POINT BEING THE POINT OF BEGINNING; THENCE N 00° 43' 00" W ALONG THE WESTERLY LINE OF SAID PARCEL 2, ALSO BEING THE EASTERLY RIGHT OF WAY OF MILLS AVENUE, A DISTANCE OF 82.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 2; THENCE S 89° 43' 00" E ALONG THE NORTHERLY LINE OF SAID PARCEL, A DISTANCE OF 142.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 2; THENCE S 00° 43' 00" E ALONG THE EASTERLY LINE OF SAID PARCEL 2, A DISTANCE OF 50.00 FEET TO THE NORTHWEST CORNER OF LOT 9, BLOCK "B" TRACT 1795; THENCE S 89° 43' 00" E ALONG THE NORTHERLY LINE OF SAID LOT 9, A DISTANCE OF 150.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 9; THENCE S 00° 43' 00" E ALONG THE EASTERLY LINE OF LOT 9 ALSO BEING THE WESTERLY RIGHT OF WAY OF OAK GLEN AVENUE, A DISTANCE OF 65.00 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE N 89° 43' 00" W ALONG THE SOUTHERLY LINE OF SAID LOT 9 A DISTANCE OF 150.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9 AND ALSO THE NORTHEAST CORNER OF LOT 11 OF TRACT NO. 1795; THENCE S 00° 43' 00" E ALONG THE EASTERLY LINE OF SAID LOT 11 A DISTANCE OF 37.75 FEET TO A POINT ON A LINE PARALLEL WITH AND 27.25 FEET NORTHERLY OF THE SOUTH LINE OF LOT 11; THENCE N 89° 43' 00" W ALONG SAID PARALLEL LINE A DISTANCE OF 142.00 FEET, TO A POINT ON THE EASTERLY RIGHT OF WAY OF MILLS AVENUE; THENCE N 00° 43' 00" W ALONG THE EASTERLY RIGHT OF WAY OF MILLS AVENUE, A DISTANCE OF 70.25 FEET TO THE POINT OF BEGINNING.

AREA= 31,435 SQUARE FEET  
0.722 ACRES

Legal description prepared by:  
Lane & Associates



Terrance A. Lane  
R.C.E. 24838, Expires 12/31/11



Recording Requested  
By and Mail to:

CITY OF MONTCLAIR  
P.O. BOX 2308  
5111 BENITO STREET  
MONTCLAIR, CALIFORNIA 91763

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Affix Internal Revenue Stamps in This Place

APN: 1012-021-08

**GRANT DEED**

Affix I.R.S. \$ \_\_\_\_\_

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

**SOUTHERN PACIFIC LATIN AMERICAN DISTRICT**

hereby GRANTS to the CITY OF MONTCLAIR an easement for the purpose of constructing, reconstructing, maintaining, and use of public street and appurtenances over the following described real property in the City of Montclair, County of San Bernardino, State of California:

See attached Exhibits A and B

Grant Deed No. 1658

  
Sergio Navarrete, Corporate Officer

  
José Espinoza, Corporate Officer

State of California

County of Los Angeles

On 8-16-2010 before me, C. VISITOR, NOTARY PUBLIC

personally appeared Jose A. Espinoza and Sergio Navarrete, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature C. Visitor  
Signature of Notary Public



Place Notary Seal Above

**ACCEPTANCE**

This is to certify that the interest in real property conveyed by the within instrument to the CITY OF MONTCLAIR, State of California, a body corporate and politic, is hereby accepted by order of the MONTCLAIR CITY COUNCIL made on \_\_\_\_\_, and the grantee consents to the recordation thereof by its duly authorized officer.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
City Clerk

(Seal)

EXHIBIT 'A'

DEDICATION (MILLS AVENUE)

EXISTING PARCEL (APN 1012-021-08)

PARCEL 1: LOT 11, BLOCK "B" TRACT NO. 1795, EAST POMONA HOME ACRES, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 26 OF MAPS, PAGE 73, RECORDS OF SAID COUNTY.

EXCEPT THE SOUTH 27.250 FEET THEREOF

PARCEL 2: THE SOUTH 32.250 FEET OF LOT 10, BLOCK "B" TRACT NO. 1795, EAST POMONA HOME ACRES, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 26 OF MAPS, PAGE 73, RECORDS OF SAID COUNTY.

PORTION TO BE DEDICATED (MILLS AVENUE)

THAT PORTION OF SAID PARCEL LYING WESTERLY OF A LINE THAT IS PARALLEL WITH AND 33.00 FEET EASTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF MILLS AVENUE.

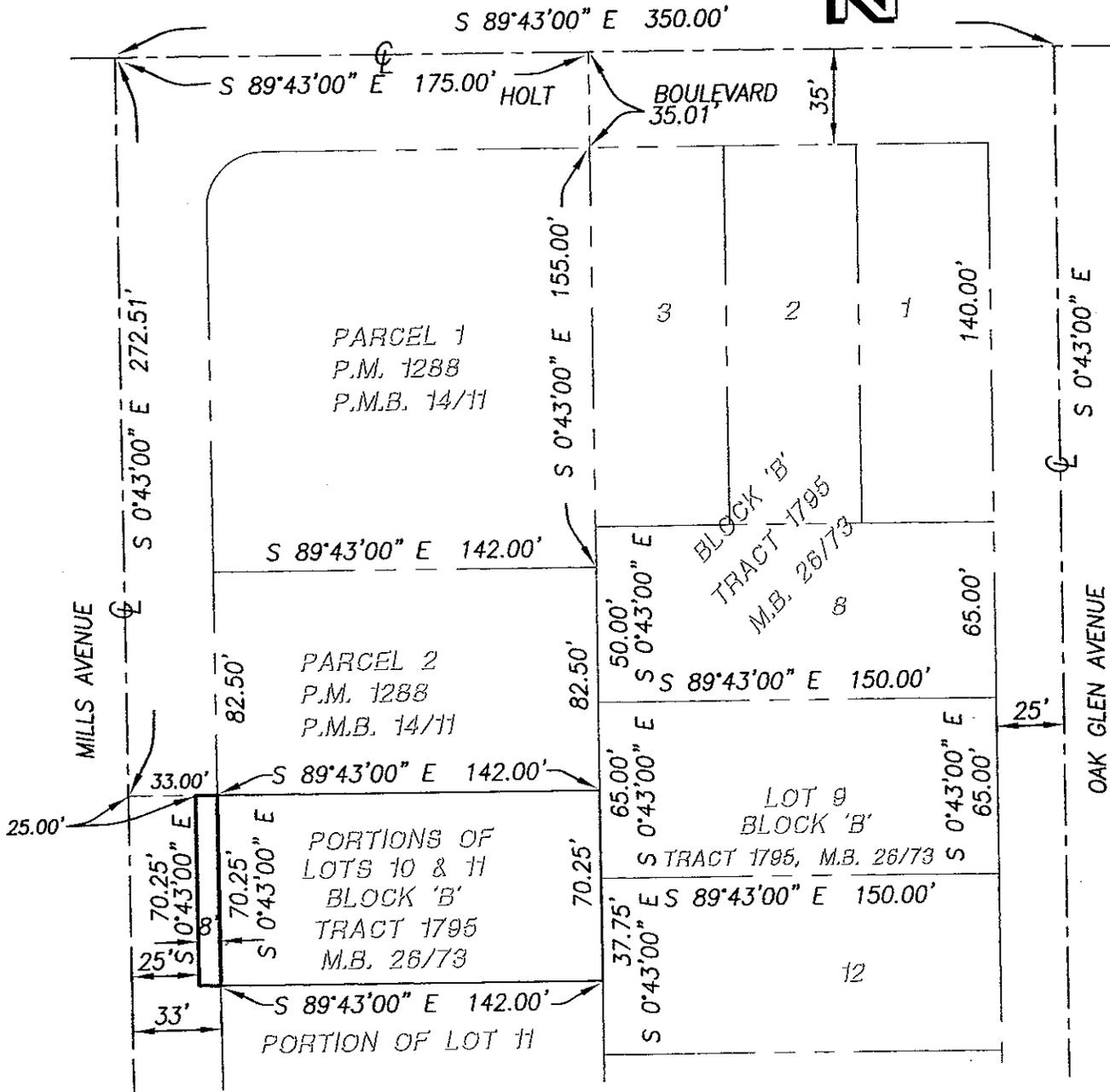
Legal description prepared by:  
Lane & Associates

  
\_\_\_\_\_  
Terrance A. Lane  
R.C.E. 24838, Expires 12/31/11

# DEDICATION PLAT

SHEET 1 OF 1

SCALE: 1"=60'



PROPERTY ADDRESS: 10543 MILLS AVENUE

PLAT PREPARED BY

**Lane & Associates**

274 West 9th Street  
Upland, CA 91786  
909-981-1800

Civil Engineering  
Land Surveying  
Site Planning

*T. A. Lane*

8/11/10

TERRANCE A. LANE  
R.C.E. 24838 EXPIRES 12/31/11

DATE



## AGENDA REPORT

---

**SUBJECT:** CONSIDER ACCEPTANCE OF GRANT DEED NO. 1659, AN EASEMENT FOR CONSTRUCTION, RECONSTRUCTION, MAINTENANCE, AND USE OF PUBLIC STREET AND APPURTENANCES FOR A PARCEL LOCATED AT 4910 HOWARD STREET

**DATE:** October 4, 2010

**SECTION:** ADMIN. REPORTS

**ITEM NO.:** 2

**FILE I.D.:** LDA210

**BUSINESS**

**PLAN:** N/A

**DEPT.:** PUBLIC WORKS

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**REASON FOR CONSIDERATION:** Acceptance of grant deeds is subject to City Council approval.

**BACKGROUND:** As a condition of approval for remodeling and adding to an existing structure located at 4910 Howard Street at the northeast corner of Howard Street and Monte Vista Avenue, the property owner was required to dedicate additional right-of-way for the future widening of Monte Vista Avenue.

**FISCAL IMPACT:** Acceptance of Grant Deed No. 1659 for right-of-way dedication would reduce right-of-way acquisition costs in the future when the City widens Monte Vista Avenue.

**RECOMMENDATION:** Staff recommends the City Council accept Grant Deed No. 1659, an easement for construction, reconstruction, maintenance, and use of a public street and appurtenances for a parcel located at 4910 Howard Street.

---

Prepared by: *M. S. CH*

Reviewed and  
Approved by:

*M. STAFFS*

Proofed by: *all M*

Presented by:

Recording Requested  
By and Mail to:

CITY OF MONTCLAIR  
P.O. BOX 2308  
5111 BENITO STREET  
MONTCLAIR, CALIFORNIA 91763

SPACE ABOVE THIS LINE FOR RECORDERS USE

Affix Internal Revenue Stamps In This Place

APN: 1011-471-12

# GRANT DEED

Affix I.R.S. \$ \_\_\_\_\_

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Jesus G. Torres, a married man as his sole and separate property,

hereby GRANTS to the CITY OF MONTCLAIR an easement for the purpose of construction, reconstruction, maintenance, and use of public street and appurtenances over the following described real property in the City of Montclair, County of San Bernardino, State of California:

See attached Exhibit A and B

Grant Deed No. 1659

By: Jesus G. Torres  
Jesus G. Torres

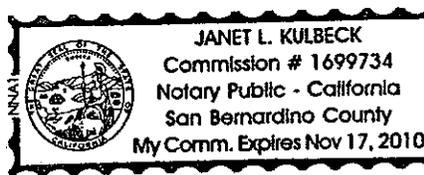
State of California  
County of San Bernardino

On 9/14/10 before me, Janet L. Kulbeck Notary Public, personally appeared Jesus G. Torres who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.

Janet L. Kulbeck  
Signature of Notary



(Seal)

## ACCEPTANCE

This is to certify that the interest in real property conveyed by the within instrument to the CITY OF MONTCLAIR, State of California, a body corporate and politic, is hereby accepted by order of the MONTCLAIR CITY COUNCIL made on \_\_\_\_\_, and the grantee consents to the recordation thereof by its duly authorized officer.

Dated: \_\_\_\_\_

By: \_\_\_\_\_

City Clerk

(Seal)

**SANDERSON-GUTIERREZ  
CIVIL ENGINEERS & LAND SURVEYORS, INC.**

10050-A 6th Street  
RANCHO CUCAMONGA, CA 91730  
(909) 980-1211

*Gary T. Sanderson*



LOT 7  
M.P. 15/35

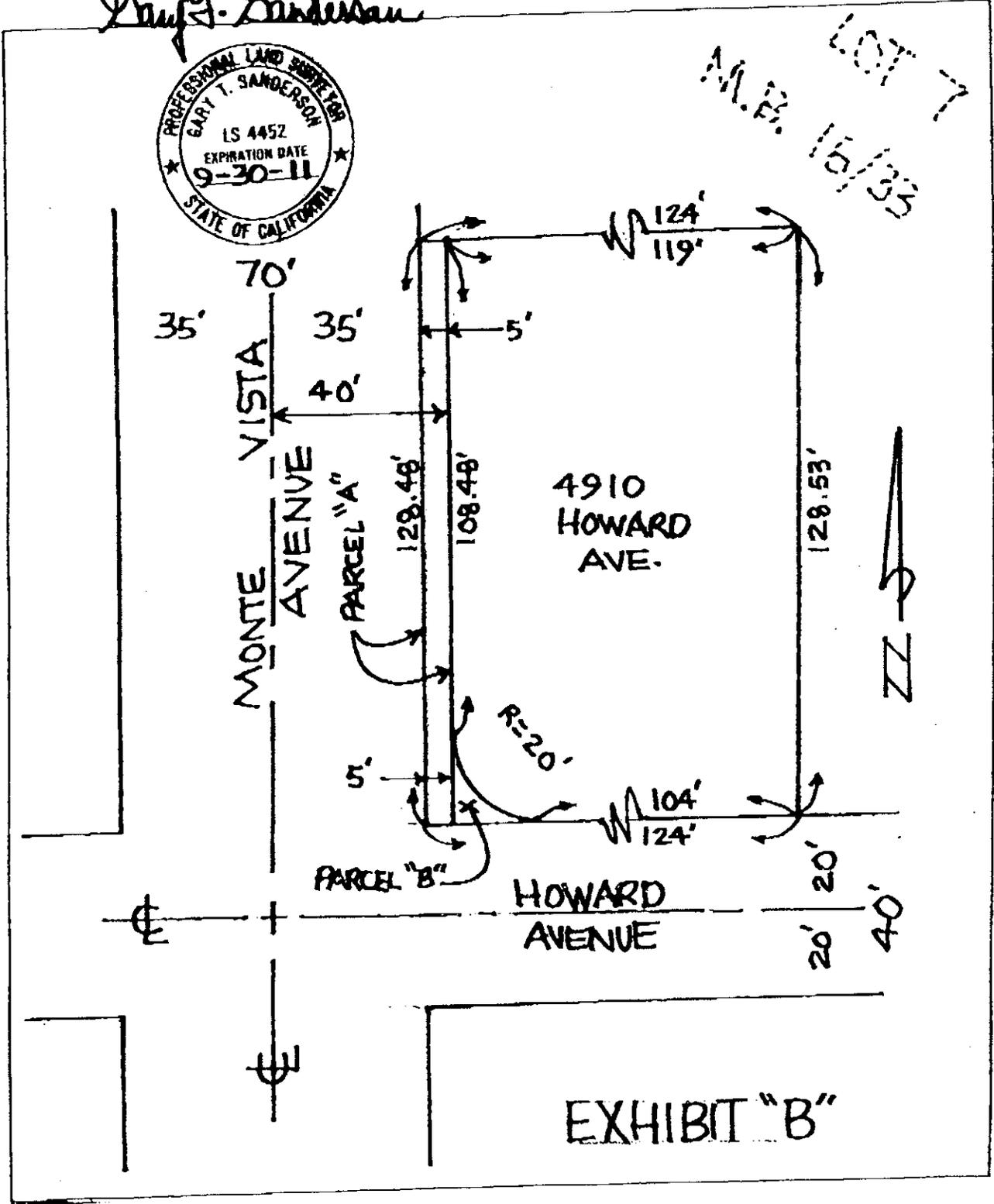


EXHIBIT "B"

EXHIBIT "A"

THAT PORTION OF LOT 7, BLOCK 22, MONTE VISTA TRACT NO. 2, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 16 OF MAPS, PAGE 33, RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHERLY LINE OF SAID LOT 7 AND THE EASTERLY LINE OF MONTE VISTA AVENUE (70 FEET WIDE); THENCE SOUTHERLY ALONG SAID EASTERLY LINE 60 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY ALONG SAID EASTERLY LINE OF MONTE VISTA AVENUE 248.48 FEET TO THE NORTHERLY LINE OF HOWARD AVENUE (40 FEET WIDE); THENCE EASTERLY ALONG THE NORTHERLY LINE OF HOWARD AVENUE 124 FEET; THENCE NORTHELY PARALLEL WITH THE EASTERLY LINE OF MONTE VISTA AVENUE 248.53 FEET; THENCE WESTERLY 124 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THE NORTH 120 FEET THEREOF.

SAID PORTIONS OF SAID LOT BEING DESCRIBED AS FOLLOWS:

PARCEL "A" MONTE VISTA AVENUE

THAT PORTION OF SAID LOT LYING WEST OF A LINE THAT IS PARALLEL WITH AND 38.00 FEET EAST, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF MONTE VISTA AVENUE.

PARCEL "B"

A TRIANGULAR SHAPED PARCEL OF LAND BOUNDED AS FOLLOWS:

ON THE WEST BY THE EAST LINE OF PARCEL "A"; ON THE SOUTH BY THE NORTH LINE OF HOWARD AVENUE 20.00 FOOT HALF WIDTH; ON THE NORTHEAST BY THE ARC OF A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 20.00 FEET, SAID CURVE BEING TANGENT TO THE EAST LINE OF SAID PARCEL "A" AND TANGENT TO THE NORTH LINE OF SAID HOWARD AVENUE.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION.

BY: Gary T. Sanderson  
GARY T. SANDERSON, P.L.S 4452

DATE: 8 / 27 / 2010



## AGENDA REPORT

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<b>SUBJECT:</b> CONSIDER ADOPTION OF EXPENDITURE PLAN FOR USE OF PROPOSITION 1B FUNDS DURING FISCAL YEAR 2010-11	<b>DATE:</b> October 4, 2010
	<b>SECTION:</b> ADMIN. REPORTS
	<b>ITEM NO.:</b> 3
	<b>FILE I.D.:</b> TRN225
<b>BUSINESS PLAN:</b> N/A	<b>DEPT.:</b> PUBLIC WORKS

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**REASON FOR CONSIDERATION:** The California State Controller's Office requires cities and counties to adopt expenditure plans for the use of state funds provided under Proposition 1B.

**BACKGROUND:** Proposition 1B was passed by California voters on November 7, 2006, by a vote in excess of 60 percent. Proposition 1B will provide nearly \$20 billion in bond funds for a variety of transportation priorities including \$2 billion to cities and counties to fund construction of new transportation improvements and maintenance of existing facilities. For Fiscal Year 2009-10, \$258 million is available for cities, with the City of Montclair's share equal to \$544,435. City shares are based on population and determined by the State Controller's Office.

Proposition 1B funds may be used for a broad range of purposes including maintenance activities and pavement repairs. To receive funds, each city, by City Council action, must approve a plan for use of the Proposition 1B funds. The expenditure plan must then be submitted to the State Controller's Office.

The City's Capital Improvement Program (CIP) currently includes a project for street rehabilitation on Mills Avenue between Kingsley Street and Benito Street. Expansion of the project limits are currently being considered from Holt Boulevard to Moreno Street. Funding for the expansion could be absorbed through additional funding from Community Development Block Grant (CDBG) funds as well as Proposition 1B funding.

Work would include pavement, curb, and gutter repairs; pavement grinding; new asphalt pavement; and restriping.

The design for this project would be completed in house by City staff. The construction cost estimate for Mills Avenue is approximately \$925,000. With only \$544,000 available through Proposition 1B, there is a shortfall of approximately \$381,000. The City has received an additional \$450,000 from the CDBG program. Staff proposes meeting this funding through the two separate programs, Proposition 1B and CDBG. Staff further proposes submitting this pavement repair project to the State Controller's Office as the City's Proposition 1B expenditure plan.

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Prepared by: <u><i>M. Ockel</i></u>	Reviewed and Approved by: <u><i>M. STATS</i></u>
Proofed by: <u><i>Alle M</i></u>	Presented by: <u><i>[Signature]</i></u>

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**FISCAL IMPACT:** Failure to submit an expenditure plan to the state would mean the City would not be entitled to seek reimbursement from the state for its allocation of Proposition 1B funds. The Mills Avenue Rehabilitation Project is estimated to cost \$925,000. With the combined funding sources of \$994,000, sufficient funds should be available to complete this project.

**RECOMMENDATION:** Staff recommends the City Council adopt the expenditure plan for use of Proposition 1B funds during Fiscal Year 2010-11.

# AGENDA REPORT

**SUBJECT:** CONSIDER APPROVAL OF WARRANT REGISTER  
AND PAYROLL DOCUMENTATION

**DATE:** October 4, 2010

**SECTION:** ADMIN. REPORTS

**ITEM NO.:** 4

**FILE I.D.:** FIN540

**BUSINESS**

**PLAN:** N/A

**DEPT.:** ADMIN. SVCS.

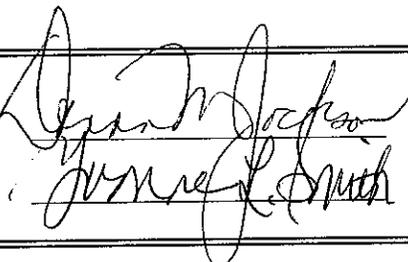
**REASON FOR CONSIDERATION:** The City Council is requested to consider approval of the Warrant Register and Payroll Documentation.

**BACKGROUND:** Mayor Pro Tem Dutrey has examined the Warrant Register dated October 4, 2010, and Payroll Documentation dated August 1, 2010, finds them to be in order and recommends their approval.

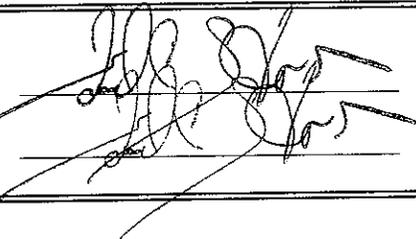
**FISCAL IMPACT:** The Warrant Register dated October 4, 2010, totals \$2,946,650.97. The Payroll Documentation dated August 1, 2010, totals \$629,167.27, with \$452,989.50 being the total cash disbursement.

**RECOMMENDATION:** Staff recommends the above-referenced Warrant Register and Payroll Documentation be approved as presented.

Prepared by:



Reviewed and  
Approved by:



Proofed by:

Presented by:

## AGENDA REPORT

**SUBJECT:** CONSIDER ADOPTION OF RESOLUTION  
NO. 10-2863 AUTHORIZING PLACEMENT  
OF LIENS ON CERTAIN PROPERTIES FOR  
DELINQUENT SEWER AND TRASH CHARGES

**DATE:** October 4, 2010

**SECTION:** RESOLUTIONS

**ITEM NO.:** 1

**FILE I.D.:** STB300-17

**BUSINESS**

**PLAN:** N/A

**DEPT.:** ADMIN. SVCS.

**REASON FOR CONSIDERATION:** Staff has identified 198 sewer and trash accounts in the even-numbered-month billing cycle that are more than three billing periods delinquent. Pursuant to Montclair Municipal Code Chapter 1.12, these properties are subject to lien. Proposed Resolution No. 10-2863 authorizes placement of liens on the 198 delinquent accounts and is attached for the City Council's review and consideration.

**BACKGROUND:** Ordinance No. 02-815 authorizes the placement of liens on properties on which delinquent civil debts have accrued and makes property owners responsible for delinquent sewer and trash charges accrued after the effective date of the Ordinance (March 1, 2002) for accounts in tenants' names. Prior to adoption of the Ordinance, property owners were responsible only for those accounts in their own names.

The 198 liens presented for approval are for accounts that are at least 90 days delinquent.

**FISCAL IMPACT:** Recoverable amount is \$38,792.42 plus \$9,900.00 in lien fees, for a total of \$48,692.42.

**RECOMMENDATION:** Staff recommends the City Council adopt Resolution No. 10-2863 authorizing placement of liens on certain properties for delinquent sewer and trash charges as listed on Exhibit A of said Resolution.

Prepared by:

*Janet Kulleck*  
*Kathy Sutton*

Reviewed and  
Approved by:

*[Signature]*  
*[Signature]*

Proofed by:

Presented by:

**RESOLUTION NO. 10-2863**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MONTCLAIR AUTHORIZING  
PLACEMENT OF LIENS ON CERTAIN  
PROPERTIES FOR DELINQUENT SEWER  
AND TRASH ACCOUNTS**

**WHEREAS**, Chapter 1.12 of the Montclair Municipal Code authorizes the City to place liens on properties on which delinquent civil debts have accrued; and

**WHEREAS**, all owners of property in the City of Montclair were notified about the adoption of Ordinance No. 02-815 authorizing placement of liens on properties on which delinquent civil debts have accrued; and

**WHEREAS**, it has been determined that there are 198 sewer and/or trash accounts on which there are delinquencies in excess of 90 days; and

**WHEREAS**, the owners of these properties have received regular billing statements and late notices since the onset of such delinquencies; and

**WHEREAS**, the owners of these properties were notified on September 13, 2010, that their delinquent accounts are subject to causing a lien to be placed on their properties for settlement of such delinquencies; and

**WHEREAS**, the owners of these properties were again notified on September 23, 2010, and that such liens would be considered for approval by the Montclair City Council on Monday, October 4, 2010.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Montclair approve the placement of liens on the properties and in the amounts specified in Exhibit A, entitled *Report of Delinquent Civil Debts - October 2010*, attached hereto.

**BE IT FURTHER RESOLVED** that the City Clerk is authorized to provide the San Bernardino County Auditor/Controller-Recorder with the documents required to cause such liens to be placed.

**APPROVED AND ADOPTED** this XX day of XX, 2010.

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

I, Donna M. Jackson, City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 10-2863 was duly adopted by the City Council of said city and was approved by the Mayor of said city at a regular meeting of said City Council held on the XX day of XX, 2010, and that it was adopted by the following vote, to-wit:

AYES: XX  
NOES: XX  
ABSTAIN: XX  
ABSENT: XX

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Donna M. Jackson  
City Clerk

Exhibit A to Resolution No. 10-2863  
Report of Delinquent Civil Debts - October 2010

Service Address	Type	Delinquency	Lien Fee	Total Lien Amount
10412 Benson Avenue	Residential	\$183.46	\$50.00	\$233.46
10208 Benson Avenue	Residential	\$160.36	\$50.00	\$210.36
10395 Vernon Avenue	Residential	\$160.36	\$50.00	\$210.36
10231 Mills Avenue	Residential	\$158.28	\$50.00	\$208.28
10145 Bel Air Avenue	Residential	\$160.36	\$50.00	\$210.36
11142 Amherst Avenue	Residential	\$183.46	\$50.00	\$233.46
10191 Canary Court	Residential	\$265.00	\$50.00	\$315.00
5171 Fauna Street	Residential	\$160.36	\$50.00	\$210.36
4912 Canoga Street	Residential	\$160.36	\$50.00	\$210.36
10221 Santa Anita Avenue	Residential	\$160.36	\$50.00	\$210.36
4103 Howard Street	Residential	\$160.36	\$50.00	\$210.36
4852 Fauna Street	Residential	\$160.36	\$50.00	\$210.36
10231 Coalinga Avenue	Residential	\$160.36	\$50.00	\$210.36
4909 Orchard Street	Residential	\$250.22	\$50.00	\$300.22
5121 Orchard Street	Residential	\$182.05	\$50.00	\$232.05
5171 Orchard Street	Residential	\$160.36	\$50.00	\$210.36
10124 Poulsen Avenue	Residential	\$160.36	\$50.00	\$210.36
10154 Poulsen Avenue	Residential	\$160.36	\$50.00	\$210.36
10246 Saratoga Avenue	Residential	\$183.46	\$50.00	\$233.46
10265 Saratoga Avenue	Residential	\$160.36	\$50.00	\$210.36
10201 Columbine Avenue	Residential	\$160.36	\$50.00	\$210.36
10115 Vernon Avenue	Residential	\$125.22	\$50.00	\$175.22
10186 Bel Air Avenue	Residential	\$160.36	\$50.00	\$210.36
10212 Del Mar Avenue	Residential	\$160.36	\$50.00	\$210.36
5476 Kingsley Street	Residential	\$160.36	\$50.00	\$210.36
5384 Evert Street	Residential	\$183.46	\$50.00	\$233.46
5051 Flora Street	Residential	\$168.76	\$50.00	\$218.76
10208 Monte Vista Avenue	Residential	\$160.36	\$50.00	\$210.36
10282 Greenwood Avenue	Residential	\$160.36	\$50.00	\$210.36
10289 Tudor Avenue	Residential	\$160.36	\$50.00	\$210.36
10243 Tudor Avenue	Residential	\$160.36	\$50.00	\$210.36
4738 Fauna Street	Residential	\$252.76	\$50.00	\$302.76
10129 Galena Avenue	Residential	\$160.36	\$50.00	\$210.36
10148 Felipe Avenue	Residential	\$160.36	\$50.00	\$210.36
10241 Camulos Avenue	Residential	\$158.32	\$50.00	\$208.32
10252 Camulos Avenue	Residential	\$160.36	\$50.00	\$210.36
10217 Oak Glen Avenue	Residential	\$183.46	\$50.00	\$233.46
4219 Fauna Street	Residential	\$160.36	\$50.00	\$210.36
4244 Fauna Street	Residential	\$105.36	\$50.00	\$155.36
10445 Tudor Avenue	Residential	\$252.76	\$50.00	\$302.76
4947 Bandera Street	Residential	\$252.76	\$50.00	\$302.76
10407 Camarena Avenue	Residential	\$160.36	\$50.00	\$210.36
5019 Kingsley Street	Residential	\$160.36	\$50.00	\$210.36
11239 Carriage Avenue	Residential	\$108.39	\$50.00	\$158.39
11158 Carriage Avenue	Residential	\$160.36	\$50.00	\$210.36
10384-86 Marion Avenue	Multifamily	\$152.72	\$50.00	\$202.72
5198 Kingsley Street	Multifamily	\$320.71	\$50.00	\$370.71
8919-21 Felipe Avenue	Multifamily	\$320.71	\$50.00	\$370.71

Service Address	Type	Delinquency	Lien Fee	Total Lien Amount
10360 Amherst Avenue	Multifamily	\$481.07	\$50.00	\$531.07
10431 Amherst Avenue	Multifamily	\$320.71	\$50.00	\$370.71
10421 Amherst Avenue	Multifamily	\$320.71	\$50.00	\$370.71
10386 Kimberly Avenue	Multifamily	\$366.42	\$50.00	\$416.42
4548 Yosemite Drive	Residential	\$160.35	\$50.00	\$210.35
4505 Donner Court	Residential	\$160.36	\$50.00	\$210.36
4523 Bodega Court	Residential	\$160.36	\$50.00	\$210.36
5103 Bandera Street	Residential	\$252.76	\$50.00	\$302.76
4515 Yosemite Drive	Residential	\$160.36	\$50.00	\$210.36
5177 San Antonio Way	Residential	\$160.36	\$50.00	\$210.36
11014 San Miguel Way	Residential	\$160.36	\$50.00	\$210.36
10983 San Juan Way	Residential	\$160.36	\$50.00	\$210.36
11022 San Juan Way	Residential	\$160.36	\$50.00	\$210.36
11032 San Juan Way	Residential	\$168.76	\$50.00	\$218.76
10989 Fremont Avenue	Residential	\$131.45	\$50.00	\$181.45
8949 Rose Avenue	Commercial	\$111.14	\$50.00	\$161.14
4315 Clydesdale Way	Residential	\$160.36	\$50.00	\$210.36
4924 Canoga Street	Residential	\$160.36	\$50.00	\$210.36
10310-12 Lehigh Avenue	Multifamily	\$320.71	\$50.00	\$370.71
4329 Clydesdale Way	Residential	\$290.76	\$50.00	\$340.76
5212 Berkshire Way	Residential	\$247.98	\$50.00	\$297.98
5225 Belvedere Way	Residential	\$168.76	\$50.00	\$218.76
10290 Monte Vista Avenue	Senior	\$172.96	\$50.00	\$222.96
10187 Lehigh Avenue	Residential	\$138.40	\$50.00	\$188.40
9802 Central Avenue	Commercial	\$2,135.27	\$50.00	\$2,185.27
4843 Orchard Street	Residential	\$160.36	\$50.00	\$210.36
10235 Columbine Avenue	Residential	\$168.76	\$50.00	\$218.76
10463 Yosemite Drive	Residential	\$120.36	\$50.00	\$170.36
10919 Fremont Avenue	Residential	\$117.84	\$50.00	\$167.84
10594 Oak Glen Avenue	Residential	\$104.41	\$50.00	\$154.41
4999 Grand Avenue	Residential	\$160.36	\$50.00	\$210.36
4691-93 Kingsley Street	Multifamily	\$152.72	\$50.00	\$202.72
4432-34 Bandera Street	Multifamily	\$152.72	\$50.00	\$202.72
10234 Camulos Avenue	Residential	\$104.41	\$50.00	\$154.41
11076 Kimberly Avenue	Residential	\$160.36	\$50.00	\$210.36
5554 Vernon Court	Residential	\$160.36	\$50.00	\$210.36
10236 Del Mar Avenue	Residential	\$160.36	\$50.00	\$210.36
4883 Kingsley Street	Residential	\$110.36	\$50.00	\$160.36
4860 Canoga Street	Multifamily	\$223.36	\$50.00	\$273.36
4860 Canoga Street	Multifamily	\$223.36	\$50.00	\$273.36
11151 Amherst Avenue	Residential	\$160.36	\$50.00	\$210.36
4741 Arrow Highway #A	Commercial	\$103.73	\$50.00	\$153.73
4528 Donner Court	Residential	\$154.62	\$50.00	\$204.62
10462 Yosemite Drive	Residential	\$160.36	\$50.00	\$210.36
10213 Columbine Avenue	Residential	\$160.36	\$50.00	\$210.36
5242 Kingsley Street	Residential	\$160.36	\$50.00	\$210.36
10133 Santa Anita Avenue	Residential	\$160.36	\$50.00	\$210.36
11049 Fremont Avenue	Residential	\$160.36	\$50.00	\$210.36
5202 Howard Street	Residential	\$197.93	\$50.00	\$247.93
11075 Kimberly Avenue	Residential	\$160.36	\$50.00	\$210.36
5572 Kingsley Street	Residential	\$160.36	\$50.00	\$210.36

Service Address	Type	Delinquency	Lien Fee	Total Lien Amount
4595 Mane Street	Residential	\$150.03	\$50.00	\$200.03
4612 Canoga Street	Multifamily	\$341.42	\$50.00	\$391.42
5219 Barrington Way	Residential	\$160.36	\$50.00	\$210.36
10970 Shetland Avenue	Residential	\$160.36	\$50.00	\$210.36
4555 Mane Street	Residential	\$160.36	\$50.00	\$210.36
4990 Bandera Street	Residential	\$160.36	\$50.00	\$210.36
10236 Kimberly Avenue	Residential	\$160.36	\$50.00	\$210.36
4234 Fauna Street	Residential	\$160.36	\$50.00	\$210.36
5422 Orchard Street	Residential	\$160.36	\$50.00	\$210.36
4705 Evert Street	Residential	\$160.36	\$50.00	\$210.36
4534 Bodega Court	Residential	\$160.36	\$50.00	\$210.36
10226 Oak Glen Avenue	Residential	\$135.20	\$50.00	\$185.20
4592 Canoga Street	Multifamily	\$792.48	\$50.00	\$842.48
4651 Kingsley Street	Multifamily	\$152.72	\$50.00	\$202.72
4668 Rawhide Street	Residential	\$170.52	\$50.00	\$220.52
9617 Central Avenue	Commercial	\$124.43	\$50.00	\$174.43
4748 Fauna Street	Residential	\$160.36	\$50.00	\$210.36
4919 Manzanita Street	Residential	\$159.09	\$50.00	\$209.09
4224 Appaloosa Way	Residential	\$160.36	\$50.00	\$210.36
10112 Santa Anita Avenue	Residential	\$160.36	\$50.00	\$210.36
4521-23 Kingsley Street	Multifamily	\$320.71	\$50.00	\$370.71
11168 Carriage Avenue	Residential	\$359.13	\$50.00	\$409.13
4855 Mane Street	Residential	\$160.36	\$50.00	\$210.36
10259 Camulos Avenue	Residential	\$160.36	\$50.00	\$210.36
5242 Monte Verde Street	Residential	\$252.76	\$50.00	\$302.76
4502 Donner Court	Residential	\$160.36	\$50.00	\$210.36
4581 Gold Rush Court	Residential	\$187.16	\$50.00	\$237.16
10225 Lehigh Avenue	Residential	\$160.36	\$50.00	\$210.36
4831-33 Kingsley Street	Multifamily	\$167.99	\$50.00	\$217.99
11169 Carrillo Avenue	Residential	\$160.36	\$50.00	\$210.36
10311 Kimberly Avenue	Residential	\$160.36	\$50.00	\$210.36
11073 Monte Vista Avenue	Residential	\$104.41	\$50.00	\$154.41
4230 Via Amore	Residential	\$160.36	\$50.00	\$210.36
5239 Monte Verde Street	Residential	\$158.72	\$50.00	\$208.72
10331 Kimberly Avenue	Multifamily	\$337.51	\$50.00	\$387.51
5150 Howard Street	Multifamily	\$320.27	\$50.00	\$370.27
10865 Pipeline Avenue #A	Residential	\$280.18	\$50.00	\$330.18
11254 Poulsen Avenue	Residential	\$264.94	\$50.00	\$314.94
5223 Howard Street	Residential	\$160.36	\$50.00	\$210.36
11238 Poulsen Avenue	Residential	\$160.36	\$50.00	\$210.36
10238 Monte Vista Avenue	Residential	\$160.36	\$50.00	\$210.36
10271 Camulos Avenue	Residential	\$160.36	\$50.00	\$210.36
8912 Felipe Avenue	Residential	\$160.36	\$50.00	\$210.36
4780 Howard Street	Residential	\$160.36	\$50.00	\$210.36
11020 San Pasqual Avenue	Residential	\$160.36	\$50.00	\$210.36
10468 Calico Court	Residential	\$160.36	\$50.00	\$210.36
4501 Donner Court	Residential	\$160.36	\$50.00	\$210.36
4337 Appaloosa Way	Residential	\$160.36	\$50.00	\$210.36
4909 Kingsley Street	Residential	\$160.36	\$50.00	\$210.36
4596 Mane Street	Residential	\$160.36	\$50.00	\$210.36
10815 Pipeline Avenue	Residential	\$120.59	\$50.00	\$170.59

Service Address	Type	Delinquency	Lien Fee	Total Lien Amount
4912 Carlton Street	Residential	\$104.41	\$50.00	\$154.41
5022 Eart Street	Residential	\$153.93	\$50.00	\$203.93
4320 Appaloosa Way	Residential	\$160.36	\$50.00	\$210.36
5358 Orchard Street	Residential	\$150.39	\$50.00	\$200.39
5003 Kingsley Street	Residential	\$160.36	\$50.00	\$210.36
5392 Orchard Street	Residential	\$354.40	\$50.00	\$404.40
5382 Flora Street	Residential	\$160.36	\$50.00	\$210.36
10557 Morgan Ci	Residential	\$160.36	\$50.00	\$210.36
10472 Yosemite Drive	Residential	\$160.36	\$50.00	\$210.36
5015 Canoga Street	Residential	\$160.36	\$50.00	\$210.36
11159 Essex Avenue	Residential	\$160.36	\$50.00	\$210.36
10171 Canary Court	Residential	\$160.36	\$50.00	\$210.36
10296 Bel Air Avenue	Residential	\$114.52	\$50.00	\$164.52
5190 Clair Street	Residential	\$180.90	\$50.00	\$230.90
5224 Berkshire Way	Residential	\$239.13	\$50.00	\$289.13
4703 Fauna Street	Residential	\$160.36	\$50.00	\$210.36
10642 Oak Glen Avenue	Residential	\$160.36	\$50.00	\$210.36
10113 Helena Avenue	Residential	\$160.36	\$50.00	\$210.36
10141 Canary Court	Residential	\$109.40	\$50.00	\$159.40
4624 Bandera Street	Multifamily	\$641.42	\$50.00	\$691.42
4701 Canoga Street	Multifamily	\$641.42	\$50.00	\$691.42
5215 Bandera Street	Residential	\$160.36	\$50.00	\$210.36
5231 Bandera Street	Residential	\$160.36	\$50.00	\$210.36
5235 Bandera Street	Residential	\$160.36	\$50.00	\$210.36
5233 Bandera Street	Residential	\$156.23	\$50.00	\$206.23
5217 Bandera Street	Residential	\$160.36	\$50.00	\$210.36
5209 Bandera Street	Residential	\$156.23	\$50.00	\$206.23
10139 Vernon Avenue	Residential	\$160.36	\$50.00	\$210.36
4674 Eart Street	Residential	\$160.36	\$50.00	\$210.36
10263 Bel Air Avenue	Residential	\$160.36	\$50.00	\$210.36
5081 Bandera Street	Residential	\$128.84	\$50.00	\$178.84
11094 San Pasqual Avenue	Residential	\$160.36	\$50.00	\$210.36
10207 Coalinga Avenue	Residential	\$252.76	\$50.00	\$302.76
5097 Orchard Street	Residential	\$160.36	\$50.00	\$210.36
4745 Rodeo Street	Residential	\$160.36	\$50.00	\$210.36
8970 Monte Vista Avenue	Commercial	\$108.43	\$50.00	\$158.43
5206 Benito Street	Residential	\$103.73	\$50.00	\$153.73
11006 Kimberly Avenue	Residential	\$159.26	\$50.00	\$209.26
5196 Benito Street	Commercial	\$103.73	\$50.00	\$153.73
4145 Eart Street	Residential	\$262.00	\$50.00	\$312.00
4963 Canoga Street	Residential	\$188.16	\$50.00	\$238.16
4303 Clydesdale Way	Residential	\$168.64	\$50.00	\$218.64
5456 Carlton Street	Residential	\$103.73	\$50.00	\$153.73
10780 Fremont Avenue	Residential	\$176.53	\$50.00	\$226.53
11052 San Juan Way	Residential	\$152.76	\$50.00	\$202.76
10341 Kimberly Avenue	Multifamily	\$337.51	\$50.00	\$387.51
4737 Bandera Street	Residential	\$366.31	\$50.00	\$416.31
11206 Poulsen Avenue	Residential	\$206.56	\$50.00	\$256.56
		<b>\$38,792.42</b>	<b>\$9,900.00</b>	<b>\$48,692.42</b>

## AGENDA REPORT

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<b>SUBJECT:</b> RESPONSE TO COUNCIL INQUIRY RELATED TO DISCUSSION REGARDING ADDING STRICTER REGULATIONS TO ORDINANCE NO. 10-916 RELATED TO ACCESSORY STRUCTURES IN SINGLE-FAMILY RESIDENTIAL ZONES	<b>DATE:</b> October 4, 2010 <b>SECTION:</b> RESPONSE <b>ITEM NO.</b> A <b>FILE I.D.:</b> LDU410 <b>DEPT.:</b> COMMUNITY DEV.
<b>BUSINESS PLAN:</b> N/A	

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**REASON FOR CONSIDERATION:** During consideration and adoption of the first reading of Ordinance No. 10-916 at the regular joint meeting of September 20, 2010, Mayor Pro Tem Dutrey suggested that a covenant or deed restriction be placed on properties where accessory structures are approved in order to minimize the chances of the illegal conversion of such structures to a second dwelling unit or another nonpermitted use.

**BACKGROUND:** Ordinance No. 10-916, which is scheduled to be considered on tonight's agenda, amends several chapters of the Montclair Municipal Code (MMC) and adds Chapter 11.19 in order to more fairly and effectively regulate the construction of accessory structures on single-family residential properties. The proposed Ordinance sets forth detailed criteria under which an accessory structure may be constructed.

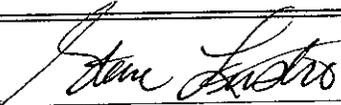
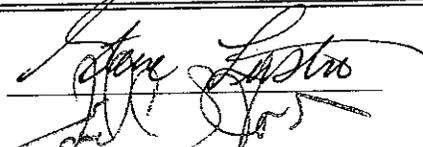
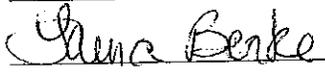
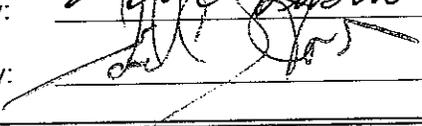
Mayor Pro Tem Dutrey suggested the possibility of requiring property owners who construct accessory structures on their lots to execute written covenants or deed restrictions outlining the permissible uses of the structure(s) and record the document with the County of San Bernardino. The purpose of the document would be to place subsequent owners on notice that the permitted accessory structure(s) on a property could only be used for specific purposes and that conversion or intensification of the improvement (such as to a second dwelling unit) would only be permitted after review and obtaining necessary approvals and entitlements from the City.

Section 11.19.030.G of proposed Chapter 11.19 states as follows:

"No accessory building shall be used as a dwelling unit, sleeping quarters, or a housekeeping unit, or contain a kitchen unless permitted within an approved Second Dwelling Unit, subject to the provisions of Chapter 11.23 of the Montclair Municipal Code."

While staff finds that the above subsection, along with the balance of Chapter 11.19 enumerates detailed criteria governing the construction of accessory structures, there is currently no requirement for the recordation of a document memorializing the original intent or purpose of an accessory structure. As Council is aware, unpermitted additions

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Prepared by: <u></u>	Reviewed and Approved by:	<u></u>
Proofed by: <u></u>	Presented by:	<u></u>

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and conversions of existing structures are an ongoing problem in the City. There are numerous ways in which Community Development or Code Enforcement staff can become aware of these conditions, such as tips from residents, real estate listings, observations by alert City staff, or visits to a residence by fire or police personnel. Staff believes that requiring property owners to execute and record a deed restriction in conjunction with the construction of an accessory structure would be a deterrent to converting such structures, but like other enforcement mechanisms, would not be an absolute guarantee against such conversions.

Section 11.23.040.H of Chapter 11.23 regulating second dwelling units, states in part:

"Before obtaining a building permit for a second dwelling unit, the property owner shall file with the County Recorder a declaration or agreement of restrictions, which has been approved by the City Attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner..."

Should Council desire to add similar language to Chapter 11.19 in order to further regulate accessory structures, staff would craft appropriate language and present it to Council for consideration in the form of a Code amendment at a future meeting.

**FISCAL IMPACT:** Council discussion of issues related to placing additional restrictions on the construction of accessory structures would create no direct fiscal impact to the City's General Fund. Should Council direct staff to prepare a Code amendment requiring property owners to execute a deed restriction in conjunction with the construction of an accessory structure, some additional staff time would be required to craft said deed restrictions and have them reviewed by the City Attorney as to form and content. Further, some minor cost would be incurred by the property owner to record the document with the County of San Bernardino.

**RECOMMENDATION:** Staff recommends the City Council receive and file this report and, if desired, direct staff to craft additional language related to Chapter 11.19 of the Montclair Municipal Code regulating the construction of accessory structures.

**MINUTES OF THE MEETING OF THE MONTCLAIR  
PERSONNEL COMMITTEE HELD ON MONDAY,  
SEPTEMBER 20, 2010, AT 8:19 P.M. IN THE CITY  
ADMINISTRATIVE OFFICES, 5111 BENITO STREET,  
MONTCLAIR, CALIFORNIA**

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**I. CALL TO ORDER**

Mayor Eaton called the meeting to order at 8:19 p.m.

**II. ROLL CALL**

Present: Mayor Eaton; Council Member Ruh; and City Manager Starr

**III. APPROVAL OF MINUTES**

**A. Minutes of the Regular Personnel Committee Meeting of  
September 6, 2010.**

Moved by City Manager Starr, seconded by Council Member Ruh,  
and carried unanimously to approve the minutes of the Personnel  
Committee meeting of September 6, 2010.

**IV. PUBLIC COMMENT - None**

**V. CLOSED SESSION**

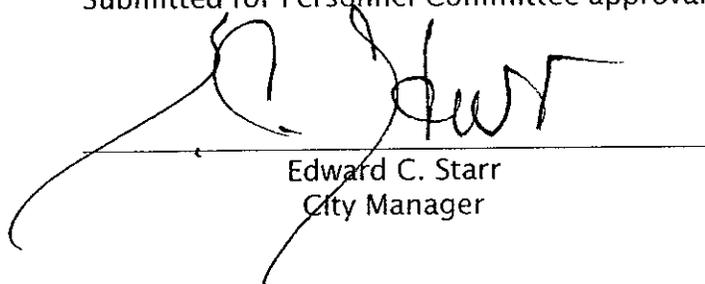
At 8:20 p.m., the Personnel Committee went into Closed Session  
regarding personnel matters related to appointments, resignations/  
terminations, and evaluations of employee performance.

At 8:37 p.m., the Personnel Committee returned from Closed Session.  
Mayor Eaton stated that no announcements would be made at this time.

**VI. ADJOURNMENT**

At 8:37 p.m., Mayor Eaton adjourned the Personnel Committee.

Submitted for Personnel Committee approval,



Edward C. Starr  
City Manager