

**PLANNING COMMISSION MINUTES
OF THE MARCH 14, 2005 MEETING
HELD IN THE COUNCIL CHAMBER
OF THE MONTCLAIR CIVIC CENTER
5111 BENITO STREET, MONTCLAIR**

CALL TO ORDER

Chairman Lenhert 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: Chairman Lenhert, Vice Chairman Flores, Commissioners Johnson, Sahagun and Vodvarka, City Planner Lustro, Associate Planners Frazier-Burton and Lai, and City Attorney Robbins

Excused: Community Development Director Clark

MINUTES

The minutes of the February 28, 2005 Planning Commission meeting were presented for approval. Vice Chairman Flores moved to approve, Commissioner Johnson seconded, there being no opposition to the motion, the minutes were approved 5-0.

ORAL AND WRITTEN COMMUNICATIONS

AGENDA ITEMS

1. PUBLIC HEARING – CASE NUMBER 2005-5
General Growth Properties
5060 Montclair Plaza Lane
Request for a Conditional Use Permit and Precise Plan of Design

Associate Planner Lai reviewed the staff report.

Commissioner Johnson commented that after reviewing the report and drawings, she wondered if the Macy's building was going to remain. Associate Planner Lai replied that Macy's will remain and that this project would be generally on the south side of Macy's.

Commissioner Sahagun inquired where the exterior tables would be located and if the landscaping on the south side would be removed.

Donovan Collier, 550 E. Hospitality Lane, San Bernardino, representing General Growth Properties, apologized because he was under the impression that someone from the architectural team was going to attend the meeting. He commented that he was knowledgeable about the project except for detailed questions about the design, but he read the staff report, they agree with it and the proposed conditions of approval are acceptable, and was available to field any questions, but did not prepare a formal presentation as he thought that would be done by someone else.

Commissioner Sahagun was glad that Barnes & Noble has chosen to stay in the City and that the City could accommodate them. He asked if the existing Starbucks currently located on Central Avenue will close. City Planner Lustro commented that as far as he knew, the existing Starbucks would remain. The advantage that the existing Starbucks has is that it can keep its own hours. It can open early and stay open late, whereas the Starbucks inside the Barnes & Noble would likely be governed by the hours of the bookstore.

Commissioner Johnson moved that, based upon the evidence submitted, that the proposed remodeling and the addition of limited outdoor seating in conjunction with a bookstore and café is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15302(b), Class 2, and Section 15303(e), Class 3, in that the project involves the renovation of an existing structure without adding any floor area, and the addition of an accessory use (outdoor seating) with negligible construction, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 5-0.

Vice Chairman Flores moved to approve the CUP under Case No. 2005-5 to allow outdoor seating in conjunction with a bona fide cafe in the C-3 (General Commercial) zoning district at 5060 Montclair Plaza Lane, by adopting Resolution No. 05-1599, subject to making the four necessary findings, and subject to the 36 conditions of approval, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Chairman Lenhart moved to approve the Precise Plan of Design (PPD) under Case No. 2005-5 for the site plan, elevations, colors, materials and landscape plan associated with the proposed project, and related on-site improvements per the submitted plans and as described in the staff report, subject to the 36 conditions of approval, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 5-0.

1. This approval is for the following:
 - a. A Conditional Use Permit (CUP) for outdoor seating in conjunction with the café operation, within the lease area of the bookstore.
 - b. A Precise Plan of Design (PPD) for the site plan, elevations, colors, materials and conceptual sign program associated with the exterior storefront to accommodate a new 28,192 square-foot Barnes & Noble Booksellers as depicted on the approved plans and described in the development application. All improvements shall be constructed in substantial compliance with the submitted drawings and all business

activity conducted on the premises shall comply with the underlying General Commercial (C-3) Zone.

2. Conditional Use Permit (CUP) approval shall be valid for a period of six months from the date of Planning Commission approval and shall automatically expire on the six-month anniversary date of Planning Commission action, unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date.
3. PPD approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
4. The applicant and/or property owner shall ensure that a copy of the Planning Commission approval letter, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
5. Prior to issuance of building permits, the applicant shall:
 - a. Submit five complete sets of plans for the project, including building elevations, colors and materials, electrical, plumbing, mechanical, landscaping, lighting, and accessibility details, structural and Title 24 calculations for review and approval by the Building and Planning Divisions. Contact Rudy Gomez, Senior Building Inspector, at 909/625-9437 for an appointment to submit plans.
 - b. Submit detailed plans for all exterior building-mounted and pole lighting for review and approval by the Planning and Building Divisions. All lighting shall incorporate 90-degree fully cut-off style luminaires and flat lenses. Submitted plans shall include a photometric analysis of all exterior lighting.
 - c. Obtain and submit an approved, stamped set of plans from the County of San Bernardino Health Department for the food service and preparation areas incorporated into the bookstore.
 - d. Submit landscaping and irrigation plans for review and approval by the Planning and Building Divisions.

- e. Submit a comprehensive sign program to the Planning Division for review and approval (may be included on plan check set). The sign program shall include all building-mounted identification signs and permanent window signs. Building-mounted tenant identification signs shall be in proportion to the building elements to which they are attached. Exposed raceways shall be prohibited on all building-mounted signs.
 - f. A comprehensive grading and drainage plan prepared by a registered civil engineer in conformance with Chapter 70 of the Uniform Building Code and the requirements of the City. An advance plan check fee, in an amount to be determined by the City Engineer, shall be required at the time of plan submittal.
 - g. Plans for erosion control and stormwater pollution prevention. A general construction permit may be required. Contact Joe Rosales, NPDES Coordinator, at 909/625-9470 for requirements.
 - h. A letter of non-interference from any utility company that may have rights of easement within the property boundaries.
 - i. "Will-serve" letters from all utilities serving the site. The developer will be required to coordinate with the various public utilities for the necessary improvements for said utilities to service the site.
 - j. Submit four (4) complete sets of plans for modification to the existing, approved, automatic fire sprinkler system directly to the Fire Marshal's office for review and approval, including two sets to be microfilmed/digitally imaged. The system shall conform to national standards. The system shall be equipped so to provide a signal to an UL-listed monitoring station in the event of a water flow or tampering.
 - k. Submit detailed plans to the Building and Fire Departments on an emergency exit plan from the second floor above the proposed bookstore to the relocated staircases and new exit doors to the exterior of the mall building.
 - l. Pay all required Montclair Fire Department fees.
6. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including, but not limited to, the following:
- a. Temporary banners for the purpose of announcing the grand opening or advertising promotions shall require banner permits from the Planning Division prior to installation.
 - b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
7. No pay telephones or vending machines shall be located on the exterior of the building.

8. All decorative exterior lighting shall incorporate illumination sources of an appropriate wattage so as to not create any nuisance glare to the adjacent parking areas, private roadways, public rights-of-way, or neighboring properties. Should the applicant desire to install any building-mounted wide area lighting, it shall consist of fixtures set at 90 degrees to the building wall and incorporating fully cut-off lenses so as to direct illumination down to the surface to be illuminated. All soffit lighting installed within the building shall be flush-mounted so that the lens or bottom of the fixture is flush with the underside of the soffit. The use of wall packs, barnlighters, or other similar unshielded luminaires on the property shall be prohibited.
9. All utility services to the building shall be installed underground.
10. All mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, vents, transformers, or similar equipment, whether located on the ground or on the roof of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building and to the satisfaction of the Planning Division. Add-on roof screening is considered unacceptable. The height of parapet walls should be designed with rooftop equipment screening in mind.
11. All satellite dish antennas, microwave receivers, transmitters, and other forms of communication equipment shall be located in a manner in accordance with the provisions of Chapter 11.46 of the Montclair Municipal Code.
12. Mechanical equipment including, but not limited to, utility meters, air conditioners, and repair equipment shall be located within the building or in a manner compatible with the architectural design of the building to the satisfaction of the Planning Division.
13. All building downspouts shall drain directly into landscape areas.
14. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner incorporated into the architectural design of the building to the satisfaction of the Planning Division.
15. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be enhanced with a decorative building material consistent with that used on the main building(s).
16. All landscape planting areas, including planter boxes, shall have 100 percent irrigation coverage by an automatic irrigation system.
17. Landscape maintenance shall be subject to immediate and periodic inspections by the City. The property owner shall be required to remedy any defects in grounds maintenance and replace any trees, shrubs, vines, or groundcover with a similar species, size, and quantity that are lost due to unauthorized removal, disease, windstorm, or other natural disaster as indicated by the City inspector, within two weeks after notification. Inspections shall be based on automatic

landscape irrigation schedule, plant maintenance, weed and rubbish control, landscape plan approval, and any other area that is incidental to grounds maintenance.

18. All new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
19. The applicant and/or property owner shall be responsible for maintaining the building's signs, lighting, landscaping, and all improvements in good working order at all times. Any accumulation of trash, weeds, or debris on the property shall be removed immediately so as not to present a public nuisance. Graffiti on the building or associated improvements shall be removed immediately by the applicant/property owner upon notification by the City.
20. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357.
21. All off-site and on-site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
22. No soil shall be imported or exported without first obtaining approval from the City Engineer. A plan satisfactory to the City Engineer shall be prepared showing the proposed haul route within the City. Subject plan shall include provisions for street sweeping and cleanup.
23. Underground Service Alert shall be notified 48 hours prior to any excavation at 800/422-4133.
24. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
25. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA). Contact Clay Jarvinen, Environmental Control Specialist, at 909/625-9446 for fees.
26. The applicant/developer/general contractor is responsible for reasonable periodic cleanup of the construction site to avoid hazardous accumulation of combustible trash and debris.
27. All Fire Department access and fire lanes shall be clearly posted as "No Parking, Fire Lane." Signs shall be designed and mounted in accordance with Montclair Fire Department standards.
28. In those structures covered by CAC Title 19, all drapes, hangings, curtains, drops, and all other decorative material shall be made from non-flammable material, or shall be treated and maintained in a flame retardant condition, by

means of a flame retardant solution or process approved by the State Fire Marshal.

29. In the event that the structure is to be used for the purpose of public assembly, the developer/architect shall contact the Fire Marshal's Office for requirements prior to submission of building plans.
30. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
31. Commercial occupancies with cooking areas require an approved fixed fire extinguishing system for protection of the hood and duct system and overall cooking areas. This system shall be equipped with an automatic fuel shutoff to all equipment protected by this system. Four complete sets of drawings of this system shall be submitted to the Fire Marshal's Office prior to issuance of a permit.
32. An approved, emergency keyed access system shall be required to facilitate access by Fire Department personnel in the event of an emergency during non-business hours. Forms are available at Montclair Fire Department Headquarters, 8901 Monte Vista Avenue, for those occupancies requiring such a system.
33. A Certificate of Occupancy is required prior to occupancy of the subject building. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
34. Prior to issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Building Division electronic images of all plans and records for the purpose of obtaining a building permit. Electronic images shall comply with the City's Electronic Archiving Policy.
 - b. Install all approved landscaping and exterior lighting.
 - c. Install all ADA-required disabled-accessible parking signs at parking lot entrances and parking spaces.
35. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
36. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay because of such action. At its

sole discretion, the city may participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition..

INFORMATION ITEMS

City Planner Lustro stated that at a previous meeting, Commissioner Vodvarka asked that several residences in his neighborhood be checked by Code Enforcement. Code Enforcement provided a report with regard to those residences and Commissioner Vodvarka was advised of the status.

Commissioner Sahagun asked if the Barnes & Noble project on the agenda was part of the Fremont Corridor. City Planner Lustro stated that the project was not connected, as the boundaries of the Fremont Corridor do not include the Plaza. The projects at the Plaza that will come to the Commission over the next few months are projects that General Growth is pursuing independently of what the City is doing just to the north. Commissioner Sahagun commented that the reason he was inquiring was due to the desire to have a cultural center included in the North Montclair Downtown Plan. He has learned that other cities have charged an impact fee to developers that would go toward a cultural center. City Planner Lustro replied that discussions have taken place with respect to impact fees that would be assessed in conjunction with the North Montclair Downtown Plan, as there will likely be a significant amount of public improvements that will be associated with the North Montclair Downtown Plan. Such impact fees would need City Council approval. Commissioner Sahagun's comments are so noted.

Vice Chairman Flores asked for an update on the second drive-thru lane at McDonald's on Central Avenue. City Planner Lustro commented that the project has long expired and to staff's knowledge, McDonald's has no intention of pursuing the project. Vice Chairman Flores commented that the rest of the parking lot at that center has been repaved and restriped, and that now the McDonald's parking lot looks bad. He wondered if we could ask them to improve it. City Planner Lustro stated that he would have Code Enforcement take a look at it because they have been successful in the past with some commercial properties that have let their parking lots deteriorate.

Commissioner Johnson commented that at the North Montclair Downtown meetings, someone attended from the water district and there was discussion regarding a water fountain and a new well in that area and, as part of that, she believed that space was going to be set aside for arts. At that time there was discussion regarding the local ballet company.

Commissioner Johnson reported that progress is being made at the Marion Avenue house that is under renovation.

Commissioner Johnson reported that there is a wrought iron fence under construction in the front yard at the southwest corner of Orchard Street and Marion Avenue. The fence is immediately behind the sidewalk and she wondered whether this is permitted. City Planner Lustro clarified that the Public Works Department has issued a number of encroachment permits in the past for fences and walls that are in the public right-of-way. What staff has tried to do in recent years when a resident has come in wanting to build a fence or a wall at the sidewalk is to encourage the building of the fence at the property line, which is generally

5-7 feet back of a curb-adjacent sidewalk. This way, no encroachment permit is required. The other benefit of that is that there is less of a chance that it will impact sight distance for pedestrians or for someone pulling out of their driveway. Further, the Public Works Department has been more diligent recently on corner lots of requiring the fences and walls to observe the diagonal corner cut-off to facilitate improved sight visibility. City Planner Lustro stated that staff would take a look at the one at Orchard and Marion. Commissioner Johnson stated that the fence that is being installed is on the Marion Avenue side and the existing block wall would not meet the new requirements. Commissioner Sahagun commented that he knew the residents at the house in question and believed they were working on a security gate because two vehicles had been broken into. Commissioner Johnson stated that she thought it was a gate also but the poles (for the new fencing) extend to the edge of the property and if you follow the line from the block wall on the Marion side to the block wall on the Orchard side, they will not line up.

Chairman Lenhert attended the State of the County address and learned that percentage-wise, because of the size of the City, Montclair is the fastest growing city in the county. He also reported that a positive West Nile Virus infected mosquito was found at the corner of Philadelphia Street and Grove Avenue in Ontario and encouraged everyone to check around their properties weekly for any standing water.

ADJOURNMENT

Chairman Lenhert adjourned the meeting at 7:33 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary