



CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING
Monday, November 10, 2014

COUNCIL CHAMBER
5111 Benito Street, Montclair, California 91763

CALL TO ORDER

Chair Johnson 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: Chair Johnson, Vice Chair Flores, Commissioners Martinez (arrived at 7:07), Sahagun and Vodvarka, Community Development Director Lustro, Associate Planner Gutiérrez, and Deputy City Attorney Holdaway

Excused: City Planner Diaz

MINUTES

The minutes of the September 22, 2014 regular meeting were presented for approval. Commissioner Sahagun moved, Vice Chair Flores seconded, and the minutes were approved 4-0 (Commissioner Martinez not present for the vote).

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

- a. PUBLIC HEARING - CASE NUMBER 2014-23
Project Address: 10374 Marion Avenue
Project Applicant: Susan Fung
Project Planner: Silvia Gutiérrez, Associate Planner
Request: Precise Plan of Design for a residential duplex
CEQA Assessment: Categorically Exempt (Section 15332)

Associate Planner Gutiérrez reviewed the staff report.

Vice Chair Flores commented on a minor error on the vicinity map and questioned what appeared to be a sidewalk drain illustrated on Sheet 1.01. Director Lustro replied that it appears to be an overflow structure from the landscape area that is designed to comply with Water Quality Management Plan standards. The landscape area is designed to collect and percolate stormwater from a normal storm but if there is an excess amount of rain or a prolonged event, water that cannot be percolated flows into a structure that conveys it to the street. Vice Chair Flores stated maybe a note should be put on the drawing regarding the intent of it. He also questioned how far away from the property line the garage on the adjacent property to the west is. His concern was whether there will be adequate room around it for pedestrian circulation. Director Lustro replied it is on the adjacent property and an existing condition. Vice Chair Flores stated that he understood it was on the other side, but how far from the property line is it? Director Lustro stated it appears to be a minimal setback. Associate Planner Gutiérrez added that staff reviews setbacks from property lines as they relate to the subject property and do not evaluate adjoining properties that may have legal nonconforming conditions. Vice Chair Flores asked what if it's only two feet and there is a big fire and the firefighters cannot get through there. Associate Planner Gutiérrez stated that the plans were routed to the Fire Department for review and comment and none of those issues were brought up as concerns. Vice Chair Flores noted that the palm tree at the corner has already been chopped down. He also commented that the southerly fence is not actually like it is on the plan; there is a jog about 30 feet from property line, well into this property. His concern was that if the resident to the south has used a portion of this property, legally or not, for an extended period this project may impact him. Director Lustro commented that what Vice Chair Flores says is correct and if an adjacent property owner built a fence into this particular property, there is that possibility. Before the developer builds a new block wall, it would be prudent to have a survey done to make sure the walls are in the proper place.

Commissioner Sahagun asked if it was normal for a topography report to be done on something like this. Associate Planner Gutiérrez stated that she asked the applicant for a copy of one and the applicant mentioned there was a topography map prepared. With respect to the walls, before a building permit is issued, the inspector would go out there and make sure that during construction that these issues are addressed. As a courtesy when this project was originally proposed, staff notified surrounding property owners of this proposal so they are aware of it. A lot of them were supportive of it so that is something to consider. Commissioner Sahagun asked if any of the neighbors re-notified. Associate

Planner Gutiérrez replied that they were not. When they were notified the first time around, there were no negative comments. Commissioner Sahagun asked if there was ever a building on this site. Associate Planner Gutiérrez replied that there are no previous building permits on file and that historical Google Maps did not show evidence of previous development as far back as 20 years. Commissioner Sahagun asked if the applicant would receive a break on sewer fees through a credit for plumbing fixtures if there had been a house on the property in the past. Director Lustro replied the only time a credit for fixture units is available is if the building was constructed in 1978 or later.

Commissioner Sahagun moved to approve, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 5-0.

Vice Chair Flores moved to approve a Precise Plan of Design for the site plan, floor plans, building elevations, landscaping and associated on- and off-site improvements for a two-story duplex at 10374 Marion Avenue, as described in the staff report and per the submitted plans, subject to the conditions of approval in attached Resolution 14-1817, seconded by Commissioner Martinez, there being no opposition to the motion, the motion passed 5-0.

INFORMATION ITEMS

Director Lustro stated the results of the election are that Mayor Pro Tem Bill Ruh was re-elected and Trisha Martinez was elected to the other vacant Council seat. Councilmember Paulitz, who is retiring, will participate in his final meeting on Monday, December 1. For anyone who may want to attend that meeting, there will be a reception for Council Member Paulitz immediately following the Council meeting. The plan at the present is that Council Member-Elect Martinez will be sworn in later that week.

Commissioner Sahagun thanked all veterans for their service and congratulated Trisha Martinez (Commissioner Manny Martinez's wife) on winning a seat on the Council. Commissioner Flores seconded everything Commissioner Sahagun stated.

Commissioner Vodvarka commented to remember all veterans, including him. He put in his time and so did Commissioner Flores and he was proud to be a veteran, he enjoyed every day as a US Navy sailor.

Commissioner Martinez thanked everyone for their support and grateful for everyone's patience and they are very grateful.

Chair Johnson congratulated Council Member-Elect Martinez who will do a phenomenal job and the Commission welcomed her to the team. She also saluted all veterans.

Chair Johnson adjourned the meeting at 7:29 p.m.

Respectfully submitted,

Laura Embree
Recording Secretary