CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING
Monday, June 12, 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

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 Planner Lai, and Deputy City Attorney Holdaway

Excused: Associate Planner Frazier-Burton

MINUTES

The minutes of the May 8, 2006 Planning Commission meeting were presented for approval. Commissioner Johnson moved to approve, Commissioner Vodvarka 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 2006-20

Project Address:	4467 Mission Boulevard
Project Applicant:	Scripps West Investments LLC
Project Planner:	Carol Frazier-Burton, Associate Planner
Request:	Conditional Use Permit and Precise Plan of Design to construct a 5,873 square-foot multi-tenant commercial building with drive-through and outdoor seating

City Planner Lustro reviewed the staff report. He stated that at the time the staff report was prepared, staff had not received any comments on the proposed project; however, today staff received a facsimile transmittal from De Anza Land and Leisure Corp, a copy of which has been provided to each of the Commissioners. De Anza Land and Leisure operates the Mission Tiki Drive-In Theater at the northwest corner of Mission and Ramona. As noted in the letter, they are expressing their concerns about the potential impacts that the lighting from the new project may have on the patrons of the drive-in theater. Condition No. 7.b, which is a standard condition of approval, requires all exterior building-mounted and pole-mounted lighting to be submitted for staff review and shall include 90-degree cut-off fixtures, which shine the lights straight down onto the project site and virtually eliminate any nuisance glare or light spill beyond the property lines. The maximum height of the pole-lighted fixtures is 20 feet, which for a commercial project is fairly conservative. The subject site is also below the grade of the drive-in theater across the street. Staff believes that the standard conditions of approval will address any concerns that the operators of the drive-in theater may have. With respect to the comment in the letter about the lights from the Brighton Plaza center creating a nuisance to patrons of the drive-in theater, this is the first staff heard about that, as we have not been contacted. Staff is not sure what the problem really is, as the lighting at that center is subject to the same conditions, so staff will research whether there are any issues to address with McDonald's and/or the property owner. The architect for the project is in attendance for any questions.

Chairman Flores asked if the item could be taken care of by approving and stating that staff would take care of any perceived nuisance lighting. City Planner Lustro stated that staff will respond to the communication from the drive-in owner with our belief that the conditions that are included in this item will satisfactorily mitigate any worries or concerns that the drive-in may have. Further, and not related to this project, staff will attempt to ascertain the concerns generated from the Brighton Plaza property and work toward resolution.

Commissioner Johnson observed that when the ARCO station was there, she is not aware of any lighting complaints and there was probably more illumination generated by that use. City Planner Lustro stated that staff had discussed this issue. There was a service station with a convenience store that likely generated a higher level of illumination than will the proposed project. The former project not only included site lighting, but also a significant amount of illumination on the underside of the pump island canopy. To his knowledge, there were never any complaints from the drive-in theater when the ARCO facility was in operation..

Vice Chairman Lenhert asked if there is anything that gives us a comparison of wattage this project will have compared to the ARCO station. City Planner Lustro replied that staff did not go back through and pull plans and review in detail the lighting specifications for the ARCO station and was not sure that staff would be able to find that level of detail in the plans from 17 to 18 years ago. What staff will do on this particular project when the lighting plan is submitted is to examine in detail the wattages that are proposed for any of the pole-mounted fixtures in the parking lot and make sure that they are of an adequate brightness to satisfactorily illuminate the parking lot for safety reasons, but make sure that they are not overly intense so that it is like a new car lot. That will be reviewed through the plan check process.

Commissioner Sahagun asked if new street lighting was proposed for this project or does it already exist. City Planner Lustro answered that in this particular case, all the street lights are in place along the property street frontages so there is no requirement for additional street lighting. Commissioner Sahagun commented that we want to make sure that we respond to the drive-in theater owner because they are important to the City. City Planner Lustro observed that while the owner states in the letter that the drive-in has been there since the 1950s, the character of the neighborhood is different than it was 50 years ago. Mission Boulevard is a commercial street and, like it or not, developers are beginning to take an interest in the area and the corridor is evolving with new uses and investment. Staff supports new development as it is an asset to the City and beneficial to the neighborhood. Staff recognizes that new projects need to be good neighbors and that is why staff imposes certain conditions of approval. The drive-in owners need to recognize that the area is changing, but staff will impose conditions necessary to protect the integrity of the theater.

Peter Noll, Colbourn-Currier-Noll Architects, 10675 Treena Street, Suite 101, San Diego, the architect for the project and representing Scripps West Investments, initially was coming to answer any questions, but noticed in reviewing the 52 conditions of approval that there were two issues that he wanted to address. The first was the placement of the disabled-accessible parking. In the initial design they had it immediately adjacent to the building and subsequently moved it to the north side of the property against Mission Boulevard. What they attempted to do was take advantage of the existing ramp that exits from the sidewalk onto the property and use the space between the accessible parking spaces to gain access into the property without losing any parking spaces. The guidelines for disabled-accessible parking requires that the ramps be placed outside the parking area, which pushes the ramps into the sidewalk area, creating a hardship for entering into the lease spaces because there will not be a level landing area required by Code. If possible, he wanted consideration for approving the location where they show it. City Planner Lustro pointed out that the condition Mr. Noll is referring to is Condition No. 7.c.1 on page 6.a-7 of the staff report. The condition was originally written so that it required the accessible parking stalls to be relocated from the north side of the parking lot up against the building. However, staff had a brief conversation with the Building Official and there might be some flexibility, so the condition was re-written to allow that flexibility by saying that the location of the disabled-accessible parking stalls shall be to the satisfaction of the Building Official. It sounds like a subtle difference, but in the conversation that Planning staff had with the Building Official, there is the possibility that the two spaces can be split, with one up against the building and one in the north parking row. Ultimately, it is the call of the Building Official to determine where those parking stalls are going to be. Mr. Noll is absolutely correct with regard to the ramp area. It cannot be in the parking lot anymore, it has to be fully within the walkway and it would possibly impact the

walkway in front of the businesses. Essentially, what staff is saying with the condition is that the architect work that issue out with the Building Official to everyone's satisfaction.

Mr. Noll stated that his next concern was on page 6.a-10, Condition No. 20, dealing with the roof access ladder. It indicates that all access to the roof has to be fully within the structure. Being a small strip center with less than 6,000 square feet, every square foot is very important to this owner. He proposed that they remove the traditional ladder that you see on commercial or industrial projects and switch to another one (a copy of which was provided to the Commission and staff), called a Jomy. When it is in place it looks like a downspout and when it is unlocked, it collapses down and you can access the roof. When you are done, it folds back up and locks in place. It is quite aesthetic. In the packet provided, there is a picture of a Taco Bell that has used that.

Chairman Flores stated that again this is an issue that could be dealt with staff. City Planner Lustro replied that rather than saying yes or no, staff recommends that we leave the option open. Staff has not seen this type of ladder before and It certainly does not look as bad as a regular ladder or appear to loan itself to unauthorized access.

Theresa Oldknow, De Anza Land and Leisure Corporation, 1615 Cordova Street, Los Angeles, operator of the Mission Drive-In Theater, expressed her concerns about the lighting that will be generated by the project. They are concerned and looking for a solution to the nighttime lighting problem. Currently they have no problem with the lights on the subject site. However, since the new McDonald's opened on the southeast corner it does create some problems for them and the proposed project would definitely increase that problem unless the matter is addressed in this forum where it becomes a condition that the lighting be at least consistent with the needs of the drive-in theater, which is a nighttime business. They have planted a new row of bamboo along the fence line to help block light and also create light barriers under the screen. The problem with creating a physical barrier is that it will get tagged and create an invitation to mischief and they try to go as natural as they can with natural plantings. They have spent a lot of money refurbishing the drive-in and plan to keep it there for a long time. While they are very supportive of any development and anything that is positive in the neighborhood, they really need it to be consistent with the needs of the drive-in and not just brushed off as "we require a certain kind of lighting and if it is bright and ruins enjoyment of the drive-in theater, too bad." City Planner Lustro stated that he will repeat his comments from earlier when discussing this issue. Condition No. 7.b in the proposed conditions of approval lays out our standard requirement for 90-degree cutoff fixtures, whether they be building-mounted or pole-mounted in the parking areas of the proposed project and, further, when plan checking, staff will check to make sure that the wattage of the light source and fixtures is of an adequate brightness to provide at least a minimum level of safety in the parking lot to meet the City's Police Department security ordinance, but certainly not be overly bright so it is so intense that it creates nuisance lighting to the adjacent rights-of-way or across the street.

Chairman Flores commented that he wanted to leave it between staff and the applicant, but the drive-in has been there for 50 years and its time for progress but it does not mean that we can't work all together. At least be aware of what we are doing. Ms. Oldknow stated that she welcomed the opportunity and a lot of times they have tall lighting fixtures, like parking lot fixtures, simply a light shade around the fixture and they are willing to chip into this in terms of cost if that is a problem. They are looking for a workable solution that takes into

consideration those needs because the drive-in is very, very popular and is constantly growing in popularity. It will give the other businesses more business. They just want to make sure that the experience people have when they go to see the movies is a very good experience.

Commissioner Vodvarka moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the proposed multi-tenant commercial project, 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 the Conditional Use Permit request to allow a drive-through component and outdoor seating in conjunction with a coffee business at 4467 Mission Boulevard, by adopting Resolution No. 06-1631, subject to making the four required findings and subject to the 51 conditions of approval, amending Condition No. 20, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 5-0.

Vice Chairman Lenhert moved to grant the variance request for a reduction in the required front yard and street side yard setbacks per the submitted site plan, by adopting Resolution No. 06-1632, subject to making the four required findings and subject to the 51 conditions of approval, amending Condition No. 20, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Commissioner Johnson moved to approve the Precise Plan of Design request under Case No. 2006-20 for the site plan, elevations, colors, materials and sign program associated with the multi-tenant commercial project and related on- and off-site improvements per the submitted plans and as described in the staff report, subject to the 51 conditions of approval, with revisions to Condition No. 20, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

1. This approval is for the following:

    a. A Conditional Use Permit to allow a drive-through and outdoor seating in conjunction with food service in the easternmost tenant space at 4467 Mission Boulevard.

    b. A Variance to allow a 70'-6" front yard building setback and a 59'-2" street side yard building setback along Ramona Avenue.

    c. A Precise Plan of Design (PPD) for the site plan, elevations, colors, materials, and sign program associated with the construction of a 5,873 square-foot retail building at 4467 Mission Boulevard as depicted on the submitted plans and described in the staff report. All uses located within the building shall be in compliance with the Montclair Municipal Code. All business operations shall be conducted entirely within the enclosed building unless otherwise approved through the Conditional Use Permit (CUP) process.

2. Conditional Use Permit (CUP) approval shall be valid for a period of six (6) months from the date of Planning Commission approval, unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date.

3. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.

4. The applicant and/or property owner shall ensure that a copy of the Planning Commission approval letter, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.

5. Prior to submittal of grading plans or other improvement plans, the applicant shall prepare and submit for review and approval a Water Quality Management Plan (WQMP) in accordance with the State of California Santa Ana Regional Water Quality Control Board Guidelines for San Bernardino County to Joe Rosales, NPDES Coordinator. WQMP Guidelines may be purchased from the City of Montclair or are available for review on-line at: www.swrcb.ca.gov/rwqcb8/html/san_bernardino_permit.html. The Water Quality Management Plan shall be prepared by a Registered Civil Engineer or other qualified professional as may be authorized in the guidelines.

6. Prior to issuance of building permits, the applicant shall submit the following documents for review and approval by the City Engineer:

    a. A preliminary soils report, addressing the geology, stability of the site, and grading requirements.

    b. A comprehensive grading and drainage plan prepared by a registered civil engineer in conformance with the Appendix to Chapter 33 of the Uniform Building Code and the requirements of the City. An advance plan check fee, in an amount to be determined by the City Engineer, shall be required at the time of plan submittal. Prior to the commencement of grading or any clearing of the site, a grading permit shall be obtained from the Building Division. A disabled-accessible path-of-travel from the public sidewalk to the building on-site shall be shown on the grading plan. Sidewalks, pathways and curb cuts shall comply with the Americans with Disabilities Act of 1990 (ADA). The

maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).

c. Dedication to the City of Montclair and/or other public agencies easements for water, storm drains, sanitary sewers and other utilities, if applicable.

d. Street improvement plans for Mission Boulevard and Ramona Avenue to the satisfaction of the City Engineer. Plans shall comply with State and/or City disabled-accessible requirements for ramps, street access, and parking. Street improvement plans shall include, but not be limited to, removal and replacement of all substandard P.C.C. curb, gutter and sidewalk and A.C. pavement. Disabled-accessible path-of-travel shall be maintained through drive approaches.

e. Plans for erosion control and stormwater pollution prevention. A general construction permit may be required. Contact Joe Rosales, NPDES Coordinator, at 909/625-9470 for requirements.

f. A letter of non-interference from any utility company that may have rights of easement within the property boundaries.

g. "Will-serve" letters from all utilities serving the site. The subdivider/developer will be required to coordinate with the various public utilities for the necessary improvements for said utilities to service the site.

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

a. Submit five complete sets of plans for the project, including building elevations, colors and materials, electrical, plumbing, mechanical, landscaping, lighting, and accessibility details, plus two sets of soils, structural and Title 24 calculations for review and approval by the Building and Planning Divisions. Contact Rudy Gomez, Senior Building Inspector, at 909/625-9437 for an appointment to submit plans.

b. Submit detailed plans for all exterior building-mounted and pole lighting for review and approval by the Planning and Building Divisions. All lighting shall incorporate 90-degree cut-off style luminaries and flat lenses. Submitted plans shall include a photometric analysis of all exterior lighting. Pole lighting shall be a maximum height of 20'-0" as measured from adjacent grade to top of luminaire.

c. Submit a revised site plan illustrating the following:

i. Relocation of the disabled-accessible parking stalls to the parking row adjacent to the north side of the building to the satisfaction of the Building Official.

ii. The entire length of the pedestrian path-of-travel from the public sidewalk to the sidewalk fronting the building shall be constructed of a decorative material that contrasts with the parking lot.

iii. Black-colored concrete shall be used for the entire length of the drive-through lane, the trash enclosure floor and its concrete apron.

d. Submit revised south and west building elevations that include the following:

i. Recesses of a scale and shape that mimic the arched storefront windows on the north elevation.

ii. Metal or iron gridwork within said recesses described above that will serve as a trellis for the landscape material within the planter area.

e. Submit detailed landscaping and irrigation plans for review and approval by the Planning and Building Divisions.

f. Clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs.

g. Submit three (3) complete sets of plans for an approved, automatic fire sprinkler system directly to the Fire Marshal's office for review and approval, including two sets to be microfilmed/digitally imaged. Fire sprinkler riser shall be located entirely within the enclosed building. The system shall conform to national standards. The system shall be equipped so to provide a signal to an UL-listed monitoring station in the event of a water flow or tampering.

h. Pay all required Montclair Fire Department fees.

i. 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 no later than September, 2006.)

j. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.

8. The approved components of the sign program are as follows and as illustrated in the submitted sign program:

a. Monument Sign - One (1) double-faced sign along the Mission Boulevard frontage. Sign area shall not exceed 50 square feet with an overall height of 8'-0". Lower portion of sign structure is aluminum construction clad in stone veneer to match the main building. Upper portion of sign

structure is an aluminum cabinet painted dark green. Starbucks Coffee logo is internally illuminated with acrylic faces. "DRIVE THRU" copy shall be routed out with push-through letters. A maximum of three tenant sign cabinets shall be permitted, each measuring approximately 1'-6" x 6'-0". Internally illuminated cabinets shall be painted to complement the main building and have routed sign copy.

b. Wall Signs – Each tenant at 4467 Mission Boulevard shall be entitled to one (1) building-mounted identification sign on the north elevation of the building, except that the easternmost tenant shall also be entitled to one (1) building-mounted sign on the east elevation facing Ramona Avenue, and the westernmost tenant shall also be entitled to one (1) building-mounted sign on the west elevation. General sign criteria shall be as follows:

i. The maximum height for signs with single-line copy shall be 24 inches.

ii. The maximum height for signs with stacked (maximum two lines) copy shall be 36 inches.

iii. The maximum length of signs shall be no more than 60 percent of the width of the tenant's leased storefront.

9. Exposed raceways shall be prohibited on all building-mounted and freestanding signs.

10. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including, but not limited to the following:

a. Temporary banners for the purpose of announcing the grand opening or advertising promotions shall require banner permits from the Planning Division prior to installation.

b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.

c. At no time shall pennants, inflatable signs, “human” signs, other similar advertising devices be utilized on the property or off-site.

11. Speaker at the drive-through ordering position shall be in compliance with the City's Noise Ordinance (Chapter 6.12 of the Montclair Municipal Code) at all times and shall be subject to periodic inspection by the City. Violation of this condition shall be grounds for modification of the hours of operation of the drive-through, closing of the drive-through until compliance can be achieved or revocation of the Conditional Use Permit.

12. The applicant/developer shall install all ADA-required disabled-accessible parking signs at parking lot entrances and parking spaces.

13. All decorative exterior lighting shall incorporate illumination sources of an appropriate wattage so as to not create any nuisance glare to the adjacent parking areas, private roadways, public rights-of-way, or neighboring properties. Should the applicant desire to install any building-mounted wide area lighting, it shall consist of fixtures set at 90 degrees to the building wall and incorporating fully cut-off lenses so as to direct illumination down to the surface to be illuminated. All soffit lighting installed within the building or drive-thru canopy shall be flush-mounted so that the lens or bottom of the fixture is flush with the underside of the soffit. The use of wall packs, barnlighters, or other similar unshielded luminaires on the property shall be prohibited.

14. All utility services to the building shall be installed underground.

15. All mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, vents, transformers, or similar equipment, whether located on the ground or on the roof of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building and to the satisfaction of the Planning Division.

16. All building downspouts shall drain directly into landscape areas.

17. No public telephones, vending machines, children's rides or other coin-operated machines shall be located on the exterior of the building.

18. 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.

19. 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. Freestanding electrical transformers and fire department double detector check equipment shall be screened with masonry walls compatible with the building architecture and/or landscaping.

20. Fire sprinkler risers shall be located entirely within the enclosed building. Roof access ladders shall also be located entirely within the enclosed building unless an alternative, non-traditional ladder design is reviewed and approved by staff.

21. All trash enclosures shall be constructed of masonry consistent with the primary type and color of that used on the building. The construction of such trash enclosure(s) shall conform to City Development Standard #106 and shall have a solid roof matching that of the main building(s).

22. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be enhanced with ledgestone veneer consistent with that used on the main building.

23. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner incorporated into the architectural design of the building to the satisfaction of the Planning Division.

24. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.

25. 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.

26. All existing and new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).

27. Final architectural details, including but not limited to, the colors to be used on the building, shall be subject to Planning Division/Building Official review and approval. Building permits are required for all work.

28. 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.

29. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:

    a. The numerical address of the building shall be displayed in the upper left corner of the north-facing elevation of the building. Numerals shall be Helvetica font, 10 inches in height, minimum 1½ inches in depth, and in a color that adequately contrasts with the background to which they are attached.

    b. The facility shall be provided with a minimum maintained illumination level of one (1) foot-candle from dusk until termination of business every business day. During all other hours of darkness, a minimum of one-quarter (.25) foot-candles of illumination shall be maintained at grade.

30. The applicant shall be required to install traffic regulatory signs, including, but not limited to, the following:

    a. A "STOP" sign and "RIGHT TURN ONLY" sign at the Mission Boulevard driveway.

    b. A "STOP" sign at the end of the drive-through lane.

31. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code. Grease interceptors shall be required for restaurants.

32. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact Bruce Taylor, Environmental Control Specialist, at 909/625-9446 for fees.

33. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA). Contact Bruce Taylor, Environmental Control Specialist, at 909/625-9446 for fees.

34. No soil shall be imported or exported to or from the project site from an adjacent building site or from other sources for construction purposes without first obtaining approval from the City Engineer. A plan satisfactory to the City Engineer shall be prepared showing the proposed haul route within the City. Subject plan shall include provisions for street sweeping and cleanup. Applicant/contractor shall comply with all NPDES requirements.

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

36. 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.

37. A 20-foot wide, unobstructed roadway capable of supporting firefighting apparatus shall be maintained within 150 feet of the structure prior to and for the duration of construction. Roadway is subject to Fire Department approval prior to commencement of construction.

38. The applicant/developer is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.

39. Landscaping adjacent to the entrance drives should be of low profile types not to exceed 8'-0" in height when mature (except trees).

40. 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.

41. A fire hydrant system shall be required to provide the necessary water flow to the proposed structure. Exact number, location, and design of hydrants (if applicable) shall be determined by the Fire Marshal's office when building plans are received. Hydrants shall be operational prior to commencement of the framing stage of construction.

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

43. Commercial occupancies with cooking areas require an approved fixed fire extinguishing system for protection of the hood and duct system and overall cooking areas. This system shall be equipped with an automatic fuel shutoff to all equipment protected by this system. Four complete sets of drawings of this system shall be submitted to the Fire Marshal's Office prior to issuance of a permit.

44. In the event that a portion of the structure is to be used for the purpose of a public assembly, the developer/architect shall contact the Fire Marshal's Office for requirements prior to submission of building plans.

45. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.

46. In those structures covered by CAC Title 19, all drapes, hangings, curtains, drops, and all other decorative material shall be made from nonflammable 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.

47. 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.

48. 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.

49. Prior to issuance of a Certificate of Occupancy, the applicant shall:

    a. Submit to the Building Division electronic images of all plans and records, which are submitted for the purpose of obtaining a building permit, to the Building Division. Electronic images shall meet the City's Electronic Archiving Policy.

b. Submit to the Engineering Division electronic images of the Water Quality Management Plan. Electronic images shall comply with the City's Electronic Archiving Policy.

c. Remove and replace all substandard/damaged P.C.C. sidewalk, curb and gutter along both street frontages of the project site.

d. Install all approved landscaping and exterior lighting.

e. Install all ADA-required parking stalls and parking lot signs.

f. Construct a bus stop shelter along the Ramona Avenue frontage of the property per the submitted plans.

50. 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.

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

6.b PUBLIC HEARING – CASE NUMBER 2006-24

Project Address:	9185 Monte Vista Avenue
Project Applicant:	Unitarian Fellowship of Claremont/Royal Street Communications LLC/Metro PCS
Project Planner:	Jim S. Lai, Associate Planner
Request:	Conditional Use Permit Amendment

Associate Planner Lai reviewed the staff report. He stated that the consultant was in attendance for any questions.

Commissioner Sahagun asked if staff has visited the site to check on how the monopines are weathering. Director Clark replied that we condition them to be maintained. He stated that they do not draw his attention, they are doing their job.

John Beke, Metro PCS, 8578 Utica Avenue, Suite 100, Rancho Cucamonga, thanked the Commission for approving a monopine years ago and having the foresight and forethought to get this far so they can simply add another user. He felt the 32 conditions of approval listed

in the staff report covered the City, especially Condition No. 10 covering Commissioner Sahagun's concerns about general maintenance and upkeep.

Commissioner Johnson 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 Chairman Flores, there being no opposition to the motion, the motion passed 5-0.

Vice Chairman Lenhert moved to grant a Conditional Use Permit Amendment under Case No. 2006-24 per the submitted plans and as described in the staff report for the co-location of a wireless telecommunications facility at 9185 Monte Vista Avenue, by adoption of Resolution No. 06-1633, subject to making the required findings and subject to the 32 conditions of approval, 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. 2006-24 per the submitted plans and as described in the staff report for the co-location of a wireless telecommunications facility at 9185 Monte Vista Avenue, subject to the 32 conditions of approval, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 5-0.

1. This approval is for a Conditional Use Permit (CUP) amendment and Precise Plan of Design (PPD) to allow the co-location of an unstaffed wireless telecommunications facility consisting of three (3) antenna panels to be attached at the 43-foot level of an existing 65-foot tall monopole, disguised as a mature pine tree, and associated new ground equipment shelter to be located at the north end of the existing storage building as shown on the submitted drawings and photo simulations.

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 time frame 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 11’x18’ ground lease area for the third carrier shall be enclosed with a maximum eight-foot (8'-0") high decorative CMU wall to match existing walls in terms of material, color and texture. Chain-link fence and razor wire will not be permitted.

6. The proposed monopole and ground-mounted ancillary equipment cabinets and shelter, lighting, and wiring within the new enclosure shall be utilized by MetroPCS as the wireless communications provider. Cingular Wireless is considered the primary lessee with a ground lease of a certain portion of the Unitarian Fellowship’s 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. 2002-49) for the existing wireless telecommunications facility on the subject property shall apply to this CUP amendment and shall be fully complied with, including replacement of the asphalt material on the slope of the Monte Vista Avenue planter and the non-conforming monument sign. Final design of such remedial works shall be subject to the review and approval of the City Planner.

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

   a. Submit written documentation from the property owner and any other entities, including utility companies having easement rights over the subject portion of the property, certifying that the proposed 11’x18’ ground lease area for the third tenant 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 or terminated, notice and evidence thereof shall be provided to the Director. Upon termination or expiration of the lease, this CUP amendment for the 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 monopine structure, antennas and artificial foliage and branches, building, ground equipment, 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 within 72 hours 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 wireless communications 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 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 72 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 antennas or devices for the purpose of supporting City-operated communications and wireless network systems. The City shall coordinate such installations and maintenance services with the applicant/vendor to ensure that there is no conflict or interference among the networks permitted to operate at the location.

31. To ensure compliance with the conditions of approval, a final inspection is required from the Building and Planning Divisions upon completion of construction and all improvements. The applicant shall contact the City to schedule an appointment for such inspection.

32. 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

Commissioner Sahagun observed that the resurfacing of Kingsley Street looked very nice.

Commissioner Sahagun heard comments from a resident regarding how terrible the 4500 block of Granada Street looked. He advised the resident that they should call Code Enforcement and the person said that they did but was advised by Code Enforcement that they could not do anything about the lawns. That was about one and one-half years ago, but he would get the addresses and provide Chief Tapia's phone number to the person.

Commissioner Johnson thanked graffiti abatement staff because not only are they taking care of the big stuff, but recently there was a small area on a curb face that was tagged on a Friday night and she was going to call and report it on Monday but did not have time. When she drove by on Monday night, it was already gone. Kudos to the graffiti team.

City Planner Lustro added that Commissioner Johnson had previously commented on graffiti in the County area and he just obtained a phone number for County graffiti abatement, which is 909/458-1540. If you see graffiti in any of the County areas, call the number and report it.

Chairman Flores commented that there is graffiti on the back of a building in the west alley of Central Avenue, south of Kingsley Street.

Commissioner Vodvarka asked about the Penske Auto Repair facility at Kingsley and Central. It's supposed to be a repair shop only and they have vehicles outside for sale. City Planner Lustro said that they should not because they are not permitted to sell vehicles there. If there are vehicles out front without a "for sale" sign but with a factory window sticker, it is possible that they are loaner cars for customers.

Chairman Flores adjourned the meeting at 7:55 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary