

**PLANNING COMMISSION MINUTES
OF THE MAY 9, 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, Community Development Director Clark, City Planner Lustro, Associate Planners Frazier-Burton and Lai, and City Attorney Robbins

MINUTES

The minutes of the April 25, 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 5-0.

ORAL AND WRITTEN COMMUNICATIONS

AGENDA ITEMS

1. CASE NUMBER 2005-15
9500 Block of Felipe Avenue
Union Pacific Funding, Inc.
Request for Precise Plan of Design

Associate Planner Lai reviewed the staff report.

Vice Chairman Flores inquired about the drainage of the lots into the flood control channel, noting that the Army Corps of Engineers generally is not easy to deal with in granting an easement.

Lap Nguyen, 1139 Glenview Road, West Covina, representing the applicant, stated that he had read all the conditions of approval and accepted them. He and the civil engineer are here to answer any questions the Commission may have.

Jerry Ronnebeck, 139 E. Bonita Avenue, San Dimas, the civil engineer for the project, answered that the lots will be graded so that they flow to Felipe Avenue, where surface water will be conveyed to the south end of the street into a catch basin for release into the flood channel. Director Clark stated that the Corps is more willing to accept flows into the channel since the height of Prado Dam is being raised by 27 feet. Commissioner Johnson asked if the channel would ever overflow and flood the area. Mr. Ronnebeck answered that the concrete channel is very deep and can handle a large amount of water runoff.

Commissioner Sahagun commented that he is glad that this lot is finally going to be developed with very nice houses and it will be a big improvement to the neighborhood. Commissioner Johnson concurred with Commissioner Sahagun. Commissioner Sahagun suggested that the hammerhead area be red-curbed so no one would park there.

Commissioner Vodvarka asked if the flood control channel access road would be paved. Director Clark responded that the proposed street would replace the existing access road up to the south end of the street, where the double gates will provide access to the dirt path.

Commissioner Johnson moved that, based on the evidence submitted, a finding is made that there will be no significant environmental impact as a result of the residential project, including a DeMinimis finding of no effect on fish or wildlife, and a Negative Declaration has been prepared, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Vice Chairman Flores moved to approve the Precise Plan of Design request under Case No. 2005-15 for the construction of six (6) single-family residences on lots 1 through 6 of Tentative Tract Map No. 15897 and the plot plans, floor plans, elevations, colors, materials, front yard landscape plans, and all associated off- and on-site improvements per the submitted plans and as described in the staff report, subject to the 41 conditions of approval, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 5-0.

1. This approval is for a Precise Plan of Design (PPD) for the development site plan, floor plans, elevations, colors, materials, and conceptual landscape plan for the construction of six (6) detached, two-story single-family residences on Lot Nos. 1 through 6 of Tract Map No. 15897 and all associated on-and-off-site improvements.
2. The above-stated PPD approval shall be contingent upon City Council approval and acceptance of Final Tract Map No. 15897, under Case No. 2002-31 'A' and its subsequent recordation with the County Recorder's Office. Applicant is reminded that said tentative tract map approval is valid until October 13, 2006. Failure to record the final map by such date will render the tract map null and void.
3. 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.

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 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.
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. All properties within the subdivision shall drain from the rear of the lot to the front of the lot (street frontage). 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 Palo Verde Street adjacent to the tract 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, as required by the City Engineer.

- e. Half-street improvement plans for Palo Verde Street for the length of the project limits, and street improvement plans for Felipe 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. Cul-de-sacs and knuckles shall be designed and constructed per City standards.
 - 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 in accordance with the Subdivision Map Act.
 - 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 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.
8. Prior to issuance of building permits, the applicant shall:
- a. Obtain all necessary approvals of Tentative Tract Map No. 15897 from the City and have the final map recorded with the County of San Bernardino.
 - b. Submit five sets of architectural plans for each model/elevation, including elevations, colors, and materials, electrical, plumbing, mechanical, landscaping, lighting, energy compliance and accessibility details, and two sets of soils reports, 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.
 - 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 proof of recorded water and sewer easements through Parcel No. 5 and the two residential parcels at 9547 and 9557 Camulos Avenue.
 - e. Submit the following for review and approval by the Planning and Building Divisions (as applicable):
 - i. A detailed landscaping and irrigation plan for the following locations:
 - A. 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.
 - B. The street side yard of Lots 1 that includes shrubs, climbing vines and street trees as identified herein.
 - ii. Masonry wall details consistent with those described herein.
 - iii. Renderings and proposed locations for neighborhood mailboxes within the subdivision. Before submission to the City for review, the applicant shall first obtain approval of the design style and siting from the United States Postal Service.
 - 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.
9. All utility services to the new residences shall be installed underground. All on-site utility poles and overhead utility lines shall be removed from the project site, including the existing utility pole on Lot 4.
10. Prior to commencement of the framing stage or delivery of lumber to any location within the tract boundary, the applicant shall provide an all-weather access within the street right-of-way. An all-weather access is defined as base course A.C. pavement to a minimum depth of 2½ inches and having a minimum

width of 26'-0". This 26-foot width shall be maintained free and clear of construction equipment, materials and debris at all times during construction.

11. The applicant shall construct the following improvements in conjunction with the project:
 - a. A split-face masonry wall (or similar decorative material), 7'-6" in height, 6'-0" back of the public sidewalk, in the street side yard of Lot 1. Said decorative wall shall include a return to the front corner of the residence on Lot 1. A split-face column, 8'-0" in height, shall anchor each corner of the wall.
 - b. A precision block masonry wall, minimum 6'-0" in height as measured from finish grade on the high side of the wall, along the rear property lines of Lots 1-6.
 - c. A wrought iron or tubular steel fence, minimum 6'-0" in height, along the easterly property line of Lot 6.
 - d. A split-face masonry wall, maximum 4'-0" in height, within the front yard setback of Lot 1 (if desired). Masonry block shall be split-face on both sides.
 - e. A detailed wall/fence plan showing details for all perimeter walls and property line fences consistent with the conditions contained herein.
12. Street tree designations for Tract No. 15897 shall be as follows:
 - a. Palo Verde Street - Lagerstroemia indica 'Rubra' (Crape Myrtle), 25 feet on center.
 - b. Felipe Avenue – Cupaniopsis anacardioides (Carrotwood)*

All trees shall be minimum 24-inch box size and double-staked per City standards. (*Two per residential lot, minimum 30 feet on center.)
13. 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.
14. 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.
15. 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 and/or enhancements (wood, stucco-over-foam, shutters, pot shelves or similar) on all building elevations.

16. The addresses of the new residences shall be as follows:
 - a. Lot 1 – 9512 Felipe Avenue
 - b. Lot 2 – 9520 Felipe Avenue
 - c. Lot 3 – 9526 Felipe Avenue
 - d. Lot 4 – 9538 Felipe Avenue
 - e. Lot 5 – 9550 Felipe Avenue
 - f. Lot 6 – 9566 Felipe Avenue
17. The address of all six 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.
18. 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.
19. Fences and walls within front yard setbacks shall not exceed 48 inches in height. Chain link is expressly prohibited for property fencing.
20. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357.
21. All landscape planting areas, except the private rear yard of each parcel, 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. "STOP" sign, legend and limit line shall be installed on Felipe Avenue at Palo Verde Street.
25. 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.
26. 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.

27. 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.
28. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
29. 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.
30. 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).
31. 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.
32. Underground Service Alert shall be notified 48 hours prior to any excavation at 800/422-4133.
33. 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.
34. A 26-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.
35. The applicant/developer is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
36. 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.
37. A final release of occupancy is required for each residence. Final release by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
38. Prior to the first release 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. Connect all six parcels to the City of Montclair sanitary sewer system.
 - d. Install all required Fire Department fire sprinkler and alarm system, hydrants and other improvements required as part of this project approval.
 - e. Complete the following improvements to the satisfaction of the City Engineer:
 - i. Remove all on-site utility poles and overhead utility lines from the project site.
 - ii. Construct all approved improvements along the Palo Verde Street frontage of the project site, including, but not limited to removal/replacement of P.C.C. curb, gutter and sidewalk, and asphaltic concrete (A.C.) pavement, and installation of landscaping and irrigation.
 - iii. Install concrete standard streetlights along the south side of Palo Verde Street and on the west side of Felipe 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 Felipe Avenue shall be a minimum 0.3 foot-candles within the street right-of-way, and 0.6 foot-candles along Palo Verde Street.
 - iv. Install a City-approved tract street sweeping sign on the west side of Felipe Avenue south of Palo Verde Street. Coordination shall be through Mario Orioli, Public Works Superintendent, at 909/625-9466.
39. 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.
40. 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.

41. 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.

2. CASE NUMBER 2005-17
10341 Kimberly Avenue
Joel Mendez
Request for Precise Plan of Design.

Associate Planner Frazier-Burton reviewed the staff report.

Vice Chairman Flores inquired about how the lot would drain. Associate Planner Frazier-Burton responded that the applicant is required to prepare a grading and drainage plan for review by the City Engineer prior to issuance of building permits.

Chairman Lenhart commented that he looked forward to this project completing development on this block.

Commissioner Vodvarka 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 Action (CEQA), pursuant to Section 15303(b), Class 3, in that the project involves the construction of a duplex in a completely urbanized area, the project is in conformance with the adopted General Plan and no variance or exceptions are required, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Commissioner Johnson moved to approve the Precise Plan of Design request under Case No. 2005-17 for the proposed duplex residences as described in the staff report and depicted on the submitted plans, subject to the 33 conditions of approval, seconded by Chairman Lenhart, there being no opposition to the motion, the motion passed 5-0.

1. This Precise Plan of Design (PPD) approval is for the site plan, floor plans, elevations, colors, materials, and conceptual landscape plan for the construction of two-story duplex building with 1,301 square feet of living space per unit and a two-car garage for each unit in the R-3 (Multiple Family Residential) zoning district, and all associated on-and-off-site improvements at 10341 Kimberly Avenue.
2. 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.

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 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. 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 issuance of grading permits, the applicant shall submit the following documents to the City Engineer for review and approval:
 - 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. 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.
 - 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 Kimberly 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. Street improvement plans shall include, but not be limited to, removal and replacement of P.C.C. curb, gutter and sidewalk, A.C. pavement and concrete standard streetlight(s). Disabled-accessible path-of-travel shall be maintained through drive approaches.
 - e. 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.

- 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. 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. The sewer connection improvements may be shown on either the street improvement or grading improvement plans.
7. Prior to issuance of building permits, the applicant shall:
- a. Submit five sets of architectural plans, including elevations, colors, and materials, electrical, plumbing, mechanical, landscaping, lighting, energy compliance and accessibility details, and two sets of soils reports, 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 perimeter walls and fencing.
 - c. Submit detailed plans for all new exterior building-mounted lighting for review and approval by the Planning and Building Divisions.
 - d. Submit detailed landscaping and irrigation plans, which shall include sod or hydro seed turf, a variety of shrubs, a minimum of one 15-gallon container size accent tree, and two (2) Podocarpus henkelii (Long-Leafed Yellow Wood) street trees, 30 feet on center, along the Kimberly Avenue frontage. Street trees shall be minimum 24-inch box size and double-staked per City standards.
 - 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 an 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 in-lieu fee of \$2,509 per dwelling unit to the City of Montclair.
 - h. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.

8. Final plans 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.
9. Elevations of the residential building shall reflect the inclusion of enhanced glazing (full divided-lights or divided-lights over single-light) and window surrounds and enhancements (wood, stucco-over-foam, shutters, pot shelves or similar) on both floors of the west- and north-facing elevations and on the second story (at a minimum) of the east- and south-facing elevations.
10. The numerical address of the new residence shall be displayed in minimum four-inch (4") tall numerals on a contrasting background and backlit with a low-voltage illumination source on the west-facing elevation of the building in a location clearly visible to the public street.
11. All decorative exterior lighting shall incorporate illumination sources of an appropriate wattage so as to not create any nuisance glare to the public right-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 on the exterior of 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 shall be prohibited.
12. Fences and walls within the front yard setback shall not exceed 48 inches in height. Chain-link is expressly prohibited in front yards and as interior side yard fencing.
13. All utility services to the new building shall be installed underground from the nearest existing power pole or other point of connection not on or adjacent to the property frontage. All on-site utility poles and overhead utility lines shall be removed from the project site.
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. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357.
16. 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.

17. All new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
18. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
19. The applicant and/or property owner shall be responsible for maintaining the building's 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. 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.
21. Residential drive approach ("W") and driveway (as measured at front property line) shall be a minimum of 10'-0" and a maximum of 12'-0" in width. Driveway may flare to a maximum of 18'-0" in width beyond the front setback line. Top of "X" shall be no closer than 5'-0" to property line. Public sidewalk on Kimberly Avenue shall be fully disabled-accessible.
22. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
23. 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.
24. 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).
25. 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.
26. Underground Service Alert shall be notified 48 hours prior to any excavation at 800/422-4133.

27. 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.
28. 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.
29. Final inspection by the Building Division is required prior to occupancy of the subject building and shall be contingent upon Fire Department inspection and approval of all conditions.
30. 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. Complete all required improvements within the public right-of-way.
 - d. Install all required Fire Department fire sprinkler and alarm system, hydrants and other improvements required as part of this project approval.
31. Prior to final inspection and utility release for the residential units, 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 ongoing maintenance responsibilities with respect to the requirements of the Water Quality Management Plan.
32. 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.
33. 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.

INFORMATION ITEMS

Commissioner Sahagun wished all mothers a belated Happy Mother's Day.

Commissioner Sahagun commented that he has watched the construction progress on the bus stop shelter adjacent to the Richmond American tract, and believes that there is adequate room for the developers of the tracts along Central Avenue to construct a shelter adjacent to those developments. He understood that staff is going to work with Omnitrans to have benches installed at existing bus stops, but he would like to see a bus shelter in that vicinity. City Planner Lustro stated that, in areas where development takes place adjacent to an Omnitrans bus stop, staff would require the developer to construct a bus shelter as has occurred on Monte Vista Avenue. On the west side of Central Avenue, there is a bus stop mid-block between Mission Boulevard and Howard Street adjacent to the strawberry field. The next bus stop to the south is located just south of Phillips Boulevard. There is no Omni stop along the project frontage, so we are not requiring them to construct a bus stop shelter. Commissioner Sahagun commented that there is not a bus stop there now, but as the area is developed, it may be added later and he just wanted someone to think into the future about bus stops.

Commissioner Sahagun added that he received a complaint about Love Sanctuary Church on Palo Verde Street still playing music loudly early in the morning or late at night. He would like Code Enforcement to keep an eye on them so that they comply with the noise ordinance.

Vice Chairman Flores commented that the bus stop shelter on Monte Vista Avenue is nearly finished and looks very nice. He added that he looked through his surveying information and brought some information to Director Clark with regard to the preparation of maps to be considered by the Commission.

Commissioner Johnson thanked Code Enforcement for prodding the owner of the property at Marion Avenue and Orchard Street to mow the back lawn and prop the fence up; it's not complete, but it shows progress.

Commissioner Johnson commented that her understanding is that when we annexed land into the City, LAFCO required us to "square off" the boundaries. With that in mind, she wondered why the northwest corner of Central and Mission is not in the City and does not have to conform to our sign ordinance. She commented that as one drives north on Central Avenue, you pass the "Welcome to Montclair" monument at Phillips Boulevard, and a half mile later you look left at the Déjà Vu property and see its enormous sign and a picture of a partially nude woman. City Planner Lustro replied that Déjà Vu is, in fact, in the County. The City boundary in that area stops one block to the west on Ada Avenue. Everything east of there between State Street and Mission Boulevard is still County. Therefore, the welcome monument actually marks an area where only the west side of the street is in the City. Over the next few months, staff is going to be looking at some potential annexations under the amended island annexation law those sunsets in January, 2007. Staff will be preparing a

memo to City Council to provide an overview of the island annexation law to help the City Council decide whether they would like us to pursue those annexations. Staff will be bringing to the Commission in June the pre-zoning for an island annexation totaling 121 acres. There would remain another 300 acres that potentially qualify under the current island annexation law.

Commissioner Johnson asked if staff had a good relationship with the Déjà Vu property owner and if they could modify the partially nude woman on the east side of the building. Director Clark added that, to go further back, the City boundary along Ada Avenue was established some time ago. When a developer approached the City about 25 years to construct the condominiums north of Howard Street, the boundary was extended south across Mission Boulevard to what now includes that property. The City tried to annex a much larger area at the time but ran into extensive protest from residents in the area who did not want to be part of the City. In the meantime, after Déjà Vu got up and running, there was protracted litigation between the County and Déjà Vu that went on for years. There is a court agreement that required a number of improvements to the property, including demolition of the motel, repainting of the building, construction of new parking lots and installation of landscaping and lighting. The City saw no need to get in the middle of that and assume the liability. The County has stayed in contact with the City and most of the issues have been settled out. The City has been actively a part of that. The amortization period for the business runs through 2012, at which time they are required to close.

Commissioner Vodvarka stated that his wife is making great progress. She is walking with a cane and not a walker.

Chairman Lenhert stated that Councilmember Paulitz is recovering from his heart surgery and can receive phone calls at Pomona Valley Hospital Medical Center, Room 330B.

Chairman Lenhert stated that a representative from the Planning Commission is needed to serve on the Transaction and Use Tax Revenues Oversight Committee for Proposition F. There are eight members, composed of the Police Officer's Association, firefighters, San Bernardino Public Employees Association, Montclair senior citizens, Chamber of Commerce, Community Action Committee, and high school student body. A nomination has to be in by May 26. Director Clark stated that before the Commission can act on the item, it has to be agendaized and, even though there is a May deadline in the memo, he felt the first meeting in June would be fine for action by the Commission. Director Clark stated that the memo would be copied for everyone in the next agenda packet.

ADJOURNMENT

Chairman Lenhert adjourned the meeting at 7:50 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary