



**CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES**

**REGULAR ADJOURNED MEETING
Monday, March 13, 2006**

**CITY COUNCIL CHAMBERS
5111 Benito Street, Montclair, California 91763**

CALL TO ORDER

Chairman Flores called the meeting to order at 7:05 p.m.

PLEDGE OF ALLEGIANCE

Vice Chairman Lenhert led those present in the salute to the flag.

ROLL CALL

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

MINUTES

No minutes of previous Planning Commission meetings were presented for approval.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

- 6.a PUBLIC HEARING – CASE NUMBER 2006-9
- Project Address: 10400 block Pradera Avenue
10300 block Mills Avenue
- Project Applicant: Southern California Housing Development Corporation
- Project Planner: Jim S. Lai, Associate Planner
- Request: Tentative Parcel Map No. 17354 to subdivide a 7.88-acre parcel into two lots
- Staff Recommendation: Approve Tentative Parcel Map and recommend City Council approval

Associate Planner Lai reviewed the staff report.

Chairman Flores commented that he did not see any soils analysis on the map. He also commented that we should be asking for a conceptual grading plan so the Commission can see where the water is going. The map should stand on its own.

Commissioner Sahagun commented that he was anxious for this project to begin. The Commission got a tour of SoCal's other projects in the area and they were very nice. With the other project the Commission already approved in the area, it will make a nice improvement to the general area at Holt and Mills.

Vera Wilson, 4665 Huntington Drive, commented that she reviewed the map that was mailed to her and did not understand it. Director Clark responded that Ms. Wilson's comments would be covered by the third item on tonight's agenda.

Vice Chairman Lenhart moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the re-subdivision of a 7.88-acre parcel into two lots and the revised site plan and floor plans for construction of the proposed 75-unit multi-family residential 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 passed 5-0.

Commissioner Vodvarka moved to recommend City Council approval of Tentative Parcel Map No. 17354, re-subdividing a 7.88-acre parcel generally at the southerly terminus of Pradera Avenue and in the 10300 block of Mills Avenue into two lots for residential development, subject to the 61 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 the Precise Plan of Design revision request under Case No. 2006-9 for the revised site plan, floor plans, elevations, conceptual landscape plan, and materials associated with the proposed 75-unit multi-family residential development at 10410-10450 Pradera Avenue, and associated on- and off-site improvements per the submitted plans and as described in the staff report, subject to the 61 conditions of approval,

seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 5-0.

1. This approval is for the following:
 - a. Tentative Parcel Map No. 17354 re-subdividing a 7.88-acre parcel into two separate lots for residential development. Parcel 1 consists of 4.36 net acres and Parcel 2 consists of 2.11 net acres.
 - b. Precise Plan of Design for the site plan, floor plans, elevations, colors, materials, and conceptual landscape plan associated with the construction of a 75-unit multiple-family residential development at 10410-10450 Pradera Avenue.
2. The tentative tract map shall expire three years from the date of the Planning Commission resolution unless extended under Government Code §66452.6. The final parcel map shall be filed with the City Engineer and shall comply with the Subdivision Map Act of the State of California and all applicable ordinances, requirements, and resolutions of the City of Montclair.
3. 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 to City Engineer for approval a Water Quality Management Plan (WQMP) in accordance with the State of California Santa Ana Regional Water Quality Control Board Guidelines for San Bernardino County. WQMP Guidelines may be purchased from the City of Montclair or are available for review on-line at: www.swrcb.ca.gov/rwqcb8/html/san_bernardino_permit.html. The Water Quality Management Plan shall be prepared by a Registered Civil Engineer or other qualified professional as may be authorized in the guidelines. Contact the City NPDES Coordinator Joseph Rosales at 909/625-9470 for WQMP requirements and submittal fees.
6. Developer shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code.

7. Prior to filing the original signed final map with the City Engineer, the applicant shall submit to the City the following documents, requiring approval of the City Engineer, at least 60 days before the filing of the original signed final map, in order to permit review pursuant to Government Code §66456.2:
 - a. 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 is to be included and is considered an integral component of the grading plan. Prior to the commencement of grading or any clearing of the site, a grading permit shall be obtained from the Building Division. An advance plan check fee, in an amount to be determined by the City Engineer, shall be required at the time of plan submittal.
 - c. Execution of a subdivision agreement with the City of Montclair. The agreement shall contain provisions for performance and payment bonds for all works within the public rights-of-way, and a monumentation bond for tract monuments in accordance with the Subdivision Map Act.
 - d. A letter of non-interference from any utility company that may have rights of easement within the property boundaries.
 - e. "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.
 - f. Dedication to the City of Montclair and/or other public agencies easements for water, storm drains, sanitary sewers and other utilities.
 - g. Street improvement plans for Pradera and Mills Avenues. Plans shall comply with State and/or City disabled-accessible requirements for ramps, street access, and parking. Cul-de-sac shall be constructed to City standards.
8. Prior to filing the original signed final map with the City Engineer, the applicant shall conduct a Phase I environmental analysis of the entire site, to be performed by an environmental consulting firm acceptable to the City, to determine whether any contamination is present on the site. Any and all clean-up as required by the results of said analysis shall be completed prior to acceptance of the final tract map by the City for recordation. All clean-up activities shall be in compliance and completed in accordance with all applicable local, state and federal regulations. The environmental analysis report shall be approved by the Director of Community Development. The applicant shall be responsible for staff and City Attorney costs associated with this review.

9. If any artifacts are encountered during grading or demolition activities, all work shall cease at the location immediately and the City and other appropriate agencies shall be notified of the conditions encountered on the site. A field archaeologist shall submit a written archaeology report, including findings and specific mitigation measures and time frames necessary to offset the impacts. Work shall not be stopped for more than one month unless extended by the Director of Community Development in order to ensure that any identified artifacts are properly retrieved and catalogued. Work shall not resume unless clearance has been obtained from the Department of Community Development.
10. All utilities serving the subdivision shall be underground. This requirement applies to electrical service, transformers and switches, and where technology exists, telephone and cable television as well.
11. Prior to issuance of building permits, the applicant shall:
 - a. Obtain all necessary approvals of Tentative Tract Map No. 17354 from the City and have the final map recorded with the County of San Bernardino.
 - b. Submit five complete sets of architectural plans for each model/elevation, 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. Prepare and submit plans for erosion control and storm water pollution prevention to the satisfaction of the City Engineer. A general construction permit may be required. Contact Joe Rosales, NPDES coordinator, at 909/625-9470 for requirements.
 - d. Submit a revised exterior color palette for review and approval by the Planning Division. Colors to be used on each building shall be within the same color "family."
 - e. Submit revised building elevations to reflect the following:
 - i. Enhanced glazing (full divided-lights or divided-lights over single-light) shall be provided, at a minimum, on all front elevations and on all secondary elevations facing, and/or visible to, public rights-of-way, perimeter drives and parking areas.
 - ii. Window surrounds, enhancements (wood, stucco-over-foam, shutters, pot shelves or similar) or minimum six-inch (6") recesses at each window on all elevations.
 - f. 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 fully cut-off style luminaires and flat lenses or decorative luminaires that include upright shielding and house-side shielding as necessary. 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. Illumination in all interior drive aisles and parking lots shall provide a minimum lighting level of one (1) foot-candle.

- g. Submit detailed plans for all perimeter walls, fencing and security gates.
 - h. Submit detailed landscaping and irrigation plans for review and approval by the Planning and Building Divisions. Planting plan shall call out all species, quantities and container sizes.
 - i. Submit three (3) complete sets of plans for an approved, automatic fire sprinkler system for each residence directly to the Fire Marshal's office for review and approval, including two sets to be microfilmed/digitally imaged. The system shall conform to national standards.
 - j. Pay all required Montclair Fire Department fees.
 - k. Pay adopted parkland development fee. (Currently adopted fee as of March, 2006, is \$2,700 per dwelling unit.)
 - 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.
12. Street address assignments for the project shall be as follows:
- Building 1 – 10410 Pradera Avenue
 - Building 2 – 10425 Pradera Avenue
 - Building 3 – 10450 Pradera Avenue
 - Building 4 – 10430 Pradera Avenue
13. The applicant shall construct a decorative iron fence, 6'-0" in height, around the entire project perimeter, except within the 25-foot front yard setback at the terminus of Pradera Avenue and Mills Avenue, where said fence shall not exceed 42 inches in height. Intermediate columns, 6'-10" in height (4'-0" in front yard setback), constructed of precision block and faced with stucco or another decorative material, shall be incorporated into the perimeter fence 20 feet on center.
14. The applicant shall incorporate sufficient sound attenuation measures (i.e. dual-paned glazing, upgraded insulation, etc.) in each residence to achieve a maximum interior noise level of 45dBA.

15. The address/building number of each building shall be prominently displayed in minimum six-inch (6") tall characters in a color contrasting with the background to which it is attached. Said identification shall be installed in locations clearly visible to the public street and/or perimeter driveway.
16. All large mechanical devices and their component parts, such as air conditioners, evaporative coolers, or similar equipment shall be located on the ground and screened with landscaping or screening structures. All exhaust fans, vents, and similar equipment, whether located on the roof or on a vertical wall surface, shall be designed in such a way to be compatible with the architectural design of the building to the satisfaction of the Planning Division.
17. 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.
18. 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.
19. All trash enclosures shall be constructed of masonry and faced with a material 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 include a gable or barrel roof with tile compatible with the architectural design of the main building.
20. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be enhanced or "wrapped" with a decorative building material or texture consistent with those used on the main building.
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.
26. Disabled-accessibility shall be provided through all new/reconstructed drive approaches serving the site. Additional right-of-way shall be dedicated if necessary.
27. Prior to commencement of the framing stage or delivery of lumber to any location within the tract boundary, the applicant shall provide an all-weather access within each street right-of-way. 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 26'-0". This 26-foot width shall be maintained free and clear of construction equipment, materials and debris at all times during construction.
28. The tentative map shows an easement identified as "4" that is incorporated into the northeast corner of the parking area of Parcel 2. Applicant shall submit a quitclaim document from the owner of the easement, and shall show the easement as vacated on the final parcel map.
29. Internal drive aisles and/or streets are intended to be private. The design shall be addressed on the grading plans, and reviewed and approved by the City.
30. Drive approaches on Mills Avenue and Pradera Avenue shall have minimum widths of 25 feet clear. Additional width will be required if traffic is divided by a median at the entrance.
31. Modifications may be permitted to the Mills Avenue median to accommodate left turn movements, should the applicant so desire. Such modifications shall be subject to the satisfaction of and approval of the City Engineer. In addition, one-way directional arrows and additional signage as may be necessary by the City Engineer shall be installed in the median.
32. The submitted site plan and tentative map show gated entrances at each driveway. Adequate accommodations, including signage, lighting and other devices, to the satisfaction of the City Engineer, shall be made for drivers inadvertently turning into these driveways, unaware that there are gated entrances.
33. Storm drains serving the development shall be designed in accordance with the requirements of the San Bernardino County Flood Control District. Connections to the San Antonio Wash shall be in accordance with the requirements of the U.

- S. Army Corps of Engineers. A connection permit issued by the Corps is required.
34. Drainage from Pradera Avenue shall be intercepted and conveyed through or around the proposed development site in a manner acceptable to the City Engineer. The existing catch basin at the south end of Pradera Avenue shall be relocated east or west of the proposed driveway. Replacing the catch basin with a grate-opening basin is unacceptable.
 35. The proposed storm drain alignment at the southeast corner of the property should be routed southeasterly to the channel rather than northeasterly then southeasterly. The right-of-way for doing so exists through the Army Corps of Engineers' easement.
 36. Improvements shall be made within the Corps right-of-way from a point opposite the prod of the northerly parcel boundary south of Pradera Avenue to the point opposite the prod of the southerly parcel boundary. Improvement shall include paving the Army Corps of Engineers' service road and landscaping the area between the service road fencing and the easement line/proposed curb.
 37. No construction within the public right-of-way shall commence until a public works permit is obtained from the City's Public Works Department and all applicable fees paid. All utility lines installed to serve the new development shall be placed underground from the nearest existing power pole or other point of connection not adjacent to the property frontage. The sewer connection improvements may be shown on either the street improvement or grading improvement plans.
 38. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
 39. Proposed sanitary sewers serving this development appear to be laterals connecting to an existing City sewer line. As such, the sewer shall be privately maintained.
 40. Payment of all outstanding sewer reimbursement fees imposed by a utility district, if any, or any assessments shall be required. Contact Bruce Taylor, Environmental Control Specialist, at 909/625-9446 for information.
 41. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.430 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA).
 42. No soil may be imported or exported without first obtaining approval from the City Engineer. A plan satisfactory to the City Engineer shall be prepared showing the proposed haul route within the City. Subject plan shall include provisions for street sweeping and cleanup. Contractor(s) shall be responsible for complying with all NPDES requirements.

43. Underground Service Alert shall be notified 48 hours prior to any excavation at 800/422-4133.
44. 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.
45. A 20-foot wide, unobstructed roadway capable of supporting firefighting apparatus shall be maintained within 150 feet of all structures prior to and for the duration of construction. Roadway is subject to Fire Department approval prior to commencement of construction.
46. The applicant/developer/general contractor is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
47. Planter areas in the center of drive aisles should be set back a minimum of 20 feet from curb line and plant materials should be of low profile type.
48. Landscaping adjacent to entrance drives should be of low profile types not to exceed 8'-0" when mature (with the exception of trees).
49. All Fire Department access and fire lanes shall be posted as "No Parking, Fire Lane." Signs shall be designed and installed in accordance with Montclair Fire Department standards.
50. A fire hydrant system shall be required to provide the necessary water flow to the proposed subdivision. Exact number, location and design of hydrants shall be determined by the Fire Marshal's Office when building plans are received. Hydrants shall be active prior to the framing stage of construction.
51. Commercial occupancies with cooking areas, such as a commercial kitchen within the recreational facility, require an approved, fixed fire suppression system for protection of the hood and duct system and overall cooking areas. The system shall be equipped with an automatic fuel shutoff to all equipment protected by the system. Four (4) complete sets of drawings of the system shall be submitted to the Fire Marshal's Office and approved prior to issuance of a permit.
52. In the event any portion of the buildings is to be used for the purpose of a public assembly, the developer/applicant shall contact the Fire Marshal's Office for requirements prior to submission of building plans.
53. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
54. 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.

55. The applicant/developer shall install approved emergency lighting in common areas to provide adequate illumination automatically in the event of any interruption of electrical service.
56. 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.
57. A Certificate of Occupancy is required for each building 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.
58. Prior to issuance of the first Certificate of Occupancy, the applicant shall complete the following improvements to the satisfaction of the City Engineer:
 - a. Remove all on-site utility poles and overhead utility lines from the project site.
 - b. Construct all approved improvements along the Pradera Avenue frontage of the project site, including, but not limited to removal and replacement/relocation of P.C.C. curb, gutter and sidewalk, and asphaltic concrete (A.C.) pavement, and installation of landscaping and irrigation.
 - c. Install one (1) concrete standard streetlight at the terminus of Pradera Avenue adjacent to the entrance of the multi-family development. Streetlight shall be installed in the public right-of-way and owned and maintained by Southern California Edison. Lighting level shall be a minimum 0.3 foot-candles within the public street right-of-way.
 - d. Connect the new development to the City of Montclair sanitary sewer system.
59. Prior to issuance of the first 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.
60. 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.

61. 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.

6.b PUBLIC HEARING – CASE NUMBER 2006-10

Project Address: 4761 Arrow Highway
Project Applicant: Laird Properties, LLC
Project Planner: Carol Frazier-Burton, Associate Planner
Request: Conditional Use Permit Amendment and Precise Plan of Design for co-location of a wireless telecommunications facility
Staff Recommendation: Approve CUP Amendment and Precise Plan of Design

Associate Planner Frazier-Burton reviewed the staff report.

Commissioner Sahagun inquired if staff received any calls from the neighbors about the project. Associate Planner Frazier-Burton replied that staff had received no calls.

Commissioner Johnson commented that it was interesting to her that the proposed pole is almost the same as the existing pole. Associate Planner Frazier-Burton commented that it is exactly the same except for the height.

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

Commissioner Johnson moved to grant a Conditional Use Permit Amendment under Case No. 2006-10 per the submitted plans and as described in the staff report, by adoption of Resolution No. 06-1625, subject to making the required findings and subject to the 19 conditions of approval, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 5-0.

Commissioner Vodvarka moved to approve a Precise Plan of Design under Case No. 2006-10 per the submitted plans and as described in the staff report for a wireless telecommunications facility and support facilities at 4761 Arrow Highway, subject to the 19

conditions of approval, seconded by Chairman Flores, there being no opposition to the motion, the motion passed 5-0.

1. This approval is for the following:
 - a. A Conditional Use Permit amendment to allow the extension of an existing 58-foot wireless telecommunications structure ("unipole") to a maximum height of 75 feet and the installation of associated equipment at 4761 Arrow Highway, as depicted on the approved site plan.
 - b. A Precise Plan of Design for the design elements of the unipole, support equipment and fencing associated with the proposal. Support equipment shall consist of four (4) equipment cabinets, each approximately 3'-0" by 6'-0", to be painted to match the adjoining buildings. The entire height of the unipole shall be painted/re-painted to match the previously-approved color associated with Case No. 2001-45. The unipole and support equipment area shall be enclosed on the north side by a wrought iron or tubular steel fence, minimum 6'-0" and maximum 8'-0" in height, and backed with an aluminum or steel mesh that substantially screens visibility into the enclosure. Fence and mesh shall be painted gloss black.
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. The display of any sign or advertising device other than public safety warnings, certifications, or other required seals is prohibited.

6. No lighting is permitted in connection with this approval, except that the applicant shall be permitted to install one (1), building-mounted security light on the exterior wall of the equipment room, no more than 6'-0" above adjacent grade. The light shall be equipped with a motion sensor or other similar device that limits its operation only to times that service personnel are performing repairs or routine maintenance at the facility.
7. All electrical and utility connections to the approved facility shall be underground.
8. Certification of continued use of the approved facility shall be submitted to the Planning Division on an annual basis at the time of business license renewal for as long as the facility remains in operation. The certification shall indicate that the facility is operating as approved and that it complies with the most current Federal Communications Commission (FCC) safety standards. Facilities that are no longer in operation shall be removed within 90 days after cessation of operation. If no annual certification is provided, the City may commence revocation proceedings for the facility's Conditional Use Permit. Prior to the commencement of revocation proceedings, the Director of Community Development shall provide the owner(s) of record a written notice of their failure to provide the annual certification and an opportunity for a hearing.
9. Notice of any change of ownership of the facility shall be provided in writing to the Planning Division.
10. Within 90 days of commencement of operations, the applicant shall provide a preliminary report and field report prepared by a qualified engineer indicating that the operation of the facility is in conformance with the standards established by the American National Standards Institute (ANSI) and Institute of Electrical and Electronics Engineers (IEEE) for safe human exposure to electromagnetic fields (EMF) and radiofrequency radiation (RFR).
11. All future modifications to the facility, such as the addition of panel, whip, dish or omnidirectional antennas, shall be subject to prior review and approval by the City.
12. Building permits shall be obtained prior to commencement of any construction. Final approval and certificate of occupancy will require full compliance with the conditions contained herein.
13. Prior to the issuance of building permits, the applicant shall:
 - a. Ascertain and comply with all requirements of the Building Division and the Fire Department.
 - b. Submit plans for the support equipment and new fence to the Planning and Building Divisions for review and approval.

- c. Obtain all other applicable permits and comply with all requirements of agencies having authority for this project including, but not limited to the FAA, FCC and Public Utilities Commission. In particular, applicant shall present verification of need or lack thereof of any required warning signal for air traffic.
14. If, as a result of the operation of the subject facility, existing or future residential properties near the site experience any interference difficulties with electronic equipment (such as radios, televisions, telephones, or computers), the applicant shall be solely and fully responsible to correct any and all problems.
15. An ongoing maintenance program shall be established to maintain a high quality appearance for all aspects of facility. Particular attention shall be toward the immediate removal of graffiti. Any graffiti shall be removed/re-painted within 48 hours of its placement. Failure to provide necessary maintenance may be cause of renovation of this permit and/or removal of facility.
16. All architectural detailing including building materials, lighting, colors, and similar details shall be subject to review and approval by the Planning Division prior to issuance of a building permit.
17. All fencing and materials used for fencing shall be subject to Planning Division approval prior to issuance of a building permit. Scaled drawing showing the location, height, materials, and design of fencing shall be submitted for review.
18. 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.
19. The applicant shall agree to defend, at his sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or, in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of his obligations under this condition.

6.c PUBLIC HEARING – CASE NUMBER 2006-14

Project Address: North Montclair Downtown Specific Plan
(±150 acres)
Project Applicant: City of Montclair
Project Planner: Planning Division staff / Moule and Polyzoides
Architects and Urbanists
Request: Provide comments and consider public testimony on
proposed Specific Plan and Draft EIR
Staff Recommendation: Recommend City Council adoption of Specific Plan
and Draft EIR

City Planner Lustro reviewed the staff report.

Alan Loomis, representing Moule and Polyzoides Architects and Urbanists, the consultant for the project, reviewed the PowerPoint presentation originally shown at the February 27, 2006 Planning Commission meeting.

Nicole Carter, representing Crawford, Multari & Clark Associates, reviewed an Executive Summary with regard to the environmental impacts of the project. They are looking for the adoption and implementation of the North Montclair Downtown Specific Plan providing a vision for the establishment of a downtown area as a mixed-use transit oriented and walkable district and, as mentioned, taking action to amend the General Plan and Zoning Code. The project consists both of specific projects and components – parking garages and changes to various streets, build-out of land uses in terms of dwelling units and non-residential square footage as well as population and the policies and programs in the Specific Plan and their implications. This is a programmatic EIR and it differs from a detailed EIR. This is a long-range Specific Plan and includes several phases over a period of time. CEQA has an interesting relationship with Specific Plans. In general, EIRs are decision-making tools intended to inform the public, the decision makers and other interested parties, of the potential adverse environmental consequences of a project at hand. The EIR recommends mitigation measures to reduce any identified impacts as much as feasible. In this case, the City is the lead agency; however, there are a number of responsible agencies that might have some permitting authority over components of the projects, such as Caltrans or the Southern California Regional Rail Authority. The interesting relationship between CEQA and Specific Plan EIRs may exempt future residential development from further CEQA review if the project conforms to the plan as presented.

The progress to date is that the public draft of the EIR went out January 31, and comments will be taken Thursday, March 16, 2006. We are presenting the plan and the EIR with the goal of moving them on to the City Council. Ms. Carter reviewed each section of the EIR. A summary of the findings of the EIR was attached to the staff report for the Commission's review and she noted a change to the summary since it was prepared. Based on a comment received from the San Bernardino County Department of Public Works, the impacts to off-site stormwater infrastructure should be moved to "significant but mitigable." Mitigation measures can be implemented to reduce all of the potentially significant impacts anticipated under the project, except for the following: SCAG's regional population projections for Montclair are low-to-flat for the foreseeable future and this project introduces the potential for population growth for the area that the regional agencies were not planning on in their last projections;

air quality impacts during construction; motor vehicle and other source emissions; noise issues related to construction; impacts to sensitive land uses; regional wastewater infrastructure; parkland; and solid waste on a cumulative scale. Air quality impacts are typical in this area and of a project of this size, there will be a lot of activity in this area over a number of years, emissions levels during construction, and they have listed a number of mitigation measures that could be appended to the project permits as is warranted. There will be operational impacts, modeling, and build-out of the community. The project contains most transportation demand management principles inherently in that it will be a walkable, transit-oriented plan. For parks, the acreage of parks provided is inconsistent with the City park acreage. In addition to the impacts analysis, the EIR is required to present alternatives to the proposed project and the idea here is to balance the objectives of the project, which is laid out in the project description, with the significant impacts of the project. The attempt is to reduce those significant impacts while still achieving the basic objectives. A number of alternatives were considered in the EIR. The next step is for the Commission to make a recommendation to the City Council to certify the EIR and to make a decision on the Specific Plan. After the conclusion of the public review period, we will respond to comments in writing and send those responses back to the commenters at least ten days prior to the City's certification. Following response to written comments, we will prepare the final EIR, including the responses to comments, mitigation monitoring and a reporting plan so they can lay out how the City and developers can comply with the mitigation measures set forth in the EIR.

City Planner Lustro stated that an addendum to the staff recommendation was placed at each Commissioner's seat. The original recommendations were modified because staff needs to formally amend the General Plan before we move forward with the adoption of the Specific Plan. What staff will do is bring a General Plan amendment back to the Commission at its next meeting for the North Montclair Downtown Specific Plan boundaries and move that forward to City Council the following week. We will then bring the Specific Plan back to the Commission in four weeks. At the conclusion of tonight's public hearing, staff's recommendation is that the Commission continue the public hearing to the regular meeting of April 10, 2006 at which time the Commission will be asked to take action.

Vera Wilson, 4665 Huntington Drive, commented that she thought the project was wonderful but wanted some idea of when she will be asked to leave the house that she was born in 60 years ago. She understood that her property is in one of the later phases of the plan. Director Clark stated that the timeframes that have been presented are just estimates based upon what individuals and the development community might do. The properties on Huntington Drive are narrow and very deep. Staff thinks that someone would need to assemble a number of parcels to do a logical development. It is not a plan that the City is developing. The City does not own the land, we're not timing it, and the City is not pushing the construction of it. We are in control of some properties and have some control over the transportation developments. The other properties will be developed at the desire and timing of the private property owners.

Pepe Bravo, 10261 Greenwood Avenue, commented that Ms. Wilson already asked the question that he was going to ask. He is representing his mother-in-law and she is concerned about what is going to happen to her property. Is she going to get fair value for her property if she sells it? If she does not want to sell it, does she have to? Director Clark stated that it would be the decision of the individual property owners about when they would

sell their property and develop it. Mr. Bravo asked if this was going to be like what is going on in the County area. Director Clark asked for clarification. Mr. Bravo stated that the people in the County area do not want to be part of the City and it is being forced down their throats. Director Clark stated that is incorrect; the City is simply rezoning that area for future planning purposes if and when it is annexed to the City. Mr. Bravo stated that he is just concerned about Huntington Drive. Chairman Flores stated that the City does not own the properties and we do not know when the Gold Line will be completed to Montclair. Commissioner Sahagun stated that market conditions will dictate prices. There have to be enough owners willing to assemble or sell to a potential developer.

Jenny Lewis, 9030 Fremont Avenue, inquired if Fremont Avenue was going to be the main street and if the houses on that street are going to be affected. Director Clark stated that the City moved the center of the plan to east of Fremont Avenue in an effort to protect the existing residential neighborhood and we are not suggesting that any of the properties on Fremont would be affected; they could remain as they are. Additional residential is tentatively proposed on the east side of Fremont. Ms. Lewis asked if there would be a beautification of the street and who would be responsible for paying for it. Director Clark replied that the street will be restructured as part of a new Community Facilities District. New development, not existing residents, will contribute to the CFD, which will include reconstruction and improvements of both Fremont Avenue and Arrow Highway, including the undergrounding of the electrical transmission lines on Arrow Highway. Ms. Lewis asked if property taxes would increase as a result of the project. Director Clark replied that their taxes would continue to be governed by Proposition 13.

Anil Patel, 4669 Huntington Drive, stated that he has 20,000 square-foot lot that he has been trying to build three houses on for 1½ years. He inquired when can he submit the plans for the three houses. Director Clark advised him that he could start today if he wanted to. Staff expects the plan to move through the adoption process and be done by May, 2006 and, at that point, it would become the governing law for the area.

Robert Rodriguez, 9020 Fremont Avenue, commented that when this was first started, everyone was advised that no one was going to be moved. Director Clark confirmed that there is still no intention of removing any homes in Mr. Rodriguez's neighborhood.

Ms. Wilson asked if the gentleman on Huntington Drive was right next to her property. She inquired if he would be able to start building on his property on May 1. She stated that she also has a neighbor behind her who is proposing to build a home and has been stopped up to this point. Will he, at that time, be able to start building on his property after May 1? Ms. Wilson stated that neither owner has access to sewer. Director Clark stated that there are a number of issues and challenges. Ms. Wilson asked if they will have to put in septic tanks or will they have to connect to sewer. Director Clark advised that it will depend upon where they are relative to the sewer availability now. There is sewer that will be connected under the tracks and close to that area in the very near future. Director Clark stated that he did not want it to sound like after May 1 there would be a new world of development on Huntington Drive.

Director Clark advised that staff felt that they could amend the General Plan by the next meeting and asked the Commission to continue the public hearing until the next meeting.

Commissioner Vodvarka moved to continue Item 6.c, Case No. 2006-14, to the regular meeting on April 10, 2006, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 5-0.

INFORMATION ITEMS

Director Clark commented that the State of the City luncheon is scheduled for March 30 at 11:30 a.m. in the Community Center and is also going to be part of the City's 50th anniversary celebration and will be an expanded show and invited each of the Commissioners to attend.

Director Clark advised that staff determined that the gas smell in the area of Arrow Highway and previously discussed at a Commission meeting originated at the Omnitrans compressed natural gas bus refueling facility. He was unsure if they had a leak or a spill, but that was the source.

Commissioner Sahagun commented that the Housing Improvement Task Force did an excellent job on the single family survey and Action Plan for 2006.

Vice Chairman Lenhart asked how much population the Downtown Plan was expected to generate. Director Clark replied that there could be as many as 3,200 dwelling units, so if you figure three persons per household, over 9,000 people would be added.

Vice Chairman Lenhart asked about the impact on schools. Director Clark advised that the school districts are aware of the project, but staff feels that this will not be a community that will have as many children as you typically find in new, developing single-family areas. Ontario-Montclair is experiencing declining enrollment like many other districts in the region and the state. Some of the schools have been able to go back to traditional schedules as a result.

Vice Chairman Lenhart asked about the parking and whether parking structures were proposed. Director Clark answered that there are parking structures proposed in order to accommodate the necessary parking.

Vice Chairman Lenhart asked about the water. He commented that he has not seen anything regarding availability and stated that what the water district may not have enough resources to provide water. Director Clark replied that the water district has indicated to the City that they have adequate water.

Commissioner Vodvarka commented that he was very proud of the kids that belong to the Key Club at Montclair High School. They had an assemblage at Pomona First Federal in Ontario last Saturday to assemble dolls. The dolls are given out when there is an accident or a fire and there is a child involved.

Commissioner Johnson asked if more information could be provided regarding the open spaces within the Downtown Plan.

Chairman Flores stated that he observed that there is a bus stop on the west side of Ramona Avenue just south of Mission Boulevard, so he requested that the developer of the former ARCO site be required to construct a bus shelter as part of their project when it comes forward.

Chairman Flores adjourned the meeting at 8:45 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary

