



CITY OF MONTCLAIR  
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING  
November 9, 2015

COUNCIL CHAMBER  
5111 Benito Street, Montclair, California 91763

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**CALL TO ORDER**

Chair Johnson called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

Commissioner Sahagun led those present in the salute to the flag. In honor of Veterans Day, the Commission saluted all veterans and thanked them for their service.

**ROLL CALL**

Present: Chair Johnson, Vice Chair Flores, Commissioners Martinez, Sahagun and Vodvarka, City Planner Diaz, Associate Planner Gutiérrez, and Deputy City Attorney Holdaway

Excused: Community Development Director Lustro

**MINUTES**

The minutes from the September 14, 2015 meeting were presented for approval. Vice Chair Flores moved, Commissioner Vodvarka seconded, and the minutes were approved 5-0.

## ORAL AND WRITTEN COMMUNICATIONS

None.

## AGENDA ITEMS

- a. CASE NUMBER 2015-16
  - Project Address: NEC Kingsley Street and Poulsen 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.

Chair Johnson asked what condition number concerned the gate along Kingsley? City Planner Diaz replied it was condition number 6c.

Commissioner Sahagun asked about the comment made by staff that it is “generally happy” with the design because he has never heard staff comment that they were “generally” happy with a project. City Planner Diaz stated that staff was satisfied and happy with the project and commented that sometimes you get tired of using the same words over and over, nothing was meant by it and they have no reservations.

Vice Chair Flores asked about the 7-foot height of the walls. Associate Planner Gutiérrez commented the wall on the east property line, starting from Kingsley, the front property line back 25 feet, there will be no wall; after the initial 25 feet, the wall will be built at a 6-foot height, not 7, and then on the northerly property line, there is an existing wood fence. The developer has expressed interest to negotiate with the property owner to have that existing wooden fence replaced with a 6-foot high block wall and that block wall would extend along the north property line, respecting the 15-foot setback from Poulsen. At the 15-foot setback, the wall would be a maximum height of 4 feet. Currently, existing conditions, if you go out to the site you will see that it is 2 feet and then it jogs up to 3 feet and, once in line with the house, it goes up to 6 feet; so, on the north side, the proposal would be to construct a 6-foot high wall, for about 45 feet, and then the remaining 15 feet of wall would be built at a maximum height of 4 feet.

Commissioner Vodvarka commented he was curious about the other part of the property; on the map, he saw a lot to the east and asked if that portion of land was owned by the same people. Associate Planner Gutiérrez replied the lot to the east is a separate, independent lot. Commissioner Vodvarka commented it looked like a project that was meant to start maybe a year ago on that same corner. Associate Planner Gutiérrez stated there was another proposed duplex on 10340 Marion Avenue and City Planner Diaz stated that the applicant just pulled permits for that project earlier today.

Chair Johnson opened the public hearing.

Lynnda Van Noorden, 10267 Poulsen Avenue, Montclair, CA 91763, commented that she went to the City and met with staff to examine the plans for the proposed project and felt the plans looked very nice on paper, but being the adjacent homeowner to the north, she had concerns as to how this would impact her home and the neighborhood. These duplexes would be the only two-story structures on the whole block, not fitting in with the neighborhood. The positioning and height of the units would take away the open feel, especially of her home and she did think it would possibly block sunlight or make her home somewhat darker. Of greater concern to her was the units being duplexes and plan to be rentals on a block that is primarily owner-occupied and it's been explained that it is zoned for that, but she felt that was unfortunate since both units are planned to be 3-bedrooms, she can conservatively assume that this would add about 10-12 additional people on a small lot that was given a variance to be smaller than the normal lot and the lot is smaller the other ones on the block. Also, taking into consideration how many people would be living there, you will have an additional 6-10 cars that are going to be on a very small corner. She is only letting you know how she foresees this impacting her way of living. Poulsen Avenue is a very open, wide and quiet street with lots of parking and now it's going to be much more populated and you only need to look across Kingsley to the patio homes to see the congestion. It was their hope in the neighborhood when the variance was done several years ago that there would be a single family home, be it for rent or for sale, that would be on the lot that would complete the flow and fit in with the neighborhood. The plans were lovely and anything is better than that horrible open lot she has had next to her and, hopefully the gophers will go with it, but she wanted to make her concerns well known because she believes it will affect and change her way of living.

Vallie Noriega, 10255 Poulsen Avenue, Montclair, CA 91763, lives next door to Lynnda Van Noorden, commented she has the same concerns as Ms. Van Noorden. The whole block are all single homes and with these two duplexes, it just is not going to fit in the neighborhood and she would have liked a single home instead. She feels the same as Ms. Van Noorden and everything she said goes for her as well.

George Botros, 400 N. Mountain Ave #208, Upland, CA 91786, the architect for the project, stated it is only two units and the area on the south of Kingsley, there are apartment units there and this is only two units, each 1,400-square-feet, and the setback 15 feet from the south and complied with all the codes for setbacks, and the second floor has been shrunken down so he did not see any impact for the neighbors, it almost looks like a single family home anyway.

Chair Johnson asked how the houses would line up, are they side-by-side, do the windows look into each other, or are they spaced a little differently. Mr. Botros stated they are actually kind of small windows. Commissioner Sahagun stated it look like they will be side-by-side but the front elevations will be different. City Planner Diaz stated the plans are oriented north to south so you can get a feel for how they look. Associate Planner Gutiérrez asked if the question was in relation to the units themselves or in relation to the adjoining property. Chair Johnson stated she thought what she heard from the last two speakers is that they are concerned about the proximity and closeness when they are

used to more open space. So, while she knew some effort has been made to make it blend, she was hoping to address their issues of how the buildings line up, will it still allow for a little bit of open feel. City Planner Diaz replied that if you look at the site plan, the units are 20 feet apart from each other and they are 15 feet from the north property line and 15 feet from the street, which is consistent with the setback applications for a corner lot of this orientation. The front edge of the neighbor's house (Van Noorden) is actually shifted further to the west than the front of the house. In terms of privacy and impacts, the bulk of the building is shifted westward and when they look out, they should be looking at the front yard or probably the roof or further north. In staff's opinion, most of the backyard of the Van Noorden's home is still preserved as is and most of the impact, if any, will come from the house that is already there.

Commissioner Sahagun asked what the setbacks were between the property line and the building to the north. City Planner Diaz replied that the property line is 15 feet and the Van Noorden property has 25 feet from the front and 5 feet, maybe a little bit more, on the north, where the edge of her home is, so approximately a 20-foot setback between the two buildings. City Planner Diaz passed around an aerial of the current conditions and then the proposed site plan. He also commented that windows can be adjusted as long as they meet the size requirements for air and light and egress; sometimes you can adjust the windows and not affect the design too much, but sometimes you cannot, but staff can certainly work with the applicant and the neighbor to do as much as we can and still meet all the applicable building codes that would apply.

Mr. Botros stated he could move the window in the living room on the finished floor because he has another window facing the street and only has a small window in the kitchen area.

Ms. Van Noorden added that she did her best in a very short period of time because she has been out of the country and just received the letter and went over there and walked it off with her tape measure so it is very hard for her to picture. The 15 feet is adequate, she does not have a problem with that, her concern was more of the two-story and was just so disappointed that it is not a single story and in keeping with the neighborhood. She understands going up and if she had a better idea of how it would really look, she would feel calmed, but she was not concerned about the windows because the side of her house that would face that is a kitchen window, but it's not her living window.

Commissioner Sahagun commented that he agreed that the plans were very nicely done, and felt it would probably help the property value to develop that vacant lot. He felt the City would not allow a bad development to happen and the code does allow for two stories in these neighborhoods and the Commission has received more and more projects where residents want to improve their property and expand. Ms. Van Noorden just wanted to comment that there is not one other second story in the whole block, but he felt at the end she would be satisfied by the quality of the development, the units would be rented for a higher rent and will get some good tenants and neighbors.

Mr. Botros thanked staff for working with him so hard on the design. He had at least three meetings with them and that is why it ended with a good design.

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

Commissioner Martinez thanked the families that attended the meeting and let them know that they certainly raised some very reasonable questions. By the same token, the property has been basically been unattended to, vacant, and a beautiful development that is being proposed and he mirrored Commissioner Sahagun's observation that, unlike some of the properties on the south side of Kingsley where the rents are low and more affordable, he believed there will be some quality tenants there and families that will be paying good money to live in Montclair and change is always hard to get used to but it looks like everyone has thought through a lot of things and thanked them for their observations and he saw that the architect is willing to look through some things they weren't concerned about, like moving the windows, so he felt it was a good sign of a good neighbor.

Vice Chair Flores commented that three of the commissioners have experience with construction and housing. With a project like this, at first it's going to be different for the neighbors, but he was sure they will thank the City for having this kind of development next to door because there is nothing but high quality stuff going in there and he was sure they would get over their initial shock.

Commissioner Sahagun moved that, 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; and,

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 two (2), two-story detached dwelling units, as described in the staff report, and per the submitted plans, subject to the 70 conditions of approval in attached Resolution 15-1847, seconded by Commissioner Martinez, there being no opposition to the motion, the motion passed 5-0.

## **INFORMATION ITEMS**

Commissioner Sahagun wished Mayor Eaton a happy birthday; he attended his birthday party and it was very nice and very well attended.

Commissioner Vodvarka commented that he will miss the next Planning Commission meeting on November 23, 2015 as he will be visiting family in Texas.

Chair Johnson adjourned the meeting at 7:43 p.m.

Respectfully submitted,

Laura Embree  
Planning Commission Secretary