



**CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES
REGULAR ADJOURNED MEETING
December 14, 2020
VIA ZOOM VIRTUAL MEETING PLATFORM**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Chair Rowley led those virtually present in the salute to the flag.

ROLL CALL

Present: Chair Rowley, Vice Chair Martinez, Commissioners Eaton, Sahagun, and Sanchez, Community Development Director Diaz, Associate Planner Gutierrez, Deputy City Attorney Holdaway and Building Official Merry Westerlin.

MINUTES

The minutes from the October 26, 2020, Zoom meeting were presented for approval. Commissioner Sahagun moved to approve, Chair Rowley seconded, there being no opposition to the motion, the motion passed 4-0-1 (Martinez abstained) and a verbal vote by name was as follows: Ayes – Chair Rowley, Commissioner Eaton, Commissioner Sahagun, and Commissioner Sanchez; Noes – None; and Abstained - Commissioner Martinez..

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

- a. PUBLIC HEARING – CASE NUMBER 2019-24
Project Address: 9451 – 9477 Central Avenue
Project Applicant: Montclair Center, Ltd.
Project Planner: Yvonne Nemeth, Associate Planner
Request: Time Extension Request for Conditional Use Permit and Precise Plan of Design

Community Development Director Diaz reviewed the staff report.

Chair Rowley opened the public hearing.

Hearing no requests to comment, Chair Rowley closed the public hearing.

Commissioner Eaton moved to approve a time extension for the Precise Plan of Design and Conditional Use Permit approved under Case No. 2019-24, to December 19, 2021, subject to the original 90 conditions of approval in Resolution No. 19-1933, seconded by Commissioner Sahagun, there being no opposition to the motion the motion passed 5-0; vote by roll call: Ayes: Chair Rowley, Vice Chair Martinez, Commissioners Sahagun, Eaton, and Sanches; Noes: None.

- b. PUBLIC HEARING – CASE NUMBER 2020-27
Project Address: 5479 Palo Verde Street
Project Applicant: Kumar Swaminathan and Prema Kothandarama
Project Planner: Silvia Gutierrez, Associate Planner
Request: Precise Plan of Design to construct a single family home with an attached two-car garage and also includes an attached junior accessory dwelling unit and a detached one-story accessory dwelling unit

Associate Planner Gutierrez reviewed the staff report.

Commissioner Eaton commented the lot seems to be deeper than the other lots. Is there an easement between the properties? Associate Planner Gutierrez replied yes there is an easement. Ms. Gutierrez indicated that the applicant, Mr. Swaminathan, was on-line for the Zoom meeting and deferred the question to him. Mr. Swaminathan answered the question and stated the only easement they were aware of was a water line easement for Monte Vista Water District (MVWD) dating back to the 1930s. Monte Vista Water District released all their interests in the easement because they no longer use those pipes. He indicated that he had received a quitclaim deed from MVWD the previous week.

Commissioner Eaton commented that this is not, in essence, a single-family project; it could be a three-family dwelling. Associate Planner Gutierrez replied that the comment is true, but

with respect to the R-1 zoning standards and state law, it still complies with R-1 development standards. Yes, three families could live on this property. Given the additional demand for parking, staff anticipated that need and were pleased the applicant proposed a two-car garage for the main house and also provided an additional parking space for the detached accessory dwelling unit in the back. Further, the length driveway itself could accommodate four or five vehicles one behind the other which addresses practical concerns during street sweeping days and trash pick-up days. Commissioner Eaton also asked if the existing grading of the property was going to be brought down or would it still be higher than the others. Director Diaz commented that the grading that you see presently was not approved for this project so there will have to be some re-grading and compaction to support the new development. However, the buildings on the site will remain at a higher grade than the adjacent properties because of building code requirements to make sure that the property drains appropriately. With no development on the site water generally percolates, but would drain to the south on to other properties when the site is saturated. Once development occurs there will be more hard surfaces and water flow increases and is concentrated so proper drainage has to be addressed. Commissioner Eaton commented that on either side it is 2 to 3 feet above grade. Building Official Merry Westerlin replied that grading would be brought down approximately 18 inches. Director Diaz commented that since the subject property and the adjacent undeveloped property were projects being considered at the same time, grading for both properties were combined to address the drainage issues more comprehensively.

Commissioner Sanchez stated he understood that, in all reality, there will be three dwellings, but the utilities will only be serviced by one meter for the electricity and one meter for the water. Building Official Westerlin replied that they can have one meter for the main dwelling unit and a second meter for the unit in the rear. The junior ADU, within the main house, would be on the same meter as the main house. It will be a lower demand if they use two meters. Commissioner Sahagun asked what does that mean. Building Official Westerlin explained that having separate meters would help to keep electricity costs lower (lower tier) and proportionate for each unit and avoid conflicts over energy usage. For example, the occupant of one unit might utilize air conditioning during the summer at a much higher level than the occupants of a second unit do. If both units are on the same service, they would likely be billed at the highest tier. Commissioner Eaton asked about the trash service, would it be as if it were one. Director Diaz stated that he did not know but would contact Burrtec for the answer. Chair Rowley stated that is something that will have to be looked into because he is concerned about that and the parking. Even though parking is somewhat available, when that becomes a hassle, people are not going to want to be moving cars to let someone out of the driveway, but the trash is a really good point to make because they are not going to be able to use just the one single unit to take care of the amount of people that could be on each one of these sites. If the Commission sends this forward, we want them to know that we are concerned and are questioning the parking and trash.

Commissioner Sanchez asked about the address. Are they going to be given a unit number like A, B or C to distinguish where the mail goes. Building Official Westerlin replied the site would be assigned one address with the junior ADU being further designated as Unit A and the detached ADU in the rear will be designated Unit B. Chair Rowley asked if they would be required to have two or three mailboxes. Director Diaz stated that these are some of the

consequences that arise from state legislation that changes the way single-family developments are handled going forward. As for parking, unfortunately, state law precludes the city from requiring extra parking for each individual unit. We have a little bit of a benefit here because we have more room on the property to accommodate parking spaces. These are the consequences of laws that come down from the state and we are accustomed to living in the suburbs in single-family neighborhoods and this changes the game. Associate Planner Gutierrez pointed out with respect to the mailbox, there is a condition included in the Resolution that deals with the mailbox design. Also, with regard to trash pick-up, we can work with Burrtec during plan check. Commissioner Eaton asked if they were going to be duplicate projects on each lot. Associate Planner Gutierrez commented that both owners have coordinated grading so that grading and drainage will not create issues for either property and so the grading and drainage have been resolved. This was a unique situation because of the higher grade and also just insuring there was coordination between the property owners. Commissioner Eaton stated she was concerned about the neighbors on either side if the grading is higher. Associate Planner Gutierrez commented that the adjacent property owners were notified of that and, again, staff feels that based on working with both applicants that this is the best with respect to compatibility because ultimately these homes are about 16 feet height from finished grade. Prior approvals for this property had a 24 to 25 foot high home with balconies. So, with respect to drainage and protection of surrounding properties, this plan also notes there will be retaining walls along the rear and perimeter interior property lines to protect the east and west and the south properties. Commissioner Eaton asked if one property was slightly larger. Associate Planner Gutierrez stated they are almost exactly the same. Commissioner Eaton asked if they are owned by the same owner. Associate Planner Gutierrez stated they are actually separate owners. This is a unique situation that we have never really had before and thanks to the owners' willingness to coordinate, we were able to address these issues at one time with respect to plan check and grading.

Commissioner Sahagun introduced Adelina Dalina, one of the neighbors.

Chair Rowley commented it is a very unusual project, with two different owners but completely identical projects. He stated it was a little confusing at first and the concerns the Commission has regarding runoff, which obviously staff has addressed and the concern about parking spilling out over to the neighbor's yard, but if it is approved, it will come with those concerns and notes.

Commissioner Sahagun commented that this is the first ADU that has come before the Commission because of the new law and it is going to be big. In the real estate industry, everyone is talking about ADUs and cities will not have a lot of control over them. Parking is going to be one of the issues, and regarding trash he believed that any resident can order more cans. He thanked the applicants for working with staff on the design, to fit the neighborhood. He asked if they could have reversed the plans so they could have faced each other. Director Diaz replied that staff did consider a couple different layouts for the sites and the layout before you seemed to work best because it separated the driveways. Our intention was to avoid side by side driveways that typically end up in large swaths of concrete with numerous vehicles parked on it with no break. With the current layout, the driveways are separate and minimized the amount of concrete work that would be the front of properties on the street. That was the

intent, it was a conscious effort to actually control something a little more than we would otherwise have no control over. Director Diaz commented the only reason these ADUs are part of this review is because it is a part of a new development of the entire site; otherwise the Commission would not be getting ADUs for review. We do not have the ability to require that ADUs be reviewed by the Planning Commission. The state now limits what cities can take into consideration when reviewing and approving ADUs. Staff finds these proposals, as intense as you might think they are, to be consistent with state law and good example of how to introduce ADUs. This particular property is going to be an owner-occupied property so it was his understanding that an in-law or family member will live in the back unit. Commissioner Eaton commented that it might not always be that way. Commissioner Sahagun asked about flooding the neighbors to the south. Building Official Westerlin stated the grading was a very difficult task in this instance because it has been at a higher grade for so long, but the engineer has reduced the grade down. It will not be low like the neighboring parcels, but low enough so they can drain appropriately toward the street. Also, the sewer has to go to the street to connect to the sewer line in Palo Verde Street. Pumps fail and, if you have a failure, you flood a house, or a neighbor. So, it needed to go to the street. It was a challenge but they did it.

Chair Rowley commented that he agreed with the split driveway. He knows Montclair has a lot of shared driveways down on Bandera Street and it has caused numerous problems with the neighbors so splitting them up is a good idea.

Chair Rowley opened the public hearing.

Adelina Huerta from 5481 Palo Verde Street (at the corner of Palo Verde & Vernon) commented she and her husband both were virtually attending the meeting. Their concern was over-crowding. They lived in Los Angeles and moved from there to Montclair because of the over-crowding. Here these two lots should be for a single-family residence and now there is going to be potentially six families living there. Johnathan Huerta stated they have been living there for seven years and, as is now with the empty lots, street fronting of their house on Palo Verde, gets filled on Tuesdays when the street sweeper sweeps Vernon, and that is without anyone at those properties. He believed Kumar's residence was going to be owner-occupied but he was told that the one on the west is owned by an investor looking to maximize his money, but was a concern to them because of over-crowding, no matter how much parking you prepare for and then kids. Right now, it is peaceful and he can park in front of his home if he chooses, but the congestion will get nasty. He was concerned about the water flow because his house is already lower and if that grade is not taken down, he was concerned about the water flowing to his house. He already has slight damage from a tree that cracked the patio concrete, which is maybe three years old. He asked Kumar to take care of the tree and feels he will, but the crack in the patio is working its way towards his house and he is not sure if he is going to have some other future issue. Privacy is another thing; he appreciates the fact that there is going to be a driveway separating their homes and giving some kind of auditory cushion, but he is concerned about any privacy he will likely be losing with the lack of any grade. He is 6'2" and he can see over the gate now and imagine the benefit of their property being a foot or two higher already to begin with. They have invested and added to their home to make it better, they love being here, Montclair is a great place and they love the upgrades to the city, but he would hate to be pushed out because of too many families, and congestion. Vernon is not

really suitable for parking, it is dangerous. Commissioner Eaton stated she shared their concerns. Mr. Huerta asked if there was anything they can do. Chair Rowley stated that everything they have said has been recorded, will be transcribed and looked at by City staff and the City Council who has to make the final approval if this moves forward tonight, it will also have your concerns noted. Your concerns are the Commission's concerns; their hands are tied because with regard to the ADUs, the state is not letting the City say yes or no so what they have to try to do is work to make it the best situation for those surrounding areas as they come into the city; these are new for everyone but the Commission is very concerned too.

Director Diaz clarified that the item does not require City Council approval so this is a decision that lies with the Commission. He also stated that the walls for the project are of a design that retains soil and provides privacy. As Building Official Westerlin indicated, staff tried very hard to get this property down as much and as evenly as possible and so water can drain to the street, and not flood adjacent properties. Staff believes the proposed retaining walls and the new walls will take care of those concerns. Chair Rowley stated that if the decision lies with the Planning Commission, he would like to recommend that the Commission continue this item and not vote on this tonight. He felt it might be a good idea to have a couple of the Commissioners and city staff and the neighbors meet on-site and go over this so we can stand in front of the properties and see what it is and how the city is going to remedy these problems. Associate Planner Gutierrez noted that staff anticipated these concerns and requested the engineer for both properties provide cross sections to show us the grade differential between the new property and the adjacent properties and what the resulting perimeter wall heights would potentially be. Normally, perimeter walls are six feet in height, but because the adjoining properties east, west and south are lower in elevation, the overall height of the walls from their side will be higher. She noted that staff had visited the site numerous times, and has been working with Mr. Kumar since 2015 to resolve these conditions in a manner that meets building codes and addresses all these concerns raised tonight. Visiting the site in its current condition is not really going to show you what the actual construction development will be. Chair Rowley commented that he appreciated that, but what he thinks the neighbors are saying is that they really had not been aware that this was coming prior to hearing about tonight's meeting so they were not privy to any of the plans that they could have looked at, staff would have certainly made those available so that they could be as comfortable with this project and their concerns are addressed. Associate Planner Gutierrez commented that staff provided a 10-day courtesy notice but not required to post in the newspaper because it is not required for a Precise Plan of Design. Director Diaz also added that what that means is that notices went directly to the adjacent affected property owners. Staff had not heard from notified property owners until this evening.

The proposed grade would meet Building Code requirements. To lower the property to match grades of the adjacent property would require the use of some kind of a pumping solution which is prone to failure when you need it work. Most engineers avoid a pump solution because when you really need it, it will not function as intended. If you look at the top of Section A, you can see the elevation of Palo Verde Street, sidewalk, in relation to the subject property and see how water would flow toward the street. The bottom drawing shows a cross section through the middle of the site so you can see the property on the left (west) and its relationship to the house and then the house to the west. On the other side of the drawing, you can see Mr. and

Mrs. Huerta's property and their elevation compared to the proposed elevation of the site. Their site sits lower than the subject site so a retaining wall is required between the properties. This drawing also gives one an idea of how their house would relate to the new home.

Deputy City Attorney Holdaway commented that from a legal standpoint, it does involve an ADU and a Junior ADU, and you almost need to disregard it and review as if it were a single-family home. This is because of state law, which our Governor and Legislature have imposed upon the City of Montclair, which prohibits us from conditioning or denying these accessory dwelling units as long as minimum standards set forth in state law are met and these do meet those standards. The concern of the neighbors that there are too many units on one parcel or that parking will be congested, those are simply not concerns that state law allows us to take into account, our hands are tied as far as the approval of the accessory dwelling unit and the Junior ADU. Our State Legislature does not allow us to turn those down or to condition them beyond the minimal standards which they have established. That was something that should be taken up with the Legislature. Chair Rowley assured the Huertas that with what staff has to work with, staff has tried to find the best result for what will be your neighbors and will ultimately help the cost of your home to increase, rather than having a vacant lot. The applicant has to be able to speak to you regarding your concerns if I can give the floor to Kumar to address the issues.

Mr. Kumar Swaminathan, one of the applicants, greeted the Huertas and commented they heard their concerns and when they initially bought the lot a few years ago, being quite familiar with the City and the neighborhood and wanting to fit into the neighborhood and stated that, in terms of water flow and parking issues, he wanted to assure everyone that they have been working with the City Planning, specifically Silvia and Mike. Initially, we proposed a bigger home and Silvia and Mike, understanding the concerns, pushed back. Staff balanced the developer intentions with the intentions of the neighbors and spoke for you regarding the water and privacy issues. They pushed back for the right reasons and we listened to them for every one of their concerns. They worked with our architects and engineers who redesigned and the best thing that happened was collaboration between neighbors who had similar intentions, and allowed them to establish a common interest in that vacant property and build something that would meet their needs but also fit in within the neighborhood. Silvia and Mike definitely helped them to redesign the entire thing. He wanted to assure them that they have designed it for enough parking spots. It will not be any more crowded than what it already is. In fact, since he has been coming there for the past few months, he noticed that a lot of cars parked there and he wondered whose cars are these. A lot of cars park in front of his lot and the neighbors too and that is why they worked with the City to make sure they have enough garages and driveways to park all the cars. He was sure, and wanted to assure the neighbors to the east and west, that they and other occupants on the property will not be adding to any more parking issues but will make sure that once he is there that the front is clear unless cars park in front of his lot, he will raise a concern if someone keeps parking in front of his lot as well if anybody parks in front of the Huertas' lot too. As far as the grading and the water flow, staff pushed back correctly. Their engineers proposed a lot of things, including a sump pump. Staff did raise questions, what if the sump pump fails, for example, they took all of that into consideration and will be spending a lot of money to regrade the entire property, and the beauty is that they are going to collaborate with each other because the two lots have higher mounds in the middle.

When they bought this, they did not know they were put there without City's approval so they are going to assume the cost to take care of that. They are going to address all those issues, they will ensure that none of the excess rainwater will runoff onto any of their neighbors and it will be drained to the City street drainage. They will make sure the privacy issue, the water issues will all be considered, they want to fit in the neighborhood, they love the neighborhood and that is why they bought the property and they will address any issues they might have.

Mr. Huerta thanked Mr. Swaminathan and stated he appreciated and acknowledged they have talked several times and he is excited to have a neighbor and not just dirt to look at. He stated he is not an engineer and found it difficult why City Planning cannot come by and explain to him why his house is able to flow via gravity from his sewer to the street at the lower level that he is at and why it would be different for this property, they are next door, how different is the grade from his house to this property. He gets that you want to have the back-end of the property to be a little higher than the front to allow for that flow towards the street, he just did not get that their property needs to be a foot or two higher to do that. He felt if someone could come in person and show him with a measuring stick what is going to take place that may alleviate a lot of concern. It is (*the grade*) so high now that you can look straight and see his roof at the current state so he wants to know how much it is going to come down to alleviate his concerns. He has aspirations and dreams of installing a pool someday if he can fit one back there and it is not there now but he can assure them that they are always looking to improve their home and increase the value and he does not want anything that happens with these two lots to affect anything he may want to do to his property in the future. He met with Silvia and Mike many times regarding his own property and appreciates them, he knows their work and how they are looking out for Montclair.

Mrs. Huerta commented that they are coming out now to voice their concerns because it was the first notice they received, dated December 3 and it was a letter sent to their house; she was not sure how the other notices were sent out but they wanted to voice their concerns. She stated they are not there to stop any progress or construction. She thanked Kumar for his words because it relaxed her and made her feel more comfortable. Mr. Huerta stated they read the law and understand that it is out of the City's hands and that it is a state issue. They just want to make sure that just a little bit of thought was put toward their way and it seems like it is and just a little more clarification would help him set his mind at ease so he can visually see what is going to happen. Chair Rowley stated that he felt it was not out of line for them to ask. He felt the Huertas will be surprised to see how much lower it actually is than what is there now. You are dead on about the City being concerned about your property and that is why this has been going back and forth for two years, just so they can get this just right. That is the concern of the Commission, you have been there a long time and we want to make sure that you are very comfortable with what is coming and he was unsure if they were privy to the artist rendering that the Commission has seen. This project is beautiful and will look very nice sitting next to you. And, as Kumar has said, once there are buildings and people there, maybe folks will be less likely to use the space in front to park. The Commission does want them to be confident that everyone is looking out for their wellbeing as much as building this project and approving it for the applicants.

Mrs. Huerta said she is all for it if the grading is going to remain a little higher than their property, she is all for possibly making the wall higher than the standard six feet. Mr. Huerta mentioned maybe consider adding a couple feet on their side of the wall. Commissioner Eaton stated she remembered when the lot had an old house on it and it burned down and it has been an eyesore ever since and seeing a nice development going in there is very gratifying and hearing the new property owners talk about how concerned they were about how their new home would affect the neighbors is the kind of people we like to have in Montclair, just as you guys; you like it here, we need you here and we want everyone to be as happy as possible and that's just the kind of community we are. You are fortunate that Kumar and his family have been so considerate and willing to make the changes and she believed it will be a happy outcome. She thanked them both for their concern for the City and their pride in their own property.

Chair Rowley closed the public hearing.

Commissioner Eaton moved that, based on the evidence submitted, the Planning Commission has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines, which covers infill projects in significantly developed areas. The proposed small infill single-family residential development is consistent with the applicable policies of the General Plan, the City's zoning requirements, is less than five acres in area, has utilities present in the area to serve the development, and is substantially surrounded by similar residentially developed properties. Moreover, the vacant property is approximately .19 acres (8,442 square feet) in size, and has no rare or endangered plants or species. As such, there is no substantial evidence the project will pose a potential significant impact to the environment, seconded by Chair Rowley, there being no opposition to the motion, the motion passed 5-0; vote by roll call: Ayes – Chair Rowley, Vice Chair Martinez, Commissioner Sahagun, Commissioner Eaton, and Commissioner Sanchez; Noes – None.

Commissioner Sahagun moved to approve the Precise Plan of Design request under Case No. 2020-27 for the site plan, floor plans, elevations, colors and materials associated with the proposed residential development consisting of a 2,015 square-foot one-story single-family home (including an attached 300 square-foot Junior Accessory Dwelling Unit and an attached 414 square-foot two-car garage), one detached, one-story 698 square-foot Accessory Dwelling Unit, and associated on- and off-site improvements per the submitted plans and as described in the staff report, subject to the conditions of approval contained in Resolution No. 20-1945, seconded by Commissioner Sanchez, there being no opposition to the motion, the motion passed 5-0; vote by roll call: Ayes – Chair Rowley, Vice Chair Martinez, Commissioner Sahagun, Commissioner Eaton, and Commissioner Sanchez; Noes – None.

Director Diaz stated that Silvia's email is listed on the courtesy notice letter and if Mr. and Mrs., Huerta would send their phone number, staff will connect with them to share the plans in more detail.

c. PUBLIC HEARING – CASE NUMBER 2020-28

Project Address: 5477 Palo Verde Street
Project Applicant: JJ Properties & Investments
Project Planner: Silvia Gutierrez, Associate Planner
Request: Precise Plan of Design to construct a single family home with an attached two-car garage and also includes an attached junior accessory dwelling unit and a detached one-story accessory dwelling unit.

Director Diaz stated this project is right next door and many of the concerns that were just discussed are the same for this project. The difference is that investors own this property and they, unlike Mr. Kumar, are not likely to live on the site and he was unsure if it would be for sale or for rent.

Associate Planner Gutierrez reviewed the staff report and noted that this project, if approved, would be at maximum lot coverage per current lot coverage limits, so additional structures will not be allowed or proposed as part of future development. This project has just a little bit of difference with respect to the landscaping plans, the exterior materials, details and differentiation in terms of using natural river rock. Similar noticing was used.

Commissioner Sahagun asked if all the concerns have been addressed through discussion of the previous case before the Commission such as drainage, grading, etc. Associate Planner Gutierrez stated the applicants are using the same civil engineer for both projects so the issues have been addressed. He thanked the applicants and staff for working so hard on these projects.

Commissioner Eaton asked if there was a maximum size for the ADU units. Director Diaz replied that the proposed ADUs are considerably smaller than what the state will allow. Commissioner Eaton asked when does it become a single-family dwelling, what is the line. Deputy City Attorney Holdaway answered that on the Junior ADU, you can build up to 500 s.f., the interesting part of that is they can also be made without a dedicated bathroom. So, this is substantially less than the maximum. A detached ADU can go up to 850 s.f. Commissioner Eaton asked how many square feet was being proposed. Associate Planner Gutierrez replied 698 square feet.

Commissioner Martinez commented an issue came up while discussing the previous project and he wondered if it was relevant to this project as well. The City of Montclair recently approved on-street parking on street sweeping days after the street sweeper leaves. After the street sweeper passes by, those families that used to have to park, somewhere else until 2:00 p.m. the new Ordinance has been updated and the cars can return to Vernon at and after 2:00 p.m. That just alleviates some of the parking issues and this is new information and applies to the whole city now.

Mr. Magee, the property owner and developer, commented that if parking is a big concern, and he knew that 35% lot coverage is a concern, but they would be willing to build another garage if the City would allow them more lot coverage. Otherwise, they are fine with the plans the way they are. Director Diaz stated that staff would not support exceeding maximum lot coverage.

Mrs. Huerta stated that she understood the Junior ADU is allowed, but she thought it was only if a homeowner occupied the residence and asked how does an investment company qualify. Deputy City Attorney Holdaway stated there were in the past City ordinances that required homeowners to occupy and that is no longer the case. The State did away with that.

Commissioner Eaton asked what would prevent both of these projects from converting the garages into living spaces in the future since Ordinances are always changing the requirements. Deputy City Attorney Holdaway replied they could not do that because they are already being maxed out with the main house, the Junior ADU and the ADU. The garage space does not count. That is one of the quirks of the code, if the existing house were built without an ADU, the property owner could convert the garage to an ADU without replacing the garage, but they cannot add an additional ADU on top; one Junior ADU and one ADU and that is it.

Chair Rowley opened the public hearing.

Hearing no requests to comment, Chair Rowley closed the public hearing.

Chair Rowley moved that, based on the evidence submitted, the Planning Commission has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines, which covers infill projects in significantly developed areas. The proposed small infill single-family residential development is consistent with the applicable policies of the General Plan, the City's zoning requirements, is less than five acres in area, has utilities present in the area to serve the development, and is substantially surrounded by similar residentially developed properties. The property is approximately .19 acres (8,442 square feet) in area and has no rare or endangered plants or species. As such, there is no substantial evidence the project will pose a potential significant impact to the environment, seconded by Commissioner Sanchez, there being no opposition to the motion, the motion passed 5-0; vote by roll call: Ayes – Chair Rowley, Vice Chair Martinez, Commissioner Sahagun, Commissioner Eaton, and Commissioner Sanchez; Noes – None.

Commissioner Eaton moved to approve the Precise Plan of Design request under Case No. 2020-28 for the site plan, floor plans, elevations, colors and materials associated with the proposed residential development consisting of a 2,015 square-foot one-story single-family home (including an attached 412 square-foot Junior Accessory Dwelling Unit, an attached 414 square-foot two-car garage), and a detached, one-story 698 square-foot Accessory Dwelling Unit, and associated on- and off-site improvements per the submitted plans and as described in the staff report, subject to the conditions of approval contained in Resolution No. 20-1946, seconded by Chair Rowley, there being no opposition to the motion, the motion passed 5-0, vote by roll call: Ayes – Chair Rowley, Vice Chair Martinez, Commissioner Sahagun, Commissioner Eaton, and Commissioner Sanchez; Noes – None.

INFORMATION ITEMS

Director Diaz announced that City Attorney Diane Robbins will be making a presentation to the City Council regarding the Brown Act on Tuesday, January 19th at 5:30 p.m. via Zoom. The

Planning Commissioners are invited to listen to that presentation as you might benefit from the information and we will be sending you a Zoom link in your email so you can partake. Attorney Robbins will bring us up to date on any of the latest changes.

Director Diaz announced the cancellation of the December 28, 2020 meeting due to closure of City Hall for the holidays.

Director Diaz wanted to add on to the question about the ADU; we do have an ordinance on the books that served us well for many years but it is now out of date and we have to update it to be consistent with new state laws that apply. We will be updating ours in 2021 to be consistent with State law. It will come to the Commission for your consideration and then go on to the City Council.

Director Diaz wished everyone a happy holiday season and commented it was a pleasure to serve the Commission.

Deputy City Attorney Holdaway wished everyone Happy Holidays and thought next year will be a great year.

Commissioner Martinez wished everyone Happy Holidays. He stated there was a lot of good news over the past month and 2021 will be wonderful. He asked everyone to stay safe and please continue wearing their masks and hoped that soon it will not be necessary.

Commissioner Sahagun wished everyone safe and happy holidays and felt it will be a good year, he was waiting for this one to be over.

Commissioner Eaton hopes it will be a good year and wished everyone a happy and blessed holiday season.

Commissioner Sanchez wished everyone happy holidays and was looking forward to 2021.

Chair Rowley adjourned the meeting at 8:51 p.m.

Respectfully submitted,



Laura Embree
Recording Secretary