CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING
Monday, May 8, 2006

CITY COUNCIL CHAMBERS
5111 Benito Street, Montclair, California 91763

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Commissioner Sahagun 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

The minutes of the April 10, 2006 Planning Commission meeting were presented for approval. Chairman Flores stated that there was a typo referring to Maynard Lenhert as the Chairman. Commissioner Vodvarka stated that the typo was located on page 4 of 10, in the second paragraph. Commissioner Vodvarka moved to approve as amended, Commissioner Johnson seconded, there being no opposition to the motion, the minutes were approved 5-0.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

6.a PUBLIC HEARING – CASE NUMBER 2006-18

Project Address:	4651 Brooks Street
Project Applicant:	Harry H. Zarbock Trust & Royal Street Communications
Project Planner:	Jim S. Lai, Associate Planner
Request:	Conditional Use Permit amendment and Precise Plan of Design to co-locate a second wireless telecommunications facility

Associate Planner Lai reviewed the staff report. Mr. Lai added that staff has received an inquiry from Cingular Wireless regarding co-location at this particular facility, which would require another Conditional Use Permit amendment that would be presented to the Commission if and when Cingular makes application.

Associate Planner Lai stated that the consultant representing Metro PCS was in attendance for any questions. Commissioner Johnson asked for clarification on condition numbers 10 and 26; Condition No. 10 requires graffiti to be removed immediately and Condition No. 26 requires allows removal within 72 hours of notice by the City. Associate Planner Lai replied that Condition No. 26 refers more to graffiti and vandalism of the facility. Typically we expect the applicant to remove graffiti immediately upon notification.

John Beke, Metro PCS, 8578 Utica Avenue, Suite 180, Rancho Cucamonga, stated that they are new to the Los Angeles area, but they have 2,000,000 customers nationwide. They launched Atlanta with over 600 sites and 100% co-location, and in the Bay Area they built over 500 sites, only 20 of which were brand new sites. City staff did all the work for them by identifying the co-locatable monopine that they were able to just add to. He also stated that he would have no objection to a 48-hour graffiti removal.

Chairman Flores inquired if staff received any inquiries from the public. Associate Planner Lai stated that one person made inquiry as to who the wireless provider was because Metro PCS is a fairly new name.

Vice Chairman Lenhert 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 Commissioner Vodvarka, 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. 2006-18 per the submitted plans and as described in the staff report, by adoption of Resolution No. 06-1628, subject to making the required findings and subject to the 32 conditions of approval, as amended, seconded by Commissioner Sahagun, 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. 2006-18 per the submitted plans and as described in the staff report for a wireless

telecommunications facility to co-locate at 4651 Brooks Street, subject to the 32 conditions of approval, as amended, seconded by Vice Chairman Lenhert, there being no opposition to the motion, the motion passed 5-0.

1. This approval is for a Conditional Use Permit (CUP) amendment and Precise Plan of Design (PPD) to allow the co-location of an unstaffed wireless telecommunications facility consisting of three sets of panels, each with four antennas to be attached at the 50-foot level of an existing 75-foot tall monopole, disguised as a mature pine tree, as shown on the submitted drawings and photo simulations, and the associated ground equipment shelter.

2. Conditional Use Permit (CUP) approval shall be valid for six months from the date of Planning Commission action. If no construction drawings have been submitted to the City for plan review within this timeframe or a time extension for such CUP granted, then the approval shall automatically expire without further City action.

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 12' x 18' ground lease area for the second carrier shall be enclosed with a maximum eight-foot high decorative iron fence or equivalent. Chain-link fence and/or razor wire will not be permitted.

6. The proposed monopole and ground-mounted ancillary equipment cabinets and shelter, lighting, and wiring shall be utilized by Royal Street Communications/MetroPCS as the secondary wireless communications provider. Cingular Wireless/T-Mobile Communications is considered the primary lessee with a ground lease of a certain portion of the Zarbock property with prescribed easements and certain rights for access to the facility for the purpose of constructing and performing regular and emergency maintenance of the wireless facilities. However, the landlord shall be held responsible for the overall upkeep and appearance of the monopine, all support facilities, fences, trees and other landscaping on the property.

7. All conditions of approval for the original CUP (Case No. 2004-9) for the existing wireless telecommunications facility on the subject property shall apply to this CUP amendment and shall be fully complied with.

8. Prior to issuance of a building permit, the applicant shall:

   a. Submit written documentation from the property owner and any other entities, including railroad and utility companies having easement rights over the subject portion of the property, certifying that the proposed 12' x 18' ground lease area for the second tenant and any possible future expansion shall not interfere with future usage of such area.

   b. Submit two complete sets of plans for the project, including engineered structural calculations and drawings for the monopole, associated facilities and utility plans, and three additional sets of architectural plans, including elevations, colors and materials, foliage addition to the monopine and lighting, if any, for review and approval by the Building and Planning Divisions.

   c. The applicant shall certify, to the satisfaction of the Building Official, that the existing monopole structure is designed to accommodate the additional antenna arrays and microwave disc as proposed in this request. Submittal of structural design, engineering calculations, wind load calculations, soil test results, footing details and associated documentation by a licensed structural engineer and/or related professional may be required to satisfy this requirement.

   d. Submit one complete set of plans to Linda DeChaine, Executive Director, West End Communications Authority (WECA), to determine the compatibility of the proposal with the City's public safety radio frequencies and services. Building permits shall not be issued unless WECA determines that the proposal will not impact the City's radio communications systems.

   e. Submit detailed plans for all exterior building-mounted and pole lighting, if any, 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. "Wall pack" wide area lighting shall be prohibited.

   f. Ascertain and comply with all requirements of the Building and Engineering Divisions and the Montclair Fire Department.

   g. Remit to the City a deposit or post a bond in an amount to be determined by the Community Development Director for the purpose of removing the subject facility and all associated support equipment in the event the facility becomes abandoned, the CUP is revoked by the Director, or the applicant does not or is unable to remove the facility.

h. Submit a copy of the lease with the property owner and/or the primary lessee. If the lease is extended, transferred or otherwise expired or terminated, notice and evidence thereof shall be provided to the Director. Upon termination or expiration of the lease, this CUP amendment for the Royal Street Communications/MetroPCS facility shall become null and void and the facility shall be completely removed within 90 days.

9. 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.

10. The applicant and/or property owner shall be responsible for maintaining the building, fencing, 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.

11. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.

12. All off-site and on-site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.

13. The developer/general contractor is to be responsible for reasonable periodic clean up of the construction site to avoid hazardous accumulation of combustible trash and debris.

14. All Fire Department access and fire lanes shall be posted as “No Parking, Fire Lane.” Signs shall be designed and mounted in accordance with Montclair Fire Department standards.

15. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.

16. The wireless telecommunications facility shall be constructed in substantial compliance with plans reviewed and approved by the Planning Commission.

17. No advertising, signs or lighting shall be incorporated or attached to the antenna array or support facilities, except as required by the City’s Building Division or federal regulations.

18. All electrical and utility connections serving the facility shall be placed underground in accordance with the requirements of the Montclair Municipal Code.

19. 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 equipment shelter, 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.

20. The applicant shall submit to the City certification of continued use of the approved facility 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 the facility complies with the most current FCC safety standards. Facilities that are no longer in operation shall be completely removed within 90 days after the date of cessation of operation.

21. If no annual certification is provided, the CUP for the facility may be revoked by the Director of Community Development. Prior to revoking a permit, the Director shall provide the owners of record written notice of their failure to provide the annual certification and an opportunity for a hearing.

22. Notice of change of ownership of the facility shall be provided in writing to the Director within 30 days of said change.

23. Within 90 days of commencement of operations, applicant shall provide a preliminary report and field report prepared by a qualified engineer that shows the operation of the facility to be in conformance with the standards established by ANSI and IEEE for safe human exposure to electromagnetic fields (EMF) and radio frequency radiation (RFR).

24. All future changes and modifications to an approved facility, such as the addition of a panel, whip, dish, omnidirectional, GPS or test antennas, shall require prior review and approval by the City.

25. If, as a result of the operation of the subject facility, existing or future residential, commercial or industrial properties near the site experience interference difficulties with electronic equipment (such as radios, televisions, telephones, home computers, etc.), or if public safety personnel experience interference with communications systems, the applicant shall be solely and fully responsible to correct any and all problems upon proof of such interference. It is recommended that the Montclair Police and Fire Departments be contacted prior to the operation of this wireless facility to ensure that no such interference exists.

26. All graffiti and other forms of vandalism and damage shall be removed and/or repaired within 48 hours of notice by the City.

27. A final inspection is required prior to use of the subject facility. Final approval by the Building Official shall be contingent upon compliance with all conditions of approval. The applicant shall contact the City to schedule an appointment for such inspection.

28. Prior to issuance of a final approval of the project, 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.

29. The permit may be modified or revoked for failure to abide by the conditions contained herein, or in the event the use is determined to be a nuisance to surrounding properties, businesses, or community at-large.

30. Applicant/vendor agrees to provide at no cost to the City or its agents access rights to, and installation space on, the monopine structure for the installation and maintenance of repeaters, transmitters, and radio (RF), microwave, infrared, satellite and other electromagnetic wave frequency.

6.b PUBLIC HEARING – CASE NUMBER 2006-22

Project Address:	5178 Brooks Street
Project Applicant:	Mitz Company & Hit-n-Run Baseball Development Center
Project Planner:	Jim S. Lai, Associate Planner
Request:	Conditional Use Permit to operate an indoor batting cage facility

Associate Planner Lai reviewed the staff report.

Chairman Flores commented that maps being accepted for projects are not very professional and there was no vicinity map included.

Cedric Elias, Attorney at Law, 2058 N. Garey Avenue, Pomona, past director of Pomona Valley Workshop located just down the street from the proposed batting cages. He stated that he is a friend of the applicant, he coaches his son and he has known him for quite some time. He is an excellent person and he had no doubt that he would operate atop-notch business. He is an outstanding instructor and also a great role model for the kids. He was a former member of the Cal State Fullerton championship teams, played professionally for the Montreal Expos.

Ryan Moore, 1003 Nashport Street, La Verne, stated that he would be the owner of Hit-n-Run, if approved. His passion is to teach baseball now because, due to injuries, he cannot play anymore so teaching the kids is what he likes to do and see them succeed. Since he has grown so much from one cage, opening this building will help him out tremendously. He does not have enough room for the demand. There is a big demand for the baseball and softball training.

Commissioner Johnson commented that she felt this is a phenomenal thing because there was a gaping hole left when The Dugout left. She inquired about the walkway outside batting cages #1 and #2. There is a small square that is labeled "support posts." She was concerned about the support posts and what, if anything was around the posts. Mr. Moore replied that the posts will be padded and everything will be chain-linked around the batting cages. Commissioner Johnson also inquired about whether someone would be providing instruction on the resistance bands. Mr. Moore stated that there will be someone providing instruction there.

Commissioner Vodvarka asked if the cages would be dual duty as pitching cages and batting cages. Mr. Moore answered that he did not consider himself a pitching instructor and he does not like to teach people something he wasn't professional at himself. If he adds that later on, he will have portable pitching mounds that can be brought in and kids can practice their pitching. Commissioner Vodvarka stated that he was concerned about the restrooms because he did not know how big it is, what kind of facility it is and is it going to be able to handle both male and female. Mr. Moore replied that it is a standard bathroom with one toilet and one sink, with disabled-accessibility. Mr. Moore added that use of the facility will be by-appointment only rather than being open to the general public, so he feels the single restroom will be adequate.

Chairman Flores asked what the hours of operation would be. Commissioner Vodvarka commented that Condition No. 4 states the hours.

Joe Gill, 13342 Preciado Avenue, Chino, brought a letter on his father's behalf (who could not attend). Mr. Gill stated that he has known Mr. Moore for three years as a student for baseball. Mr. Gill read aloud his father's letter in support of Mr. Moore's project.

Commissioner Johnson commended Mr. Gill for attending the meeting and reading his father's letter and stated that his father should be proud and that it says a lot about what Mr. Moore does with the kids.

Commissioner Sahagun moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the establishment and operation of an indoor batting cage and baseball/softball development facility, and that a DeMinimis finding of no impact on fish and wildlife and Negative Declaration have been prepared, seconded by Vice Chairman Lenhert, there being no opposition to the motion, the motion passed 5-0.

Commissioner Johnson moved to grant a Conditional Use Permit for the proposed indoor batting cage and sport development facility at 5178 Brooks Street, by adopting Resolution No. 06-1629, subject to making the four required findings and subject to the 14 conditions of approval, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 5-0:

1. Approval is granted for a CUP to operate an indoor batting cage and baseball/ softball development facility within a 5,600 square-foot industrial tenant space at 5178 Brooks Street per the submitted plans and as described in the application and the staff report. Any substantial changes to the operation

increase in floor area of the demised space, and/or physical location, shall require prior City approval.

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 licensing or implementation 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. 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. The batting cage and training facility shall be operated, maintained and open to the general public for group or individual instruction, training and practice purposes relating to baseball and softball development, but within the maximum allowable building occupant load as established by the Building Official. Approved hours of operation for the facility are 7:00 a.m. to 12:00 midnight, seven days per week. The operator may open or close the training facility anytime within this range of approved hours. Any changes to the hours beyond this range require prior City approval.

5. Applicant shall provide at least one (1) on-site disabled-accessible parking space and access to the facility from the public sidewalk by persons with disabilities, to be determined by the Building Official during plan review process.

6. Prior to issuance of building permits, the applicant shall:

    a. Submit five complete sets of plans for the tenant improvements, including all applicable building elevations, colors and materials, electrical, plumbing, mechanical, 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.

7. 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.

8. 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.

9. In those structures covered by CAC Title 19, all drapes, hangings, curtains, nets, 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.

10. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.

11. Prior to the installation of any identification signs, the applicant shall submit detailed plans to the Planning and Building Divisions for review and approval. All identification signs shall require building and sign permits.

12. 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 applicable conditions.

13. 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. Complete the modifications to the on-site lighting, if required, to comply with the City's current commercial lighting policies to the satisfaction of the City Planner:

    c. Install all ADA-required disabled-accessible parking signs at parking lot entrances and parking spaces.

14. 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.

6.c PUBLIC HEARING – CASE NUMBER 2006-23

Project Address:	4701 Holt Boulevard
Project Applicant:	Kenski Properties & Reaching Our Cities Ministry International
Project Planner:	Jim S. Lai, Associate Planner
Request:	Conditional Use Permit to allow a church assembly

Associate Planner Lai reviewed the staff report. The pastor and members of the church were in attendance at the meeting.

Commissioner Johnson asked how many people can occupy the tenant space. Condition number 7 states 150. Associate Planner Lai replied that the 7,800 square foot building could accommodate quite a few people, but in reality, the assembly room is 3,050 square feet and can accommodate 250 people. The applicant indicated that he would not go over 200 people. The legal building occupancy will be determined by the Building Official.

Commissioner Vodvarka inquired where the children play at this location. He was concerned that staff and the Commission take steps to prevent the parking lot become the play area.

Edward Maestas, 5655 Dover Street, Chino, pastor of Reaching Our Cities, also a businessman of good steward and financial services, is trying to bring its business to Montclair. They have been a church for about ten years. They started off in Pomona and began to build a church where people of all ages and married couples could better their lives in every area. Ten years ago he moved to Montclair with his wife and children and have always had a heart for Montclair but because of lack of finances at that time, they moved to a facility in Pomona for a very low price and were able to develop that building, but he has always wanted to come to Montclair to reach the community, especially the young people to make their lives better. They signed a lease and he started the process to get a CUP so they can be an asset to the City.

Commissioner Vodvarka inquired where the children will play. Mr. Maestas replied that there is no outside play area for the children, but there are rooms inside the facility for the children so they will be able to play within these classrooms. Most facilities do not have a place for a play area.

Commissioner Johnson asked about the multi-purpose room and what happens in there. Mr. Maestas replied that it is mostly for the children. They have a children's church and they develop their own worship, ushers, and way of having church so after they have their service,

they go to their own individual rooms based on their age and they also use it if they are going to have a small meeting.

Commissioner Vodvarka moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the proposed religious assembly use, 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.

Vice Chairman Lenhert moved to grant a Conditional Use Permit for the proposed church assembly at 4701 Holt Boulevard, by adopting Resolution No. 06-1630, subject to making the four required findings and subject to the 20 conditions of approval, seconded by Chairman Flores, there being no opposition to the motion, the motion passed 5-0.

1. Approval is granted for a CUP to establish a church assembly within a 7,800 square-foot commercial tenant space at 4701 Holt Boulevard per the submitted plans and as described in the application and staff report. Any substantial changes to the operation, increase in floor area of the demised space, and/or physical location, shall require prior City approval.

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 licensing or implementation 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. 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. The church assembly and associated Sunday school and youth facility shall be operated, maintained, and open to the general public for religious assembly purposes only, and shall be within the maximum allowable building occupant load as established by the Building Official. Approved hours of operation for the facility are 8:00 a.m. to 10:00 p.m., seven days per week. The operator may open or close the facility anytime within this range of approved hours. Any changes to the hours beyond this range require prior City approval.

5. No part of the subject 7,800 square-foot leasehold shall be used for church assembly or classroom purposes until all tenant improvements and requirements of this CUP are fully complied with and a Certificate of Occupancy has been issued by the Building Official. Furthermore, no portion of this tenant space shall be used for non-church functions, such as child or adult daycare,

pre-school, military school, vocational training or the like without first obtaining a CUP amendment from the Planning Commission.

6. Prior to issuance of building permits, the applicant shall:

   a. Submit five complete sets of plans for the tenant improvements, including building elevations, colors and materials, electrical, plumbing, mechanical, lighting, and accessibility details, structural and Title 24 calculations, prepared by a licensed architect or engineer and 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.

7. Maximum occupant load for the main assembly hall shall not exceed 250, as determined by the parking-to-building ratio, tenant leasehold, tenant mix and other considerations at this commercial center. The Building Official may further reduce the occupant load of the demised tenant space based on other building code considerations.

8. Applicant shall provide at least three (3) on-site disabled-accessible parking spaces, including one van-accessible space, and path-of-travel accessibility to the facility from the public street by persons with disabilities.

9. A trash bin enclosure, designed and constructed to meet current City standards, shall be included as part of the tenant improvement permit for the church. Such enclosure shall be located to the south of the building. Its design and location shall be subject to the review by the City Planner and Building Official.

10. Lighting in the front parking lot shall be enhanced and increased to meet the minimum one-foot candle light requirement. Existing flood lights on the north elevation of the building shall be removed or replaced with new light fixtures with 90-degree cut off flat lenses. A photometric analysis shall be required.

11. 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.

12. 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.

13. 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.

14. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.

15. Security and fire alarm systems and other applicable fire prevention devices shall be subject to the review and approval of the Fire Marshal and shall be fully functional upon taking occupancy of the tenant space for the approved use.

16. Prior to the installation of any identification signs, the applicant shall submit detailed plans to the Planning and Building Divisions for review and approval. All identification signs shall require building and sign permits.

17. 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.

18. 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. Complete modifications to the on-site exterior lighting to comply with the City's current commercial lighting policies and security ordinance as outlined in Condition No. 10 herein.

    c. Complete construction of the trash enclosure described in Condition No. 9 herein.

    d. Install all ADA-required path-of-travel, disabled-accessible parking stalls and related signs at parking lot entrances and parking spaces.

19. 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.

20. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

INFORMATION ITEMS

Director Clark stated that the Planning Commission meeting scheduled for May 22, 2006 has been cancelled because of staff's attendance at the International Council of Shopping Centers (ICSC) conference.

Commissioner Sahagun commented that the I-10 off-ramps and other key locations should be policed for trash more often. He commented that all off-ramps should be as clean and tidy as Freedom Plaza.

Commissioner Sahagun commented that over the weekend several sidewalks and curbs were marked for removal and replacement on Kingsley Street and those curbs do not look anything like the curbs on Harvard Street, where tree roots have lifted the sidewalk and in one place, the street pavement.

Commissioner Sahagun stated that there is a house in his neighborhood where an illegal room addition was demolished and now the debris is everywhere and he wondered how long the debris would be sitting there. Also at the same location, it appears that gray water is being drained into the lawn.

City Planner Lustro stated with regard to maintenance of the off-ramps, there is an easy way for anyone to report trash and graffiti to Caltrans online. On the Caltrans website home page, there is a link for reporting maintenance problems, etc. It's very easy to use; staff has used it a couple of times and plans on continuing to use it to report maintenance issues. A meeting he recently attended was also attended by a representative from Caltrans District 8. She encouraged attendees to please let them know about any maintenance issues and they would get on it as soon as possible. With regard to the marked sidewalks and curbs on Kingsley Street, that roadway is going to be completely reconstructed from San Antonio Wash to Benson Avenue and will include replacement of substandard curb and sidewalk, reconstruction of the accessible ramps at the corners and complete reconstruction of the pavement. The sidewalks and curbs in the Harvard Street neighborhood were marked and staff’s understanding is that those repairs are going to be done during the next fiscal year.

Commissioner Vodvarka commented on a newspaper article regarding auto insurance. Starting July 1, drivers are required to have insurance, and he wondered if it was possible for

the City to establish an impound yard as a potential revenue generator. Director Clark stated that staff has looked at that, did the feasibility studies and found that, based upon our level of service in that area, it is not viable venture.

Commissioner Johnson thanked City Planner Lustro for the information regarding the Caltrans web page. She commented that on one of the I-10 on-ramps, there are a few lumps of white rocks and if someone pulled over, it could do damage. She commented that she will use the web page and inform Caltrans of the problem.

Chairman Flores asked for an update regarding the project site that includes Tommy's Burgers. City Planner Lustro stated that there are a couple of issues slowing the project down. First, Dr. Woll needs to be relocated from her present location across from Costco to the north end of that site. Staff has received a partial set of plans for that relocation, but the plans are not complete yet so it is not ready for the Commission's consideration. Second, the owner of that property where the multi-tenant commercial center is proposed is in the process of purchasing the property to the south where Long John Silver's is located. It is expected that the entire center will be redesigned and brought back to the Commission for consideration.

Chairman Flores commented that the former ARCO station site at Ramona and Mission has trash and a leaning sign and it looks bad. Also, there is a bus stop northbound on Ramona Avenue just south of Holt Boulevard where people have to sit on the curb to wait for the bus. It would be nice if we could get Omnitrans to place a bench there.

City Planner Lustro commented that, in the proposal that is coming to the Commission on June 12 for the development of the southwest corner of Mission and Ramona, a bus shelter is included as part of the project. Staff communicated to the applicant that the Commission has mentioned it numerous times and it is an expectation. The proposed shelter will match the architecture of the proposed building.

Chairman Flores adjourned the meeting at 8:06 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary