

**PLANNING COMMISSION MINUTES  
OF THE SEPTEMBER 12, 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 Johnson led those present in the salute to the flag.

**ROLL CALL**

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

**MINUTES**

The minutes of the August 8, 2005 Planning Commission meeting were presented for approval. Vice Chairman Flores moved to approve, Chairman Lenhert seconded, there being no opposition to the motion, the minutes were approved 5-0.

**ORAL AND WRITTEN COMMUNICATIONS**

**AGENDA ITEMS**

1. PUBLIC HEARING - CASE NUMBER 2005-31  
4588 Benito Street  
De Oro Properties, LLC  
Request for Tentative Tract Map No. 17472 and Precise Plan of Design

City Planner Lustro reviewed the staff report. After discussions with the applicant and the City Engineer, staff is recommending that Condition Nos. 6.a and 6.b be deleted as these conditions are more appropriately placed with the developer of Parcel 2 at the time that property is developed.

Commissioner Johnson asked if Parcel 2 would use the same drive access as Parcel 1 when it is developed. City Planner Lustro replied that the driveway for Parcel 1 is on the west side of the property to provide access to the existing detached garage which is located north and west of the residence. The driveway for Parcel 2 will be on what is now the easterly side of

the property. There is currently a drive approach there, but no driveway. Parcel 2 would take access from that driveway.

Commissioner Vodvarka asked if it was necessary to do any type of inspection on the existing foundation before the house was renovated. City Planner Lustro deferred the question to the applicant, who is present. He added that the applicant and his development and construction team met with Building Inspector John Clayden and him, a number of months ago before they took on the rehabilitation of this house, which is 71 years old. Whenever Building performs a special inspection, they identify all the issues that are relevant to the rehabilitation of the house and point those out to the applicant so that the applicant can take appropriate measures. Planning staff's interest was that the applicant retain as much of the original character of the house as possible. Staff is largely pleased with the way the house has come out so far.

Vice Chairman Flores stated that he has noticed improvement in the quality of the maps that they are receiving for the projects, but there is still information lacking.

Commissioner Sahagun stated that he wanted to hear the answer to Commissioner Vodvarka's question regarding the foundation.

Commissioner Sahagun asked about the existing home and whether it has any significant historic value. City Planner Lustro stated that given its age, it certainly would qualify to be placed on a formal historic register when we get around to doing a comprehensive list for the City of Montclair. That was the primary reason that staff insisted on retaining the original look of the house rather than renovating it with contemporary materials. We have so few of these houses remaining; we want to preserve what we can. The quick answer is that yes, it would qualify for designation on a formal local register.

Mark Dowling, De Oro Properties, 1757 S. Euclid Avenue, Ontario, thanked staff for working with him in rehabilitating the house and with the lot split. He stated that they did a foundation inspection with their general contractor. He crawled under the house and found the rock foundation to be in very good condition. The footings on the foundation are 18 to 30 inches in width so that is not a major problem. There were some loose rocks around the front porch, but it is a minor repair when you look at the overall structure of the foundation. They were more than happy to work on retaining the architectural and aesthetic integrity of the house. The original house had a split-level roofline. They have raised the roofline so that it is now a continuous gable. We have replaced the windows with single-hung windows similar to the originals.

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 land 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 5-0.

Commissioner Vodvarka moved to grant a variance for a reduced lot width of 28 feet rather than the minimum required 60 feet on Parcel 2 of Tentative Parcel Map No. 17462 by adopting Resolution No. 05-1610, subject to making the four findings and the 27 conditions of

approval, with the deletion of Condition Nos. 6.a and 6.b, seconded by Vice Chairman Flores, there being no opposition to the motion, the motion passed 5-0.

Vice Chairman Flores moved to approve Tentative Parcel Map No. 17462 creating two residential lots per the submitted map, subject to the 27 conditions of approval, deleting Condition Nos. 6.a and 6.b, and forward a recommendation to City Council for approval, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

1. This approval is for the following:
  - a. Tentative Parcel Map No. 17462, subdividing an existing 0.58-acre parcel at 4588 Benito Street into two lots of 10,979 square feet and 14,373 square feet.
  - b. A Variance to allow a 28-foot lot width on a portion of Parcel 2 rather than the Code-required 60 feet.
2. The above-stated Variance approval shall be contingent upon approval of Tentative Parcel Map No. 17462 by the City Council.
3. 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.
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 to the NPDES Coordinator 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](http://www.swrcb.ca.gov/rwqcb8/html/san_bernardino_permit.html). The WQMP shall be prepared by a Registered Civil Engineer or other qualified professional as may be authorized in the guidelines.
6. At least 60 days before the filing of the original signed final map and in order to permit review pursuant to Government Code §66456.2, the applicant shall submit to the City the following documents for approval by the City Engineer:
  - 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 the Appendix to Chapter 33 of the Uniform Building Code and the requirements of the City. Elevations shall be based on City of Montclair datum. Drainage from Parcel 2 shall not be permitted to drain across Parcel 1. An inlet may be constructed at the southwest corner of Parcel 2 discharging to the existing storm drain along the westerly property line, subject to the requirements of the approved WQMP. 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 of an additional 3'-0" of public street right-of-way, along the Benito Street frontage.
  - d. Dedication to the City of Montclair and/or other public agencies easements for water, storm drains, sanitary sewers, and other utilities.
  - e. Execution of a Subdivision Agreement with the City of Montclair containing provisions for performance and payment bonds for all work within the public rights-of-way and a monumentation bond for tract monuments in accordance with the Subdivision Map Act.
  - f. A letter of noninterference 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.
7. Applicant/developer shall comply with all requirements of the Subdivision Map Act and Montclair Municipal Code.
  8. Fences and walls within front yard setbacks shall not exceed 48 inches in height. Chain-link is expressly prohibited in front yards and as street side or interior side yard fencing.
  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 residence shall be placed underground from the nearest existing power pole or other point of connection not adjacent to the property frontage. All electrical transformers and switches, and all phone and cable television facilities shall be placed in underground vaults.
  10. Residential drive approaches ("W") and driveways (as measured at front property line) shall be a minimum of 16'-0" and a maximum of 18'-0" in width.

Top of "X" shall be no closer than 5'-0" to property line. Private driveway width shall be equal to width of drive approach.

11. Sewer improvement plans shall be prepared in a format satisfactory to the City Engineer. Parcel 1 is shown as connected to sanitary sewer. If property is not actually connected, it shall be as a condition of approval for this subdivision. The sewer lateral serving Parcel 2 shall be constructed as a condition of approval for this subdivision prior to construction of the drive approach.
12. Construction permits shall be required for all work, including new drive approaches and curb cuts, within the public right-of-way.
13. Payment of all sewer connection fees and outstanding sewer reimbursement fees imposed by a utility district or any assessments, if any, shall be required. Contact the Environmental Control Specialist at 909/625-9446 to ascertain applicable fees.
14. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
15. 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). Payment of fees for Parcel 2 may be deferred until development of Parcel 2 occurs.
16. No soil shall be imported or exported without first obtaining approval from the City Engineer. A plan satisfactory to the City Engineer shall be prepared showing the proposed haul route within the City. Subject plan shall include provisions for street sweeping and cleanup. Contractor(s) shall be responsible for complying with all NPDES and WQMP requirements.
17. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
18. 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.
19. Prior to issuance of building permits for a residence on the newly-created parcel (Lot 2), the applicant shall:
  - a. Obtain all necessary approvals of Tentative Parcel Map No. 17462 from the City and have the final map recorded with the County of San Bernardino.
  - b. Submit plans and receive approval for a Precise Plan of Design from the Planning Commission.
  - c. Submit five complete sets of architectural plans for the project, including building elevations, colors and materials, electrical, plumbing,

mechanical, landscaping, lighting, and accessibility details, plus two sets of soils, 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.

- d. Prepare and submit plans for erosion control and storm water pollution prevention to the satisfaction of the City Engineer. A general stormwater construction permit may be required. Contact Joe Rosales, NPDES Coordinator, at 909/625-9470 for requirements.
  - e. Submit three (3) complete sets of plans for an approved, automatic fire sprinkler system for each residence directly to the Fire Marshal's Office for review and approval, including two sets to be microfilmed/digitally imaged. The system shall conform to national standards.
  - f. Pay all required Montclair Fire Department fees.
  - g. Pay adopted parkland development fee. (Currently adopted fee as of September 2005, is \$2,509 per dwelling unit.)
  - h. Pay adopted transportation impact fee, if in effect at the time building permits are obtained. (It is anticipated that the City will adopt said impact fee in late 2006.)
  - i. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
20. Any new air conditioning condenser units shall be located on the ground in the rear yard of the new residence. All rooftop exhaust vents shall be painted to match as closely as possible the color of the roofing material on the residence.
21. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357.
22. The applicant/developer is responsible for reasonable periodic cleanup of the construction site to avoid hazardous accumulation of combustible trash and debris.
23. A final release of occupancy is required for the renovation of the residence on Parcel 1 and the construction of the new residence on Parcel 2. Final release by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
24. Prior to the first release of occupancy and subject to the satisfaction of the City Engineer and City Planner, the applicant shall construct all approved improvements along the Benito Street frontage of the project site, including, but not limited to the following:
- a. Replacement of substandard P.C.C. curb, gutter and sidewalk, and asphaltic concrete (A.C.) pavement.

- b. Construction/reconstruction of drive approaches. Sidewalk at drive approaches shall comply with the Americans With Disabilities Act of 1990 (ADA).
  - c. Installation of landscaping and automatic irrigation, including two (2) *Cupaniopsis anacardioides* (Carrotwood) street trees, 30 feet on center, in the Benito Street parkway along the frontage of Parcel 1. Street trees shall be minimum 24-inch-container-size, double-staked to City standards, and planted within root barriers to minimize damage to adjacent hardscape.
25. Prior to release of occupancy for the new residence on Parcel 2, the person or corporation responsible for the preparation of the WQMP shall certify, in writing, to the Building Official that all conditions and requirements of the WQMP 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 WQMP.
26. 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.
27. The applicant shall agree to defend, at his sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or, in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs, and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate, at its own expense, in the defense of any such action, but such participation shall not relieve applicant of his obligations under this condition.

2. PUBLIC HEARING - CASE NUMBER 2005-34  
5050 Palo Verde Street  
Metro Office Plex, L.P.  
Request for Conditional Use Permit

Associate Planner Frazier-Burton reviewed the staff report.

Commissioner Johnson asked for clarification on the other vocational school across the street. Associate Planner Frazier-Burton replied that it was her belief that the other vocational school was no longer in operation.

Kim Esquerre, the owner/director of U.S. Colleges, stated that they will have a classroom setting and computer lab. Clinical medical students will be spending lecture time in the classroom and an adjoining classroom will be set up like a doctor's office. They will be

drawing blood on each other and they will also learn how to do EKGs and injections. They have contracts with Stericycle and they comply with all OSHA guidelines and standards.

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

Vice Chairman Flores moved to grant a Conditional Use Permit for a vocational school by adopting Resolution No. 05-1611, subject to making the four necessary findings and subject to the conditions of approval, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 5-0.

1. This approval is for a Conditional Use Permit to operate a vocational school at 5050 Palo Verde Street, as described in the staff report and depicted on the submitted plans.
2. Conditional Use Permit (CUP) approval shall be valid for a period of six (6) months from the date of Planning Commission approval, unless the applicant is diligently pursuing tenant improvements at the subject location. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date. Suspension of the approved use for a period of six months or more voids the CUP for the specified use at the subject location.
3. This permit may be modified or revoked, after the Planning Commission has conducted a public hearing, for failure to abide by any conditions of this CUP or the Montclair Municipal Code, or in the event that the use is determined to be a nuisance to surrounding properties, businesses or the community at large.
4. Approved hours of operation are 8:00 a.m. to 10:00 p.m., Monday through Friday. City approval must be obtained prior to any extension of the approved hours.
5. No more than 12 students shall be scheduled to attend classes at any particular time.
6. Building permits shall be obtained prior to commencement of any remodeling or construction.
7. 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.

3. CASE NUMBER 2005-30  
5220 Kingsley Street  
Paul Muñoz  
Request for Precise Plan of Design

Associate Planner Frazier-Burton reviewed the staff report. She stated that the applicant was in attendance and available for questions.

Commissioner Vodvarka asked about Condition No. 16 and whether there was a garage on the property. Associate Planner Frazier-Burton stated that the structure was demolished. Commissioner Vodvarka asked if anyone is living in the existing house on the property because the windows are boarded up. Associate Planner Frazier-Burton stated that she asked the applicant and he indicated that there was someone living on the property.

Commissioner Sahagun asked if repair of the boarded-up windows could be made a condition of approval. Associate Planner Frazier-Burton replied that the existing house is on a different parcel so it could not be considered in conjunction with this item. Director Clark added that it sounds like a code enforcement issue and should be reported as such.

Vice Chairman Flores stated that he has not seen a site plan quite as busy as this one. He also stated that there is no vicinity map, no ground elevations and no grading plan, it does not show where the water goes, but did see that one of the driveways was going to be sealed up and another one constructed.

Commissioner Johnson commented that she was trying to recall when this item first came to the Commission. She believes that part of the family was going to live in the existing house and other family members were going to live in the new one.

Paul Muñoz, 5242 Kingsley Street, the applicant, stated that he currently has family living in the existing house. With regard to the boarded up windows, the person living there is paranoid due to a break-in, because the property next door is vacant and there was the old abandoned garage. He thought there were squatters in the garage, so he took it upon himself to board it up. The windows operate and he thought it was odd, but the occupant feels safer. Once the wall is up and his yard gated, he expects to remove the plywood from the windows. The resident is a candidate to buy the new house once it is completed.

Commissioner Vodvarka asked if a general contractor will be building the house. Mr. Muñoz stated absolutely. Commissioner Vodvarka asked if Mr. Muñoz would be performing some of the work himself. Mr. Muñoz answered that he may perform some of the finish work. Commissioner Vodvarka stated that he was looking at the drawings and they state that Mr. Muñoz is going to do the fireplace facings, hearth, mantle, shower/tub enclosure and numerous items and he was wondering how it will all work out. Mr. Muñoz stated that he is not a builder but the plans are the same ones he started with three years ago. While he initially was planning on doing some of the work himself, he will probably have a general

contractor complete the whole project. Commissioner Vodvarka stated that the drawings need to be corrected to reflect the change.

Vice Chairman Flores 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 15303(a), Class 3, in that the project involves the construction of one, single-family dwelling within a completely urbanized area, 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. 2005-30 for the proposed single-family residence, as described in the staff report and depicted on the submitted plans, subject to the 25 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 for construction of a 1,600 square-foot single-family residence with attached garage and other associated improvements at 5220 Kingsley Street as shown on the plans originally submitted under Case No. 2002-28. Exterior building colors, materials, window treatments and roofing materials shall be subject to the review and approval of the City Planner.
2. 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.
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. 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.
5. Construction permits shall be required for all work, including a new drive approach and/or curb cut, within the public right-of-way.
6. Payment of all sewer connection fees shall be required. Contact the Environmental Control Specialist at 909/625-9446 to ascertain applicable fees.

7. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
8. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact the Environmental Control Specialist at 909/625-9446 for fees/assessments.
9. No soil shall be imported or exported without first obtaining approval from the City Engineer. A plan satisfactory to the City Engineer shall be prepared showing the proposed haul route within the City. Subject plan shall include provisions for street sweeping and cleanup.
10. All utility services to the new residence shall be installed underground.
11. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
12. 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.
13. The proposed double garage shall maintain a minimum clear interior dimension of 20' x 20'. Decorative sectional door with automatic garage door opener shall be provided.
14. The existing 42-inch high block wall and six-foot high wood fence along the north property line of both parcels shall be protected and maintained during construction. The height of the 42-inch wall may be increased to a maximum of six feet (6') if approved by the Building Division, commencing at a point 15'-0" from the westerly property line of Parcel 2. The proposed wall between the attached garage and the north property line shall consist of decorative split-face masonry material.
15. Applicant shall construct a six-foot high fence on the property line separating Parcels 1 and 2. Said six-foot high fence shall maintain a minimum 25-foot setback from the southerly (front) property line.
16. Applicant shall obtain a demolition permit from the Building Division prior to the commencement of demolition work on the existing detached garage.
17. Prior to issuance of building permits, the applicant shall:
  - a. Submit five complete sets of architectural plans for the project, including building elevations, colors and materials, electrical, plumbing, mechanical, landscaping, lighting, and accessibility details, plus two sets of soils, 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. 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.
  - c. Submit three (3) 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.
  - d. Pay all required Montclair Fire Department fees.
  - e. Pay adopted parkland development fee. (Currently adopted fee as of September, 2005, is \$2,509 per dwelling unit.)
  - f. Pay adopted transportation impact fee, if in effect at the time building permits are obtained. (It is anticipated that the City will adopt said impact fee in late 2006.)
  - g. Pay all required school fees to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
18. All requirements of the Montclair Municipal Code and the State Subdivision Map Act shall be met.
  19. Any new air conditioning condenser units shall be located on the ground in the rear yard of the residences. All rooftop exhaust vents shall be painted to match as closely as possible the color of the roofing material on the residences.
  20. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357.
  21. The applicant/developer is responsible for reasonable periodic clean up of the construction site to avoid hazardous accumulation of combustible trash and debris.
  22. A final release of occupancy is required for the new residence. Final release by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
  23. Prior to a release of occupancy, the applicant shall complete the following improvements to the satisfaction of the City Engineer:
    - 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 permanent, automatic irrigation system within the front yard of the existing residence, and the front and

street side yards of the new residence, including the following required street trees:

- i. Two (2), *Prunus serrulata* (Flowering Plum), 30 feet on center, along the Kingsley Street frontage of the property.
- ii. Three (3), *Cupaniopsis anacardioides* (Carrotwood), 30 feet on center, along the Poulsen Avenue frontage of the property.

Street trees shall be minimum 24-inch box size and double-staked per City standards.

- c. Install the numerical address of the new residence on the south-facing elevation of the dwelling in numerals measuring at least four inches (4") in height and in a color contrasting with the surface to which they are attached.
- d. Remove and replace all substandard P.C.C. sidewalk, curb and gutter along both street frontages of the site for the length of the project limits. The drive approach on the Kingsley Street frontage currently serving the detached garage to be demolished shall be removed and replaced with P.C.C. sidewalk, curb and gutter to the satisfaction of the City Engineer.

24. 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.

25. 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.

4. CASE NUMBER 2005-32  
10374 Marion Avenue  
Phillip Vo  
Request for Precise Plan of Design

Associate Planner Lai reviewed the staff report. He stated that the applicant and the architect were present for any questions.

Chairman Lenhert 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 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 Vice Chairman Flores, 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. 2005-32 for the proposed duplex residences as described in the staff report and depicted on the submitted plans, subject to the 34 conditions of approval, seconded by Commissioner Vodvarka, 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 1,863 square feet of living space in Unit "A," 1,846 square feet of living space in Unit "B," an attached, two-car garage for each unit in the R-3 (Multiple Family Residential) zoning district, and all associated on- and off-site improvements at 10374 Marion 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 conceptual grading plan and 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](http://www.swrcb.ca.gov/rwqcb8/html/san_bernardino_permit.html). The WQMP 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 the Appendix to Chapter 33 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 Marion 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 noninterference 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) *Cupaniopsis anacardioides* (Carrotwood) street trees, 30 feet on center, along the Marion Avenue frontage. Street trees shall be minimum 24-inch box size, double-staked per City standards and planted within root barriers to minimize damage to adjacent hardscape.
  - e. Submit three (3) 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.
  - f. Pay all required Montclair Fire Department fees.
  - g. Pay adopted parkland development fee. (Currently adopted fee as of September, 2005, is \$2,509 per dwelling unit.)
  - h. Pay adopted transportation impact fee, if in effect at the time building permits are obtained. (It is anticipated that the City will adopt said impact fee in late 2006.)
  - i. 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 east- and north-facing elevations and on the second story (at a minimum) of the west- and south-facing elevations.
  - 10. The applicant shall substitute wood, Hardi-Board<sup>®</sup>, or other durable siding material in place of the vinyl siding shown on the submitted plans.
  - 11. 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 east-facing elevation of the building in a location clearly visible to the public street.
  - 12. 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.

13. Fences and walls within the front yard setback shall not exceed 48 inches in height and shall not encroach into the public right-of-way. Chain-link is expressly prohibited in front yards and as interior side yard fencing.
14. 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.
15. 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.
16. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357.
17. Landscape maintenance shall be subject to immediate and periodic inspections by the City. The property owner shall be required to remedy any defects in grounds maintenance and replace any trees, shrubs, vines, or groundcover with a similar species, size, and quantity that are lost due to unauthorized removal, disease, windstorm, or other natural disaster as indicated by the City inspector, within two weeks after notification. Inspections shall be based on automatic landscape irrigation schedule, plant maintenance, weed and rubbish control, landscape plan approval, and any other area that is incidental to grounds maintenance.
18. All new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
19. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
20. 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.
21. 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.

22. 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 Marion Avenue shall be fully disabled accessible.
23. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
24. Payment of all outstanding sewer reimbursement fees imposed by a utility district, if any, or any assessments shall be required. Contact the Environmental Control Specialist at 909/625-9446 for information.
25. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.430 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA).
26. 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.
27. Underground Service Alert shall be notified 48 hours prior to any excavation at 800/422-4133.
28. 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.
29. 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.
30. 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.
31. 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.
32. Prior to final inspection and utility release for the residential units, the person or corporation responsible for the preparation of the WQMP shall certify in writing to the Building Official that all conditions and requirements of the WQMP 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 WQMP.
33. 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.
34. 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**

Director Clark stated that an item on the next agenda will be a development for a 106 detached, single-family units in a condominium-type project within the San Antonio Gateway. Staff has been working with a developer for some time who has managed to assemble a number of properties, including a window onto Holt Boulevard. They have developed a nice plan for the site. The developer made a presentation to the City Council and it was well received. Vice Chairman Flores asked if it would be part of the affordable housing program. Director Clark advised that staff expects it will be a little less expensive than other residential products in the City. It is slightly under 11 units to the acre so staff will be reviewing it under our Planned Residential Development ordinance. The units are detached so it will be a little different and will require review of exceptions to our Code because it is unique.

Commissioner Sahagun asked about the uplifted sidewalks in his neighborhood, specifically on Harvard Street. Director Clark stated that the Public Works Director advised him that a survey has been done of the entire area. Temporary repairs have been done on the worst ones. They have identified the ones that are in the most dire need of permanent repairs and are going to apply for some grant funding. Director Clark asked Commissioner Sahagun about a pothole that he mentioned at a previous meeting. Commissioner Sahagun

responded that the pothole was fixed immediately. Director Clark advised that the fix is only temporary until they get a water situation resolved and then they will come back and work on that again.

Vice Chairman Flores commented that on the northwest corner of Monte Vista Avenue and Mission Boulevard there are high weeds that the County needs to have abated.

Vice Chairman Flores stated that an unfamiliar car has been parked on Ramona Avenue, just north of his house. At first he thought it belonged to the neighbor, but it has not moved for one week and he feels it has been abandoned.

Commissioner Johnson asked about the project that was supposed to be developed at the northeast corner of Central Avenue and San Bernardino Street. Director Clark advised that the buyer has proposed purchasing the adjoining City property to build a bigger project. There was a project proposed and it never really developed to a point where it could be presented to the Commission. The property has been sold or is in escrow and the City has agreed to appraise and sell our piece so that the two parcels can be assembled and square up the boundary on the entire piece from the corner to the Kaiser Permanente facility. As long as the appraisal works, something should happen there.

Commissioner Johnson commented that some of the City's streets are very rough such as Kingsley Street between Central and Monte Vista. City Planner Lustro replied that it has gotten better over the last week because Monte Vista Water District went back in and completed the finish coat of asphalt over their new water line. The street is not in good condition overall and resurfacing of that street is in this year's capital budget.

## **ADJOURNMENT**

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

Respectfully submitted,

Laura Berke  
Recording Secretary