

**PLANNING COMMISSION MINUTES
OF THE OCTOBER 24, 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, Director of Community Development Clark, City Planner Lustro, Associate Planners Lai and Frazier-Burton, and City Attorney Robbins

Excused: Commissioner Johnson

MINUTES

The minutes of the October 10, 2005 Planning Commission meeting were presented for approval. Commissioner Vodvarka moved to approve, Commissioner Sahagun 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 2005-29
9130 Central Avenue
General Growth Properties, Inc.
Request for Conditional Use Permit, Precise Plan of Design, and Variance

Associate Planner Lai reviewed the staff report.

Vice Chairman Flores inquired about whether the surface water flow would be collected and discharged into the main parking lot of the Plaza. Associate Planner Lai replied that the site would drain to the southwest corner of the parcel. Commissioner Flores inquired about the existing catch basin. Director Clark replied that he believed there could be an existing storm drain system there and confirmed it would drain into the main lot. Chairman Lenhert stated

that when the gas station was there, there was a swale with a drain out to the street. Commissioner Flores stated that this is not going to the street, it is going down to the southwest corner. Commissioner Flores stated that he just wanted to know if there was one there or if the applicant will build it.

Commissioner Vodvarka commented that he was concerned about parking because he only sees 17 parking spaces and 2 disabled-accessible parking spaces and felt it was going to be a very busy corner. Associate Planner Lai stated that 17 parking spaces is the number of parking spaces that are required, but there is a reciprocal parking agreement for this parcel and the main Plaza parking lot.

Chairman Lenhart asked whether the driveways for the previous business were going to be removed. Associate Planner Lai confirmed that is correct. Additionally, staff is requiring the applicant to make a 12-foot right-of-way dedication along Central Avenue for future street widening.

Commissioner Sahagun asked about exiting because it gets very busy on Moreno, especially during the holidays. Director Clark commented that Condition No. 26 addresses the issue.

Greg Lollis, Senior Development Manager of Chick-fil-A, 16 Technology Drive, Suite 148, Irvine, thanked staff for the opportunity to present the project and commented that there have been several meetings between them and staff to get to this point. He stated that Chick-fil-A is relatively new to California. They are different from most quick-service type restaurants because they are closed on Sundays and do not operate like a typical franchise. They choose an owner/operator, encourage them to live in and be involved in the community versus an individual who may have the franchise rights to several stores. They found that actually goes a long way toward helping them provide better customer service, better quality food, and, in general, provide the kind of service they like for their customers to enjoy. Probably the closest thing he could equate them to is In-N-Out Burger. Where In-N-Out has that kind of following out here, they are very much like that back East. They are a privately held company and have won numerous awards. For example, they have been rated the best drive-through in America three of the last four years. J.D. Power has given them a No. 1 Customer Service, choice in chains, they are number one in the chicken category for 12 of the last 13 years. They are a little different from KFC, they serve all boneless breast of chicken. Mr. Lollis stated that they were in agreement with everything that has been stated, except Condition No. 26. They have no issue with the fact that during the holidays the access drive between Chick-fil-A and Robbins Bros. would be closed. In fact, that access point out onto Moreno Street causes them more concern than it does staff because a review of the site plan and drive-through shows that if traffic backs up into that site, that backs up the drive-through. Their motivation is to get folks in and out of the drive-through as quickly as possible. Their concern is the last sentence of Condition No. 26, "at such time the applicant proceeds with the anticipated expansion of Montclair Plaza, a condition of approval shall be included as part of that project that the Moreno Street driveway immediately west of the northwest of the subject be permanently closed." That is a potential deal killer for them because they have closed off all the driveways along Central Avenue and along Moreno Street, agreed to dedicate 12 feet of right-of-way to the City for street widening, and have reduced the size of their building to the smallest size they can make the building to fit on this site. They have tried to give everywhere they can give to make this a deal that works for the

City and a deal that works for them as well. He has had conversations with General Growth Properties' Ron Malnar and Greg Sullivan, and they are not in support of closing the driveway when future expansion occurs. He asked that the item be reconsidered by the Commission because their concern is traffic control. General Growth is working with them to make the drive between our site and Robbins Bros. a right-in and right-out. There is a space that is used as an ADA parking stall that does not comply with current requirements that will be relocated. We support the driveway being left open during most of the year because customers heading east on Moreno can easily pull right into that driveway and access their site. When exiting the drive-through, customers can go right out, which saves them from having to go through the shopping center traffic. If that drive is closed, we put more traffic into the shopping center and everyone knows the traffic patterns in there now are not the best in the world.

With respect to Vice Chairman Flores' question, Mr. Lollis stated that surface water would be collected in the catch basins with the exception of one back area. It all does tie into the Plaza's stormwater system.

Vice Chairman Flores asked if the applicant provided staff with a traffic study before the plans were drawn up. Director Clark stated that the applicant did not and that the condition is based upon General Growth initiating a plaza expansion project. The City initiated an environmental and traffic study and it has been placed on hold, but the information we received from the traffic engineer was that the driveway would likely be closed to create an efficient flow of traffic in exiting the Plaza and eliminating the possibility of people who may not only just want to use the far right lane to turn right onto Central Avenue and go back to the freeway, but may use it to cross lanes of traffic to go north. Staff wants to be candid about the issue from the start and not come back two or three years from now and say that we are going to have to close the driveway. This project did not do its own traffic study. One possibility with the expansion would be an exit lane back onto Central for a right turn. Vice Chairman Flores stated that his point was that high quality people are coming in to make proposals and the Commission does not want to leave anything unchecked where it would prompt them to go somewhere else. Is it possible to look into the driveway issue a little further? Director Clark replied that staff was inviting comments from the City Engineer Mike Hudson, who was in attendance.

Mr. Lollis stated that what they have done in some situations, especially during extremely busy times, was to place a team member outside. Their biggest concern is customers wishing to get into the parking lot fairly easily during the non-holiday hours of the year, but which are critical times for them because they do not operate strictly on holiday sales. They need to make it as easy as possible for the customers to get in and out and if it is a problem during the other times, they can easily put a team member back there to help get folks out. The last thing they want is to have cars stacked up in the drive-through lane. There is motivation from their standpoint to get the traffic moving and the only way to do that is to move them through the shopping center, then he could guarantee they would have a team member back there. They do not want to preclude or stop any of their customers from having that convenience. He understands if the center expands in the future, there may be issues that need to be addressed based on new traffic patterns within the shopping center or adjacent. They are certainly willing to look at that at that time, but they did not want, nor did General Growth, to make that a condition a part of this development.

Mike Hudson, City Engineer, stated that the first thing he would like to point out is that Condition No. 26 is merely an advisory item, it is not a condition of this development. They are not conditioned to close this driveway, they are not conditioned to close it in the future, its just to put them on notice that when General Growth does their remodel, that a condition of development on that remodel will be the closure of this driveway. The driveway problem is created with a driver who wants to make a right turn out. However, an immediate right turn puts them in a right turn lane only to go southbound on Central. If they go over one or two lanes they can continue eastbound on Moreno, but if they want to turn left to go north on Central, then there is going to be one person in that driveway holding up everybody else who wants to leave in order to clear three lanes of traffic in order to get in the left turn pocket, and if the intent is to get into the innermost left turn pocket, that's one more lane to cross so they've got to wait for as many as four lanes to get clear before they can get into the one lane that they want. If you look at the more modern mall circulation designs, you will see that they are designed with an interior ring road with connections to the adjacent public streets, generally with signalized intersections that will allow the traffic inside the mall property to circulate and then go out onto the street with left turn, straight, or right turn movements all controlled with a traffic signal. We do not have the ability to develop a ring road concept in the Plaza but we do have access points controlled by signals. We have one at San Jose and Monte Vista Avenues. It is likely, depending upon how the property develops with parking structures and other remodel issues that we will be dealing with that at the Plaza. We could see another signalized intersection providing full turning movements on Monte Vista perhaps midway between San Jose and Moreno. If you look at the access road that leads to and from the Plaza generally from Macy' out to Central Avenue, we have two inbound lanes, one outbound lane, it is all very narrow. What he sees for a remodel is extensive widening and reconfiguration of this road that would include a minimum of two outbound lanes. Right now it's a very odd off-center intersection, but with the tire/brake/accessory building possibly being demolished in conjunction with a remodel, it gives us room to expand to where they can have much wider lanes allowing traffic to move much freer and make turns, possibly including a left turn pocket. As recently as four years ago, the City had massive traffic problems at the Plaza around Christmas. It was reported that customers were spending two hours trying to get out of the Plaza. One of the things we did at that time to correct the problem was close off the driveway out onto Moreno. They did not let anybody in or out of that driveway, forcing them to go to internal roads, drive aisles that led to signalized intersections. We reestablished an outbound lane from the Plaza to Central Avenue, made signal modifications and striping changes in order to facilitate traffic movement out of the Plaza. All of these worked very well, but they were all part of a master plan at that time to get traffic in and out faster. They also temporarily modified a driveway out onto Monte Vista, allowing left turns in but only right turns out. The changes that have been instituted have been only for the holidays, but with the remodeling that's going to occur, there are permanent changes that will need to be made. If there was some way to limit right turns out of the subject driveway into the right turn only lane that leads to southbound Central Avenue, it probably would not cause much of a problem having that driveway there; however, there is no way that you can regulate that without putting some delineators out there and the delineators would then keep cars that are in the through lane from moving over into the right turn pocket. You cannot put a sign up that says right turn only for southbound access to Central Avenue, its just not going to be observed. If somebody wants to get all the way over to the left turn pocket, they will do it. One thing we could consider in the future with the remodel of the Plaza is to look at a right turn only into

this location, but redesign the driveway so that it permits only right turn ingress, no egress. City Engineer Hudson stated that he had not looked at that yet, but it is something staff would be willing to consider.

Mr. Lollis, stated that he understands the condition is based on the future development. His comment is that it is still tied to their deal. He understands that it may be something that happens in the future and his thought was that it could be something addressed in the future. Director Clark commented that rather than making it sound definite, staff could add at the end of the condition that "based upon recommendation of the traffic study related to the Montclair Plaza expansion..." City Engineer Hudson stated that he would feel comfortable with that and did not think staff wanted to make it very definite, just a good possibility and that the developer should be put on notice that it might happen. To say it absolutely will happen is probably premature. We are not conditioning the Plaza right now, only the Chick-fil-A development, but notice that the driveway closure may happen in the future so the applicant does not come back to staff or to General Growth and say that this is a changed condition, that it's unacceptable or intolerable. It is simply putting the applicant on notice that it may happen in the future. Director Clark stated that hopefully the condition accomplishes that. Mr. Lollis stated that if they have to keep something in there to that effect, he would like to see it be more along the lines of something to be agreed upon between General Growth and the City. If we're going to have something in there and he understands the need to potentially put them all on notice, he would just prefer that it state something to the effect that at the appropriate time that the Plaza expands, the City, traffic engineer and developer shall work together to come up with a reasonable solution for traffic flow, which may include modification to that access drive, etc. That serves to give them notice that it is an issue, but it does not necessarily say that automatically when the future expansion happens, that this automatically is going to be closed. City Engineer Hudson stated that he would not accept the wording, "mutually agreeable to the Plaza and the City" because he thinks the City is responsible for dictating conditions of development whether the developer wants to accept them or not and a phrase that says mutually agreeable would be unacceptable, but a condition that states "may include modifications to the driveway up to and including its elimination." City Attorney Robbins stated that what she thought Director Clark was saying and Mr. Lollis is saying was really the same thing. She wouldn't recommend that anything be done as a mutual agreement. The other language, if it's acceptable to staff, is fine. Mr. Lollis wants to have the opportunity to be involved or discussion should the time come because they are going to see the immediate impact of that more than anybody else.

Vice Chairman Flores asked if there was some way they could go ahead with the rest of the conditions except this condition.

City Attorney Robbins suggested that the "shall be included" and replace with "may be included" and, after "consideration of relevant traffic and other issues." Director Clark confirmed that the language changes would work.

Commissioner Sahagun commented that if all else fails, the delineators could be installed. He stated that his concern was that during previous holiday seasons, drivers would try to cut over and the City has been putting delineators there so the traffic cannot cut over. He inquired whether the delineators would be temporary or permanent. City Engineer Hudson replied that the City put the temporary ones down during the holiday season and sometimes

they are driven across and they have to be placed back up. He was not talking about something permanent in that nature, gluing down delineators. He was talking about actual curb modifications, maybe some "pork chop" islands that direct traffic internally in a certain direction.

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

Commissioner Sahagun moved to grant a CUP under Case No. 2005-29 to allow a drive-through and outdoor seating in conjunction with a bona fide restaurant in the C-3 (General Commercial) zoning district at 9130 Central Avenue, by adopting Resolution No. 05-1617 subject to making the four necessary findings, and subject to the 47 conditions of approval, modifying Condition No. 26, seconded by Vice Chairman Flores, there being no opposition to the motion, the motion passed 4-0.

Vice Chairman Flores moved to grant the variance request for a reduction in the required front yard and street side yard setbacks per the submitted site plan, by adopting Resolution No. 05-1618, subject to making the four necessary findings, and subject to the 47 conditions of approval, modifying Condition No. 26, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 4-0.

Commissioner Vodvarka moved to approve the Precise Plan of Design (PPD) under Case No. 2005-29 for the site plan, elevations, colors and materials, landscape plan and sign program associated with the proposed restaurant project, and related on- and off-site improvements per the submitted plans and as described in the staff report, subject to the following 47 conditions of approval, modifying Condition No. 26, seconded by Chairman Lenhart, there being no opposition to the motion, the motion passed 4-0.

1. This approval is for the following:
 - a. A Conditional Use Permit to allow the construction of a Chick-fil-A Restaurant with drive-through, indoor play area and outdoor seating at 9130 Central Avenue as depicted on the approved site plan, floor plans, elevations and associated plans.
 - b. A Variance to allow a 38'-0" front building setback on Central Avenue (after a required 12'-0" street dedication) and a 15'-0" Moreno Street building setback (as measured to drive-through canopy support column).
 - c. A Precise Plan of Design for the site plan, elevations, colors, materials, and comprehensive sign program associated with the construction of a 3,931 square-foot Chick-fil-A restaurant at 9130 Central Avenue as 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 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 CUP expiration date.
3. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
4. The applicant and/or property owner shall ensure that a copy of the Planning Commission approval letter, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
5. Prior to submittal of grading plans or other improvement plans, the applicant shall prepare and submit for review and approval a Water Quality Management Plan (WQMP) in accordance with the State of California Santa Ana Regional Water Quality Control Board Guidelines for San Bernardino County to Joe Rosales, NPDES Coordinator. WQMP Guidelines may be purchased from the City of Montclair or are available for review on-line at: www.swrcb.ca.gov/rwqcb8/html/san_bernardino_permit.html. The Water Quality Management Plan shall be prepared by a Registered Civil Engineer or other qualified professional as may be authorized in the guidelines.
6. Prior to issuance of building permits, the applicant shall submit the following documents for review and 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. 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. An advance plan check deposit, in an amount to be determined by the City Engineer shall be required at the time of plan submittal.

- c. Dedication to the City of Montclair of an additional 12'-0" of public right-of-way along Central Avenue frontage of the site to the satisfaction of the City Engineer.
 - d. Dedication to the City of Montclair and/or other public agencies easements for water, storm drains, sanitary sewers and other utilities, if applicable.
 - e. Street improvement plans for the Central Avenue and Moreno Street frontages of the property for the length of the project limits 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 abandoned drive approaches with P.C.C. curb, gutter and sidewalk, and removal and replacement of all substandard P.C.C. curb, gutter, sidewalk and A.C. pavement. Disabled-accessible path-of-travel shall be maintained through drive approaches.
 - f. Plans for erosion control and storm water pollution prevention. A general construction permit may be required. Contact Joe Rosales, NPDES Coordinator, at 909/625-9470 for requirements.
 - g. A letter of non-interference from any utility company that may have rights of easement within the property boundaries.
 - h. "Will-serve" letters from all utilities serving the site. The subdivider/developer will be required to coordinate with the various public utilities for the necessary improvements for said utilities to service the site.
7. Prior to issuance of building permits, the applicant shall:
- a. Submit five complete sets of plans for the project, including building elevations, colors and materials, canopy design, 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. Submit detailed plans for all exterior building-mounted and pole lighting for review and approval by the Planning and Building Divisions. All lighting shall incorporate 90-degree cut-off style luminaires and flat lenses. Submitted plans shall include a photometric analysis of all exterior lighting. Pole lighting shall be a maximum height of 20'-0" as measured from adjacent grade to top of luminaire.

- c. Submit detailed landscaping and irrigation plans for review and approval by the Planning and Building Divisions. The landscape plan shall include the following:
 - i. Removal of the *Pinus canariensis* (Canary Island Pine) street tree at the northwest corner of the property along Moreno Street.
 - ii. Installation of the following street trees:
 - A. Moreno Street – Five (5) *Platanus acerifolia* (London Plane), 30 feet on center.
 - B. Central Avenue – Five (5) *Pinus canariensis* (Canary Island Pine), 30 feet on center.

All street trees shall be minimum 24-inch box size and double-staked per City standards.
- d. Submit a revised site plan illustrating the following:
 - i. Black concrete shall be used for the entire length of the drive-through lane, the trash enclosure floor and its apron.
 - ii. The entire length of the pedestrian path-of-travel from the public sidewalk to the entry door on the south elevation shall be constructed of a decorative material that contrasts with the black concrete drive-through lane and the parking area.
- e. Submit a revised sign program incorporating the following change:
 - i. Flagpole "K" shall be reduced to a maximum height of 30'-0" as measured from adjacent grade.
 - ii. Sign "B" (cabinet sign on tower element) shall have an opaque background so that only the routed-out sign copy illuminates.
- f. Submit four (4) complete sets of plans for an approved, automatic fire sprinkler system directly to the Fire Marshal's office for review and approval, including two sets to be microfilmed/digitally imaged. The system shall conform to national standards. The system shall be equipped so to provide a signal to an UL-listed monitoring station in the event of a water flow or tampering.
- g. Pay all required Montclair Fire Department fees.
- h. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.

8. Precise Plan of Design (PPD) for the comprehensive sign program shall consist of the following elements:
 - a. Wall Sign "A" - Four (4) internally illuminated channel letter wall signs per the Chick-fil-A corporate logo, one each to be located on the south, north, west and east elevations. Sign copy to read "Chick-fil-A" in 5'-0" high upper and lower case copy with red Plexiglas faces with red trim caps and returns to match.
 - b. Wall Sign "B" – One (1) internally illuminated cabinet sign on the tower element on the east elevation beneath the channel letters described in (a) above to read "The Original Chicken Sandwich" in white copy and red and black background.
 - c. Directional Sign "D" – Four (4) on-site freestanding directional signs as shown on the site plan. Sign copy varies depending upon location. Maximum height of each sign shall be 4'-0". Internally illuminated. Outside edge of "D.1" sign face adjacent to Moreno Street shall be a minimum of 5'-0" from back of public sidewalk to maintain sight distance.
 - d. Freestanding Pre-Menu Board "E" – One (1) internally-illuminated, single-face pre-menu board sign, at drive-through lane entrance, with sign face area of 2'-6" x 3'-4". Overall height to be 4'-3".
 - e. Freestanding Menu Board "F" – One (1) internally-illuminated, single-face menu board, at drive-through lane ordering position, with sign face area of 6'-10" x 4'-0". Overall height to be 4'-10½".
 - f. Freestanding Vertical Clearance Sign "G" – One (1) single-face pivoting clearance sign not to exceed 9'-6" in overall height. Sign to be incorporated onto the clearance bar over the entry to drive-through lane.
 - g. Freestanding Speaker Post "H" – One (1) with Canopy and Delphi speaker system at the drive-through lane ordering position immediately adjacent to menu board. The canopy shall not exceed 10'-6" in height and 6'-8" in width.
 - h. Flagpole "K" – One flagpole, maximum 30'-0" in height, along Central Avenue frontage. Only the national and state flags shall be flown on the flagpole(s). Corporate flags are expressly prohibited.
9. Exposed raceways shall be prohibited on all building-mounted and freestanding signs.
10. Building-mounted awnings and canopy shall not contain sign copy of any kind.
11. Prior to any future changes to the approved sign program, an application shall be submitted to the Planning Division for review and approval by staff or the Planning Commission.

12. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including, but not limited to the following:
 - a. Temporary banners for the purpose of announcing the grand opening or advertising promotions shall require banner permits from the Planning Division prior to installation.
 - b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
 - c. At no time shall pennants, inflatable signs, "human" signs, other similar advertising devices be utilized on the property or off-site.
13. The maximum seating capacity within the restaurant portion of the building shall not exceed 124 occupants. Patio seating shall not exceed 16 seats.
14. No pay telephones or vending machines shall be located on the exterior of the building.
15. All utility services to the building shall be installed underground. Electrical and fire suppression service shall rise within the interior of the building. Roof ladders, electric meters and panels shall also be located entirely inside the building.
16. All mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, vents, transformers, or similar equipment, whether located on the ground or on the roof of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building and to the satisfaction of the Planning Division.
17. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner incorporated into the architectural design of the building to the satisfaction of the Planning Division.
18. All trash enclosures shall be constructed of masonry consistent with the primary type and color of that used on the building. The construction of such trash enclosure(s) shall conform to City Development Standard #106 and shall have a solid roof matching that of the main building(s). Chain-link material shall not be used for enclosure.
19. Above-grade concrete support pedestals over 12 inches in height for all proposed freestanding light poles throughout the project site shall be enhanced with stone veneer consistent with those used on the main building.
20. All decorative exterior lighting shall incorporate illumination sources of an appropriate wattage so as to not create any nuisance glare to the adjacent parking areas, private roadways, public rights-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 within the building or drive-thru canopy 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, other similar unshielded luminaries, or decorative lighting installed solely for the purpose of illuminating the roof shall be prohibited. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.

21. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
22. 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.
23. All new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
24. The applicant and/or property owner shall be responsible for maintaining the building's signs, 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.
25. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. The numerical address of the building ("9130") shall be displayed in the upper right corner of the east-facing elevation of the parapet wall at the northeast corner of the building. Numerals shall be Helvetica font, minimum 10 inches in height, minimum one (1) inch in depth, and in a color that adequately contrasts with the background to which they are attached.
 - b. The facility shall be provided with a minimum maintained illumination level of one (1) foot-candle from dusk until termination of business every business day. During all other hours of darkness, a minimum of

one-quarter (.25) foot-candles of illumination shall be maintained at grade.

26. The applicant shall be required to install traffic regulatory signs at the egress point of the drive-through lane to the satisfaction of the City Engineer. The applicant is hereby advised that the City of Montclair reserves the right to implement temporary traffic control measures, including prohibition of right turn movements from the drive-through lane onto Moreno Street, during the holiday season (late November to late December). At such time that the applicant proceeds with the anticipated expansion of Montclair Plaza (Case No. 2004-48), a condition of approval may be included as part of that project that the Moreno Street driveway immediately west of the northwest corner of the subject property be modified or permanently closed after consideration of traffic circulation and other contributing conditions.
27. Disabled-accessibility shall be provided through all new drive approaches serving the site. Additional right-of-way shall be dedicated if necessary.
28. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code. A grease interceptor shall be required.
29. 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). Contact the Environmental Control Specialist, at 909/625-9446 for fees.
30. 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.
31. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
32. All off-site and on-site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
33. A 20-foot wide, unobstructed roadway capable of supporting firefighting apparatus shall be maintained within 150 feet of the structure prior to and for the duration of construction. Roadway is subject to Fire Department approval prior to commencement of construction.
34. The applicant/developer is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.

35. Landscaping adjacent to the entrance drives should be of low profile types not to exceed 8'-0" in height when mature (with the exception of trees).
36. All Fire Department access and fire lanes shall be clearly posted as "No Parking, Fire Lane." Signs shall be designed and mounted in accordance with Montclair Fire Department standards.
37. A fire hydrant system shall be required to provide the necessary water flow to the proposed structure. Exact number, location, and design of hydrants shall be determined by the Fire Marshal's office when building plans are received. Hydrants shall be operational prior to commencement of the framing stage of construction.
38. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
39. Commercial occupancies with cooking areas shall require an approved fixed fire extinguishing system for protection of the hood and duct system and overall cooking areas. This system shall be equipped with an automatic fuel shutoff to all equipment protected by this system. Four complete sets of drawings of this system shall be submitted to the Fire Marshal's Office prior to issuance of a permit.
40. In the event that the structure is to be used for the purpose of a public assembly, the developer/architect shall contact the Fire Marshal's Office for requirements prior to submission of building plans.
41. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
42. An approved, emergency keyed access system shall be required to facilitate access by Fire Department personnel in the event of an emergency during non-business hours. Forms are available at Montclair Fire Department Headquarters, 8901 Monte Vista Avenue, for those occupancies requiring such a system.
43. A Certificate of Occupancy is required prior to occupancy of the subject building. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
44. Prior to issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Building Division electronic images of all plans and records, which are submitted for the purpose of obtaining a building permit, to the Building Division. Electronic images shall meet the City's Electronic Archiving Policy.

- b. Submit to the Engineering Division electronic images of the Water Quality Management Plan. Electronic images shall comply with the City's Electronic Archiving Policy.
 - c. Remove and replace all substandard/damaged P.C.C. sidewalk, curb and gutter along both street frontages of the project site.
 - d. Install all approved landscaping and exterior lighting.
 - e. Install all ADA-required parking stalls and parking lot signs.
45. Prior to issuance of a certificate of occupancy, the person or corporation responsible for the preparation of the Water Quality Management Plan shall certify in writing to the Building Official that all conditions and requirements of the Water Quality Management Plan have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the Building Official that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the Water Quality Management Plan.
46. 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.
47. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

2. PUBLIC HEARING – CASE NUMBER 2005-35
9309-9363 Central Avenue
Central Square Properties LLC
Request for Conditional Use Permit, Precise Plan of Design, and Variance

City Planner Lustro reviewed the staff report.

Vice Chairman Flores stated that on the left hand side of the drawing there is a large storm drain plan that shows a catch basin in the San Jose Street cul-de-sac. Does that storm drain

flow to Central or does it go back eastbound on San Jose? City Planner Lustro replied that the storm drain that is shown at the north end of the site is an existing structure that collects storm water from the San Jose Street cul-de-sac but the street needs to be modified as part of this project. The catch basin previously existed at the end of the cul-de-sac to collect storm water and convey it into the storm drain system on Central Avenue. The storm drain will be reconstructed and reconfigured so that it continues to collect storm water runoff from the San Jose Street cul-de-sac and conveys it to Central Avenue. As part of this particular project, staff has included the standard condition that we would for any project of this scope, Condition No. 5, which requires that prior to the submittal of grading plans, the applicant will be required to submit a Water Quality Management Plan that will, as we have seen on other commercial projects of this scope, likely be looking at collecting as much of the surface water flows on site in the proposed landscape planters, percolating that water back down into the ground, and making provisions to also convey the overflow from unusual rain events into the storm drain system on Central Avenue as well. Vice Chairman Flores commented regarding the plan and that it is supposed to stand on its own. There was not one grade in the whole plan set to know what is happening and they show an existing storm drain that really has nothing to do with this property, nothing is going to drain in there. City Planner Lustro stated that is not correct; in fact, the existing storm drain does have an impact on development of this property because nothing can be built over that storm drain so it impacts the layout of the site plan. The applicant has been well aware of that storm drain since staff first began discussions with them and they have worked very hard to modify their site plan so that the development does not impact that particular storm drain. There won't be any stormwater generated from this particular site that would be allowed to be put directly into that storm drain, but ultimately any overflow from the site would be conveyed out to Central Avenue.

Commissioner Sahagun stated that he had concerns regarding the width of the ingress and egress, and expressed a desire to see the entryways wider than normal. City Engineer Hudson stated that the width of the driveway that is signalized is wide enough, about 36 feet, to accommodate the drive aisle in and out and the left turn movement. However, this might be considered an interim condition, as staff is anticipating further redevelopment where the restaurant is to the south. Should they ever decide to redevelop, staff will then require them to widen this drive and also relocate one signal pole in order to provide a better turning radius off of Central Avenue for northbound traffic, but the proposed layout does work well and with further development and more intense use of the property, additional changes would be required at that time. Commissioner Sahagun asked about the entryway to the north. City Engineer Hudson stated that the minimum commercial driveway width is 25 feet, the maximum we generally allow is 40 feet and this is within those ranges. Commissioner Sahagun asked what the width of the north driveway was. Vice Chairman Flores stated that it was at least 32 feet. Commissioner Sahagun commented that as long as it was not just the minimum. City Engineer Hudson stated that he believed it was far above the minimum and may approach the maximum and staff will go wider than that if we have a median strip down the center or to separate the inbound from outbound.

Commissioner Vodvarka asked about the north end of the parcel, in the parking lot for Tommy's, he noticed that the arrows were going north and south and he inquired if it will be allowable for people coming out of that lot and going into that property that is not a parcel and going on through there into the alleyway. City Engineer Hudson stated that there was a lot line adjustment recently done that formed the parcel that Dr. Woll would be developing. A

condition of that lot line adjustment was a deed restriction prohibiting both pedestrian and vehicular access into the alley and into San Jose Street. Another condition of that lot line adjustment is mutual rights of ingress and egress be dedicated so that this new parcel, or reconfigured parcel, which loses frontage on Central Avenue, will have a legal right to go in and out across the property. The lot line adjustment has not yet recorded. The deed restriction has not yet been accepted by the City and staff has reviewed and approved the agreement for mutual rights of ingress and egress and parking, but the applicant and Dr. Woll still have some issues he thought they were dealing with in this agreement and as soon as all of that has been approved by those two, then it can be recorded and it would have complied with all of the conditions of the lot line adjustment. One of the conditions of development for this site is a lot merger to eliminate some of the lot lines exclusive of Dr. Woll's property and also a deed restriction prohibiting access to the same alley. Commissioner Vodvarka commented that if we get this developed for the doctor, the only way there is going to be any entrance into the property is either through the alley or through this center. City Engineer Hudson stated that it is through the center; Dr. Woll understands that she will not have vehicular access to San Jose but he thought they were working out some kind of arrangement with the Korean church, just to the east of them, just for pedestrian access.

Director Clark stated that there was an earlier question about grading and he wanted to make an advisory comment. The grade on this lot falls from northeast to southwest and there a number of factors that come into play how this lot will eventually be graded. One of them is the controlling factor of ADA requirement, accessibility onto this lot and then servicing both Starbucks to the south, Tommy's and eventually Dr. Woll's property to the north. So, there is an expectation that there may be multiple pad levels and grade breaks between buildings so there are not abrupt grade changes that occur in any one place.

Commissioner Sahagun commented that when there is such a significant grade change across a site, they tend to install large ribbon and cross gutters in the parking lot and he inquired if there was a way to require that they not be so big. City Engineer Hudson commented that typically we would not see those things at this stage. He knows what Commissioner Sahagun is concerned about. The ribbon and cross gutters transverse the drive aisles and they can be pretty severe and that is generally not a very good design because if there is a lot of nuisance water, it is very erosive to the asphalt adjoining the gutter.

Colleen Johnston, 5383 San Jose Street, Montclair, thanked City Planner Lustro for providing her with a copy of the staff report on short notice. Her family resides just east of the site so she had questions. With regard to Condition Nos. 27, 40 and 41 regarding the restriction of pedestrian and vehicular traffic, she inquired if these were required or recommendations. Commissioner Sahagun answered that they are required conditions. Ms. Johnston asked if the pedestrian access to Dr. Woll's office that was discussed would generate parking on their street. Director Clark stated that the possibility of pedestrian access will occur only if the doctor receives a reciprocal parking easement on the Korean church parking lot. Otherwise, it would not be granted to her, based upon street parking. The doctor is working to get a parking easement in the existing parking lot of the church that she could use for her employees and, on that basis, we would consider pedestrian access for that purpose and that would be the limit of it. In the conceptual design for Dr. Woll's office, there is an outdoor patio area that is part of the facility and exclusively for the use of their employees. Ms. Johnston

asked when the Planning Commission is presented with that portion of the plan, would there be notification to the residents of the public hearing. Director Clark stated that it will be similar, there will be a variance necessary for the setback where it joins the freeway, in which case staff will have a public hearing and residents will receive a public hearing notice. Ms. Johnston requested that the notice go out sooner next time.

Commissioner Sahagun asked how many notices were mailed. City Planner Lustro stated that 25 or 26 were mailed and Ms. Johnston is the only person who contacted staff regarding this project.

Babak Bardi, E Avico Inc., the project architect, 1260 S. La Cienega Boulevard, Los Angeles, wanted to introduce himself and thank staff for all their assistance.

Commissioner Vodvarka commented that he noticed over 45 vehicles parked in Long John Silver's parking lot during the day on a Friday, and he questions if the vehicles were using the lot as a park-n-ride lot because he could not imagine there could be that many people in that vicinity at that time. City Planner Lustro replied that from time to time the unimproved area that is between Long John Silver's and Dr. Woll's office gets fairly crowded depending upon her office hours, but some days you will see no one parked out there and other days there are six or eight cars parked on the unimproved lot. He didn't think people were parking and leaving their cars there. The way that any property owner could address that would be to properly post the parking lot saying that that parking is only for their business and then they have the ability to call the police department and have the violators towed away.

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

Commissioner Sahagun moved to grant a Conditional Use Permit request to allow a drive-through and outdoor seating in conjunction with a restaurant at 9309 Central Avenue, by adopting Resolution No. 05-1614, subject to making the four required findings and subject to the 57 conditions of approval, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 4-0.

Commissioner Vodvarka moved to grant a Conditional Use Permit request to allow a drive-through and outdoor seating in conjunction with a restaurant at 9363 Central Avenue, by adopting Resolution No. 05-1615, subject to making the four required findings and subject to the 57 conditions of approval, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 4-0.

Vice Chairman Flores moved to grant the variance request for a reduction in the required front and rear yard building setbacks, and a reduction in the required minimum depth of the perimeter landscape planter per the submitted site plan, by adopting Resolution No. 05-1616, subject to making the four required findings and subject to the 57 conditions of approval, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 4-0.

Chairman Lenhart moved to approve the Precise Plan of Design request under Case No. 2005-35 for the site plan, elevations, colors and materials associated with the proposed commercial development, and related on- and off-site improvements per the submitted plans and as described in the staff report, subject to the 57 conditions of approval, seconded by Vice Chairman Flores, there being no opposition to the motion, the motion passed 4-0.

1. This approval is for the following:
 - a. A Conditional Use Permit to allow the construction of a Tommy's Original Hamburgers with drive-through and outdoor seating at 9309 Central Avenue as depicted on the approved site plan and described in the staff report.
 - b. A Conditional Use Permit to allow the construction of a Starbucks Coffee with drive-through and outdoor seating at 9363 Central Avenue as depicted on the approved site plan and described in the staff report.
 - c. Variances to allow the following:
 - i. A 51'-6" front yard setback to Buildings "A" and "B," and a 65'-0" front yard setback to Building "C" rather than the Code-required minimum of 75 feet.
 - ii. A minimum rear yard setback of zero rather than the Code-required minimum of 20 feet.
 - iii. A street frontage landscape planter with a minimum depth of 5'-0" rather than the Code-required minimum of 15 feet.
 - d. A Precise Plan of Design for the construction of a 2,442 square-foot restaurant (Tommy's), a 2,230 square-foot restaurant (Starbucks)/retail space, and a 9,280 square-foot multi-tenant commercial building as depicted on the submitted plans and described in the staff report.
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 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 CUP expiration date.
3. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the

approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.

4. The applicant and/or property owner shall ensure that a copy of the Planning Commission approval letter, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
5. Prior to submittal of grading plans or other improvement plans, the applicant shall prepare and submit for review and approval a Water Quality Management Plan (WQMP) in accordance with the State of California Santa Ana Regional Water Quality Control Board Guidelines for San Bernardino County to Joe Rosales, NPDES Coordinator. WQMP Guidelines may be purchased from the City of Montclair or are available for review on-line at: www.swrcb.ca.gov/rwqcb8/html/san_bernardino_permit.html. The Water Quality Management Plan shall be prepared by a Registered Civil Engineer or other qualified professional as may be authorized in the guidelines.
6. The applicant/developer shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code with respect the lot line adjustment (LLA 2005-1) currently being processed. Said lot line adjustment has been approved by the City Council but requires the following:
 - a. Dedication of a deed restriction regarding pedestrian and vehicular access to San Jose Street and the west alley of Rose Avenue.
 - b. Recordation of an agreement regarding mutual rights of ingress, egress and parking.
7. Prior to issuance of building permits, the applicant shall submit the following documents for review and 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. 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. A disabled-accessible path-of-travel from the public sidewalk to the buildings on-site shall be shown on the grading plan. Sidewalks, pathways and curb cuts shall comply with the Americans with Disabilities Act of 1990 (ADA). The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).

- c. Dedication to the City of Montclair and/or other public agencies easements for water, storm drains, sanitary sewers and other utilities, if applicable.
 - d. Dedication to the City of Montclair of additional street right-of-way along Central Avenue to the satisfaction of the City Engineer.
 - e. Street improvement plans for Central Avenue, San Jose Street and the west alley of Rose 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 and A.C. pavement. Disabled-accessible path-of-travel shall be maintained through drive approaches.
 - f. 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.
 - g. A letter of non-interference from any utility company that may have rights of easement within the property boundaries.
 - h. "Will-serve" letters from all utilities serving the site. The subdivider/developer will be required to coordinate with the various public utilities for the necessary improvements for said utilities to service the site.
8. Prior to issuance of building permits, the applicant shall:
- a. Execute a lot merger to consolidate the multiple parcels comprising the development site and provided documentation to the City Engineer that said merger has been recorded with the County of San Bernardino.
 - b. Submit five complete sets of 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.
 - c. Submit detailed plans for all exterior building-mounted and pole lighting for review and approval by the Planning and Building Divisions. All lighting shall incorporate 90-degree cut-off style luminaires and flat lenses. Submitted plans shall include a photometric analysis of all exterior lighting. Pole lighting shall be a maximum height of 20'-0" as measured from adjacent grade to top of luminaire. Luminaire and pole styles shall be consistent throughout the entire commercial center.

- d. Submit detailed landscaping and irrigation plans for review and approval by the Planning and Building Divisions. The landscape plan shall include the following:
 - i. *Pinus canariensis* (Canary Island Pine) and *Lagerstroemia indica* (Crape Myrtle) street trees in an alternating pattern approximately 25 feet on center. *Lagerstroemia indica* shall be planted in groups of two approximately ten (10) feet apart.
 - ii. Planting plan for the Caltrans right-of-way along the eastbound Interstate 10 on-ramp for the length of the project limits in conjunction with the granting of a landscape variance for the Central Avenue street frontage.
 - iii. All street trees shall be minimum 24-inch box size and double-staked per City standards.
- e. Commission a noise study to determine the necessary height for the sound attenuation wall along the easterly property line adjacent to the drive-through lanes to comply with the City's Noise Ordinance.
- f. Submit a revised site plan illustrating the following:
 - i. Increase the height of the easterly perimeter wall along the alley from 8'-0" to 10'-0" or a minimum height as determined by the required noise study referenced herein.
 - ii. Elimination of the pedestrian gate to the alley northeast of Space "B1".
 - iii. Black concrete shall be used for the entire length of each drive-through lane, each trash enclosure floor and its respective apron.
 - iv. The entire length of the pedestrian path-of-travel from the public sidewalk to the sidewalk fronting Building "B" shall be constructed of a decorative material that contrasts with the parking lot.
 - v. Enhanced paving across the full width of the driveway entrances, minimum 20'-0" in depth as measured from back of sidewalk, in a color, material and design to the satisfaction of the City Planner.
 - vi. Replace existing fencing along the northwest property line (adjacent to the eastbound Interstate 10 on-ramp) with a tubular steel or decorative iron fence, 8'-0" in height and painted gloss black, for the length of the project limits.
- g. Submit a revised set of building elevations illustrating all secondary elevations of each building, including drive-through canopy details. Rear

building elevations, including Building "B", shall contain a satisfactory level of architectural detail to the satisfaction of the City Planner.

- h. Submit a detailed sign program addressing the following:
 - i. Design criteria for all building-mounted signs, including placement, size, permitted styles and illumination.
 - ii. Details and design criteria for the Central Avenue monument sign. Sign shall incorporate architectural design elements from the building(s). Monument sign copy shall be limited to a maximum of four (4) panels; one panel identifying the name of the center and three tenant identification signs. Sign panels shall be of a durable background (aluminum, metal, stucco, cut stone, etc.) with either routed-out copy or channel letter copy affixed to the surface. Maximum sign height shall be 10'-0" and maximum sign area shall be 60 square feet. Outside edge of monument sign face and/or pedestal shall be a minimum of 5'-0" from back of the Central Avenue sidewalk to maintain sight distance.
 - iii. Proposed design criteria and locations for directional (including drive-through) signs. Directional signs shall be a maximum of 4'-0" in height as measured from landscape grade in which each sign is located.

Freeway-oriented signs shall be expressly prohibited in conjunction with this development.
- i. Clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs.
- j. 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. The system shall be equipped so to provide a signal to an UL-listed monitoring station in the event of a water flow or tampering.
- k. Pay all required Montclair Fire Department fees.
- l. 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.)
- m. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.

9. Exposed raceways shall be prohibited on all building-mounted and freestanding signs.
10. Prior to any future changes to the approved sign program, an application shall be submitted to the Planning Division for review and approval by staff or the Planning Commission.
11. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including, but not limited to the following:
 - a. Temporary banners for the purpose of announcing the grand opening or advertising promotions shall require banner permits from the Planning Division prior to installation.
 - b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
 - c. At no time shall pennants, inflatable signs, "human" signs, other similar advertising devices be utilized on the property or off-site.
12. No structures shall be constructed over existing City storm drain easements. If development plans require placement of buildings or other structures within these easements, the storm drain shall be relocated to the satisfaction of the City Engineer and new easements dedicated to the City. Storm drains shall be designed in accordance with San Bernardino County Flood Control District requirements. Any work within existing easements shall require a construction permit issued by the City prior to commencement of any such work.
13. Drive-through hours for Buildings "A" and "C" shall be limited to 6:00 a.m. through 11:00 p.m. seven days a week if a traditional speaker ordering system is used. Should the applicant desire for either or both restaurants to operate the drive-through beyond these hours, a speakerless ordering system shall be incorporated to the satisfaction of the City Planner. If a traditional speaker system is used, and if dining room business hours extend beyond this time range, the entrance to the drive-through lane shall be physically obstructed by cones or delineators prior to 6:00 a.m. and after 11:00 p.m.
14. Speakers at drive-through ordering positions for Buildings "A" and "C" shall be in compliance with the City's Noise Ordinance (Chapter 6.12 of the Montclair Municipal Code) at all times and shall be subject to periodic inspection by the City. Violation of this condition shall be grounds for modification of the hours of operation of the drive-through, closing of the drive-through until compliance can be achieved or revocation of the Conditional Use Permit.
15. No pay telephones or vending machines shall be located on the exterior of any building.
16. All utility services to the building(s) shall be installed underground. Pad-mount transformers and/or switches shall be acceptable, provided they are screened

from public views with walls or landscaping to the satisfaction of the City Planner. Electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders, electric meters and panels shall also be located entirely inside the building(s).

17. All mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, vents, transformers, or similar equipment, whether located on the ground or on the roof of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building and to the satisfaction of the Planning Division. This shall include line-of-sight from Interstate 10.
18. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner incorporated into the architectural design of the building to the satisfaction of the Planning Division.
19. All trash enclosures shall be constructed of masonry consistent with the primary type and color of that used on the building. The construction of such trash enclosure(s) shall conform to City Development Standard #106 and shall have a solid roof matching the architecture that of the main building(s). Trash enclosure doors to the west alley of Rose Avenue shall be closed and locked except when bins are being accessed by the rubbish hauler. Locking mechanisms on the alley side shall be keyed per Burrtec Waste Industries requirements.
20. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site and the vertical clearance bar at the entry to the drive-through lanes (if applicable) shall be enhanced with stone veneer consistent with that used on the main buildings.
21. All decorative exterior lighting shall incorporate illumination sources of an appropriate wattage so as to not create any nuisance glare to the adjacent parking areas, private roadways, public rights-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 within the building or drive-thru canopy 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, other similar unshielded luminaries, or decorative lighting installed solely for the purpose of illuminating the roof shall be prohibited. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.
22. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.

23. 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.
24. All new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
25. The applicant and/or property owner shall be responsible for maintaining the building's signs, 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.
26. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. The numerical address of the building shall be displayed in the following locations:
 - i. Building "A" (Starbucks) – Top of the west-facing building wall section south of the main entry tower, six inches below the parapet cornice.
 - ii. Building "B" – Two locations on west-facing elevation: on northernmost column projection and on southernmost column projection, aligned with sign band for adjacent tenant spaces.
 - iii. Building "C" (Tommy's) – On column projection, south end of northwest-facing building elevation.

Numerals shall be Helvetica font, minimum 10 inches in height, minimum one inch in depth, and in a color that adequately contrasts with the background to which they are attached.
 - b. The facility shall be provided with a minimum maintained illumination level of one (1) foot-candle from dusk until termination of business every business day. During all other hours of darkness, a minimum of one-quarter (.25) foot-candles of illumination shall be maintained at grade.

27. The applicant shall be required to install traffic regulatory signs at both driveways to the satisfaction of the City Engineer.
28. The applicant shall obtain an encroachment license agreement from the Public Works Department for the freestanding monument sign if it is located within the public right-of-way subsequent to approval of said sign by the Planning Division.
29. New drive approaches shall have a minimum width satisfactory to the City Engineer.
30. No modifications to the Central Avenue median shall be permitted.
31. Continuous disabled-accessibility shall be provided along the Central Avenue frontage of the property, including through all new drive approaches serving the site and at the foundation of the overhead freeway directional sign. Additional right-of-way shall be dedicated if necessary.
32. Prior to the commencement of framing for buildings or delivery of lumber or other materials to any location within the development limits, the applicant shall construct an all-weather access to each building location. An all-weather access is defined as base course A.C. pavement to a minimum depth of 2½ inches and having a minimum width of 20'-0". This 20-foot width shall be maintained free and clear of construction equipment, materials and debris at all times during construction.
33. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code. Grease interceptors shall be required for restaurants.
34. 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.
35. 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). Contact the Environmental Control Specialist at 909/625-9446 for fees.
36. On-site sanitary sewers serving the development shall be designed to City standards and shall be privately maintained.
37. No soil shall be imported or exported to or from the project site from an adjacent building site or from other sources for construction purposes 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. Applicant/contractor shall comply with all NPDES requirements.

38. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
39. 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.
40. The applicant shall grant to the City the right to restrict pedestrian and vehicular access from the subject property to both San Jose Street and the west alley of Rose Avenue. Access points to the project trash enclosures are exempt from this condition.
41. No construction equipment, vehicles, materials, etc. shall be permitted to access the site from San Jose Street or the west alley of Rose Avenue. The alley is not to be used for construction purposes, with the exception that it may be used during the construction of the masonry wall along the easterly boundary of the project site. During this time, the alley may be reduced to a minimum 10-foot wide northbound travel lane and closed to all southbound traffic. Written notice of the temporary, one-way alley and southbound closure shall be given at least one week in advance of said closure to all affected residents on the east side of the alley between San Jose Street and the east-west alley immediately north of Wienerschnitzel.
42. A 20-foot wide, unobstructed roadway capable of supporting firefighting apparatus shall be maintained within 150 feet of the structures prior to and for the duration of construction. This access shall be required to remain unobstructed throughout construction. Roadway is subject to Fire Department approval prior to commencement of construction. Further, it is understood that the building to be constructed immediately to the north of the proposed development at 9301 Central Avenue is not considered part of the subject development. The applicant shall provide a paved, unobstructed path-of-travel, minimum 20 feet in width, from Central Avenue to the parcel to the north for the duration of construction on that parcel and also on the subject parcel.
43. The applicant/developer is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
44. Landscaping adjacent to the entrance drives should be of low profile types not to exceed 8'-0" in height when mature (with the exception of trees).
45. All Fire Department access and fire lanes shall be clearly posted as "No Parking, Fire Lane." Signs shall be designed and mounted in accordance with Montclair Fire Department standards.
46. A fire hydrant system shall be required to provide the necessary water flow to the proposed structure. Exact number, location, and design of hydrants shall be determined by the Fire Marshal's office when building plans are received.

Hydrants shall be operational prior to commencement of the framing stage of construction.

47. Commercial occupancies with cooking areas shall require an approved fixed fire extinguishing system for protection of the hood and duct system and overall cooking areas. This system shall be equipped with an automatic fuel shutoff to all equipment protected by this system. Three (3) complete sets of drawings of this system shall be submitted to the Fire Marshal's Office prior to issuance of a permit.
48. In the event that any portion of any structure is to be used for the purpose of a public assembly, the developer/architect shall contact the Fire Marshal's Office for requirements prior to submission of building plans.
49. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
50. In those structures covered by CAC Title 19, all drapes, hangings, curtains, drops and all other decorative material shall be made from non-flammable material, or shall be treated and maintained in a flame-retardant condition by means of a flame-retardant solution or process approved by the State Fire Marshal.
51. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
52. An approved, emergency keyed access system shall be required to facilitate access by Fire Department personnel in the event of an emergency during non-business hours. Forms are available at Montclair Fire Department Headquarters, 8901 Monte Vista Avenue, for those occupancies requiring such a system.
53. A Certificate of Occupancy is required prior to occupancy of each building. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
54. Prior to issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Building Division electronic images of all plans and records, which are submitted for the purpose of obtaining a building permit, to the Building Division. Electronic images shall meet the City's Electronic Archiving Policy.
 - b. Submit to the Engineering Division electronic images of the Water Quality Management Plan. Electronic images shall comply with the City's Electronic Archiving Policy.

- c. Obtain written permission from Caltrans to permanently maintain the landscape right-of-way along the eastbound Interstate 10 on-ramp for the length of the project limits.
 - d. Complete all approved street improvements along the Central Avenue frontage for the length of the project limits, the San Jose Street cul-de-sac, and the west alley of Rose Avenue, including widening the east side of Central Avenue from the proposed northerly driveway to the existing right turn lane for the eastbound Interstate 10 on-ramp and modifying lane striping as necessary.
 - e. Remove all on-site utility poles and overhead utility lines and place underground. Relocate all utility poles and overhead utility lines in the west alley of Rose Avenue from the west side of the alley to the east side for the length of the project limits.
 - f. Install all approved landscaping and exterior lighting.
 - g. Install all ADA-required parking stalls and parking lot signs.
55. Prior to issuance of a Certificate of Occupancy or at a time satisfactory to the City Engineer, whichever occurs sooner, the applicant shall perform the following tasks to open the southbound-to-eastbound left turn pocket at Central Avenue and the Costco driveway:
- a. Remove existing barricades.
 - b. Sweep turn pocket.
 - c. At applicant's cost, contract with:
 - i. Albert Grover & Associates to develop a new signal timing plan to include the southbound left turn phase.
 - ii. Team Econolite to re-program the existing traffic signal controller, modify existing poles and signal hardware as necessary to provide traffic indications to vehicles exiting the project site, and install sign on southbound signal mast arm reading "LEFT TURN YIELD ON GREEN."
56. 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.
57. 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, of 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 reminded the Commission that there is a fifth Monday in October so it would be a three-week period in between meetings.

Commissioner Sahagun inquired about the two-story building that was approved behind the Arco station on Mission and Central. Director Clark advised that it is going through the plan check process.

Commissioner Sahagun asked about the grade separation at Ramona Avenue. City Engineer Hudson stated that the Ramona grade separation is pretty much fully funded. We had \$1.6 million appropriated for the Monte Vista grade separation, but we have written a letter to our congressman asking him to approve transferring those funds over to Ramona Avenue. We want to do that because Ramona Avenue is so close, the design is complete and the right-of-way acquisition is nearly complete. We had probably 12 parcels overall that we needed to acquire, three of them were fee acquisitions. We have completed all of the fee acquisitions, one of them is about to close escrow and the other two we completed long ago. The easements have all been acquired, except for one property, for which we are negotiating and hope to finalize by the end of the year. The City would like to advertise this project for construction in January or February and be under construction by late spring or early summer. We are looking at 18 to 24 months for construction, but we have not actually calculated the time necessary to do the construction. When he knows for sure what time they are going to give the contractor, he will let the Commission know.

Chairman Lenhart adjourned the meeting at 8:37 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary