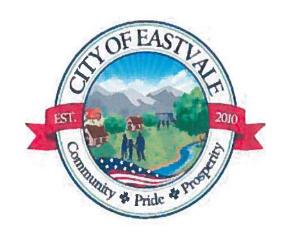
Planning Commission



Agenda Packet

OCTOBER 16, 2013

AGENDA

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For further information on an agenda item, please contact the City at 12363 Limonite Ave. Suite 910, Eastvale, CA 91752

AGENDA

REGULAR MEETING OF THE EASTVALE PLANNING COMMISSION

Wednesday, October 16, 2013

6:00 P.M.

Rose Parks Elementary School, 13830 Whispering Hills Dr, Eastvale, CA 92880

1. *CALL TO ORDER:* 6:00 p.m.

2. ROLL CALL/PLEDGE OF ALLEGIANCE:

Planning Commissioners:

Daryl Charlson

Joe Tessari

Karen Patel

Vice-Chairperson:

Fred Valentine

Chairperson:

William Link

3. ADDITIONS/DELETIONS TO THE AGENDA:

4. PRESENTATIONS/ANNOUNCEMENTS:

At this time, the Planning Commission may recognize citizens and organizations that have made significant contributions to the community and it may accept awards on behalf of the City.

None

5. PUBLIC COMMENT/CITIZEN PARTICIPATION:

This is the time when any member of the public may bring a matter to the attention of the Public Safety Commission that is within the jurisdiction of the Commission. The Ralph M. Brown act limits the Commission's and staff's ability to respond to comments on non-agendized matters at the time such comments are made. Thus, your comments may be agendized for a future meeting or referred to staff. The Commission may discuss or ask questions for clarification, if desired, at this time. Although voluntary, we ask that you fill out a "Speaker Request Form", available at the side table. The completed form is to be submitted to the Assistant City Clerk prior to being heard. Public comment is limited to two (2) minutes each with a maximum of six (6) minutes.

6. CONSENT CALENDAR:

Consent Calendar items are normally enacted in one motion. Commissioners may remove a Consent Calendar item for separate action. Public comment is limited to two (2) minutes each with a maximum of (6) minutes.

6.1 Minutes – September 18, 2013 Regular Planning Commission Meeting.

<u>Recommendation:</u> Approve the minutes from the September 18, 2013 Planning Commission Meeting.

7. NEW BUSINESS ITEMS:

7.1 Consider a recommendation to the City Council to update or revise the City's regulations regarding garage and yard sales. (Continued from September 18, 2013)

<u>Recommendation:</u> Staff recommends that the Planning Commission review the results of the online survey for garage/yard sales and decide whether to recommend that the City Council initiate an update to the City's existing garage/yard sale regulations.

7.2 Finding of consistency with the city's General Plan to vacate a portion of Schleisman Road

<u>Recommendation:</u> Staff recommends that the Commission make a finding of consistency with the General Plan and recommend to the City Council adoption of a resolution to vacate a portion of Schleisman Road for development of Tentative Tract Map 34014.

8. COMMISSION COMMUNICATIONS:

(Committee Reports, Agenda Items, Meeting Requests and Review etc.)

This is an opportunity for the Commission Members to report on their activities, to bring a matter to the attention of the full Commission and staff, and to request agenda items. Any matter that was considered during the public hearing portion is not appropriate for discussion in this section of the agenda. <u>NO ACTION CAN BE TAKEN AT THIS TIME.</u>

9. CITY STAFF REPORT:

10. ADJOURNMENT:

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City of Eastvale. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

POSTING STATEMENT:

I, Kanika Kith, Senior Planner or my designee hereby certify that a true and correct, accurate copy of the foregoing agenda was posted on October 10, 2013, seventy-two (72) hours prior to the meeting per Government Code 54954.2.

12363 Limonite Ave. Suite 910, Eastvale, CA 91752
Rosa Parks Elementary School 13830 Whispering Hills Drive
Eastvale Library, Roosevelt High School, 7447 Scholar Way
City of Eastvale Website, www.eastvaleca.gov

6.1 MINUTES FROM SEPTEMBER 18, 2013

MINUTES

REGULAR MEETING OF THE PLANNING COMMISSION OF THE CITY OF EASTVALE Wednesday, September 18, 2013 6:00 P.M.

Rosa Parks Elementary School 13830 Whispering Hills Drive Eastvale, CA 92880

1. CALL TO ORDER

Chairman Link called the meeting to order at 6:00 p.m.

2. ROLL CALL/PLEDGE OF ALLEGIANCE:

Assistant City Clerk Hall called roll.

Commissioners present: Commissioners Patel, Tessari, Charlson, Vice-Chairman Valentine, and Chairman Link.

Staff present: Planning Director Norris, Planner Cappel, City Manager Jacobs, Code Enforcement Officer Engelking, Code Enforcement Officer Evans, Assistant City Clerk Hall.

The Pledge of Allegiance was led by Chairman Link.

3. ADDITIONS/DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

4. PRESENTATIONS/ANNOUNCEMENTS:

4.1 Presentation by the Eastvale Community Foundation.

This item was deleted from the agenda.

5. PUBLIC COMMENT/CITIZEN PARTICIPATION:

There were no Public Comments/Citizen Participation.

6. CONSENT CALENDAR:

6.1 Minutes – August 21, 2013 Regular Planning Commission Meeting.

<u>Recommendation:</u> Approve the minutes from the August 21, 2013 Planning Commission Meeting.

Motion: Moved by Patel, seconded by Valentine.

Motion carried 5-0.

7. PUBLIC HEARING ITEMS:

7.1 Consider a recommendation to the City Council to update or revise the City's regulations regarding garage and yard sales.

<u>Recommendation:</u> Staff recommends that the Commission review the City's existing garage/yard sale regulations and, if appropriate, direct staff to forward a recommendation to the City Council to initiate an amendment to the Municipal Code regulating garage/yard sales.

Planning Director Norris provided the staff report for this item.

There was discussion regarding proposed regulations, and enforcement of the current, and potential, provisions.

Commissioner Valentine stated that he would like to see the current provisions be enforced rather than changing them. He also suggested using the survey tool to receive input on this item from the community.

City Manager Jacobs stated that the survey tool was limited, but could be used to provide some input. She went on to state that the sign issue seemed to be larger than the issue with garage sales.

There was discussion regarding gathering community input and providing the public with information on how much time and money is spent enforcing the current provisions.

There was discussion regarding signs in general.

Commissioner Patel stated that other cities have a group that provided a map of all garage sales that occur on pre-designated dates.

It was the consensus of the Commission to conduct a poll and bring back the results to the next meeting. There was discussion regarding the manpower that would be needed to provide warnings to residents holding garage sales and to track the sales that were happening at individual addresses.

Motion: Moved by Tessari, seconded by Valentine to table this item to the October 16th meeting after receiving the survey results.

Motion carried 5-0.

7.2 Citywide Entryway Master Plan

Recommendation: Staff recommends that the Planning Commission recommend a design for future entry monuments to the City Council. The design selected by the City Council will be included in an Entryway Master Plan, which will guide the construction of entry signs at various locations in Eastvale.

Planner Cappel provided a PowerPoint presentation for this item.

There was discussion regarding the designs, and making the signs graffiti and theft resistant.

There was discussion regarding having electronic signs in the City.

There was discussion regarding the costs of the various signs.

There was discussion regarding the vinyl on the artistic version being changeable, how long the vinyl would last and the cost to change it.

There was discussion regarding the phasing of building the monuments and how the placement was decided. The Commission also discussed the various areas that the signs could be placed.

There was discussion regarding the materials that could be used and the design concept that the Commission preferred.

Motion: Moved by Tessari, seconded by Charlson to approve the Concept 1 design for the Citywide Entryway Master Plan.

Motion carried 5-0.

8. COMMISSION COMMUNICATIONS:

There were no Commission Communications.

9. CITY STAFF REPORT:

Planning Director Norris reported that the November Planning Commission meeting is scheduled for November 20th.

There was discussion regarding the project that was being constructed near Eastvale Elementary School.

10. ADJOURNMENT:

There being no further business the meeting was adjourned at 7:00 p.m.

Motion: Moved by Valentine, seconded by Tessari.

Motion carried 5-0.

7.1 GARAGE SALE REGULATIONS



City of Eastvale

Planning Commission Meeting Agenda Staff Report

MEETING DATE: OCTOBER 16, 2013

TO: PLANNING COMMISSION

FROM: ERIC NORRIS, PLANNING

SUBJECT: GARAGE SALE SURVEY

Recommendation:

Staff recommends that the Planning Commission review the results of the online survey for garage/yard sales and decide whether to recommend that the City Council initiate an update to the City's existing garage/yard sale regulations.

Survey Results:

At the September 18 Planning Commission meeting, staff was directed to place a survey on the City's web site to seek input from residents about garage and yard sales. The survey launched a few days later, and was eventually completed 433 times (the survey was taken down on October 8). This was an outstanding response, far exceeding most other surveys the City has posted.

A summary of results:1

- About 1/3 of persons responding (33%) said they have held a garage/yard sale in the past year.
- About ½ of those responding said they visited a garage or yard sale in the past year. Of those, 49% attended once a year, and 41% attended once a month. About 9% went every week.
- Of those who held a garage/yard sale, 72% held one, 19% held two, and 5% held three (the current limit per City of Eastvale regulations). The remaining 4% held four or more, indicating that 96% of those responding are in compliance with the current limit of three sales per year per address.

¹ Complete results of the survey are attached to this staff report.

- About 78% of respondents said they used signs in the public right of way or on utility poles (both of which are currently prohibited by the City) to advertise their sales. About 31% use social media or a web site. About 7% use a newspaper.
- Asked whether the City should limit the number of garage sales, about 60% answered "Yes." The number of persons preferring to limit garage sales to 1, 2, 3, or 4 or more were relatively evenly split (14%, 38%, 25%, 24%)
- Asked whether they would participate in city-wide garage/yard sale days, 46% responded "Yes," 17% "No," and 37% "Maybe."

The survey did not include open-ended "fill in" questions. If a review of the City's garage/yard sale regulations is done, this type of input could be sought.

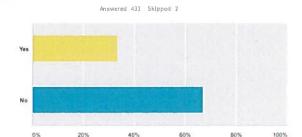
Conclusion:

Staff hopes that this information will help the Commission decide whether to forward a recommendation to the City Council.

For the Commission's convenience, a copy of the September 18 staff report is attached.

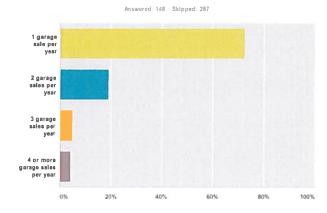
ATTACHMENT 1 GARAGE/YARD SALE ONLINE SURVEY RESULTS OCTOBER 8, 2013

Q1 Have you had a garage sale in Eastvale in the last year?



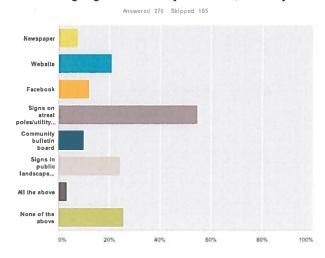
Answer Choices	Responses
Yes	33.26% 144
No	66.74% 289
Total	433

Q2 If so, how many garage sales have you hosted in the last year?



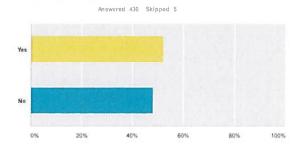
Answer Cholces	Responses	
1 garago salo per y car	72.30%	107
2 garage sales per year	18.92%	28
3 garage sales per yoar	4.73%	7
4 or more garage sales per year	4.05%	6
Total		148

Q3 If you have held a garage sale in the City of Eastvale, how did you advertise it?



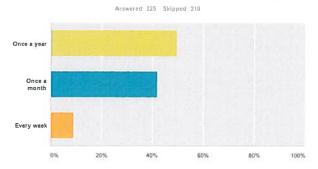
Answer Choices	Responses	
Newspaper	7.41%	20
Website	20.74%	56
Facebook	11.85%	32
Signs on street poles/utility poles	54.44%	147
Community bulletin board	9.63%	26
Signs in public landscape areas on major streets	24.07%	65
All the above	3.33%	9
None of the above	25.56%	. 69
Total Respondents: 270		

Q4 Do you attend garage sales in Eastvale?



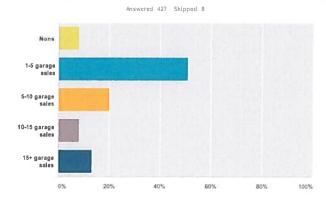
Answer Choices	Responses	
Yes	52.09%	224
No	47.91%	206
Total		430

Q5 If yes, how many garage sales have you attended in the City of Eastvale in the last year?



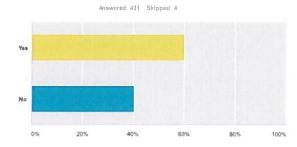
Answer Choices	Responses	
Onco a year	49.33%	111
Once a month	41.78%	94
Every week	8.89%	20
Total		225

Q6 How many garage sales have you observed in your neighborhood?



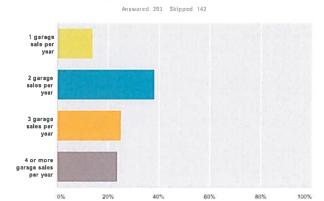
Answer Choices	Responses	
None	7.96%	34
1-5 garage sales	50.82%	217
5-10 garage sales	19.91%	. 85
10-15 garage sales	8.20%	35
15+ garage sales	13,11%	56
Total		427

Q7 Do you think the number of garage sales that a resident may hold per year should be limited?



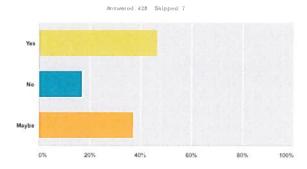
Answer Choices	Responses	
Yes	59,86%	256
No	40.14%	173
Total		431

Q8 If yes, how many garage sales per year do you think should be allowed?



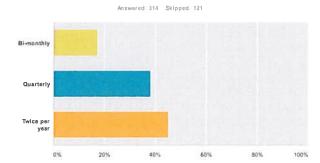
Answer Cholcas	Responses	
1 garago salo per y car	13.65%	40
2 garage sales per year	37.88%	111
3 garage sales per year	24.91%	73
4 or more garage sales per year	23.55%	69
Total		293

Q9 Many cities have community garage/yard sale days on which everyone in the city holds their sales. If the City of Eastvale created a city-wide community garage/yard sale weekend, would you participate?



Answer Choices	Responses	
Yes	46.26%	198
No	16.82%	72
Maybe	36.92%	158
Total		428

Q10 If you replied "yes" to the city-wide garage sale weekend how often would you like to see this event occur?



Answer Choices	Responses	
Bi-monthly	17.20%	54
Quarterly	37.90%	119
Twice per year	44.90%	141
Total		314

ATTACHMENT 2 PLANNING COMMISSION STAFF REPORT SEPTEMBER 18, 2013



City of Eastvale

Planning Commission Meeting Agenda Staff Report

MEETING DATE: SEPTEMBER 18, 2013

TO: PLANNING COMMISSION

FROM: ERIC NORRIS, PLANNING DIRECTOR

SUBJECT: CONSIDER A RECOMMENDATION TO THE CITY COUNCIL

TO UPDATE OR REVISE THE CITY'S REGULATIONS

REGARDING GARAGE AND YARD SALES

RECOMMENDATION

Staff recommends that the Commission review the City's existing garage/yard sale regulations and, if appropriate, direct staff to forward a recommendation to the City Council to initiate an amendment to the Municipal Code regulating garage/yard sales

BACKGROUND

Garage and yard sales are an American tradition. The selling of a household's unneeded goods in an informal sale on the front yard, driveway, or garage stretches back at least as far as the 1950s and the growth of the suburbs.

In Eastvale, the garage/yard sale phenomenon is alive and well, with numerous sales taking place on weekends when the weather is nice.

Garage sales in Eastvale are regulated by the Municipal Code. Municipal Code Chapter 6.28 (attached to this report) sets forth the following general regulations:

- Definition of garage sales.
- A limit of three (3) garage sales per year.
- A limit of one (1) sign and the sign must be located at the site of the sale.
- Violation of these regulations is a misdemeanor with a fine of up to \$1,000 or six months in jail.

No permit is required for a garage or yard sale.

DISCUSSION

Garage sales in Eastvale in general do not cause large numbers of problems or complaints.



Perhaps the most significant cause for concern on the part of the City is the signs that are placed by homeowners in the public right of way to advertise their sales (photo above). This is a violation of the Municipal Code and Code Enforcement staff routinely spends time each Monday removing signs that have been placed over the weekend.

A very small number of complaints have been filed with the City about garage or yard sales taking place too often (more than three times per year). The City has not to date issued a citation for violation of the garage/yard sale regulations.

PLANNING COMMISSION DISCUSSION

As an advisory body, the Planning Commission is empowered to discuss issues of importance to the Commission and, if desired, recommend that the City Council initiate a process of changing or amending the City's zoning regulations.

This item has been placed on the Commission's agenda to provide a forum with regard to garage and yard sales. Staff will forward the results of tonight's discussion to the City Council, which will consider the Commission's recommendations.

Commission Chairman Link has provided suggested changes (attached to this report) that would limit garage sales (with some exceptions) to four (4) weekends per year.

FISCAL IMPACT

Garage and yard sales do not generate revenue for the City. Sales tax is not collected on the transactions at these sales, and the City does not collect a fee for a permit or license.

Should the City Council decide to direct staff to update the garage/yard sale regulations, the City would need to dedicate budget to cover the cost of writing the updated regulations and conducting public hearings. Without knowing the scope of the proposed changes, this amount cannot be accurately estimated.

ATTACHMENTS

- 1. Municipal Code Chapter 6.28
- 2. Letter from Commission Chairman Link

Prepared by: Eric Norris, Planning Director Reviewed by: John Cavanaugh, City Attorney

ATTACHMENT 1

EASTVALE MUNICIPAL CODE CHAPTER 6.28: GARAGE SALES

Sec. 6.28.010. – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Garage sale means the sale, or offering for sale, of personal property in, at or upon any property used or occupied for residential purposes. The term "garage sale" includes, but is not limited to, any yard sale, home sale, patio sale or any other sale similarly conducted on any property used or occupied for residential purposes. (Ord. No. 2011-04, §§ 1, 2, 1-26-2011)

Sec. 6.28.020. – Unauthorized sales prohibited.

No person, firm, association or corporation shall sell, offer for sale, or assist in the sale of personal property to the general public at a garage sale except as permitted by this chapter. (Ord. No. 2011-04, §§ 1, 2, 1-26-2011)

Sec. 6.28.030. – **Exemptions.**

The provisions of this chapter shall not apply to the following:

- (1) Sales by charitable or religious organizations when the sale proceeds are used solely for charitable or religious purposes;
- (2) Sales conducted pursuant to process or order of any court;
- (3) Sales where the sale is not to be conducted on a designated date and the personal property offered for sale is not openly displayed to the public;
- (4) Sales otherwise expressly permitted by law.

(Ord. No. 2011-04, §§ 1, 2, 1-26-2011)

Sec. 6.28.040. – Frequency and time of sales limited.

No person, firm, association or corporation shall conduct more than three garage sales during any period of 12 consecutive months, nor shall more than three garage sales be conducted upon any lot or parcel of land during any period of 12 consecutive months. No garage sale shall be conducted between the hours of 8:00 p.m. to 8:00 a.m. or be conducted for longer than three consecutive days.

(Ord. No. 2011-04, §§ 1, 2, 1-26-2011)

Sec. 6.28.050. – Display.

All personal property offered for sale shall be arranged so that fire, police, health and other officials may have access for inspection at all times during the sale. Personal property offered for sale shall not be displayed or stored on adjoining public sidewalks, streets or rights-of-way. (Ord. No. 2011-04, §§ 1, 2, 1-26-2011)

Sec. 6.28.060. - Signs.

- (a) No sign advertising a garage sale shall be posted, erected or maintained except on the premises where such sale is to be held. No more than one unlighted sign advertising a garage sale may be posted, erected or maintained on the premises where such sale is to be held; provided, however, that no such sign may be posted, erected or maintained on the public right-of-way. Any such sign posted, erected or maintained on the public right-of-way may be immediately and without notice removed by the city or designee. The city or designee may thereafter bill the responsible party for the reasonable costs of such removal.
- (b) No sign posted, erected or maintained as provided for in this section shall exceed four square feet in area. No such sign shall be maintained for a period of more than five days immediately preceding the lawful commencement of the garage sale. Each such sign shall be removed at or before the close of the last day on which the garage sale may be lawfully conducted.

(Ord. No. 2011-04, §§ 1, 2, 1-26-2011)

Sec. 6.28.070. – Violation; penalty.

Any person, firm, association or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding \$1,000.00 or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

(Ord. No. 2011-04, §§ 1, 2, 1-26-2011)

ATTACHMENT 2

LETTER FROM COMMISSION CHAIR WILLIAM LINK (SUGGESTED CHANGES TO GARAGE/YARD SALE REGULATIONS)

Garage Sales

The community is abuzz with garage sales discussions—some are for, some are against. Presently there is a regulation in place that allows three garage sales per year per household. Unfortunately there is no way to successfully enforce this regulation.

Some of the garage sales are actually commercial enterprises. These individuals are purchasing merchandise either from a wholesale distributor or from other discounted entities. This is extremely unfair to our business owners who are in direct competition on some of these items. The business owner in Eastvale has purchased a business license and insurance, and pays taxes and rent. Commercial garage sales have none of this overhead and therefore have an unfair advantage over legitimate businesses in the city.

In addition, the traffic hazards and general nuisance of recurring garage sales happening continuously on certain streets is not acceptable.

I would propose that the regulation be changed to allow everyone in the city to have four garage sales a year, all on the same dates. This would simplify enforcement, as any garage sale not on a designated date would not be in compliance. This would for the most part eliminate the unsightly garage sale signs which seem to find a way onto streetlight poles and street signs but for some reason can't find a way off of them. I would propose the second Saturday in each of the following months: January, April, July, and November.

There are circumstances such as estate sales and moving sales which should be allowed at any given time. These sales would require a permit. In order to qualify, the applicant would need to produce a death certificate or escrow instructions. Each of these would be limited to three days.

7.2 VACATE A PORTION OF SCHLEISMAN ROAD



City of Eastvale

Planning Commission Meeting Agenda Staff Report

MEETING DATE: OCTOBER 16, 2013

TO:

PLANNING COMMISSION

FROM:

GEORGE ALVAREZ, CITY ENGINEER

SUBJECT:

FINDING OF CONSISTENCY WITH THE CITY'S GENERAL

PLAN TO VACATE A PORTION OF SCHLEISMAN ROAD

RECOMMENDATION

That the Planning Commission make a finding of consistency with the General Plan and recommend to the City Council adoption of a resolution to vacate a portion of Schleisman Road for development of Tentative Tract Map 34014.

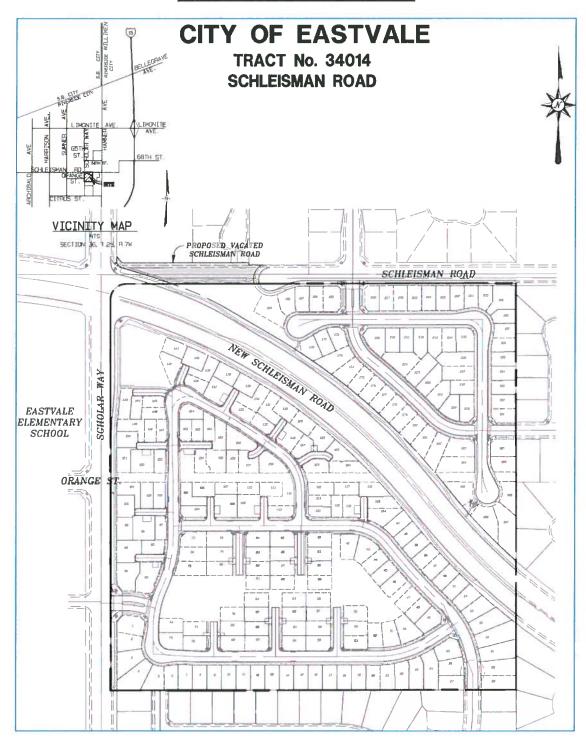
BACKGROUND

Tentative Tract Map 34014 was conditionally approved by the County of Riverside on July 31, 2007, for the subdivision of a 40.01-acre site into 29 condominium lots to accommodate the development of 224 residential units. One of the conditions of approval imposed on the developer is to realign Schleisman Road east of Scholar Way as shown in Figure 1. In order to construct the new Schleisman Road, closure of the existing Schleisman Road just east of Scholar Way is necessary. The project site is a vacant lot located at the southeast corner of Schleisman Road and Scholar Way.

DISCUSSION

The closure of Schleisman Road requires a portion thereof to be vacated that will be incorporated into the proposed subdivision. As shown in Figure 1, a cul-de-sac will be constructed at the east end of the area proposed for vacation and returned to private ownership. Easements for water, sewer, gas, other utilities, and sidewalks will be reserved in the area subject to the proposed vacation.

Figure 1 – Proposed Street Vacation



If the City decides not to proceed with the street vacation, the developer will need to look at other options to realign Schleisman Road or to widen the existing roadway east of Scholar Way.

General Plan Consistency

Under Government Code Section 65402(a) and Streets and Highways Code Section 8313, the Planning Commission must provide a report to the City Council concluding that the proposed street vacation is in conformity with the City's General Plan.

The City of Eastvale circulation plan shown in Figure 2 illustrates that the realignment of Schleisman Road is consistent with the ultimate planned alignment of the roadway. The proposed vacation is therefore, in staff's opinion, consistent with the General Plan.

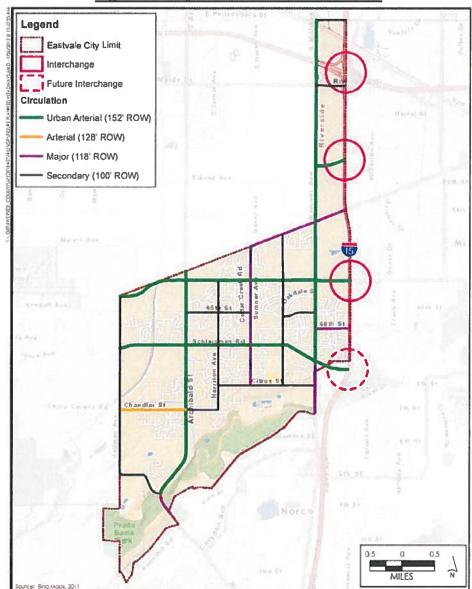


Figure 2 – City of Eastvale Circulation Plan

Source: City of Eastvale General Plan, Figure C-1: Circulation Plan

The City of Eastvale General Plan sets a standard for roadways to be at a minimum level of service (LOS) C, but allows flexibility in the standard to accommodate different transportation methods and existing development in some areas. The traffic study reviewed for the original 2007 approval of Tentative Tract Map 34014 indicated that it was possible to achieve adequate levels of service for the following intersections with the proposed street vacation design:

- Hamner Avenue at:
 - o Limonite Avenue
 - o Oakdale Avenue
 - o 65th Street
 - o 68th Street
 - o Schleisman Road
 - o "A" Street (future Schleisman Road alignment)
- Scholar Way at:
 - o Citrus Street
 - o Orange Street
 - o Schleisman Road

As such, in staff's opinion the proposed street alignment and vacation are consistent with the General Plan.

Environmental Review

During the environmental review process for the approval of Tentative Tract Map 34014, the proposed street vacation and surrounding streets were studied to determine impacts related to the proposed residential development. A notice of determination was filed by Riverside County in June 2007, and no appeal or challenge was made. As the proposed vacation was considered in the adopted Mitigated Negative Declaration, no further CEQA analysis is required.

FISCAL IMPACT

There is no fiscal impact associated with this action.

Prepared by:

Kanika Kith

Reviewed by:

George Alvarez, Public Works Director

Eric Norris, Planning Director John Cavanaugh, City Attorney