

**PLANNING COMMISSION MINUTES
OF THE MARCH 28, 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

Chairman Lenhert led those present in the salute to the flag.

ROLL CALL

Present: Chairman Lenhert, Vice Chairman Flores, Commissioners Sahagun and Vodvarka, Community Development Director Clark, City Planner Lustro, Associate Planners Frazier-Burton and Lai, and Deputy City Attorney Holdaway

Excused: Commissioner Johnson

MINUTES

The minutes of the March 14, 2005 Planning Commission meeting were presented for approval. Commissioner Vodvarka moved to approve, Vice Chairman Flores seconded, there being no opposition to the motion, the minutes were approved 4-0.

ORAL AND WRITTEN COMMUNICATIONS

AGENDA ITEMS

1. PUBLIC HEARING – CASE NUMBER 2005-2
Tom Kuo
11211 Fremont Avenue
Request for a Tentative Tract Map

City Planner Lustro reviewed the staff report.

Vice Chairman Flores identified mistakes and omissions on the tentative map and stated that the applicants need to do a more thorough job of checking their work.

Commissioner Sahagun inquired if staff had received any comments from any neighbors regarding this project. City Planner Lustro responded that staff had not received any phone

calls or written correspondence. Commissioner Sahagun added that he concurred with Vice Chairman Flores' comments about the mistakes on the map.

Tom Cao, Trittech Associates, Inc., 135 N. San Gabriel Boulevard, San Gabriel, project civil engineer, apologized to the Commission for the mistakes on the map and assured they would be corrected.

Chairman Lenhert asked if the applicant on this project would be responsible for constructing the entire width of Saddleback Street. City Planner Lustro replied that construction of Saddleback Street would likely be staged. This applicant would be required to construct a minimum width to the satisfaction of the City Engineer and the developer of the tract to the north would be responsible for constructing the remainder. The details are outlined in the conditions of approval. Chairman Lenhert inquired if the adjacent tract does not develop, would the street remain unfinished? City Planner Lustro responded that is correct, but the driving surface would be adequate width for two-way traffic.

Commissioner Sahagun asked if any storm drains would be constructed as part of this project. City Planner Lustro answered that all drainage from this tract would be via surface flows to Fremont Avenue, and then southerly toward Phillips Boulevard. The Public Works Department is currently working on a Storm Drain Master Plan for the south end of the City to address flows from current and future development.

Vice Chairman Flores moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the proposed subdivision, and that a DeMinimis finding of no impact on fish and wildlife and Negative Declaration have been prepared, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 4-0.

Commissioner Sahagun moved to approve Tentative Parcel Map No. 17422, creating nine residential lots on approximately 2.01 acres per the submitted map, finding the map to be consistent with the Montclair Municipal Code and the State Subdivision Map Act, and forward it to the City Council for its consideration, subject to the 42 conditions of approval, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 4-0.

1. This approval is for Tentative Tract Map No. 17422, subdividing an existing 2.01-acre site into nine single-family lots ranging in size from 7,503 to 8,016 square feet at 11211 Fremont Avenue.
2. The tentative tract map shall expire three years from the date of the Planning Commission resolution unless extended under Government Code §66452.6. The final tract map shall be filed with the City Engineer and shall comply with the Subdivision Map Act of the State of California and all applicable ordinances, requirements, and resolutions of the City of Montclair.
3. 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.

4. Prior to submittal of grading plans or other improvement plans, the applicant shall prepare and submit to City Engineer for approval a Water Quality Management Plan (WQMP) in accordance with the State of California Santa Ana Regional Water Quality Control Board Guidelines for San Bernardino County. WQMP Guidelines may be purchased from the City of Montclair or are available for review on-line at: www.swrcb.ca.gov/rwqcb8/html/san_bernardino_permit.html. The Water Quality Management Plan shall be prepared by a Registered Civil Engineer or other qualified professional as may be authorized in the guidelines.
5. Prior to filing the original signed final map with the City Engineer, the applicant shall submit to the City the following documents, requiring approval of the City Engineer, at least 60 days before the filing of the original signed final map, in order to permit review pursuant to Government Code §66456.2:
 - a. A preliminary soils report, addressing the geology, stability of the site, and grading requirements.
 - b. 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. Cross-lot drainage shall not be permitted. Prior to the commencement of grading or any clearing of the site, a grading permit shall be obtained from the Building Division. An advance plan check fee, in an amount to be determined by the City Engineer, shall be required at the time of plan submittal. No grading permit shall be issued until proof of map recordation has been filed with the City of Montclair.
 - c. Dedication to the City of Montclair public street rights-of-way along Fremont Avenue adjacent to the tract boundary and for Saddleback Street and Carrillo Avenue to the satisfaction of the City Engineer.
 - d. Dedication to the City of Montclair and/or other public agencies easements for water, storm drains, sanitary sewers and other utilities.
 - e. Street improvement plans for Fremont Avenue, Saddleback Street and Carrillo Avenue to the satisfaction of the City Engineer. Plans shall comply with State and/or City disabled-accessible requirements for ramps, street access, and parking. Carrillo Avenue shall be designed such that when extend southerly, the southerly tract boundary is at the high point of a vertical curve.
 - f. Execution of a Subdivision Agreement with the City of Montclair containing provisions for performance and payment bonds for all work within the public rights-of-way and a monumentation bond for tract monuments.
 - g. A letter of non-interference from any utility company that may have rights of easement within the property boundaries.

10. Prior to issuance of building permits, the applicant shall:
 - a. Obtain approval for a Precise Plan of Design for the tract plot plan, floor plans, elevations, colors, materials, landscape and wall plans from the Planning Commission.
 - b. Obtain all necessary approvals of Tentative Tract Map No. 17422 from the City and have the final map recorded with the County of San Bernardino.
 - c. Submit two complete sets of plans for each model/elevation, including structural and Title 24 calculations, and three additional sets of architectural plans, including elevations, colors, and materials 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.
 - d. Prepare and submit plans for erosion control and storm water pollution prevention to the satisfaction of the City Engineer. A general construction permit may be required. Contact Joe Rosales, NPDES coordinator, at 909/625-9470 for requirements.
 - e. Submit a detailed landscaping and irrigation plan for the following:
 - i. The area between the public sidewalk and tract perimeter wall along Fremont Avenue. Landscape plan for this area shall include a four to six-foot wide turf area adjacent to the sidewalk and a combination of shrubs and climbing vines adjacent to the perimeter wall. Turf and shrub areas shall be separated by a meandering concrete mow strip, minimum four inches in width.
 - ii. The front yard of each new residence, including sod turf, a variety of shrubs, two (2) street trees as designated herein, and at least one, 15-gallon container size accent tree. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
 - iii. The street side yard of Lot 7 that includes shrubs, climbing vines, and three (3) street trees as identified herein.
 - f. Submit four (4) complete sets of plans for an approved, automatic fire sprinkler system for each residence 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 a UL-listed monitoring station in the event of a water flow or tampering.
 - g. Pay all required Montclair Fire Department fees.
 - h. Pay adopted parkland development fee of \$2,509 per dwelling unit.

- b. Carrillo Avenue (north-south street).
13. Street tree designations for Tract No. 17422 shall be as follows:
- a. Fremont Avenue – Jacaranda mimosifolia (Jacaranda), 30 feet on center
 - b. Saddleback Street – Lagerstroemia indica 'Rubra' (Crape Myrtle)*
 - c. Carrillo Avenue – Chitalpa tashkentensis 'Morning Cloud' (Chitalpa)*
- All trees shall be minimum 24-inch box size and double-staked per City standards. (*Two per residential lot, minimum 30 feet on center.)
14. Maintenance of landscape areas in front yards and street side yards shall be the responsibility of the developer until the respective residences become occupied, at which time the responsibility for maintenance shall transfer to the respective property owners.
15. The applicant shall incorporate sufficient sound attenuation measures (i.e. dual-paned glazing, upgraded insulation, etc.) in each residence to achieve a maximum interior noise level of 45dBA.
16. Elevations of each proposed dwelling shall reflect the inclusion of enhanced glazing (full divided-lights or divided-lights over single-light) on all primary elevations and those secondary elevations facing and visible to public rights-of-way, and window surrounds, enhancements (wood, stucco-over-foam, shutters, pot shelves or similar) on all building elevations.
17. The address of each new residence shall be displayed in minimum four-inch (4") tall numerals on a contrasting background and backlit with a low-voltage illumination source. Said identification shall be installed in a consistent location on each residence.
18. All large mechanical devices, such as air conditioning condensers, shall be located on the ground within interior yard areas not visible to the public right-of-way. All wall- and roof-mounted exhausts and vents shall be designed to be compatible and blend with the architectural design of each residence.
19. Fences and walls within front yard setbacks shall not exceed 42 inches in height. Chain-link is expressly prohibited for property fencing.
20. No construction within the public right-of-way shall commence until a public works permit is obtained from the City's Public Works Department and all applicable fees paid. All utility lines installed to serve the new development shall be placed underground from the nearest existing power pole or other point of connection not adjacent to the property frontage. The sewer connection improvements may be shown on either the street improvement or grading improvement plans.

21. Saddleback Street shall be constructed as a “phased construction” in conjunction with proposed Tentative Tract No. 17191 to the north. If Tentative Tract No. 17191 to the north develops first, the developer of Tentative Tract No. 17422 shall construct P.C.C. curb, gutter and sidewalk, streetlights, and remaining A.C. pavement improvements, and then place a 0.10-foot A.C. cap from gutter to gutter. If Tentative Tract No. 17422 develops prior to Tentative Tract No. 17191, the developer shall construct P.C.C. curb, gutter and sidewalk and streetlights on the south side of the street and A.C. paving from the south gutter to a point 10 feet north of street centerline. Pavement thickness shall be that recommended by the soils report less 0.10 feet, but not less than three inches (3"). The developer of Tentative Tract No. 17191 shall then be required to complete the remaining street improvements as part of the subsequent development. Developer shall be responsible for obtaining necessary easements for construction purposes and dedicate to the City of Montclair.
22. The proposed storm drain system shall be designed and constructed to intercept and convey stormwater flows from a 100-year event (Q_{100}) as determined by the San Bernardino County Flood Control District hydrology manual.
23. Residential drive approaches (“W”) and driveways (as measured at front property line) shall be a minimum of 10’-0” and a maximum of 12’-0” in width. Driveways may flare to the full width of two- and three-car garages. Top of “X” shall be no closer than 5’-0” to property line. Public sidewalks shall be fully disabled-accessible.
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 9.20.430 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA).
26. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact Dennis McGehee, Environmental Control Specialist, at 909/625-9446 for fees/assessments.
27. Cross-lot drainage shall not be permitted. The following drainage guidelines shall be implemented:
 - a. Lot 1 may drain north to Saddleback Street or west to Fremont Avenue.
 - b. Lots 2-7 shall drain south-to-north to Saddleback Street.
 - c. Lots 8-9 shall drain east-to-west to Carrillo Avenue.
 - d. The portion of Carrillo Avenue within the tract boundary shall drain south-to-north, then westerly in Saddleback Street.

28. All drainage tributary to the subdivision shall be intercepted and conveyed through the subdivision to the satisfaction of the City Engineer.
29. No soil may 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. Contractor(s) shall be responsible for complying with all NPDES requirements.
30. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
31. 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.
32. A 20-foot wide, unobstructed roadway capable of supporting firefighting apparatus shall be maintained within 150 feet of all structures prior to and for the duration of construction. Roadway is subject to Fire Department approval prior to commencement of construction.
33. The applicant/developer/general contractor is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
34. A fire hydrant system shall be required to provide the necessary water flow to the proposed subdivision. Exact number, location and design of hydrants shall be determined by the Fire Marshal's Office when building plans are received. Hydrants shall be active prior to the framing stage of construction.
35. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
36. A Certificate of Occupancy is required for each residence prior to occupancy. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
37. Prior to issuance of the first Certificate of Occupancy, the applicant shall complete the following improvements to the satisfaction of the City Engineer:
 - a. Remove all on-site utility poles and overhead utility lines from the project site.
 - b. Underground all overhead utility lines along the east side of Fremont Avenue for the length of the project limits to the nearest pole not adjacent to the property frontage and remove all abandoned utility poles.
 - c. Construct all approved improvements along the Fremont Avenue frontage of the project site and on the interior streets of the tract, including, but not limited to construction of P.C.C. curb, gutter and

- sidewalk, and asphaltic concrete (A.C.) pavement, and installation of landscaping and irrigation.
- d. Install concrete standard streetlights on the east side of Fremont Avenue and on the interior streets of the subdivision in a quantity and spacing to the satisfaction of the City Engineer. Streetlights shall be owned and maintained by Southern California Edison. Lighting level on interior streets shall be a minimum 0.3 foot-candles within street rights-of-way.
 - e. Construct all storm drain system improvements, including an A.C. transition and berm from the terminus of the P.C.C. flow line at the southerly tract boundary to facilitate positive surface water flow southerly along Fremont Avenue.
 - f. Erect a semi-permanent barricade at the northerly terminus of Carrillo Avenue if development precedes development of Tract No. 17191.
 - g. Erect two "END" warning signs and "FUTURE STREET EXTENSION" signs, one each at the northerly and southerly termini of Carrillo Avenue. Said signs shall not be required at the northerly terminus if construction is underway on Tract No. 17191.
38. The applicant shall provide a written disclosure to prospective buyers of each residential lot, a copy of which shall be provided to the City and maintained on file, that Carrillo Avenue is designed as a stub street that will eventually be extended to serve additional residences at some future date.
39. The applicant shall provide a written disclosure to the prospective buyers of Lot 8 that the temporary wood fence described in Condition No. 10 herein shall be removed in its entirety at such time that development occurs on the property immediately to the south of the southerly tract boundary. Said documentation shall also be recorded with the County of San Bernardino as a covenant on both parcels.
40. Prior to release of occupancy for any of the dwelling units in the subdivision, the person or corporation responsible for the preparation of the Water Quality Management Plan shall certify in writing to the Building Official that all conditions and requirements of the Water Quality Management Plan have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the Building Official that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the Water Quality Management Plan.
41. 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.

42. The applicant shall agree to defend, at his 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 as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of his obligations under this condition.

2. PUBLIC HEARING – CASE NUMBER 2005-7
Brighton Place LLC
4545 Mission Boulevard
Request for a Tentative Parcel Map

Associate Planner Frazier-Burton reviewed the staff report.

Vice Chairman Flores commented that the Commission had previously indicated its concern about the number of parking spaces on the property being sufficient. The submitted map does not illustrate the number of parking stalls. Associate Planner Frazier-Burton responded that the Commission is simply reviewing a Tentative Parcel Map to split the lot. When the applicant is ready to develop Lot 1, a Precise Plan of Design, including a site plan, will be submitted for the Commission's consideration.

Commissioner Sahagun stated that he was happy to see development of this property moving forward. He repeated his comments from a previous meeting about his desire to see bus shelters constructed in association with projects like this one. City Planner Lustro reminded the Commission that there are no bus stops along the property frontage on Mission Boulevard or Ramona Avenue.

Commissioner Vodvarka moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the proposed commercial subdivision, and that a DeMinimis finding of no impact on fish and wildlife and Negative Declaration have been prepared, seconded by Vice Chairman Flores, there being no opposition to the motion, the motion passed 4-0.

Vice Chairman Flores moved to approve Tentative Parcel Map No. 17196, creating two legal conforming commercial lots per the submitted map, finding the map to be consistent with the Montclair Municipal Code and the State Subdivision Map Act, and forward it to the City Council for its consideration, subject to the 25 conditions of approval, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 4-0.

1. This approval is for Tentative Parcel Map No. 17196 subdividing an existing 1.35-acre parcel at 4545 Mission Boulevard into two (2) lots.
2. The tentative parcel map shall expire three years from the date of the Planning Commission resolution unless extended under Government Code Section 66452.6. The final map shall be filed with the City Engineer and shall comply

with the Subdivision Map Act of the State of California and all applicable ordinances, requirements and resolutions of the City of Montclair.

3. 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.
4. Prior to submittal of grading plans or other improvement plans, the applicant shall prepare and submit to City Engineer for approval a Water Quality Management Plan (WQMP) in accordance with the State of California Santa Ana Regional Water Quality Control Board Guidelines for San Bernardino County. WQMP Guidelines may be purchased from the City of Montclair or are available for review on-line at: www.swrcb.ca.gov/rwqcb8/html/san_bernardino_permit.html. The Water Quality Management Plan shall be prepared by a Registered Civil Engineer or other qualified professional as may be authorized in the guidelines.
5. Prior to filing the original signed final map with the City Engineer, the applicant shall submit to the City the following documents, requiring approval of the City Engineer, at least 60 days before the filing of the original signed final map, in order to permit review pursuant to Government Code §66456.2:
 - a. A preliminary soils report, addressing the geology, stability of the site, and grading requirements.
 - b. 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. Prior to the commencement of grading or any clearing of the site, a grading permit shall be obtained from the Building Division. An advance plan check fee, in an amount to be determined by the City Engineer, shall be required at the time of plan submittal. No grading permit shall be issued until proof of map recordation has been filed with the City of Montclair.
 - c. Dedication to the City of Montclair and/or other public agencies easements for water, storm drains, sanitary sewers and other utilities.
 - d. Street improvement plans for Mission Boulevard and Ramona Avenue to the satisfaction of the City Engineer. Plans shall comply with State and/or City disabled-accessible requirements for ramps, street access, and parking.
 - e. Execution of a Subdivision Agreement with the City of Montclair containing provisions for performance and payment bonds for all work within the public rights-of-way and a monumentation bond for tract monuments.

- f. A letter of non-interference from any utility company that may have rights of easement within the property boundaries.
 - g. "Will-serve" letters from all utilities serving the site. The subdivider/developer will be required to coordinate with the various public utilities for the necessary improvements for said utilities to service the site.
6. At least 30 days before the anticipated map recordation date, submit for City review and approval a copy of Covenants, Conditions & Restrictions (CC&Rs) addressing issues such as reciprocal access and parking, cross lot drainage, maintenance of shared driveways and common areas, landscaping, lighting, building exteriors, colors, signage, etc. Said CC&Rs shall be subject to the review and approval of the City Attorney as to form and content. The City shall be made a party to the CC&Rs with respect to any amendments of the terms of the documents and shall be given a minimum 30-day written notice for review of any such amendments before they become effective.
7. Prior to issuance of building permits, the applicant shall:
- a. Obtain approval for a Conditional Use Permit (if required) and Precise Plan of Design for the site plan, floor plan, elevations, colors, materials, landscape and sign plans from the Planning Commission.
 - b. Obtain all necessary approvals of Tentative Parcel Map No. 17196 from the City and have the final map recorded with the County of San Bernardino.
 - c. Submit two complete sets of plans for the development, including structural and Title 24 calculations, and three additional sets of architectural plans, including elevations, colors, and materials 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.
 - d. Prepare and submit plans for erosion control and storm water pollution prevention to the satisfaction of the City Engineer. A general construction permit may be required. Contact Joe Rosales, NPDES coordinator, at 909/625-9470 for requirements.
 - e. Submit four (4) complete sets of plans for an 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 a UL-listed monitoring station in the event of a water flow or tampering.
 - f. Pay all required Montclair Fire Department fees.

- g. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
8. All requirements of the Montclair Municipal Code and the State Subdivision Map Act shall be met.
9. The street address for the development on Lot 1 shall be 4525 Mission Boulevard.
10. No construction within the public right-of-way shall commence until a public works permit is obtained from the City's Public Works Department and all applicable fees paid. All utility lines installed to serve the new development shall be placed underground. The sewer connection improvements may be shown on either the street improvement or grading improvement plans.
11. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
12. 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).
13. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact Dennis McGehee, Environmental Control Specialist, at 909/625-9446 for fees/assessments.
14. The applicant shall install traffic regulatory signs at both driveways to the satisfaction of the City Engineer.
15. An encroachment license agreement shall be required for any monument signs located within public right-of-way. Monument signs shall be located no closer than 5'-0" from the back of the public sidewalk.
16. To the maximum extent possible, the developer shall use existing sewer laterals previously installed to serve this property. Utility cuts in Ramona Avenue and Mission Boulevard shall be minimized using joint trenches where possible.
17. No soil may 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. Contractor(s) shall be responsible for complying with all NPDES requirements.
18. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
19. 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.

20. A 20-foot wide, unobstructed roadway capable of supporting firefighting apparatus shall be maintained within 150 feet of all structures prior to and for the duration of construction. Roadway is subject to Fire Department approval prior to commencement of construction.
21. The applicant/developer/general contractor is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
22. A fire hydrant system shall be required to provide the necessary water flow to the proposed subdivision. Exact number, location and design of hydrants shall be determined by the Fire Marshal's Office when building plans are received. Hydrants shall be active prior to the framing stage of construction.
23. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
24. Prior to issuance of a Certificate of Occupancy for the development on Lot 1, the applicant for development of Lot 1 shall construct a raised landscape median on Ramona Avenue from the intersection with Mission Boulevard to Mane Street to the satisfaction of the City Engineer and City Planner.
25. 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 court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, 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.

3. PUBLIC HEARING – CASE NUMBER 2005-8

Derwin Fernandez

10954 Ramona Avenue

Request for a Zone Change, Tentative Parcel Map, Variance and Precise Plan of Design

Associate Planner Lai reviewed the staff report.

Vice Chairman Flores observed that the surface flow direction is not indicated on the map.

Commissioner Sahagun inquired about the lot width on Lot 3. Director Clark responded that when the tract to the south was developed, the street radius in front of proposed Lot 3 was included as part of the adjacent lot on Kimberly Avenue. The applicant has been directed to attempt to acquire that wedge of land so that a typical street frontage can be created on Lot 3. If the remnant is acquired, the variance for lot width will be moot; however, since staff

does not know whether the applicant will be successful, we are requiring them to go through the variance process to keep the project moving forward.

Vice Chairman Flores questioned why Part E of the recommended actions includes approving the colors of the homes when the Commission has not reviewed them. Associate Planner Lai directed the Commission's attention to a color and material board on display below the exhibits.

Daniel Hernandez, 8250 Vineyard Avenue, Rancho Cucamonga, representing the applicant, thanked staff for its assistance and direction on this project. He added that he believed they have developed a quality project that will be an asset to the City.

Jack Yandell, 4439 Mane Street, Montclair, stated that something nobody is considering is that the neighborhood already suffers from ambient noise bouncing off the rear wall of the commercial building that faces Mission Boulevard. When his neighbors on the north side of Mane Street are having conversations in their backyard, he can hear them in his living room across the street. He also expressed concerns about the additional traffic and street parking three more homes will bring. He clarified that he was not necessarily against the property being developed, but is concerned about the neighborhood impacts.

Mario Calvillo, 4455 Mane Street, Montclair, echoed Mr. Yandell's concerns along with the fact that he and his wife have an infant and they are worried about the additional noise impacts the three homes will have on the neighborhood.

Ivette Ramirez, 4414 Mane Street, Montclair, expressed similar concerns about noise, traffic, parking, and also that the homes may turn into rentals.

Sue McAlpine, 10984 Kimberly Avenue, stated that the neighborhood is short on street parking and that construction of three homes will reduce street parking on the north side of Mane Street. She added that the neighborhood is currently safe for kids and she prefers that the property not be developed.

City Planner Lustro responded to the street parking issue. He explained that the City's policy in new subdivisions is to limit driveway aprons to a maximum of 12 feet rather than the typical 18-foot width found in the adjacent tract and throughout the City. The narrower drive aprons will help maximize available street parking.

Vice Chairman Flores commented that while he is sympathetic to the neighbors' concerns, none of the issues raised are planning issues directly related to the subdivision of the property or construction of three new homes.

Commissioner Sahagun observed that when the yards of the new homes are landscaped, it will likely help mitigate sound transmission to the rest of the neighborhood.

Commissioner Vodvarka asked for clarification as to whether the wall being referred to is the rear wall of the commercial building or the garden wall along the north side of Mane Street. Associate Planner Lai responded that it is the south wall of the commercial building.

Chairman Lenhert moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the proposed residential subdivision, and that a DeMinimis finding of no impact on fish and wildlife and Negative Declaration have been prepared, seconded by Vice Chairman Flores, there being no opposition to the motion, the motion passed 4-0.

Commissioner Sahagun moved to approve Tentative Parcel Map No. 17100 for a 4-lot subdivision for the purpose of constructing three new single-family detached dwelling units on the westerly half of 10954 Ramona Avenue, finding the map to be consistent with the Montclair Municipal Code and the State Subdivision Map Act, and forward it to the City Council for its consideration, subject to the 39 conditions of approval, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 4-0.

Vice Chairman Flores moved to recommend City Council approval of a Zone Change request from R-1(11) to R-1(SL) for Lots 1-3 of Tentative Parcel Map No. 17100, and from R-1(11) to R-1 for the property at 10954 Ramona Avenue (Lot 4), by adopting Resolution No. 05-1600, subject to making the finding that the zone change is consistent with the Land Use Plan of the adopted General Plan, seconded by Chairman Lenhert, there being no opposition to the motion, the motion passed 4-0.

Commissioner Vodvarka moved to grant a variance for a reduced lot width of 28.43 feet rather than the minimum required 50 feet on Lot 3 of Tentative Parcel Map No. 17100 by adopting Resolution No. 05-1601, subject to making the four findings and the 39 conditions of approval, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 4-0.

Commissioner Sahagun moved to approve the Precise Plan of Design request under Case No. 2005-8 for the site plan, elevations, colors and materials associated with the proposed three-unit single-family residential subdivision and associated on- and off-site improvements per the submitted plans and as described in the staff report, subject to the following 39 conditions of approval, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 4-0.

1. This approval is for the following zoning entitlements relating to a residential parcel known as 10954 Ramona Avenue (APN 1012-271-31):
 - a. Tentative Parcel Map No. 17100 to subdivide a .613-acre residential parcel into three lots (Lots 1-3) of 4,612, 4,551 and 4,551 square feet for the purpose of constructing three new single-family residences, and one lot (Lot 4) of 9,193 square feet to encompass the existing single-family residence.
 - b. A Zone Change from R-1(11) (Single-Family Residential, minimum 11,000 square-foot lot area) to R-1 (Single-Family Residential) for the existing residence on 10954 Ramona Avenue (Lot 4) and R-1(SL) (Single-Family Residential, small-lot detached housing overlay) for Lots 1-3 of proposed Tentative Parcel Map No. 17100.

- c. A Precise Plan of Design (PPD) for the development site plan, floor plans, elevations, colors, materials, and conceptual landscape plan for the construction of three detached single-family residences on Lots 1-3 and all associated on-and-off-site improvements.
 - d. A Variance for reduction of the minimum required lot width on proposed Lot 3.
2. The Tentative Parcel Map and Zone Change requests as described above require City Council review and approval before this project can be rendered as to have received its final approval.
3. The above-stated variance and PPD approvals shall be contingent upon approval of Tentative Parcel Map No. 17100 and the Zone Change by the City Council.
4. The tentative parcel map shall expire three years from the date of the Planning Commission resolution unless extended under Government Code §66452.6. The final parcel map shall be filed with the City Engineer and shall comply with the Subdivision Map Act of the State of California and all applicable ordinances, requirements, and resolutions of the City of Montclair.
5. Precise Plan of Design (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.
6. 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.
7. Prior to submittal of grading plans or other improvement plans, the applicant shall prepare and submit for review and approval a Water Quality Management Plan (WQMP) in accordance with the State of California Santa Ana Regional Water Quality Control Board Guidelines for San Bernardino County to Joe Rosales, NPDES Coordinator in the Public Works Department at (909) 625-9470. WQMP Guidelines may be purchased from the City of Montclair or are available for review on-line at: www.swrcb.ca.gov/rwqcb8/html/san_bernardino_permit.html. The Water Quality Management Plan shall be prepared by a Registered Civil Engineer or other qualified professional as may be authorized in the guidelines. An erosion control plan and storm water pollution prevention plan is an integral part of the grading plan.

8. The tentative map identifies a lift station on proposed Lot 3. Prior to recordation of the final map, the applicant shall explain the purpose of the lift station and provide for its continued operation or abandonment to the satisfaction of the City Engineer.
9. Prior to filing the original signed final map with the City Engineer, the applicant shall submit to the City the following documents, requiring approval of the City Engineer, at least 60 days before the filing of the original signed final map, in order to permit review pursuant to Government Code §66456.2:
 - a. A preliminary soils report, addressing the geology, stability of the site, and grading requirements.
 - b. 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, subject to the approval of the Community Development Director and the City Engineer. Elevations shall be based on City of Montclair datum. Drive approaches and construction notes may be shown on the grading plan. An advance plan check fee, in an amount to be determined by the City Engineer, shall be required at the time of plan submittal. Prior to the commencement of grading or any clearing of the site, a grading permit shall be obtained from the Building Division. No grading permit shall be issued until proof of map recordation has been filed with the City of Montclair.
 - c. Dedication to the City of Montclair and/or other public agencies easements for water, storm drains, sanitary sewers and other utilities, as required by the City Engineer.
 - d. Plans for erosion control and stormwater pollution prevention as part of the WQMP submittal. A general construction permit may be required. Contact Joe Rosales, NPDES Coordinator, at 909/625-9470 for requirements.
 - e. A letter of non-interference from any utility company that may have rights of easement within the property boundaries.
 - f. "Will-serve" letters from all utilities serving the site. The subdivider/developer will be required to coordinate with the various public utilities for the necessary improvements for said utilities to service the site.
10. Prior to filing the original signed final map with the City Engineer, the applicant shall conduct a Phase I environmental analysis of the entire site, to be performed by an environmental consulting firm acceptable to the City, to determine whether any contamination is present on the site. Any and all clean-up as required by the results of said analysis shall be completed prior to acceptance of the final parcel map by the City for recordation. All clean-up activities shall be in compliance and completed in accordance with all applicable local, state and federal regulations. The environmental analysis

report shall be approved by the Director of Community Development. The applicant shall be responsible for staff and City Attorney costs associated with this review.

11. Prior to issuance of building permits, the applicant shall:
 - a. Submit and receive approval from the Planning Commission and City Council for Tentative Parcel Map No. 17100, and approval from the City Council for a final map subdividing the subject .613-acre site to accommodate the proposed development and have said map recorded with the County of San Bernardino.
 - b. Submit two complete sets of plans for each model/elevation, including structural and Title 24 calculations, and three additional sets of architectural plans, including elevations, colors, and materials, electrical, plumbing, mechanical, landscaping, lighting, and accessibility details 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.
 - c. Submit all necessary documentation from the South Coast Air Quality Management District (SCAQMD) for the demolition and removal of existing accessory structures identified on the property. A demolition permit is required from the Building Division prior to commencement of demolition activity.
 - d. Submit detailed plans for demolition and rebuilding of all perimeter walls and fencing relating to this project, including plans to bring the existing fence and gates within the front setback at 10954 Ramona Avenue into compliance with current City standards.
 - e. Submit detailed landscaping and irrigation plans for the front yards of each new residence. Planting plan shall include one (1) *Cupaniopsis anacardioides* (Carrotwood) street tree in the front yard of each residence along the Mane Street frontage. Street trees shall be minimum 24-inch box size and double-staked per City standards. Additional accent trees, shrubs, ground cover and front yard turf shall also be included in the plan.
 - f. Submit four (4) complete sets of plans for an 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
 - g. Pay all required Montclair Fire Department fees.
 - h. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.

- i. Pay adopted parkland development in-lieu fee of \$2,509 per new dwelling unit to the City of Montclair.
 - j. Submit mailbox design and location(s) for City review and approval after receiving design input from the United States Postal Service (USPS).
12. The applicant shall submit for review and approval by the Building and Planning Divisions plans for a replacement two-car garage to serve the existing residence at 10954 Ramona Avenue. Construction of said garage shall be completed prior to occupancy of the three new residences on Lots 1-3.
13. All utility services to the existing and new buildings shall be installed underground. All on-site utility poles and overhead utility lines shall be removed from the project site. The existing utility pole on Lot 4 shall be removed.
14. The addresses of the new residences shall be as follows:
 - a. Lot 1 – 4456 Mane Street
 - b. Lot 2 – 4460 Mane Street
 - c. Lot 3 – 4472 Mane Street
15. The address of all four residences shall be displayed in minimum four-inch (4”) tall numerals on a contrasting background and backlit with a low-voltage illumination source. Said identification shall be installed in locations clearly visible to the public street.
16. All large mechanical devices, such as air conditioning condensers or similar equipment, shall be located on the ground within the interior yard areas not visible to the public right-of-way. All wall- and roof-mounted exhausts and vents shall be designed to be compatible and blend with the architectural design of each residence.
17. Fences and walls within front yard setbacks shall not exceed 48 inches in height. Existing walls shall be brought into conformance with City Code. Chain link is expressly prohibited for property fencing.
18. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357.
19. 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.

20. All new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
21. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
22. Developer/applicant shall comply with all requirements of the State Subdivision Map Acts and the Montclair Municipal Code.
23. Sidewalks at drive approaches shall comply with Americans with Disabilities Act of 1990 (ADA) requirements. Sidewalks through drive approaches shall not be permitted.
24. An effort shall be made to purchase an easement or fee title to a portion of the property located at 10975 Kimberly Avenue (APN 1012-271-79) so that the easterly property line of Parcel 3 may extend southerly to the street right-of-way. If done as fee title, a lot line adjustment shall be recorded prior to approval of the parcel map.
25. Residential drive approaches (“W”) and driveways (as measured at front property line) shall be a minimum of 10’-0” and a maximum of 12’-0” in width. Driveways may flare to the full width of the two-car garages. Top of “X” shall be no closer than 5’-0” to property line. Public sidewalks shall be fully disabled-accessible.
26. No construction within the public right-of-way shall commence until a public works permit is obtained from the City’s Public Works Department and all applicable fees paid. The sewer connection improvements may be shown on either the street improvement or grading improvement plans.
27. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
28. Payment of all outstanding sewer reimbursement fees imposed by a utility district, if any, or any assessments shall be required. Contact Dennis McGehee, Environmental Control Specialist, at (909) 625-9446, for information and fees/assessments.
29. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.430 of the Montclair Municipal Code and by the Inland Empire Utilities Agency (IEUA).
30. No soil shall be imported or exported without first obtaining approval from the City Engineer. A plan acceptable 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. Contractors shall comply with all NPDES/WQMP requirements.

31. Underground Service Alert shall be notified 48 hours prior to any excavation at 800/422-4133.
32. 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.
33. A 20-foot wide, unobstructed roadway capable of supporting firefighting apparatus shall be maintained within 150 feet of the structures prior to and for the duration of construction. Roadway is subject to Fire Department approval prior to commencement of construction.
34. The applicant/developer is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
35. Final inspection by the Building Division is required prior to occupancy of the subject buildings and shall be contingent upon Fire Department inspection and approval of all conditions.
36. Prior to final inspection and utility release for the residential units, 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. All four parcels shall connect to the City of Montclair sanitary sewer system.
 - d. Complete all required improvements within the public right-of-way, including the removal of the existing utility pole on the property.
 - e. Install all required Fire Department fire sprinkler and alarm system, hydrants and other improvements required as part of this project approval.
 - f. Complete construction of a replacement two-car garage for the existing residence at 10954 Ramona Avenue.
37. Prior to issuance of the first Certificate of Occupancy, the person or corporation responsible for the preparation of the Water Quality Management Plan shall certify in writing to the Building Official that all conditions and requirements of the Water Quality Management Plan have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the Building Official that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going

maintenance responsibilities with respect to the requirements of the Water Quality Management Plan.

38. 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.
39. 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 as a result of such action. The City may, at its sole discretion, 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.

4. PUBLIC HEARING – CASE NUMBER 2005-9

Chuck Lam

11313 Monte Vista Avenue

Request for a Tentative Parcel Map and Precise Plan of Design

City Planner Lustro reviewed the staff report.

Vice Chairman Flores complimented the applicant on a complete, detailed parcel map.

Commissioner Sahagun inquired as to whether staff had received any comments from the public. City Planner Lustro responded that no phone calls or correspondence have been received from neighboring property owners.

Commissioner Sahagun moved that, based on the evidence submitted, a finding is made that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Sections 15303(a) and 15315, Class 3 and 15, respectively, in that the project involves construction of three or less single-family residences in a completely urbanized area, and the division of property in an urbanized area zoned for residential use into four or fewer parcels, the division is in conformance with the adopted General Plan, and no variances or exceptions are required, seconded by Vice Chairman Flores, there being no opposition to the motion, the motion passed 4-0.

Vice Chairman Flores moved to approve Tentative Parcel Map No. 17142 creating two residential lots per the submitted map, subject to the 32 conditions of approval, and forward a recommendation to City Council for approval, seconded by Chairman Lenhert, there being no opposition to the motion, the motion passed 4-0.

Commissioner Vodvarka moved to approve the Precise Plan of Design request under Case No. 2005-9 for the proposed site plan, elevations, colors and materials associated with the construction of a new single-family residence as described in the staff report and depicted on

the submitted plans, subject to the following 32 conditions of approval, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 4-0.

1. This approval is for the following:
 - a. Tentative Parcel Map No. 17142, subdividing an existing .75-acre site into two single-family lots at 11313 Monte Vista Avenue.
 - b. A Precise Plan of Design (PPD) for the plot plan, floor plan, elevations, colors and materials associated with the construction of a single-family detached residence on Lot 2 of Tentative Parcel Map No. 17142.
2. The tentative parcel map shall expire three years from the date of the Planning Commission resolution unless extended under Government Code §66452.6. The final parcel map shall be filed with the City Engineer and shall comply with the Subdivision Map Act of the State of California and all applicable ordinances, requirements, and resolutions of the City of Montclair.
3. 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.
4. Precise Plan of Design (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.
5. Prior to submittal of grading plans or other improvement plans, the applicant shall prepare and submit to City Engineer for approval a Water Quality Management Plan (WQMP) in accordance with the State of California Santa Ana Regional Water Quality Control Board Guidelines for San Bernardino County. WQMP Guidelines may be purchased from the City of Montclair or are available for review on-line at: www.swrcb.ca.gov/rwqcb8/html/san_bernardino_permit.html. The Water Quality Management Plan shall be prepared by a Registered Civil Engineer or other qualified professional as may be authorized in the guidelines.
6. Prior to filing the original signed final map with the City Engineer, the applicant shall submit to the City the following documents, requiring approval of the City Engineer, at least 60 days before the filing of the original signed final map, in order to permit review pursuant to Government Code §66456.2:
 - a. A preliminary soils report, addressing the geology, stability of the site, and grading requirements.

- b. 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. Cross-lot drainage shall not be permitted. Prior to the commencement of grading or any clearing of the site, a grading permit shall be obtained from the Building Division. An advance plan check fee, in an amount to be determined by the City Engineer, shall be required at the time of plan submittal. No grading permit shall be issued until proof of map recordation has been filed with the City of Montclair.
 - c. Dedication to the City of Montclair public street right-of-way along Monte Vista Avenue adjacent to the parcel map boundary (if applicable) to the satisfaction of the City Engineer.
 - d. Dedication to the City of Montclair and/or other public agencies easements for water, storm drains, sanitary sewers and other utilities.
 - e. Street improvement plans for Monte Vista Avenue to the satisfaction of the City Engineer. Plans shall comply with State and/or City disabled-accessible requirements for ramps, street access, and parking.
 - f. Execution of a Subdivision Agreement with the City of Montclair containing provisions for performance and payment bonds for all work within the public right-of-way and a monumentation bond for tract monuments.
 - g. A letter of non-interference from any utility company that may have rights of easement within the property boundaries.
 - h. "Will-serve" letters from all utilities serving the site. The subdivider/developer will be required to coordinate with the various public utilities for the necessary improvements for said utilities to service the site.
7. Prior to issuance of building permits, the applicant shall:
- a. Obtain all necessary approvals of Tentative Parcel Map No. 17142 from the City and have the final map recorded with the County of San Bernardino.
 - b. Submit two complete sets of plans for the proposed new residence, including structural and Title 24 calculations, and three additional sets of architectural plans, including elevations, colors, and materials 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.
 - c. Prepare and submit plans for erosion control and storm water pollution prevention to the satisfaction of the City Engineer. A general

construction permit may be required. Contact Joe Rosales, NPDES coordinator, at 909/625-9470 for requirements.

- d. Submit detailed landscaping and irrigation plans as follows:
 - i. The front yard of Lot 2 shall be designed with a drainage swale along the street frontage to facilitate the collection of surface water flows from the property and natural percolation. The swale area may be improved with landscaping, hardscaping materials or a combination of both.
 - ii. The front yard of Lot 2, including a minimum of three (3) *Pinus canariensis* (Canary Island Pine) street trees, 30 feet on center.
 - iii. A planting plan for the addition of a minimum of four (4) *Pinus canariensis* (Canary Island Pine) street trees on Lot 1, 30 feet on center.

All street trees shall be minimum 24-inch box size and double-staked per City standards. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.

- e. Submit four (4) complete sets of plans for an approved, automatic fire sprinkler system for each residence 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 a UL-listed monitoring station in the event of a water flow or tampering.
 - f. Pay all required Montclair Fire Department fees.
 - g. Pay adopted parkland development fee of \$2,509 per dwelling unit.
 - h. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
- 8. Maintenance of the landscape area in the front yard of Lot 2 shall be the responsibility of the developer until the residence becomes occupied, at which time the responsibility for maintenance shall transfer to the property owner.
 - 9. The applicant shall incorporate sufficient sound attenuation measures (i.e. dual-paned glazing, upgraded insulation, etc.) in each residence to achieve a maximum interior noise level of 45dBA.
 - 10. Elevations of each proposed dwelling shall reflect the inclusion of enhanced glazing (full divided-lights, divided-lights over single-light, beveled margins, etc.) on the primary elevation, and window surrounds, enhancements (wood, stucco-over-foam, shutters, pot shelves or similar) on all building elevations.

11. The address of the new residence on Lot 2 shall be 11305 Monte Vista Avenue.
12. The addresses of the residences on Lots 1 and 2 shall be displayed in minimum four-inch (4") tall numerals on a contrasting background and backlit with a low-voltage illumination source. Said identification shall be installed in a consistent location on each residence.
13. Driveways on Lot 2 shall be constructed of a pervious surface to the satisfaction of the NPDES Coordinator.
14. All large mechanical devices, such as air conditioning condensers, shall be located on the ground within interior yard areas not visible to the public right-of-way. All wall- and roof-mounted exhausts and vents shall be designed to be compatible and blend with the architectural design of each residence.
15. Fences and walls within front yard setbacks shall not exceed 48 inches in height. Chain-link is expressly prohibited for property fencing.
16. No construction within the public right-of-way shall commence until a public works permit is obtained from the City's Public Works Department and all applicable fees paid. All utility lines installed to serve the new development shall be placed underground from the nearest existing power pole or other point of connection not adjacent to the property frontage. The sewer connection improvements may be shown on either the street improvement or grading improvement plans.
17. Residential drive approaches ("W") and driveways (as measured at front property line) shall be a minimum of 10'-0" and a maximum of 12'-0" in width. The maximum width of the semi-circular driveway shall be 12'-0". The northerly driveway may flare to the full width of the three-car garage. Top of "X" shall be no closer than 5'-0" to property line. Public sidewalks shall be fully disabled-accessible.
18. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
19. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.430 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA).
20. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact Dennis McGehee, Environmental Control Specialist, at 909/625-9446 for fees/assessments.
21. No soil may 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. Contractor(s) shall be responsible for complying with all NPDES requirements.

22. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
23. 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.
24. A 20-foot wide, unobstructed roadway capable of supporting firefighting apparatus shall be maintained within 150 feet of all structures prior to and for the duration of construction. Roadway is subject to Fire Department approval prior to commencement of construction.
25. The applicant/developer/general contractor is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
26. A fire hydrant system shall be required to provide the necessary water flow to the proposed subdivision. Exact number, location and design of hydrants shall be determined by the Fire Marshal's Office when building plans are received. Hydrants shall be active prior to the framing stage of construction.
27. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
28. A Certificate of Occupancy is required for the residence on Lot 2 prior to occupancy. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
29. Prior to issuance of a Certificate of Occupancy for the residence on Lot 2, the applicant shall complete the following improvements to the satisfaction of the City Engineer:
 - a. The residences on Lots 1 and 2 shall be connected to the City of Montclair sanitary sewer system.
 - b. Remove any on-site utility poles and overhead utility lines from the project site.
 - c. Construct all approved improvements along the Monte Vista Avenue frontage of the parcel map boundary, including, but not limited to construction of P.C.C. curb, gutter and sidewalk, and asphaltic concrete (A.C.) pavement, and installation of landscaping and irrigation.
 - d. Install concrete standard streetlights on the east side of Monte Vista Avenue in a quantity and spacing to the satisfaction of the City Engineer. Streetlights shall be owned and maintained by Southern California Edison. Lighting level on interior streets shall be a minimum 0.7 foot-candles within street rights-of-way.

- e. Construct all storm drain system improvements, including an A.C. transition and berm from the terminus of the P.C.C. flow line at the southerly parcel map boundary to facilitate positive surface water flow southerly along Monte Vista Avenue.
30. Prior to release of occupancy on the new single-family dwelling, the person or corporation responsible for the preparation of the Water Quality Management Plan shall certify in writing to the Building Official that all conditions and requirements of the Water Quality Management Plan have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the Building Official that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the Water Quality Management Plan.
31. 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.
32. The applicant shall agree to defend, at his 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 as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of his obligations under this condition.

5. PUBLIC HEARING – CASE NUMBER 2004-46
Ibrahim Nabhan
5091 Mission Boulevard
Recommendation for revocation of Conditional Use Permit

Associate Planner Frazier-Burton reviewed the staff report.

Khalid Hasan, 4621 Huntington Drive, Montclair, stated that he left a car on consignment with the applicant about three years ago. The applicant sold the car, but he never received his money.

Mohamad Drawo, 5053 Mission Boulevard, Montclair, confirmed the previous operation of the illegal used car lot and County Code Enforcement's action against the property owner.

Vice Chairman Flores and Commissioner Sahagun stated that there is substantial new development in south Montclair and that the City should make every effort to clean up neglected properties and illegal land use activities.

Chairman Lenhart moved to revoke the CUP and PPD under Case No. 2004-46, allowing a used car sales facility at 5079 Mission Boulevard, as the applicant has failed to comply with directives from City staff with regard to illegal storage and adequate property maintenance, both violations of the Montclair Municipal Code, and the conditions of approval associated with the subject entitlements approved by the Planning Commission on November 8, 2004, specifically Condition No. 10 relating to outdoor storage, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 4-0.

6. CASE NUMBER 2004-15
Prime Pacific Investments, Inc.
5280 Arrow Highway
Request for Time Extension for Precise Plan of Design

Associate Planner Lai reviewed the staff report.

Chairman Lenhart moved to approve a time extension for Case No. 2004-15, subject to the two conditions of approval, seconded by Vice Chairman Flores, there being no opposition to the motion, the motion passed 4-0.

1. The approval for Precise Plan of Design (PPD) under Case No. 2004-15 is hereby extended until May 10, 2006. If building permits for the project are not obtained by that date, then the approval will automatically expire without further City action.
2. All 39 conditions of the Planning Commission approval of the Precise Plan of Design on May 10, 2004 are valid and shall remain in effect.

INFORMATION ITEMS

Commissioner Sahagun reported that he received his confirmation for the Planners' Institute in Pasadena next month. He inquired about improvements requested by Montclair Little League at Saratoga Park. Mr. Clark responded that he believed repairs and improvements to the snack bar facility are being planned.

Vice Chairman Flores noted that the resurfacing of Mission Boulevard between Monte Vista and Benson Avenues is progressing.

Commissioner Vodvarka reported that the construction at 10165 Marion Avenue is moving along at a rapid pace.

Chairman Lenhart commented that land values are continuing to escalate in Montclair.

ADJOURNMENT

Chairman Lenhart adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Steve Lustro, AICP
City Planner