

**PLANNING COMMISSION MINUTES
OF THE JULY 25, 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

Vice Chairman Flores 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 July 11, 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 2005-26
4805 Mission Boulevard
C. Lee Roberts, Ruth M. Roberts and Joanne K. Garvin, Co-Trustees
Request for Tentative Parcel Map

Associate Planner Frazier-Burton reviewed the staff report.

Vice Chairman Flores asked how far west the property goes and if it includes the dance hall property. Director Clark replied that it does not include the dance hall property.

Commissioner Sahagun asked if anyone responded to the mailing. Associate Planner Frazier-Burton replied that no one responded.

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 commercial subdivision, 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 Tentative Parcel Map No. 17369 creating two legal, conforming lots per the submitted map, subject to the 19 conditions, and forward a recommendation to City Council for 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. 17369 subdividing an existing 4.66-acre parcel at 4805 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. Dedication to the City of Montclair and/or other public agencies easements for water, storm drains, sanitary sewers and other utilities.
 - b. A letter of non-interference from any utility company that may have rights of easement within the property boundaries.

- c. "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. Prior to issuance of demolition permits for any improvements on the site, the applicant shall provide to the Building Division written documentation that all asbestos has been satisfactorily abated pursuant to the requirements of the South Coast Air Quality Management District (SCAQMD).
7. Prior to issuance of building permits, the applicant shall:
 - a. Obtain approval for all necessary land use and architectural entitlements from the Planning Commission.
 - b. Obtain all necessary approvals of Tentative Parcel Map No. 17369 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. 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.

10. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
11. 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).
12. 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 909/625-9465 for fees/assessments.
13. 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.
14. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
15. 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.
16. 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.
17. 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.
18. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
19. 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 his obligations under this condition.

INFORMATION ITEMS

Vice Chairman Flores asked about the former Sam's Club property site. Director Clark advised that the property is in escrow. Chairman Lenhert asked if the site would be residential or commercial. Director Clark advised that it falls within the boundaries of the North Montclair Downtown Plan and the plan, as drafted now, shows it to be residential. That is why it is in escrow; there is a buyer who has not presented any plans to the city yet, but they are following the guidelines of the draft Downtown Plan and he expected a visit from them soon, especially since their "free look" period is coming to an end and they will have to spend some "real money" on the property soon.

Vice Chairman Flores commented that he observed a truck and someone taking readings of the breathers at the former gas station site at the southwest corner of Central and Moreno and commented that because he felt it was one of the most important intersections in the City, someone should clean up the debris of concrete blocks, etc. Director Clark commented that there is a possible proposal for a restaurant on the site and the activity is most likely related to their due diligence.

Commissioner Vodvarka asked about the property at 5477 Palo Verde Street, where he observed them dumping a lot of soil. Director Clark advised that the last he heard they had problems with the lender and more recently that they had everything cleared up and were ready to start proceeding forward with the construction of the two houses.

Commissioner Vodvarka asked when the street next to Costco would be completed. Director Clark advised that he heard the City Engineer was promised October, 2005. The distribution lines and poles still need to be removed. Commissioner Vodvarka asked who was responsible for the street improvements. Director Clark said that Costco was going to pay for it, but Caltrans has slowed the utility line and pole removal because of some power that serves Caltrans property. The City has turned it over and it is up to Edison to get the lines and poles removed and Costco to finish the street work. Commissioner Vodvarka commented that the way it exists now it is very hazardous.

Vice Chairman Flores asked why a large amount of water accumulates at the intersection of Palo Verde and Carrillo south of Costco because he was concerned about mosquitoes. Director Clark stated that it requires pumping after it rains because the inlets are blocked because they are doing work on the old drain line on Palo Verde. Eventually, it will be replaced with a new storm drain.

ADJOURNMENT

Chairman Lenhert adjourned the meeting at 7:15 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary