



**CITY OF MONTCLAIR  
PLANNING COMMISSION MINUTES**

**REGULAR ADJOURNED MEETING  
Monday, July 24, 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, City Planner Lustro, Associate Planner Lai and City Attorney Robbins

Excused: Community Development Director Clark and Associate Planner Frazier-Burton

**MINUTES**

The minutes of the June 26, 2006 Planning Commission meeting were presented for approval. Vice Chairman Lenhert moved to approve, Commissioner Sahagun 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 95-16  
Project Address: 4791 Arrow Highway  
Project Applicant: Karl Hertz/Premises Metals Recycling Center  
Project Planner: Carol Frazier-Burton, Associate Planner  
Request: Time extension for a previously approved Conditional Use Permit

City Planner Lustro reviewed the staff report. The original CUP was approved in 1995. The business was subsequently sold to the current operator and the CUP has been extended on several occasions. Each time staff has gone out to inspect the site it has been found to be operating under the conditions of the original CUP and there haven't been anything but minor problems on the site that have, in the past, been corrected. With this particular time extension, staff did an inspection of the property and found it to be clean and satisfactorily maintained. Staff did find that the monument sign and surrounding landscaping were in substandard condition and in violation of the conditions of approval that were placed on the time extension in January 2002. Staff also observed that a modular office building had recently been moved onto the site without benefit of staff review or building permits and that two metal canopies had been erected on the west side of the property without City approval. The operator of the recycling center has communicated to staff through the property owner that he would like to keep the modular office building on the property as a temporary use for six months while he finds another location for the building. Staff does not have any problem with that, provided that the applicant submits plans for the structure and obtains a building permit within 30 days of this meeting. Even though it is a modular building, it does require building permits. If the applicant and/or operator of the recycling center do not obtain building permits for the modular building, Code Enforcement action be initiated and staff will begin the process for revocation of the Conditional Use Permit, which if approved, would result in permanent closure of the recycling facility. Staff would prefer not to do that and encourages the applicant to legalize the modular building, even though it is going to be on a temporary basis. Given the upcoming groundbreaking for the construction of the Montclair Police Department across the street from the subject site and also the imminent development of various projects close to this site within the boundaries of the North Montclair Downtown Specific Plan, staff feels strongly that the CUP should continue to limit the use of the recycling center as it currently exists. Based on this analysis, staff is recommending that the CUP be extended for two years, through January 28, 2008, which is retroactive to the expiration of the last time extension. Staff believes that if the property owner wishes for the recycling business to be part of a future redevelopment plan for the property, that the business should be conducted within a fully enclosed building, consistent with the current development standards of the M-1 zoning district. Staff's recommendation is that the Commission extend the property use of the CUP for a period of two years, retroactive to the expiration of the last CUP time extension, subject to the conditions of approval. Staff would like to point out a couple of recommended revisions to the conditions of approval that do not significantly impact the conditions already in place. Staff has specified in Condition No. 1 that the expiration of this time extension is January 28, 2008, as the actual date is not indicated anywhere else in the conditions of approval. Condition No. 6, which was mistakenly

reproduced from the previous approval letter, is recommended to be deleted because it no longer applies. Conditions 7 through 12 would then be reordered as Conditions 6 through 11. Finally, a new Condition No. 12, which is a standard condition that we typically include when the applicant requests a time extension, is recommended to clarify that all the applicable conditions of the original approval, Case No. 95-16, shall remain in full force and effect.

Commissioner Sahagun asked what areas of the landscaping were not up to standards. He added that he has noticed other commercial properties in the City where the landscaping is somewhat dry or dead. City Planner Lustro responded that the only area of landscaping referred to in the staff report and the conditions of approval is the small landscape area around the monument sign. The new landscaping that was installed in conjunction with the cardlock fueling station is completely separate from the recycling operation and this operator is not responsible for that area. Staff agrees that there are other commercial properties around the City that lately have been a problem. It has been largely a result of a month's worth of 95 to 100 degree weather. Some owners have not checked irrigation clock schedules and there have been other problems as well. Staff has been trying to stay on it so we do not have any commercial property owners that lose landscaping.

Chairman Lenhart moved to approve the continued operation of a recycling center for a time period of two years, retroactive to the expiration date of the last approved CUP time extension. Accordingly, an expiration date for the CUP would be January 28, 2008, subject to the 12 conditions of approval, as amended. The CUP will be reviewed by the Planning Commission prior to that date to determine continued compatibility with adjacent uses. The motion was seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 5-0.

1. Approval is granted for the continued operation of a recycling center through January 28, 2008 based upon submitted plans and business description. No expansion of operation is permitted without prior City approval. This CUP will be reviewed by the Planning Commission upon expiration of this time extension to determine continued compatibility with adjacent uses. The CUP may be reviewed, modified, or revoked as necessary if any conditions of approval are not met.
2. Within 30 days of this approval, the applicant shall:
  - a. Submit plans for modification of the existing monument sign so that it complies with Section 11.72.450 of the Montclair Municipal Code and the City's sign design policies. Sign replacement and/or modifications shall require approval of a building permit and sign permit.
  - b. Obtain a building permit for the modular building illegally moved onto the site. Failure to do so will result in Code Enforcement action and commencement of CUP revocation proceedings.

- c. Remove the two (2) illegally erected metal canopies on the west side of the property.
  - 3. Landscape area around proposed monument sign shall be rehabilitated to accommodate sign and automatic irrigation system shall be provided. Plans shall be submitted for Planning Division review and approval.
  - 4. Approved hours of operation are 9:00 a.m. to 5:00 p.m., Monday through Friday, and 9:00 a.m. to 2:00 p.m. Saturday and Sunday.
  - 5. Outdoor storage shall be confined to project area as indicated on approved plan.
  - 6. All parking stalls shall be clearly designated and striped to meet all City development standards and ADA requirements.
  - 7. The placement of any can crusher, etc. shall be placed within an enclosed building and the noise baffled.
  - 8. All outside bins containing paper/cardboard shall be covered with a tarp.
  - 9. The applicant shall be responsible for cleanup and/or removal of any discarded goods left on the site or along Arrow Highway.
  - 10. Truck pickups of recyclables shall not be permitted on Saturday and Sunday.
  - 11. Roll-off bins shall be stored as far from the south end of the facility as feasible. Use Permit to operate a recycling center
  - 12. All conditions of Case No. 95-16 shall remain in full force and effect.
- 6.b PUBLIC HEARING - CASE NUMBER 2006-28
- |                    |  |
|--------------------|--|
| Project Address:   | 5550 Arrow Highway   |
| Project Applicant: | Montemax Properties/Storage Specialists LLC  |
| Project Planner:   | Jim S. Lai, Associate Planner  |
| Request:           | Conditional Use Permit and Precise Plan of Design<br>construct a mini-storage facility |

Associate Planner Lai reviewed the staff report.

Commissioner Johnson asked for clarification as to where on the plans the RV parking is located. Associate Planner Lai replied that the RV storage would be in the diagonal spaces between Building A and Building C toward the north end of the property.

Commissioner Johnson asked about the windows on the side of the building and whether they were fake windows. Associate Planner Lai replied that on the west and north elevations,

the applicant proposes surface-mounted spandrel glass. They are not real windows, but appear as such.

Chairman Flores commented that the plans are still very hard to read, he could barely read the legal description, no elevations, and would like to see some arrows to show where the water is going.

Robert Hanover, 219 Haflinger Road, Norco, of Storage Specialists LLC, representing the developer of the property.

Commissioner Johnson asked if he could elaborate on the spandrel glass described by Mr. Lai. Mr. Hanover stated that there is a hallway outside the storage units and the windows are along the hallway.

Commissioner Vodvarka asked what type of security is proposed. Mr. Hanover stated that the facility would have closed circuit cameras that would be monitored 24 hours a day from a remote location. Commissioner Vodvarka asked what would happen if someone entered the property. Mr. Hanover responded that the police would be contacted immediately to respond.

Commissioner Sahagun asked what the current height limit was for the MIP zone. City Planner Lustru responded that it is 50 feet.

Dean Grobbelaar, 23412 Moulton Parkway, Suite 140, Laguna Hills, representing Pacific Planning Group, stated that he wanted to clarify the previous questions about the type of glass being used in the windows. Originally, no windows were proposed on the west side of the building because it is on the property line and no openings are permitted. Because the City wanted additional architectural enhancements, the spandrel glass, which look like real windows, were added to the west elevation.

Vice Chairman Lenhart 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 self storage facility and that a DeMinimis finding of no impact on fish and wildlife and a Negative Declaration have been prepared, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 5-0.

Commissioner Vodvarka moved to grant a Conditional Use Permit under Case No. 2006-28 per the submitted plans and as described in the staff report for the construction of a self storage facility at 5548 Arrow Highway, by adoption of Resolution No. 06-1634, subject to making the required findings and subject to the 47 conditions of approval, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 5-0.

Vice Chairman Lenhart moved to approve a Precise Plan of Design under Case No. 2006-28 per the submitted plans and as described in the staff report for the construction of a 122,692 square-foot self-storage facility on 2.2 acres of MIP parcel, subject to the 47 conditions of approval, seconded by Chairman Flores, there being no opposition, the motion passed 5-0.

1. This approval is for the following:
  - a. A Conditional Use Permit to allow the construction of a self-storage facility at 5548 Arrow Highway as depicted on the submitted site plan.
  - b. A Precise Plan of Design for the site plan, elevations, colors and materials associated with the construction of a self-storage facility totaling 122,692 square feet in three separate buildings on a 94,972 square-foot parcel as depicted on the submitted plans.
2. Conditional Use Permit (CUP) approval shall be valid for a period of six (6) months from the date of Planning Commission approval, unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date.
3. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
4. The applicant and/or property owner shall ensure that a copy of the Planning Commission approval letter, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
5. Prior to submittal of grading plans or other improvement plans, the applicant shall receive approval from the City for a Water Quality Management Plan (WQMP) prepared in accordance with the State of California Santa Ana Regional Water Quality Control Board Guidelines for San Bernardino County. The Water Quality Management Plan shall be prepared by a Registered Civil Engineer or other qualified professional as may be authorized in the guidelines.
6. The new street address for this facility shall be 5548 Arrow Highway.
7. Prior to issuance of building permits, the applicant shall submit the following documents for review and approval by the City Engineer:
  - a. A preliminary soils report, addressing the geology, stability of the site, and grading requirements.

- b. A comprehensive grading and drainage plan prepared by a registered civil engineer in conformance with the Appendix to Chapter 33 of the Uniform Building Code and the requirements of the City. An advance plan check fee, in an amount to be determined by the City Engineer, shall be required at the time of plan submittal. Prior to the commencement of grading or any clearing of the site, a grading permit shall be obtained from the Building Division. A disabled-accessible path-of-travel from the public sidewalk to the 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 the Arrow Highway frontage of the property for the length of the project limits to the satisfaction of the City Engineer. Plans shall comply with State and/or City disabled-accessible requirements for ramps, street access, and parking. Street improvement plans shall include, but not be limited to, removal and replacement of abandoned drive approaches with P.C.C. curb, gutter and sidewalk, and removal and replacement of all substandard P.C.C. curb, gutter, sidewalk and A.C. pavement. Disabled-accessible path-of-travel shall be maintained through drive approaches.
  - 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.
8. Prior to issuance of building permits, the applicant shall:
- a. Submit revised site and landscape plans to the Planning and Building Divisions providing additional landscape planters on the project site in order to increase the overall landscape coverage to meet the ten percent (10%) minimum code requirement in the MIP zone. Such revision to the site and landscape plans may result in a proportionate decrease in either building area and/or vehicle storage areas.

- b. Submit five complete sets of plans for the project, including building elevations, colors and materials, electrical, plumbing, mechanical, landscaping, lighting, and accessibility details, plus two sets of soils, structural and Title 24 calculations for review and approval by the Building and Planning Divisions. Contact Rudy Gomez, Senior Building Inspector, at 909/625-9437 for an appointment to submit plans.
- c. Submit detailed plans for all exterior building-mounted and pole lighting for review and approval by the Planning and Building Divisions. All lighting shall incorporate 90-degree cut-off style luminaires and flat lenses. Submitted plans shall include a photometric analysis of all exterior lighting. Pole lighting shall be a maximum height of 25'-0" as measured from adjacent grade to top of luminaire.
- d. Submit detailed landscaping and irrigation plans for review and approval by the Planning and Building Divisions. The landscape plan shall include the following as a minimum:
  - i. A tree demolition plan identifying all existing trees that are to be removed, relocated or retained as a part of this project.
  - ii. Installation of the following street trees on Arrow Highway – Five (5) Quercus ilex (Holly Oak) street trees, minimum 40 feet on center. All street trees shall be minimum 24-inch box size and double-staked per City standards.
  - iii. Planting of drought-tolerant, low-maintenance shrubs and climbing vines along the planter setbacks between the north property line and the buildings.
- e. Submit a revised site plan replacing the 8'-0" chain-link fencing along the north property line with 8'-0" tubular steel or wrought iron fencing.
- 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. 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.
9. Prior to installation of any signs on the property, the applicant shall submit a Precise Plan of Design application for a comprehensive sign program governing signage on the property. The sign program may consist of the following elements:
  - a. Monument Sign – One (1) internally illuminated monument sign, maximum 8'-0" in height and maximum 50 square feet of sign area per sign face. Sign copy shall consist of routed-out letters with opaque background in a texture and color to match the main building. Sign support or pedestal shall incorporate materials and colors that are architecturally compatible with the buildings. Street address shall be incorporated into the sign structure.
  - b. Wall Sign – A maximum of two (2) primary identification signs on the three-story building, one on the south elevation and one on the east elevation. Sign copy shall be individual channel letters. Sign illumination, if desired, shall be internal and/or halo. Additional signage may be permitted on the buildings for unit entry and other similar identification.
  - c. Directional Signs – Freestanding traffic and facility directional signs may be permitted. Maximum sign area and height of directional signs shall be four (4) square feet and 4'-0" high, respectively. Illumination is optional. In addition, a directory sign/map of up to ten (10) square feet in sign area may be permitted. Locations of these signs shall be subject to review and approval of the City Planner.
10. Exposed raceways shall be prohibited on all building-mounted and freestanding signs.
11. Prior to any future changes to the approved sign program, an application shall be submitted to the Planning Division for review and approval by staff or the Planning Commission.
12. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including, but not limited to the following:
  - a. Temporary banners for the purpose of announcing the grand opening or advertising promotions shall require banner permits from the Planning Division prior to installation.

- b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
  - c. At no time shall pennants, inflatable signs, "human" signs, other similar advertising devices be utilized on the property or off-site.
13. No pay telephones or vending machines shall be located on the exterior of the building.
  14. No on-site resident manager unit is being proposed with this project. Should the applicant desire to add a caretaker unit in the future, an amendment to this CUP and PPD shall be submitted to the Planning Commission for review and approval.
  15. All outdoor vehicle/RV storage spaces shown on the site plan shall be clearly marked. All other customer and employee parking spaces and loading zone(s) shall be clearly indicated and shall not be converted to rental space(s).
  16. Security gates and locking devices to the storage facility shall be equipped with Medeco locks or other acceptable devices to allow access by emergency personnel and utility providers at all times.
  17. All utility services to the building shall be installed underground.
  18. 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.
  19. 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.
  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 complementary to the main building. Chain-link fencing shall not be used for the trash enclosure.
  22. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be enhanced with split-face block, stone veneer or other materials consistent with those used on the main building.

23. All decorative exterior lighting shall incorporate illumination sources of an appropriate wattage so as to not create any nuisance glare to the adjacent parking areas, private roadways, public rights-of-way, or neighboring properties. Should the applicant desire to install any building-mounted wide area lighting, it shall consist of fixtures set at 90 degrees to the building wall and incorporating fully cut-off lenses so as to direct illumination down to the surface to be illuminated. All soffit lighting installed within the building shall be flush-mounted so that the lens or bottom of the fixture is flush with the underside of the soffit. The use of wall packs, barnlighters, other similar unshielded luminaries, or decorative lighting installed solely for the purpose of illuminating the roof shall be prohibited. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.
24. All landscape planting areas, including those along the north property line, 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 new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
27. 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.
28. 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 (5548) shall be displayed on the upper right corner of the south-facing elevation of the building wall. Numerals shall be Helvetica font, minimum 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.
29. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
30. 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.
31. 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.
32. 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.
33. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
34. 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.
35. 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.
36. The applicant/developer is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
37. Landscaping adjacent to the entrance drives should be of low profile types not to exceed 8'-0" in height when mature (with the exception of trees).
38. 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.

39. A fire hydrant system shall be required to provide the necessary water flow to the proposed structure. Exact number, location, and design of hydrants shall be determined by the Fire Marshal's office when building plans are received. Hydrants shall be operational prior to commencement of the framing stage of construction.
40. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
41. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
42. An approved, emergency keyed access system shall be required to facilitate access by Fire Department personnel in the event of an emergency during non-business hours. Forms are available at Montclair Fire Department Headquarters, 8901 Monte Vista Avenue, for those occupancies requiring such a system.
43. A Certificate of Occupancy is required prior to occupancy of the subject building. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
44. Prior to issuance of a Certificate of Occupancy, the applicant shall:
  - a. Submit to the Building Division electronic images of all plans and records, which are submitted for the purpose of obtaining a building permit, to the Building Division. Electronic images shall meet the City's Electronic Archiving Policy.
  - b. Submit to the Engineering Division electronic images of the Water Quality Management Plan. Electronic images shall comply with the City's Electronic Archiving Policy.
  - c. Submit evidence to the NPDES Coordinator that the Water Quality Management Plan has been recorded with the County of San Bernardino.
  - d. Remove and replace all substandard/damaged P.C.C. sidewalk, curb and gutter along the street frontage of the project site.
  - e. Install all approved landscaping and exterior lighting.
  - f. Install all ADA-required parking stalls and parking lot signs.
45. Prior to issuance of a Certificate of Occupancy, the person or corporation responsible for the preparation of the Water Quality Management Plan shall certify, in writing, to the Building Official that all conditions and requirements of

the Water Quality Management Plan have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the Building Official that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the Water Quality Management Plan.

46. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
47. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

## **INFORMATION ITEMS**

City Planner Lustro stated that at the last Planning Commission meeting of June 26, 2006, Chairman Flores inquired about a sidewalk project in his neighborhood. Staff received an update from the City Engineer that the project being considered was to be funded by a grant application through the "Safe Routes to Schools" program. Since the last meeting the City was notified that we did not make the cut on this particular application round. However, it is anticipated that we will re-apply in the next cycle to see if we can get the grant approved the next time around.

City Planner Lustro commented that staff received its first formal application for development under the North Montclair Downtown Specific Plan. The development application is for the former Sam's Club property at Monte Vista Avenue and Moreno Street. Staff completed a cursory review of the first submittal and found it to be incomplete in a number of areas, not so much with the quality of the project but with the submittal being understandable. Staff reviewed it and had a lot of questions so we cannot bring it to the Planning Commission for review until our questions are answered. The developer understands the changes that need to be made and staff expects within the next week or two, they will re-submit a new package and we will begin reviewing it. As the Commission will recall about the review process for projects in the North Montclair Downtown Specific Plan, the process includes review of all new projects by an independent outside consultant for architecture and site plan design. Staff is just about to the point where we are going to bring a consultant on board to perform independent reviews. Once we feel that all the pieces are there on the Standard Pacific/Brookfield submittal for the Sam's Club site, we will pass it on to the consultant for

review and comments. If no major changes are proposed, it will then be scheduled for consideration by the Planning Commission. Staff is also expecting a second project submittal in the next three weeks.

Commissioner Johnson asked what the first submittal includes. City Planner Lustro stated that it is for three different housing types totaling 270 units proposed by a collaborative of two different builders. The project includes a passive park area open to the public and a private community area open only to residents of the area that will have a recreation/meeting room, pool, barbecues, etc. Staff believes it to be a well-designed project on which we have been working with the developers for several months to tweak to get it consistent with the adopted plan. It might be September or October before it is ready for review by the Commission.

Commissioner Sahagun stated that at the July 24 City Council meeting, two Commissioners were scheduled to be appointed. City Planner Lustro confirmed that Commissioner Sahagun and Chairman Flores have been reappointed to the Commission for four-year terms expiring June 30, 2010.

Commissioner Sahagun commented that he recently attended the Ontario-Montclair School District's annual oversight committee meeting for the Measure T general obligation bond. There is still one opening on the committee. He is happy to say that the school district is doing a good job watching over the bond proceeds. Two middle schools are going to get rehabilitated and over 30 schools in the Ontario-Montclair School District will get multi-purpose rooms.

Commissioner Sahagun stated that he was elected to the County Flood Control committee and there are several projects where there is money available but it has to be applied for.

Chairman Lenhart commented that mosquitoes with the West Nile virus were found in Montclair and reminded everyone to eliminate any standing water and to use products containing DEET.

Commissioner Vodvarka asked if the City has personnel for senior apartment help and questions. City Planner Lustro replied that we can provide seniors with a list of local facilities if they inquire.

Commissioner Johnson said that she would not be in attendance at the second Commission meeting in August.

Chairman Flores adjourned the meeting at 7:58 p.m.

Respectfully submitted,

Laura Berke  
Recording Secretary