PLANNING COMMISSION MINUTES
OF THE JUNE 13, 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 City Attorney Robbins

Excused: Commissioner Johnson

MINUTES

The minutes of the May 9, 2005 Planning Commission meeting were presented for approval. Vice Chairman Flores moved to approve, Commissioner Vodvarka 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 2005-18
   5280 Arrow Highway
   Prime Pacific Investments, Inc. / John M. Parlet
   Request for CUP Amendment

Associate Planner Lai reviewed the staff report.

Commissioner Vodvarka asked why this was not included in the original approval of the project. Was it an afterthought because it has something to do with live entertainment?

Associate Planner Lai replied that the applicant's original CUP application was only for on-sale beer and wine. They did not anticipate providing live entertainment at that time.

Vice Chairman Flores asked if staff knew how many security personnel are in the building during business hours. Associate Planner Lai stated that staff does not have that information; however, the Police Department has already been working with the business owner to provide adequate security personnel to handle the large crowds during peak periods.

Chairman Lenhert asked if there have been any significant problems up until this point. Director Clark replied that staff included condition number 5 regarding security because there has been a growing number of problems with auto burglaries, public disturbances and other issues. The owner is aware of the need for security and is working with the Police Department to take corrective measures. Staff included the condition to ensure that this happens.

Commissioner Sahagun asked about the parking since the parking lot is always full and only half of the building is occupied. Director Clark confirmed that the facility is already using more parking than they are entitled to. There are discussions going on about the potential to lease and develop other portions of the property. When that occurs, there is going to be less parking and that is just how it is going to happen. If they feel they need more, they will have to try to find the means to provide it.

Commissioner Vodvarka moved that, based on the evidence submitted, a finding is made that there will be no significant environmental impact as a result of the granting of a CUP amendment to allow live entertainment in the form of karaoke in conjunction with the operation of a bona fide restaurant/entertainment center, 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 4-0.

Vice Chairman Flores moved to approve the CUP amendment under Case No. 2005-18 for live entertainment by adopting Resolution No. 05-1606, subject to making the required findings and subject to the following six conditions of approval, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 4-0.

2. PUBLIC HEARING - CASE NUMBER 2004-49
   121 +/- acres bounded by State Street, parcel lines east of Fremont Avenue, Mission Boulevard and parcel lines south of Howard Street, and parcel lines and Monte Vista Avenue
   Emil Hashiman
   Request for pre-zoning associated with Annexation No. 26

City Planner Lustro reviewed the staff report.

Vice Chairman Flores reminded the public that this is preliminary and the Commission was not voting to annex the area now, it was just a pre-zoning hearing.

City Planner Lustro commented that he had spoken with a couple of the property owners in that area and explained that this is the first step in the process, there is this pre-zoning hearing before the Planning Commission; if the Planning Commission recommends approval

of the pre-zoning designations, it moves on to the City Council for the same consideration, which would probably take place in the month of July. All the property owners will receive written notice of that hearing as well. If the City Council approves the pre-zone designation, then there will be yet another City Council meeting at which time they will consider adoption of a resolution that would direct staff to make application to LAFCO. Property owners within the boundaries would receive yet another notice of that hearing; so, there will be adequate opportunity for input at Planning Commission and City Council levels during this process as it moves forward.

Chairman Lenhert reiterated that the meeting was not an annexation meeting, it was only to determine the pre-zoning if the area is annexed in the future.

Marilyn Smith, 5059 State Street, Ontario, stated that she was going to read a prepared 3-page statement and was joined by her husband in attendance.

My name is Marilyn Smith and my husband is Patrick. I own a business in the 121-acre area proposed for annexation to the City of Montclair. We have operated our business, Cadence Kennels/Keebler Dog Obedience, for 26 years at 5059 State Street, in the unincorporated area north of Mission Boulevard. The business itself has been there for 55 years. I am very concerned with the proposal, as it seems to contradict previous statements by the Montclair City Council and Mayor that the City would not force residents who oppose annexation to annex to the City. Under present circumstances, my husband and I strongly oppose annexation to the City, as it would appear to bring our property and business into the City as a non-conforming use. We would no longer have the ability to modify our kennel operations to meet future demands and are very likely concerned that this would cause our business to no longer be economically viable or marketable. This is unacceptable and unless the City is willing to agree to a pre-annexation agreement that would protect our existing and future business operations, we must oppose the annexation proposal and the zoning in order to understand the effects on our property, I received the Initial Study and proposed negative declaration distributed by the City for Case Number 2004-49. We know very little about the California Environmental Quality Act but a friend informed us that the City must comply with this act in order to approve the project. It was suggested that we submit comments to address specific concerns about the content of the Initial Study and the recommended negative declaration and my comments follow: First, the description of the project is not clear. When I read the discussion, it list changes in land use designations but it does not list or give the reader any information regarding the acreage under each land use designated in the County. Without knowing the differential in acreage for each designation, how is it possible to make any impact forecast between the existing designations and the proposed designations. Second, under the aesthetic discussion, it is my understanding that when a change in land use designation is proposed that the evaluation must consider the maximum potential uses under the new land use designation even if there is no specific development proposal. For example, if an existing residential area is being proposed for commercial or industrial use, which is a lot of people down on State Street and down Fremont, I thought the City must consider the adverse affects of developing commercial or industrial uses on the property. So doesn't the City have to evaluate the effects of the higher intensity uses that may be developed in the future, regardless of whether there is any specific development proposal in front of the Council? To not conduct such an evaluation seems to ignore the action being considered which is to pre-zone property for annexation purposes. The same comment holds true for air quality issues. It would seem reasonable to have a net

comparison between the existing land use designations and those proposed and then determine whether this change will result in a future increase or decrease in potential air emissions based on this comparison. There are several buildings that may be considered historic structures since the City has assigned new land use zoning designations to the property it would seem to me that the City should know now, not later, whether any of these structures in the proposed annexation area are historic or not. Otherwise how does the City know whether they need protection or not and whether the land use designations should be different than those proposed to ensure protection of such structures. It seems inappropriate for the City to defer addressing this issue in the way that the text of the document that I read states it will be dealt with in the future. Regarding hazards in the proposed annexation area, the City may assign residential uses to existing industrial or commercial areas where past contamination with hazards or toxic materials such as motor oils or gasoline have occurred. The time to evaluate whether a sensitive land use designation such as residential is appropriate for a specific location is when the land use designation is assigned not to defer this issue to the future. At a minimum, the City should have consulted the various databases that identify contaminated sites before assigning the property the proposed land use designations – this was not done. The City identifies flood hazards as an issue of concern that will require future fixing. I thought the City was required to submit a plan of services to demonstrate how specific services, including Public Works flood hazards, would be implemented. Again, if annexation requires construction of new drainage facilities, shouldn't the City address this issue now not later? My concern is that installation of future drainage facilities required to solve the flood hazard problem may negatively affect existing issues including my kennel, which is already operating in a tight place. The effect that installing such major drainage facilities will have on should be addressed now not later. I am terribly disturbed by a lack of discussion regarding uses such as our kennel that may be grandfathered into the City as a non-conforming use but that would never be able to make adjustments to deal with future business conditions without having to obtain additional permits. The discussions on page 16 do not even address this issue and what affect it may have on existing land uses and their future economic feasibility. A full discussion of this issue under 9b should be provided in the Initial Study to provide existing businesses with some awareness of what the future may be like in the City. Without this information and evaluation of the possible effect it may have on forcing existing businesses out of business, this section of the Initial Study is inadequate. There is no evaluation in the Initial Study of the existing noise environment and the possibility that existing noise levels may be incompatible with the future land uses, including residential uses. Failing to consider the existing environmental conditions relative to future proposed uses ignores the need to provide the Council with sufficient information to make well-informed decision regarding potential environmental effects. This issue requires thorough discussion based on some real noise data that can be used to compare future noise exposures to future uses in context of the City's general plan noise and element and any noise ordinances. Without a comparison between the existing land use designations and density of allowed development and a proposed land use designations and density allowed development, it is not possible to evaluate the potential adverse affects on public services, utilities and traffic within the proposed annex area. As it is, the streets are narrow and there are signs that say no large trucks allowed through. If they have all this manufacturing area, large trucks need to come through. As I indicated, I am no expert. Finally, there is no discussion regarding the future cost of doing business in the City of Montclair versus conducting business in the County. The City has a number of additional fees and expenses that the County doesn't have. Has the City conducted an evaluation to determine what these additional costs would be to businesses in the area of the annexation?

Can a business afford to pay additional fees or will they be forced out. This is an instance where cost could result in physical changes to the community and the City has ignored this issue, which should be evaluated in the Initial Study. As indicated, I am no expert in what the City is doing, but the information provided in the City's environmental document and staff report seem terribly inadequate to address a number of issues that I believe warrant consideration. These issues should not be ignored. Not only do the existing residents and property owners in the annexation need this information, but the decision makers also need it. My husband and I strongly believe that the City is moving too fast and not conducted an outreach effort to identify these residents and property owners that oppose this proposal. We are counting on the previous commitments of the Mayor and other Council members to not force those opposing an annexation to remain within the area to be annexed. On July 15, 2002, Councilmember Ruh stated that it has always been his position that those who desire annexation be welcomed into the City and those who do not can still work with the City as neighbors to solve mutual problems. Mayor Eaton, at the same time, stated the City's policy is not to annex any owner's property if the owner does not desire annexation to the City. Is this still the City's policy? If pre-annexation agreements that protect our existing and future business opportunities cannot be reached, then we would request that the City Council and the Planning Commission reject the action before it this evening. It would be wrong to approve the annexation in its current configuration for three reasons: (1) many of the property owners oppose the annexation (2) the City has previously committed to not annex those that oppose annexation, and we believe the Council should live up to this previous commitment, and last (3) the City does not have adequate environmental information available to make a decision on the project before it. Substantial additional data and evaluation are needed before the Council can make a well-informed decision on this matter. This concerns me greatly as this is not just my business, this is my home.

Jack Gingold, 10736 Fremont Avenue, Ontario, stated that he was a property owner on Fremont Avenue and spoke with Mr. Lustro regarding the situation. He commented that not one person on his street that he has spoken to would want to be in the City of Montclair because they are happy with things the way they are. He stated as reasons for not wanting to be in the City of Montclair: (1) Does not want to pay City business license taxes, (2) His family has been there for over 45 years and he did not know what designation he currently is in and he was unsure that his business would fit into the designation being proposed for his location, and (3) He was concerned about sewer fees; Mr. Lustro said it wouldn't happen right away, but they are currently on septic tanks. His guess was that they would be forced to connect to sewer lines, although he was told that would not be mandatory unless there was new construction or a building expansion. That would cost him approximately $15,000 as a guess, plus monthly fees that they do not have to pay right now. He was concerned about enforcement of maintenance codes that the City would be coming by and enforcing things on his property such as signage, fencing, sidewalk condition, and all the stuff in front of his building mostly would need to be changed and he does not want to do that and likes it the way it is. There was some discussion about the County and how they would get more services from the City versus the County and the fact is that they are happy with the County. The Sheriff's Department and/or Highway Patrol provide law enforcement and sometimes they even call in the City police if necessary, which occurs very rarely along those streets. They have had their street repaved, they are happy people. Bottom line, they, as a group, don't want to be in the City.

Larry Matter, 10807 Fremont Avenue, Ontario, stated a couple concerns regarding the question and answer sheet, the fourth item, "will I have to change my street or mailing address." As business owners, they would have major changes with that. They have invoices, checking accounts, etc. All of that would have to be changed because right now, it's Ontario with a 91762 zip code and that would be an additional cost to owners. Animal control. He stated that the City says right now Devore is their animal control. Well, that is not really true because Devore doesn't know if they're supposed to control animals in their area or Pomona. If you call Devore, they say call Pomona, and if you call Pomona, they say call Devore. They're in a transition. The sewer cost is very important to property owners. He was there representing himself as a business owner in the area, but also six other business owners asked him to come and speak for them. Also, the property owner, Brad Downey, who owns many properties in the County area, is opposed to the annexation and opposed to any zoning change. Everybody that is in there right now was zoned appropriately. If there were any zoning change whatsoever, they don't know for sure what their status would be with the City. They know what it is for the County and they're comfortable with it. In closing, he stated that nine people are opposed to it.

City Planner Lustro commented that with respect to existing businesses and existing improvements within the area and with regard to island annexations, the City is required to essentially grandfather existing uses and existing improvements from the County as legally established uses and legally established improvements. As he mentioned in his presentation, the zoning designations that staff is recommending are largely consistent with the zoning designations that are currently in place in the County. As one of the speakers commented, staff was remiss in not sending out a map of the current County zoning designations as an information piece for the property owners. Staff will make an attempt to do that before the Council hearing so they have both maps to look at and make the comparisons. With respect to the comment about business license fees, the City understands that the County does not charge one right now, but the City does. Most of the City's business license fees are based on gross sales and the charge is 30 cents per $1,000 in gross sales; so you have some basis for knowing what that cost is. Again, with respect to sewer fees, if annexation were to take place, sewer mains have to be incorporated as part of a future capital improvement program, probably not something that would happen right away. It would likely be several years down the road and even if sewer mains were constructed at some point in the future, it is the City's policy that properties operating on functioning septic or private systems at that time would be allowed to use that system until such time that it fails or needs to be replaced. Only at that time would they be required to connect to sewer. With regard to the last speaker's comments on mailing addresses, if the annexation were to take place, mailing addresses would not change. That is at the discretion of the United States Postal Service. We have examples of annexations that have recently taken place where property mailing addresses were Ontario 91762 in the County and they remain unchanged, even though they are now in the City. There would also be no change in the physical address of the properties because the City's numbering system is the same as the County's.

Hector Correa, 4939 Mission Boulevard, Montclair, stated that he has run businesses and lived in the area for the last 20 years. He was troubled by the City Planner's presentation because he thought the purpose of the meeting was to determine if a negative impact report should be submitted to the City Council along with the pre-zoning designations. Also, when the City Planner mentioned the zoning designations, he failed to mention and discuss changing the 2.72 acres at 4975 Mission Boulevard from commercial to residential, so this is

a significant change, which was not addressed and brought forth. They need to get the information. In the report he read, it stated that right now, currently, anyone living in the proposed area can't hook up to the present sewer, but they failed to inform you that you can only hook up to the sewer system if you sign a non-revocable trust agreement stating that you will not oppose annexation and its non-reversible so you can't just hook up, you can hook up if you give up all your rights. The property that the City is proposing to change the zoning on (4975 Mission Boulevard) was just purchased within the last year for a hefty sum of money. These people invested their money to purchase this commercial property with a plan that was approved by the County as to what their designation was and their intent to operate a catering service. The Sheriff just used the area as a staging area last week because of the space of the parking lot and now the City wishes to divide that and change the plans.

Vice Chairman Flores commented that the only action that is being taken by the Commission at this meeting was to approve or not approve the pre-zoning for the proposed area.

Mr. Correa asked about the negative declaration and whether it was being addressed at the meeting. City Planner Lustro commented that the recommendation before the Commission for this meeting is to take two actions, the first one is to make finding that there will be no significant environmental impact based on pre-zoning of this area as it is being proposed and that a DeMinimis finding of no impact to fish and wildlife and a negative declaration be prepared and the Commission accepts it and the second action would be to accept the pre-zone designations as presented. Notwithstanding the comments that were heard at this hearing with regard to potential environmental impacts down the road, there is no development that is proposed in conjunction with the pre-zoning. Ms. Smith indicated that there could be potential environmental impacts down the road based on development that may occur in the future. Staff has no way of anticipating when and what development may take place in the future. If the area were to be annexed and it is largely developed, particularly in the area along the Fremont Avenue axis, there may be no changes that take place there for a number of years so, consequently, nothing would change and there would be no environmental impacts. If there are individual projects that are brought forward, for example, vacant parcels along Mission Boulevard or if a portion of the property that Mr. Correa referred to at 4975 Mission Boulevard, the large commercial property that was formerly the home of Catalina's Market, is developed, those applicants would be required to go through a separate environmental process where staff would do separate environmental assessment. Staff has been brought these to the Commission many times before on individual projects. When staff has a specific project before them, we then have an idea of the scope of the project and they can do the environmental assessment appropriately and thoroughly at that time. Until development is proposed, staff has no idea what might be proposed on any of the parcels in this area. For the record and in response to Mr. Correa's comment about the property at 4975 Mission Boulevard, the current owner of that property has no approvals from the County for businesses operating on that property or for any development. That has been an issue that has been subject to County Code Enforcement activity, and the City has also been involved, because the Montclair Fire Department has had to close down illegal business activity on the property. If that particular property owner had come to the City and spoken with us prior to purchasing the property to find out what he could and could not do, the City would have informed him at that particular time, but the property owner bought the property and started operating there without approvals from anyone and then the enforcement action started. The request for pre-zoning is the preliminary step that the Commission and ultimately the Council will take in its steps towards annexation. If, for

example, the Commission finds the recommended pre-zoning designations are appropriate and recommends City Council adoption of the pre-zoning designations, it would move on to the City Council and the City Council can decide not to adopt, they can decide to modify, they can decide to adopt as recommended. Even after that step, the City Council still needs to adopt a resolution directing our staff to make application to LAFCO. If at that point in time the City Council believes, based on testimony or other factors, that they do not want to move forward with annexation or want to modify the boundaries or somehow change what is before them, then the pre-zoning designations, while remaining in place, do not impact any of the property owners within that area because they are still within the County. The existing County land use designations remain and those County land use designations would continue to remain until such time, if ever, that the area is annexed into the City. The description that this is a preliminary step in the process is certainly appropriate and that nothing actually takes place or nothing is impacted by the pre-zoning unless annexation actually takes place.

Commissioner Sahagun asked how much of the annexation is going to change from its current designations. City Planner Lustro stated that there are parcels along the north side of Mission Boulevard that are designated CG and CS which are "General Commercial" and "Service Commercial." "General Commercial" uses would be equivalent to the City's C-3 zone, which is also called "General Commercial," where you would see retail uses and some types of service uses. "Service Commercial" uses typically include more service-oriented businesses that provide an auto service or some other type of service. But if you look at the County's land use map and compare that with what is currently taking place, you would probably find some minor inconsistencies right now. The MIP ("Manufacturing Industrial Park") zoning that is proposed for the north side of Mission Boulevard would likely not create a large number of legal non-conforming uses because the MIP zoning, while it is primarily geared toward light manufacturing, industrial uses, business parks, offices, etc., makes provisions for a limited amount of commercial uses as well. Staff felt that the MIP zoning would be the most appropriate for that area. He could not provide an exact number of parcels where a "Commercial" designation presently exists, but guessed about a dozen.

Chairman Lenhert asked how significant of a change from the County land use designation is the pre-zoning designation along State Street between Monte Vista and the eastern boundary of the proposed area. City Planner Lustro replied that the existing County land use designation along that stretch is IC, which is "Community Industrial." What staff decided is that they wanted to recommend a zoning that was most consistent with the County's land use designation but was also consistent with what is actually taking place in that area because the expectation is that the businesses established there have been there a long time and will probably be there a long time. Accordingly, staff assigned a pre-zone designation of M-1 ("Limited Manufacturing") to that corridor.

City Planner Lustro stated that staff would like to further address some issues that have been raised by the speakers and the Commission, so if it is the Commission's pleasure, staff would support continuing this item to the Commission's July 11 meeting.

Chairman Lenhert moved to continue the hearing until the July 11, 2005 meeting, seconded by Vice Chairman Flores, there being no opposition to the motion, the motion passed 4-0.

City Attorney Robbins stated that there will not be further notification of the July 11, 2005 meeting other than the motion made at this meeting.

3. CASE NUMBER 2005-21
4697 – 4747 Brooks Street and 4701 – 4761 Holt Boulevard
Montclair Business Park, LLC
Request for a Precise Plan of Design for a multi-tenant sign program

Associate Planner Frazier-Burton reviewed the staff report.

Commissioner Vodvarka asked about the monument signs and if they would identify every tenant or just the major businesses. Associate Planner Frazier-Burton replied that the property owner is entitled to three panels per side and it is up to the landlord who he wants to put on the monument sign. City Planner Lustro clarified that there is only one monument sign proposed and that is for the commercial property along Holt Boulevard. There is no monument sign being proposed for the industrial properties along Brooks Street, those will be identified by building signs. Associate Planner Frazier-Burton added that the site plan shows where the monument sign will be located along Holt Boulevard.

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 Act (CEQA), pursuant to Section 15311, Class 11(a), in that the project involves the approval of a master sign program to govern the installation of on-premise signs, seconded by Chairman Lenhert, there being no opposition to the motion, the motion passed 4-0.

Commissioner Sahagun moved to approve the Precise Plan of Design for a master sign program under Case No. 2005-21, subject to the nine conditions of approval, seconded by Vice Chairman Flores, there being no opposition, the motion passed 4-0.

1. This Precise Plan of Design (PPD) approval is for a monument sign and wall sign program at 4701-4761 Holt Boulevard and 4697-4747 Brooks Street. The approved components of the sign program are as follows:

    a. One (1) major identification sign on the north elevation of each Holt Boulevard tenant space as depicted on the submitted plans. Sign criteria shall be as follows:

        i. Signs shall consist of individual, 5-inch deep internally illuminated channel letters, maximum 24 inches in height. Sign face colors shall be limited to Acrylite colors #278 Red, #406 Yellow, #606 Blue, #506 Green, or #015 White or their equivalents. Trim cap/return color shall be bronze. National or regional tenants shall be permitted to use their registered trademark copy. Exposed raceways shall be expressly prohibited.

        ii. Sign copy shall not exceed two (2) lines. Stacked sign copy shall not exceed 36 inches in height including space between the lines

of sign copy. Single-line or stacked copy shall be centered vertically on storefront façade.

iii. Sign copy shall be one of the following typefaces:

A. Futura – Bold Condensed

B. Optima – Bold

C. Castle T – Bold

D. Kabel ITC – Bold

iv. Logos used in conjunction with single-line or stacked copy shall not exceed 36 inches in height.

v. Each tenant's wall sign shall not exceed 60 percent of the total length of the demised tenant space.

b. One (1) major identification sign on the primary elevation of each Brooks Street tenant space as depicted on the submitted plans. Sign criteria shall be as follows:

i. One wall sign per tenant, above main entry.

ii. The aluminum sign frame shall measure two feet (2'-0") in height by eight feet (8'-0") in length. Area of sign copy shall not exceed 1'-6" in height by 7'-4" in length. Sign panel background shall be black with white high performance vinyl sign copy/logo. Up to three additional colors may be used on optional logo with landlord's approval.

iii. Sign copy may be single-line or two lines.

iv. Sign copy shall be one of the following typefaces:

A. Futura – Bold Condensed

B. Optima – Bold

C. Castle T – Bold

D. Kabel ITC – Bold

c. One double-faced monument sign along the Holt Boulevard frontage subject to the following criteria:

i. Sign structure shall not exceed 10 feet in height as measured from parking lot grade, with a maximum 60 square feet in sign area. Each side of the monument sign shall contain a maximum of three tenant sign panels. The name of the center may be

contained on a fourth sign panel or on the monument structure. Sign panels shall be texture-coated aluminum with routed sign copy. Address range of center shall be affixed or incorporated into the monument structure.

ii. The foundation and footing for the previous monument sign shall be completely removed.

iii. Landscaping and irrigation within the planter in which the monument sign is to be located shall be refurbished, and existing landscaping along the Holt Boulevard frontage shall be modified to allow clear visibility as viewed by motorists traveling either direction.

2. Precise Plan of Design (PPD) approval of the proposed development shall be valid for a period of 12 months and shall automatically expire on the anniversary date of Planning Commission approval, unless the applicant is diligently pursuing building plan check towards eventual construction of the project. The applicant and/or property owner shall be responsible to apply for extension of time at least 30 days prior to expiration date. No further notice from the City will be given regarding the project's PPD expiration date.

3. Building permits shall be obtained by each building occupant prior to installing any major identification sign on each building.

4. Sign copy shall be limited to the business name and/or trade only. Extraneous copy such as website addresses, phone numbers, slogans and other advertising shall be expressly prohibited.

5. External sign illumination shall be strictly prohibited.

6. No exposed raceways or projecting background is permitted.

7. Within 30 days of Planning Commission action on this application, the applicant shall completely remove the existing floodlights and support arms attached to the parapet wall of the Holt Boulevard building. Should the applicant desire to install new area or parking lot lighting, it shall consist of 90-degree cutoff luminaires and shall be subject to review and approval by the Planning and Building Divisions.

8. 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.

9. 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.

INFORMATION ITEMS

Director Clark stated that at the last meeting, Chairman Lenhert brought up an item regarding finding a member for the Transaction and Use Tax Revenues Oversight Committee for Proposition F and Director Clark suggested the item be agendized for a future meeting. Since that meeting, Director Clark has discovered that the item did not need to be agendized and only needed to be acted upon by the Chairman in the form of an appointment of a member and Don Vodvarka has been appointed as the member.

Director Clark commented that the terms of two members of the Planning Commission will expire soon. Chairman Lenhert and Commissioner Vodvarka's terms expire June 30, 2005.

Commissioner Sahagun commented that the school crossing guard at Moreno School requested a yellow crosswalk across Surrey Avenue at Moreno Street. There is a crosswalk on Moreno from the south side to north side of the street, but the crossing guard told him that she cannot legally cross anyone across Surrey because there is no crosswalk. He contacted the City Engineer and said that he would look at it and he realized that the last day of school has happened, but he asked for follow-up on the item.

Commissioner Sahagun commented at Saratoga Park he noticed that several parking lot lights were out on the Kingsley Street side and wondered if all the parking lot lights in all our parks could be checked.

Vice Chairman Flores commented that the weeds are getting high and dry at the water tank properties on Palo Verde Street south of the freeway.

Commissioner Vodvarka drove by Fiesta Mexicana at 5615 Holt Boulevard and thought it looked very nice. He also wanted to thank Code Enforcement regarding the action taken on the property down the street from him.

ADJOURNMENT

Chairman Lenhert adjourned the meeting at 8:40 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary