

**PLANNING COMMISSION MINUTES
OF THE NOVEMBER 28, 2005 MEETING
HELD IN THE COUNCIL CHAMBER
OF THE MONTCLAIR CIVIC CENTER
5111 BENITO STREET, MONTCLAIR**

CALL TO ORDER

Chairman Lenhart called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Chairman Lenhart led those present in the salute to the flag.

ROLL CALL

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

MINUTES

The minutes of the October 24, 2005 Planning Commission meeting were presented for approval. Vice Chairman Flores moved to approve, Commissioner Sahagun seconded, there being no opposition to the motion, the minutes were approved 5-0.

ORAL AND WRITTEN COMMUNICATIONS

ELECTION OF OFFICERS

Director Clark stated that it was the time for the Commission to consider its organization for the next two years and conduct an election for the offices of Chairman and Vice Chairman. Chairman Lenhart nominated Vice Chairman Flores for Chairman. There being no other nominations, Chairman Lenhart called for a vote. There being no opposition, Vice Chairman Flores was elected Chairman.

Commissioner Sahagun nominated Chairman Lenhart for Vice Chairman. There being no other nominations, Chairman Flores called for a vote. There being no opposition, Chairman Lenhart was elected Vice Chairman.

AGENDA ITEMS

1. PUBLIC HEARING - CASE NUMBER 2005-38
10176 Central Avenue
Koopman Brothers
Request for a Conditional Use Permit

Associate Planner Frazier-Burton reviewed the staff report.

Commissioner Sahagun asked about the notices mailed out to residents living within a 300-foot radius and whether staff had received any responses. Associate Planner Frazier-Burton stated that, as indicated in the staff report, there were two residents who called and said they were in favor of it since it was retail sales only. The residents indicated that they would have some concerns if they were going to be processing items there.

Commissioner Johnson stated that she recognized that this site will only do retail sales but she asked what if someone comes in and drops off a bunch of stuff during the night. Is there a plan for that? Associate Planner Frazier-Burton stated that management would dispose of any delivered items. Even if it is posted that receiving is prohibited, sometimes people will leave things so the management should be monitoring that.

Commissioner Vodvarka asked about the trash enclosures. If you go behind Koopman's there is a bunch of old furniture. There is also a mess behind the carpet store. Since a new business is going to be opening there, he would like to see a proper trash enclosure for the entire complex. Associate Planner Frazier-Burton stated that, as a requirement for approval of this project, the applicant will be required to build a trash enclosure behind the thrift store. Commissioner Vodvarka commented that he understood it was a condition for the thrift store but that he would like to see it required for the other stores as well. Associate Planner Frazier-Burton stated that there is one behind Koopman's and one behind the carpet store.

Brent Westra, 10115 Eucalyptus Avenue, Ontario, thanked the Commission for their consideration and stated that he was the president of Three-Way Thrift and wanted to comment that they are a non-profit organization and have operated a store in Chino for over 10 years. They intend to receive and sort everything at the Chino store and bring items on racks to the Montclair store. All the board members are not paid, most of the staff is not paid, and 100% of the profits are donated to Salem Christian Homes, Inland Christian Home, and Ontario Christian Schools. They are very proud of what they do and are different from other thrift stores because they are the Nordstrom of thrift stores and they take a great deal of pride in that. The difference is the cleanliness. They have addressed the issue of trash behind the store at Koopman's. He gave his personal guarantee that they will keep their area 100% clean and they do not intend to have a lot of trash because what they do not use, clothing-wise, they ship to other countries. They are looking forward to having a long working relationship with the City of Montclair, as they are bursting at the seams in the Chino store.

Commissioner Sahagun commented that he would like to know how many thrift stores there are in the City and asked for a report from staff at the next meeting. Associate Planner Frazier-Burton stated that the City presently has three operating thrift stores, all located on Holt Boulevard.

Vice Chairman Lenhart moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the establishment of the proposed thrift store, and that a DeMinimis finding of no impact on fish and wildlife and Negative Declaration have been prepared, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 5-0.

Commissioner Vodvarka moved to grant a Conditional Use Permit for the proposed thrift store at 10176 Central Avenue by adopting Resolution No. 05-1620, subject to making the four required findings and subject to the 22 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 CUP to allow the establishment of a thrift store with retail sales only within an existing 9,750 square-foot commercial building at 10176 Central Avenue per the submitted plans. Any substantial changes to the operation, business hours, increase in floor area of the demised space or physical location shall require prior City approval. This approval expressly prohibits outdoor storage and the acceptance and processing of donated items and merchandise, either inside or outside the building.
2. Conditional Use Permit (CUP) approval shall be valid for a period of six (6) months from the date of Planning Commission approval unless substantial progress has been made in property improvement or that the store is in operation with City issuance of a Certificate of Occupancy. 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 this CUP for the specified use.
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. Approved hours of operation for the thrift store are Monday through Saturday, 9:00 a.m. to 6:00 p.m. The business owner has the option of opening or closing anytime within these hours. Any extension of the hours of operation requires prior City approval.
5. Prior to issuance of building permits, the applicant shall:
 - a. Submit two complete sets of floor plans for the project, including all new partition walls, racks and shelves for the storage and display areas, lighting, structural, and Title 24 calculations, and accessibility details for review and approval by the Building and Planning Divisions.

- b. Submit an updated landscape plan for review and approval by the Planning Division that includes replacement of all missing ground cover and shrubs, including information on quantities and container sizes.
6. This permit may be modified or revoked for failure to abide by these conditions or in the event that the use is determined to be a nuisance to surrounding properties, businesses or the community at large.
7. Prior to installation of new building-mounted signs or replacement of monument sign face, a building permit shall be obtained and an application for a sign permit shall be submitted to the Planning Division for review and approval.
8. 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.
9. No pay telephones or vending machines shall be located on the exterior of the building.
10. 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.
11. All satellite dish antennas, microwave receivers and transmitters, and other forms of communication equipment shall be located in a manner in accordance with the provisions of Chapter 11.46 of the Montclair Municipal Code.
12. Mechanical equipment including, but not limited to, utility meters, air conditioners, and repair equipment shall be located within the building or in a manner compatible with the architectural design of the building to the satisfaction of the Planning Division.
13. The applicant shall construct a new trash enclosure behind the thrift store location.
14. All new 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 use City Development Standard #106 as a base and shall include a gable, hip or barrel roof complementary to the architectural design of the main building.

15. No portion of the parking lot or rear loading dock shall be used for the storage and processing of any merchandise, including discarded materials. Signage shall be posted on the property to the satisfaction of the Planning Division prohibiting dropping off donated materials on the premises.
16. 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.
17. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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 because of such action. At its sole discretion, the City may 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 2005-39
10325 Central Avenue
Gary and Helga Sherman
Request for a Conditional Use Permit Amendment and Precise Plan of Design

Associate Planner Lai reviewed the staff report.

Chairman Flores commented that he was still a little confused about the addition of Condition Number 8; was it replacing the old Condition Number 8 or was it being inserted? Associate Planner Lai replied that it was an insertion/addition and all the subsequent conditions would be renumbered 9 and so on.

Commissioner Vodvarka stated that he had a concern about whether or not the facility would be for service that people drive in and out the same day, or was this a facility for cars that had been traded in and were in to be serviced and if that is the case, where are all those cars going to be housed. Associate Planner Lai stated that the conditions address those issues. The west parking lot will be used for customer parking, while the east and south parking lots will be used for employee parking and to park customer vehicles.

Vice Chairman Lenhert asked if the site was going to be a future dealership or are the plans just for servicing of the vehicles. Associate Planner Lai stated that this is going to be exclusively for service.

Chairman Flores commented that the site plan does not conform to a set size and the scale is so small.

Kevin Hall, Penske Automotive Group, 3534 N. Peck Road, El Monte, in response to Commissioner Vodvarka's inquiry and a question from Commissioner Johnson, stated that the property is going to be strictly for service of customer vehicles. There will not be any used cars serviced there.

Commissioner Vodvarka asked about how the east side of the lot would be used and whether it would be empty all the time. Mr. Hall replied that employees would be parking there and that they would also use that area for service staging – vehicles waiting for service or those that have already been serviced.

Commissioner Vodvarka moved that, based on the evidence submitted, a finding is made that there will be no significant environmental impact as a result of the granting of a CUP amendment to convert a former auto dealership into an auto service center, including a DeMinimis finding of no effect on fish or wildlife, and a Negative Declaration has been prepared, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Commissioner Johnson moved to approve the CUP amendment under Case No. 2005-39 for the conversion of a former auto dealership into an automobile service center by adopting Resolution No. 05-1619, subject to making the required findings and subject to the 35 conditions of approval, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Vice Chairman Lenhart moved to approve a Precise Plan of Design for a 1,809 square-foot addition to the east side of the existing auto service facility at 10325 Central Avenue per the submitted plan and as described in this report, subject to the 35 conditions of approval, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 5-0.

1. This approval is for the following:
 - a. A Conditional Use Permit (CUP) amendment for conversion of the former automobile dealership facility at 10325 Central Avenue into an automotive service center for the Penske Automotive Group.
 - b. A Precise Plan of Design (PPD) for the site plan, elevations, colors, and materials associated with the 1,809 square-foot expansion of the repair facility as depicted on the approved plans and described in the development application. All improvements shall be constructed in substantial compliance with the submitted drawings and all business activity conducted on the premises shall comply with the underlying General Commercial (C-3) Zone.
2. Conditional Use Permit (CUP) approval shall be valid for a period of six months from the date of Planning Commission approval and shall automatically expire on the six-month anniversary date of Planning Commission action, 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. 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 issuance of building permits, the applicant shall:
 - a. Submit five complete sets of plans for the service bay expansion and tenant improvements, including building elevations, colors and materials,

electrical, plumbing, mechanical, landscaping, lighting, and accessibility details, 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 existing and new lighting shall incorporate 90-degree fully cut-off style luminaires and flat lenses. Submitted plans shall include a photometric analysis of all exterior lighting to meet minimum requirements of the City's Security Ordinance.
- c. Submit landscaping and irrigation plans for revision of and addition to the existing planter areas for review and approval by the Planning and Building Divisions.
- d. Submit a comprehensive sign program to the Planning Division for review and approval. The sign program shall include all building-mounted identification signs and freestanding monument and directional signs. Building-mounted tenant identification signs shall be channel letters in proportion to the building elements to which they are attached. Exposed raceways shall be prohibited on all building-mounted signs. A freestanding monument sign of no more than ten feet (10'-0") in height and 60 square feet in sign area (per face) shall be permitted subject to review and approval by the Building and Planning Divisions. Said monument sign shall be affixed to a full-width architectural pedestal consistent with building materials used on the main building. Directional signs no more than four feet (4'-0") in height may be incorporated as part of the program. All freestanding signs shall have a durable, opaque background (aluminum, metal, plaster, stucco, etc.) with routed copy.
- e. 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.
- 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. 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.

- h. A letter of non-interference from any utility company that may have rights of easement within the property boundaries.
 - i. "Will-serve" letters from all utilities serving the site. The developer will be required to coordinate with the various public utilities for the necessary improvements for said utilities to service the site.
 - j. Submit three (3) complete sets of plans to address any modification to the existing, 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 all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
6. 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. Special Auto Dealership signs (vertical or "snowcone" banners) may be attached to a maximum of 50 percent of the total number of light poles in the public area of the parking lot subject to approval of a permit by the Planning Division.
 - c. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
7. No pay telephones or vending machines shall be located on the exterior of the building.
8. No public address or paging system, or exterior telephone ringer device(s) shall be installed or utilized as part of the new use. The applicant shall permanently disable or remove any existing such system(s). Use of such system in violation of this condition shall be grounds for revocation of the Conditional Use Permit.
9. 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 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 on the property shall be prohibited.

10. All utility services to the building shall be installed underground.
11. 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. Add-on roof screening is considered unacceptable. The height of parapet walls should be designed with rooftop equipment screening in mind.
12. All satellite dish antennas, microwave receivers, transmitters, and other forms of communication equipment shall be located in a manner in accordance with the provisions of Chapter 11.46 of the Montclair Municipal Code.
13. Mechanical equipment including, but not limited to, utility meters, air conditioners, and repair equipment shall be located within the building or in a manner compatible with the architectural design of the building to the satisfaction of the Planning Division.
14. All building downspouts shall drain directly into landscape areas.
15. 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.
16. Any new, above-grade concrete support pedestals for freestanding light poles throughout the project site shall be enhanced with a decorative building material consistent with that used on the main building.
17. All landscape planting areas, including planter boxes, shall have 100 percent irrigation coverage by an automatic irrigation system.
18. 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.

19. All existing trees on the project site shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA). Written proof of such corrective measures shall be submitted to the Planning Division prior to issuance of a Certificate of Occupancy.
20. 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.
21. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357.
22. 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.
23. 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.
24. Underground Service Alert shall be notified 48 hours prior to any excavation at 800/422-4133.
25. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
26. 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 Bruce Taylor, Environmental Control Specialist, at 909/625-9446 for fees.
27. The applicant/developer/general contractor is responsible for reasonable periodic cleanup of the construction site to avoid hazardous accumulation of combustible trash and debris.
28. 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.
29. 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.

30. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
31. 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.
32. 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.
33. 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. Complete the following modifications to the on-site lighting to comply with the City's current commercial lighting policies to the satisfaction of the City Planner:
 - i. Adjust pole-mounted luminaires along Kingsley Street and in rear parking lot to 90 degrees or replace.
 - ii. Adjust canopy-mounted spotlight on west side of service canopy to 90 degrees, remove or replace.
 - iii. Remove spotlights attached to top of pole lighting (two along Central Avenue, one in turf area south of main building).
 - iv. Remove spotlights on west and south walls of existing wash rack and south wall of service department.
 - v. Completely remove pole and spotlight bank attached to south wall of service department.

- d. Completely remove the existing, freestanding signs and support columns at the northwest corner of the property and at the south driveway, and remove the abandoned sign poles at the southwest corner of the property.
 - e. Remove dilapidated canvas tarp on gate at northeast corner of property. If screening is desired, durable mesh screening (steel or aluminum painted to match gate) shall be used.
 - f. Install all ADA-required disabled-accessible parking signs at parking lot entrances and parking spaces.
34. 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.
35. 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 because of such action. At its sole discretion, the city may 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.

3. CASE NUMBER 2005-36
4691 Allesandro Street
Oscar Moreno
Request for a Precise Plan of Design

Associate Planner Frazier-Burton reviewed the staff report.

Commissioner Sahagun commented that he has heard that other cities have ordinances that require an increased number of covered parking spaces for residences that have a large number of bedrooms.

Chairman Flores commented that the plan does not provide enough context for one to know where the lot is. There is no street, and without the staff report, no one viewing the plan would know where it is. The cover sheet should stand by itself. He inquired if the footings would be sufficient to hold the load of the second story addition. City Planner Lustro answered that at the time the plans are submitted, it will be determined what, if any, structural upgrades are necessary. For clarification, this is currently a four-bedroom house and it is going to remain a four-bedroom house. The ground floor will be converted to active living spaces such as a family room, music room, and enlarged kitchen and dining rooms. All the bedrooms will be moved upstairs and it will remain a four-bedroom house.

Vice Chairman Lenhart moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the two-story addition to an existing single-family residence, and that a DeMinimis finding of no impact on fish and wildlife and Negative Declaration have been prepared, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 5-0.

Vice Chairman Lenhart moved to approve the Precise Plan of Design request for the site plan, elevations, colors and materials for a two-story, 2,758 square-foot addition to the existing single-family residence per the submitted plans and as described in the staff report, subject to the 12 conditions, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 5-0.

1. This Precise Plan of Design (PPD) approval is for an 829 square-foot first floor addition and a 1,929 square-foot second story addition at 4691 Allesandro Street, in the R-1 (Single-Family Residential) zoning district, subject to meeting all building setbacks, height and lot coverage requirements.
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. Applicant shall commence construction of the approved project within 180 days of the issuance of a building permit and shall diligently complete the construction within 180 days from permit issuance date unless an extension is granted by the Community Development Director in the event of unavoidable circumstances.
5. Prior to issuance of a building permit, the applicant shall:
 - a. Submit five complete sets of architectural plans for the project, including building elevations, colors and materials, electrical, plumbing, mechanical, 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 three (3) complete sets of plans for an approved, automatic fire sprinkler system for the entire 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.

- c. Submit revised building elevations illustrating that the exterior colors and materials on the proposed addition shall be consistent with the existing dwelling.
 - d. Pay all required Montclair Fire Department fees.
 - e. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
6. Any new air conditioning condenser units shall be located on the ground in the rear yard of the residence. All rooftop exhaust vents shall be painted to match as closely as possible the color of the roofing material on the residences.
 7. The applicant/developer is responsible for reasonable periodic clean up of the construction site to avoid hazardous accumulation of combustible trash and debris.
 8. A final inspection is required prior to occupancy of the residential addition. A final approval by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
 9. Prior to approval of a final inspection for the addition, the applicant shall 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.
 10. 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.
 11. Final approval by the Building Division shall be contingent upon Fire Department inspection and approval of all conditions.
 12. 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 court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay because 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.

4. CASE NUMBER 2005-40
4870 Arrow Highway
City of Montclair
Request for a Precise Plan of Design

City Planner Lustro reviewed the staff report. Staff's recommendation is for approval with one last-minute correction from the Public Works Division. Condition No. 7.f.ii addresses the issue of the existing chain link fence that runs along the San Antonio Wash that belong to the Army Corps of Engineers. City Engineer Michael Hudson has proposed two alternatives to dealing with that fence: a) replacing the fence in its current location on the channel wall, or b) constructing a new combination masonry pilaster and tubular steel fence on the easement line which is about 15 to 17 feet east of the channel wall. Either of those options would be acceptable to staff. The worst that would happen is that if the Corps is not willing to work with us, there would be some parking that would be lost along the west property line, but not significantly enough to seriously impact the project.

The architect has prepared a video presentation for the Commission to view. Also, Chief Chester Thompson and Captain Keith Jones of the Montclair Police Department are present for any questions.

Larry Wolff, principal of WLC Architects, 10470 Foothill Boulevard, Rancho Cucamonga, stated that it has been a pleasure to work with Montclair's Police and Planning Departments in creating the City's future police facility. They are very excited about the project and hopefully it shows in some of the design proposals. He thoroughly reviewed the staff report and they are in full agreement with no exceptions. They are willing and able to comply with all the requirements for development and, as Mr. Lustro indicated, they had a short video model and can "fly around" a little bit to give an idea of what the new police facility might look like. Our site is a prestigious one, and its high visibility will serve as an important anchor as Montclair looks forward to developing the northern area of the City.

Mr. Wolff narrated the video as it showed the exterior and interior of the proposed building.

Vice Chairman Lenhert inquired about the shooting range. Mr. Wolff replied that the video presentation did not fly through the shooting area.

Commissioner Johnson inquired about water that is not pictured. Mr. Wolff explained that what is not pictured is a water feature in the main plaza. At the present time, we are still reviewing the potential of that and the main concern is the cost and with rising costs, he was concerned with being able to justify water features. It has not been ruled out but is not part of the proposal.

Commissioner Johnson asked about the parking lot. There are some spaces that are covered and some are not and she wondered why. Mr. Wolff replied that what they decided to do was to apportion the amount of the budget allocated to 47 spaces primarily to provide protection to City-owned squad vehicles. The rest of the parking stalls are for staff and personnel private vehicles and those were not covered.

Commissioner Johnson commented that she thought the design was beautiful and was particularly impressed by all the skylights that would allow for use of natural sunlight.

Commissioner Sahagun asked if all the glazing would be bullet-proof. Mr. Wolff stated that if he were to take the Commission slowly around the building and go window to window, what they tried to do was minimize the amount of occupied space fronting on either Arrow or Monte Vista precisely to eliminate the need for bullet-resistant glass. Conversely, they tried to place detective bureau administrative spaces and others either on the second level or the opening to the north so that those spaces would not require bullet-resistant glass. They did an analysis driving around the street in public rights-of-way or even the parking spaces to explore potential bullet-proof trajectories for drive-by or other possible targeting points. The potential trajectories of all of the windows that we have, except for the main lobby, go into the ceiling or a dead area of the building. The only area they are proposing in bullet-proof glass is the main entry.

Commissioner Sahagun asked what would happen if someone were to come in with weapons. Mr. Wolff replied that the public records counter, which takes 99% of the public traffic in terms of information, records and other requests, is the prime area where the public interfaces with the department, at least in the beginning. The windows above the main public counter are also protected with bullet-resistant glass. There are no open counter areas where anyone could enter the police facility and be able to fire a weapon freely into an occupied space. It is all protected with bullet-resistant glass.

Commissioner Sahagun asked if there would be any metal detectors. Mr. Wolff replied that, at the present time, they are not proposing metal detectors but they could consider that. They have considered a variety of motion detectors and cameras to provide the level of security that the Police Department has asked for. Metal detection has not been incorporated into the project. He would defer to the police with regard to their feelings for the need for that.

Captain Keith Jones, Montclair Police Department, stated that they have talked about metal detectors in the past, but they feel that the security features designed in to the project are sufficient enough so that they feel safe and confident that no one can get through. Each employee will have a proximity reader as part of their ID to allow them into certain parts of the building, depending upon their responsibility. Commissioner Sahagun asked about cameras. Captain Jones stated that there will be 36 cameras around the facility. In Dispatch, there will be four TV monitors, two of which will be used for nothing but multiplexing the different areas of the station.

Commissioner Sahagun asked what is to stop someone from jumping the fence, primarily along the rear and along the channel. Captain Jones stated that where there is a will, there is a way. They do not want to use fences of a visually unreasonable height to keep people out. On the south side, the west wing containing the firing range will serve as a substantial barrier to accessing the secured parking lot area.

Commissioner Johnson asked about what will happen with the existing Police Department building when the new one is completed. She indicated that she will miss having the secure feeling of having the police right next door to Alma Hofman Park. City Planner Lustro stated that staff has been reviewing plans to convert most of the existing building to a youth center

and to renovate the park, including the addition of new amenities, such as additional basketball courts, new play areas, new tot lot, and a new gazebo.

Commissioner Johnson commented that if there was no police presence or kiosk in the existing facility, she was hopeful that a police vehicle would drive by every so often to patrol because she only felt comfortable going to that park because the police station was right next door.

Commissioner Johnson moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the construction of the proposed police facility, 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 5-0.

Commissioner Vodvarka moved to approve the Precise Plan of Design request under Case No. 2005-40 for the site plan, elevations, colors and materials associated with the proposed police facility, and related on- and off-site improvements per the submitted plans and as described in the staff report, subject to the 46 conditions of approval, including an amendment to Condition No. 7.f.ii, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

1. This approval is for a Precise Plan of Design to allow the construction of a 45,800 square-foot building and associated improvements to house the Montclair Police Department on approximately 6.22 acres at the northwest corner of Arrow Highway and Monte Vista Avenue as depicted on the submitted plans and described in the staff report.
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. Prior to submittal of grading plans or other improvement plans, the applicant shall prepare and submit for review and approval a Water Quality Management Plan (WQMP) in accordance with the State of California Santa Ana Regional Water Quality Control Board Guidelines for San Bernardino County to Joe Rosales, NPDES Coordinator. WQMP Guidelines may be purchased from the City of Montclair or are available for review on-line at: www.swrcb.ca.gov/rwqcb8/html/san_bernardino_permit.html. The Water

Quality Management Plan shall be prepared by a Registered Civil Engineer or other qualified professional as may be authorized in the guidelines.

5. The applicant/developer shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code, including processing a lot merger of Parcels 3 and 4 of Parcel Map No. 5663.
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 erosion control plan shall be included and considered an integral part of the grading plan. 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, and from the parking lots to the building entrances, 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. Street, streetlight, sewer and storm drain improvement plans 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.
 - e. Plans for erosion control and stormwater pollution prevention. A general construction permit may be required. Contact Joe Rosales, NPDES Coordinator, at 909/625-9470 for requirements.
 - f. A letter of non-interference from any utility company that may have rights of easement within the property boundaries.
 - g. "Will-serve" letters from all utilities serving the site. The subdivider/developer will be required to coordinate with the various

public utilities for the necessary improvements for said utilities to service the site.

7. Prior to issuance of building permits, the applicant shall:
 - a. Execute a lot merger as described herein to consolidate the two parcels comprising the development site and provide 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 project site.
 - d. Submit revised landscaping and irrigation plans for review and approval by the Planning and Building Divisions. The revised landscape plan shall include the following:
 - i. Fourteen (14) Quercus ilex (Holly Oak) street trees, 40 feet on center, along the Arrow Highway frontage of the site. If the existing Holly Oak street trees can be protected in place and retained, then the missing street trees shall be replaced at the current spacing of 30 feet on center.
 - ii. Replacement of the five (5) Cupressus leylandii (Leyland Cypress) and three (3) Cupaniopsis anacardioides (Carrotwood) with eight (8) Pinus canariensis along the Monte Vista Avenue frontage of the site.

All street trees identified above shall be minimum 24-inch box size, double-staked and installed per City standards.
 - e. Submit the following for review and approval by the NPDES Coordinator:
 - i. A revised landscape plan for the retention area. Landscape/hardscape palette shall be arranged in an informal design and consist of materials having optimal

- infiltration/percolation capability and the ability to withstand periodic inundation.
- ii. A detailed plan of the uncovered emergency generator enclosure. A secondary containment structure may be required for spills, leaks or similar events.
- f. Submit a revised site plan illustrating the following:
- i. Enhanced paving across the full width of both 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.
 - ii. With respect to the existing Army Corps of Engineers' chain-link fencing along the easterly edge of the San Antonio Wash easement, the applicant shall do one of the following:
 - A. If Army Corps of Engineers' permission can be obtained to eliminate the easement fencing along the west side of the subject property, the existing fence shall be removed and new channel wall fencing shall be installed in the easterly channel wall, minimum 6'-0" and maximum 8'-0" in height.
 - B. If Army Corps of Engineers' permission cannot be obtained for eliminating the easement fencing, the applicant shall construct a combination split-face masonry pilaster/tubular steel fence along the easterly easement line, 8'-0" in height, for the length of the project limits. Tubular steel panels shall be painted gloss black.
- g. Submit a detailed sign program addressing the details for all building-mounted identification signs and freestanding directional signs, including materials and method of illumination (where applicable).
- h. 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.
- i. Pay all required Montclair Fire Department fees.
- j. 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.)
- k. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.

8. Exposed raceways shall be prohibited on all building-mounted and freestanding signs.
9. 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.
10. No pay telephones or vending machines shall be located on the exterior of any building.
11. All utility services to the building(s) shall be installed underground. This requirement applies to electrical transformers and switches and, where technology exists, telephone and cable television facilities as well. If pad-mount transformers and/or switches are necessary, they shall be 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.
12. 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 the Metrolink right-of-way.
13. 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.
14. The emergency generator enclosure shall be designed to screen the bulk of the equipment within the enclosure. Projections above the enclosure wall, such as vent or exhaust stacks, shall be painted a color consistent with the enclosure wall.
15. The communications antenna shall be painted a neutral color consistent with one of the primary colors of the main building to the satisfaction of the City Planner.
16. 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.
17. The K-9 kennel shall be constructed of masonry consistent with the primary type and color of that used on the building and shall include a roof consistent matching the architecture that of the main building or the trash enclosure.

18. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be enhanced with masonry veneer consistent with that used on the main building.
19. 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 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.
20. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
21. 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.
22. All new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
23. 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.
24. 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 on the sign wall proposed for the southeast corner of the property.

- 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.
25. The applicant shall be required to install a traffic signal at the westerly entrance to the facility and traffic regulatory signs at both driveways to the satisfaction of the City Engineer.
26. New drive approaches shall have a minimum width satisfactory to the City Engineer.
27. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code. Floor drains in vehicle wash bays or wash-down areas shall convey wastewater to a clarifier of a capacity satisfactory to the City Engineer.
28. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact Bruce Taylor, Environmental Control Specialist, at 909/625-9446 for fees.
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 Bruce Taylor, Environmental Control Specialist, at 909/625-9446 for fees.
30. 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.
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 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.

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. Planter areas in the center of drives should be set back a minimum of 20 feet from curb line and the plant materials should be of low profile type.
36. 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).
37. 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.
38. 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.
39. 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.
40. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
41. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
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. 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. Install all approved landscaping and exterior lighting.
 - d. Install all ADA-required parking stalls and parking lot signs.
 - e. Remove all utility poles and overhead utility lines from the project site.
 - f. Construct the following improvements to the satisfaction of the City Engineer:
 - i. Remove and replace all substandard P.C.C. curb and gutter, and construct P.C.C. sidewalk along the Arrow Highway frontage for the length of the project site.
 - ii. Complete installation of the traffic signal at the westerly entrance to the project site.
45. 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.
46. 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

City Attorney Robbins congratulated Mr. Flores and Mr. Lenhert on their appointments as Chairman and Vice Chairman of the Commission.

Commissioner Sahagun asked for an update regarding the North Montclair Specific Plan and suggested review of mid-rise and high-rise buildings as many neighboring cities have allowed buildings taller than four stories. Director Clark stated that the traffic study has been completed and we hope to have an administrative draft before Christmas.

Vice Chairman Lenhart asked if the City has plans to widen Monte Vista between San Bernardino and Benito Streets. Director Clark replied that the City has the desire but no plans. Vice Chairman Lenhart commented that it is a bad stretch of street and cars have been speeding.

Commissioner Johnson asked if the updates to her Municipal Code book were completed.

Commissioner Vodvarka stated that the property at 10160 Columbine Avenue is going downhill, the resident is not healthy, and he wondered if there was something someone could do.

Chairman Flores noted that the Palo Verde Street construction is well underway and that the new building at 4600 Arrow Highway is completed. He asked if staff could address in the near future his previous inquiry about why Montclair does not have a green waste program while neighboring cities do.

Chairman Flores adjourned the meeting at 8:10 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary