



**CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES**

**REGULAR ADJOURNED MEETING
Monday, November 13, 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

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

ROLL CALL

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

MINUTES

The minutes of the September 11, 2006 Planning Commission meeting were presented for approval. Vice Chairman Lenhart moved to approve, Commissioner Johnson seconded, there being no opposition to the motion, the minutes were approved 5-0.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

- 6.a PUBLIC HEARING - CASE NUMBER 2004-58 'A'
- | | |
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| Project Address: | 5407 Holt Boulevard |
| Project Applicant: | Eun Hee Lee |
| Project Planner: | Jim S. Lai, Associate Planner |
| Request: | Review of provisional Conditional Use Permit/
request for permanent Conditional Use Permit to
allow a thrift store |

Associate Planner Lai reviewed the staff report.

Commissioner Johnson commented that she liked that the Commissioner's packets included letters from the other organizations.

George R. Monte, Richmond Investment Property, 105 W. Lemon Avenue, Monrovia, representing the project applicant and owner. Mrs. Lee purchased this property with the current lessee basically in hand at the time of purchase. When the City requirements for the project first came up, they were a bit alarmed and had meetings with Steve Lustro and Jim Lai who were very helpful in their understanding of what those requirements were and working with them in setting forth a plan of action to accomplish those requirements. He believed that they completed those requirements on a timely basis and established a basis of mutual trust wherein they could accept that they were people of their word and did what they said they were going to do and the City followed through accordingly. He complimented Steve Lustro and Jim Lai, as well as Rudy Gomez and John Clayden of the Building Department for following through with them on a timely basis. He encouraged the Commission to approve the Conditional Use Permit on a permanent basis. They do not object to any of the conditions of approval, but asked that if any notice is received from the City for corrective action, that they do have a reasonable period of time to make the corrections and he assumed that to be consistent with City policy.

Chairman Flores commented that the applicant might want to be certain to adhere to Condition Number 5 because that is very important to the Commission.

Commissioner Vodvarka inquired if there would be any change in the signage due to the name change. Associate Planner Lai clarified that the name Great Deals Thrift Store would remain the same. Commissioner Vodvarka asked if that is the name that is on the building sign now. Associate Planner Lai replied that is the name on the monument sign; there is no sign on the building itself.

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

Commissioner Vodvarka moved to grant a permanent Conditional Use Permit for the thrift store operation at 5407 Holt Boulevard by adopting Resolution No. 06-1637, subject to

making and reaffirming the four required findings and subject to the 25 conditions of approval, seconded by Commissioner Johnson, there being no opposition the motion passed 5-0.

1. This approval is for a CUP to allow the continuous operation of a thrift store within an existing 35,890 square-foot commercial building at 5407 Holt Boulevard per the approved plans. This CUP approval supersedes the provisional CUP granted under Case No. 2004-58, which will expire on December 13, 2006. Any substantial changes to the operation, business hours, increase in floor area of the demised space or physical location shall require prior City approval.
2. Conditional Use Permit (CUP) approval shall be valid for a period of six (6) months from the date of Planning Commission approval with City issuance of a Certificate of Occupancy. Suspension of the approved use for a period of six months or more voids this CUP for the specified use. 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. Any discontinuation or cessation of this CUP or substantial changes to the facility without City approval shall be a violation of this CUP and may be cause for revocation.
4. Approved hours of operation for the thrift store shall be 8:00 a.m. to 10:00 p.m., seven days per week. The business owner has the option of opening and closing anytime within these hours. Any extension of the hours of operation requires prior City approval.
5. This permit may be modified or revoked for failure to abide by these conditions or in the event that the use is determined to be a nuisance to surrounding properties, businesses or the community at large.
6. Prior to any future changes to the approved sign program, such as addition of building-mounted signs or monument sign modification, an application shall be submitted to the Planning Division for review and approval by staff or the Planning Commission. Should the applicant desire to install a new building-mounted identification sign, sign copy shall be limited to the business name or general nature of the operation and consist of individual channel letters, maximum 24 inches in height and 40 feet in length, inclusive of logos. Exposed raceways shall be prohibited on all building-mounted signs.
7. 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.
8. No pay telephones or vending machines shall be located on the exterior of the building.
9. All new utility services to the building shall be installed underground.
10. All mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, vents, transformers, or similar equipment, whether located on the ground or on the roof of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building and to the satisfaction of the Planning Division.
11. All satellite dish antennas, microwave receivers and transmitters, and other forms of communication equipment shall be located in a manner in accordance with the provisions of Chapter 11.46 of the Montclair Municipal Code.
12. Mechanical equipment including, but not limited to, utility meters, air conditioners, and repair equipment shall be located within the building or in a manner compatible with the architectural design of the building to the satisfaction of the Planning Division.
13. No portion of the parking lot shall be used for the storage and processing of any merchandise, including discarded materials. Signage shall be posted on the property to discourage dropping off donated materials on the premises during non-business hours.
14. 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.
15. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
16. 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.

17. All new trees incorporated into the project and all existing trees shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
18. 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.
19. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
20. Landscaping adjacent to the entrance drives should be of low profile types not to exceed eight feet in height when mature (with the exception of trees).
21. 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.
22. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
23. 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.
24. 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 on the exterior of 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 luminaires, or decorative lighting installed solely for the purpose of illuminating the building, roof, or other architectural features shall be prohibited.
25. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or

employees may be required by a court to pay because of such action. At its sole discretion, the city may participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

6.b PUBLIC HEARING - CASE NUMBER 2006-35

Project Address: Northwest quadrant Central Avenue and Phillips Boulevard
Project Applicant: Southern Fortune
Project Planner: Steve Lustro, AICP, City Planner
Request: Amend adopted pre-zone designation from "R-1(11)" (Single-Family Residential, minimum 11,000 square-foot lot area) to "C-2" (Restricted Commercial)

City Planner Lustro reviewed the staff report. The applicant/owner of the vacant, one-acre parcel proposed for future development contacted staff late this afternoon and indicated he had another commitment at the last minute, so staff would be happy to answer any questions regarding that particular property or also any general questions regarding the conceptual proposal that he has for his property.

Commissioner Sahagun asked if anyone had contacted staff regarding the proposal. City Planner Lustro replied that subsequent to the staff report being completed, staff received one contact from the public, which was a phone conversation with the property owners at 5276 Phillips Boulevard, the corner piece that is immediately south of the vacant parcel, and those owners were in attendance in the audience. Commissioner Sahagun asked if they were in favor or opposed. City Planner Lustro stated that staff's assumption is that they are supportive of amending the pre-zone designation from residential to commercial.

Commissioner Johnson asked if it was reasonable for the Commission to believe that the future commercial uses would be businesses that support the residents instead of "industrial manufacturing widget making" that does not support the housing. City Planner Lustro replied that her assumption was a safe one. The proposed pre-zone designation is C-2, which is Restricted Commercial. Typically, in a C-2 zone, you would see more of the local-serving, less intensive type of commercial and retail businesses and more of the general commercial service types such as real estate, insurance, a nail shop, small sandwich shop, and other types of retail stores, but not uses such as automotive, stereo installations or things of that nature. The City would be sensitive in this particular location because the parcel is surrounded on two sides by residential so any uses on the property would have to be compatible with residential.

Mike and Linda Palmer, 5276 Phillips Boulevard (corner of Central and Phillips), Chino. Mr. Palmer stated that it was a pleasure to be in front of the Commission and he appreciated the thoughts that he heard so far about the concerns of residents. As a little background, there are three generations that have lived at his residence since 1971. The patriarch of the family, Andy Anderson, came to the Pomona area during the Depression with his family and were involved in equestrian activities and raising turkeys. Later, Andy became a realtor and

bought this particular property with the idea that the intersection of Phillips and Central would be a key location. He believes that it is very much the key to the City of Montclair because it borders on the City of Chino and, as annexation goes forward, the gateway to Montclair. They have listened and expressed concerns as new residential development has occurred to the north along Central Avenue. He has looked at the plans for the future commercial development and instead of having just stucco walls and a flat roof, it looks like some thought has been put into the architecture. Their concern is that they would like to have the ability to develop their property commercially in the future. Their son will be the third generation that will most likely have this property. Development has occurred at a fast pace in the neighborhood and we have had our concerns. Their mailing address is Chino but they thought it would possibly change to Montclair soon. The thought would be that if it does go commercial, our property could be a keystone in the future.

One of the things he was concerned about with the development of the housing tracts to the north is how it was going to affect their property. One of the concerns has been a storm drain outlet structure that daylight alongside their house on Central. He feels the unfinished structure is a potential health hazard, as there seems to be standing water at the mouth of the structure all the time.

While he and his wife have opposed annexation in the past along with their neighbors, he felt that they have to look out what is best for them. He appreciated the fact that the City has reconsidered the land use designation for this area. He is supportive of the conceptual site layout for the proposed commercial development to the north of his property. He thanked the Commission and stated that what is important today is to make sure that the folks who are going to be affected by the project be notified in advance so they have the opportunity to come before the Commission and be heard.

Chairman Flores inquired about the nuisance water. City Planner Lustro stated that subsequent to his phone conversation with Mr. Palmer, he had a conversation with the City's NPDES Coordinator and conveyed Mr. Palmer's concerns about the standing water where the outlet structure intersects the flow line on Central Avenue. City Planner Lustro's understanding is that there are some issues with the outlet structure that need to be corrected and he was unsure of the extent. However, one of the things that was suggested by Mr. Palmer, and staff has already discussed, is that if the development project associated with the vacant lot moves forward, there may need to be some changes in the storm drain that comes from the southeast corner of Tract 16960 across the front of that property and outlets onto Central Avenue. Staff will continue working to alleviate any immediate problems with standing water to prevent any problems caused by that, but staff will also be looking for a long-term solution whether it involves keeping the outlet structure at the same location or relocating it to accommodate other construction in the area. Chairman Flores commented that he wanted Mr. Palmer to understand that the City will be on it.

Terry Kent, 510 W. Citrus Edge Street, Glendora, representing Crestwood Communities, which is developing 130 homes in the immediate area, including the 25 lots immediately north of this property. They oppose the pre-zone change. They had five acres that were annexed into the City based on General Plan amendments that were adopted by the City Council in

March 2006. They knew the rules coming into it and came in under those rules. Furthermore, they developed their property in working with staff, which has been great. They have completed 46 houses and will have all 130 done by the end of next year. The southerly property line of Tract 16960, backing to properties on Phillips, was secured by a combination retaining wall with wrought iron fence on top in order to be sensitive to the neighbors to the south so that it would minimize impacts to their view. In doing so, they thought that it would be residential to residential because all of the properties to the south of them are residential at this time. Although the subject properties presently have a commercial zoning designation in the County, they are all being used as residential properties and have for decades. With the current City pre-zone designation, if it was ever annexed in it would be residential, so it was thought that a wrought iron fence would be appropriate. Normally, when residential adjoins commercial, there is a buffer of a solid masonry wall. The eight or nine parcels adjoining the south side of their tract are presently residential and the thought was that they would remain residential. Had they known some of the parcels would be commercial, they would have considered doing a full height masonry wall as a buffer. Their houses are a minimum of 20 feet off the property line and the proposed commercial building is only five feet, which is of additional concern. He appreciates the neighbor's thought about it being nice to have a neighborhood store, but the fact of the matter is that just north of there at Mission and Central there are all kinds of development there, including a Farmer Boys and am/pm convenience store, which are both within walking distance. Unfortunately, all that Crestwood requests is that the Commission uphold the City Council's decision of March 2006 to pre-zone the subject properties "R-1(11)." He stated that he was available for questions and that with regard to the storm water issue, their development is not completed, and that there was a jurisdictional issue on the storm drain between the County and City. The design was approved by the City, but the County has asked them to redesign the structure because it presently outlets in the County. Prior to any move-ins, they will meet both City and County Codes.

Commissioner Johnson inquired whether it was possible that if this goes through and the property becomes commercial that they can condition separation between the residents and the businesses. City Planner Lustro replied absolutely. On past projects where there have been adjoining commercial and residential uses, staff has recommended and the Commission has supported certain conditions of approval to minimize or eliminate any impacts between commercial and residential uses, including things like design and placement of mechanical equipment that serves the commercial building so it will not create a visual or an audible nuisance to the residential uses that are adjacent. Staff is sensitive to issues such as architectural design, landscaping, and lighting. Mr. Kent is correct in that on the conceptual plan, the building is shown at five feet off the property line. That is something that is open for negotiation at this point in time, although staff is not talking about the project specifically at this meeting. However, staff has heard what the concerns are with respect to the proximity of the rear building wall to the property line. If the development project continues to move forward, that is something staff will communicate to the applicant in order to explore options. Giving staff the ability to condition the project to have more landscaping or to better separate the commercial from the residential, etc., are tools that staff has in the toolbox. We have on the record that the developer is concerned about the proximity of the building although their preference is to leave it residential. If the Commission recommends

the amendment of the pre-zone designation, and if the City Council concurs, then staff will not ignore the comments and try to work with the developer to try to arrive at a project that everyone can be satisfied with.

Chairman Flores asked if the Commission's approval of the item was anything more than a recommendation to the City Council. City Planner Lustro replied that the City Council could affirm, reject or modify any decision or recommendation the Planning Commission makes. Chairman Flores stated that he wanted Mr. Kent to understand that the Commission tries to make good planning decisions for the future of the City.

George Manzo, one of the homebuyers within Tract 16960, said he is concerned to hear about the proposal to amend the pre-zoning, and that he might not have entered into escrow to purchase the home he has chosen. There is a wrought iron fence but not much privacy, he can see the three homes that are currently south of his lot, but if there is going to be a commercial development there, he is concerned how that will affect him as a homebuyer, especially with children. He felt if there was a masonry wall, there would have been some division between the properties, but as it currently stands, he feels there is no privacy. Chairman Flores stated that the Commission did not have any plans for the site, but maybe landscaping could be added to increase privacy for his property, among other things. Chairman Flores advised Mr. Manzo that he is welcome to attend the City Council meeting when this item is heard. Commissioner Sahagun commented that if the commercial development goes forward, the Commission could impose conditions to minimize impacts. The Commission does consider everyone's comments but reminded everyone that these are pre-zone designations and he did not believe that the City promised it would never change the zoning for this property. Mr. Manzo stated that he felt a condition on the commercial project such as a masonry wall was the least the City could do because he just wanted to feel secure that he is going to have privacy. Commissioner Sahagun commented that the Commission could restrict building height to single-story and said that he did not know the property lines or dimensions but believed it was a possibility that a block wall could be put next to a wrought iron fence. City Planner Lustro stated that based on the comments heard, it is necessary for staff to make a clarification for the Commission. When Tract 16960 immediately to the north of the vacant parcel was approved by the Commission and the City Council, one of the conditions of approval was that the developer construct a masonry wall along the south property line of the tract. Staff did not identify a height because we knew there were significant changes in grade along the south tract line from Central Avenue west to the southwest corner of the tract. We knew the differences in grade would result in a masonry wall that ranged from approximately 9-12 feet in height. During plan preparation, the developer approached the City about a concern to mitigate the view of what would be a very tall masonry wall as viewed from the rear yards of properties on Phillips Boulevard. The developer asked if they could construct a masonry retaining wall with a tube steel or wrought iron fence on top to give a more open look. Staff thought that was a reasonable suggestion and allowed them to make that change. Staff again would reiterate that the way the original condition was written was for a full height masonry wall. The wall that is there that supports the wrought iron fence was not engineered to take another six feet of masonry block, it was designed to support a six-foot wrought iron fence on it. From a practical standpoint, you cannot remove the wrought iron and continue building masonry on top of it. There is a

possibility that if the commercial project were to come forward, the Commission could condition the project to build another masonry wall immediately adjacent to what exists, but then you have a double wall situation, which, while it creates the privacy for the residents to the north, it creates other issues between the two walls and who is going to maintain it. If the commercial project moves forward, then the Commission will have the ability to condition it as it sees appropriate and if the Commission believes that it is appropriate to require a masonry wall, then that is at the Commission's discretion.

Mr. Palmer commented that for years what they had north of their property were sheep and strawberry fields. They were in the County area and were able to have multiple uses, so it is disheartening for someone to say that the City guaranteed that the whole area south to Phillips would be residential. In fact, the vacant lot north of him has not had a home on it for many years.

Mr. Kent clarified that he did not believe he used the words "promised" or "guaranteed" but that Crestwood reviewed the General Plan for Montclair and that is what the zoning was and he understood that things change, as he is a Planning Commissioner in the City of Glendora. When people come to the counter, they review plans and can see what the City's foresight for the future is. South of their property is residential and has been that way for years and the General Plan suggested that it would be residential if it ever were annexed into the City, no guarantees, no promises, he understood that, but if there was a gas station already there, he could understand that. However, he has been building next door to residential and they would have dealt differently with the wall and between staff and themselves, they worked out a situation where they went to wrought iron to try and buffer it. We are planning on installing a landscape hedge along the rear property lines to help buffer residential to residential. Commercial to residential, there are more critical issues, such as noise, etc. The wall turned out much taller than anyone thought it would be and that is how the wrought iron came about.

Chairman Flores asked what the County land use designation is. City Planner Lustro replied that the County designation on the three subject parcels for at least the last six years is CN, which is Neighborhood Commercial. Chairman Flores stated that we are arguing and discussing things that the Commission is not there to do. What the Commission was there to do was decide if this was good planning or not.

Commissioner Sahagun moved that, based on the evidence submitted, a finding is made that there will be no significant environmental impact as a result of the proposed amendment to the adopted pre-zone designation, including a DeMinimis finding of no effect on fish or wildlife, and adopt a Negative Declaration, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 5-0.

Vice Chairman Lenhart moved to approve a pre-zone designation of C-2 for 2.31 acres of unincorporated County territory generally located at the northwest quadrant of Central Avenue and Phillips Boulevard, as depicted in Exhibit "A" by adopting Resolution No. 06-1636, and forward to the City Council for its consideration, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 5-0.

6.c PUBLIC HEARING - CASE NUMBER 2006-41

Project Address: 10350 Kimberly Avenue
Project Applicant: José and Deborah Dominguez
Project Planner: Steve Lustro, AICP, City Planner
Request: Conditional Use Permit to allow the addition of two apartments for transitional housing and a neighborhood learning center to an existing 12-unit multi-family development

City Planner Lustro reviewed the staff report.

Director Clark added that the applicants propose to lease the two units to the Montclair Community Collaborative at basically the cost of utilities, so this is not a for-profit situation.

Commissioner Vodvarka asked about the computer room/learning center. He felt the word "neighborhood" was used too loosely. He was totally against the neighborhood using that room and felt only the tenants' children should use that room unless the other apartment complexes in that area are involved in establishing a Foundation Area. Director Clark advised that the proposed learning center will be staffed by the Montclair Community Collaborative and it is intended to be available to neighborhood children who attend Lehigh School, but it is expected that the primary users would be children who live in the applicants' building and the nearby buildings on Lehigh and Kimberly, which would be included in proposed Foundation Area 12. Staff is also in the process of preparing those plans and Mr. Dominguez has been the key proponent in organizing the property owners in those blocks to form a Foundation Area because he sees the value of the mutual benefit of the owners getting together and closing the alleys, so we are preparing to partner with him and other owners in that venture. The two transitional apartments would be operated under the auspices of the Montclair Community Collaborative or another social service agency that operates transitional housing. The learning center would be staffed by the Collaborative so there is a curriculum component that relates to and reinforces the classroom learning that takes place at Lehigh School. Commissioner Vodvarka asked if the room was going to be secured and if there will be an alarm system. Director Clark responded that those details have not been worked out yet. Commissioner Vodvarka asked if this would be the only learning center in that Foundation Area. Director Clark replied in the affirmative.

Commissioner Johnson gave "mega kudos" to Mr. and Mrs. Dominguez for working so hard to maintain the property and make all the improvements to serve their community in the way that they are attempting to do. She inquired regarding the statement made in the staff report on page 6.c-2 regarding the housing being temporary for six months and wondered what happens after six months. Director Clark replied that the Collaborative has a case management/social outreach program to families in the community. There is always someone in a hardship situation so the Collaborative is looking for locations to place people in crisis who have lost their housing. They want to either partner with Foothill Transitional Housing or model the program themselves so people know coming in that they can live there for a maximum of six months at a very low cost, they must be employed, and must place their earnings into escrow so they have the ability to move to permanent housing within six months. They are not just left to their own resources; they receive assistance through the

Montclair Community Collaborative. Commissioner Johnson asked if the applicants were providing the computers or if it was the Collaborative. Director Clark advised that they were unsure where the computers were coming from at this point, but he was sure there are plenty of computers floating around that it would not be a problem.

Commissioner Sahagun commented that when he was being interviewed by Council Member Paulitz for reappointment to the Planning Commission, he wrote down the desire to continue the fantastic programs that Montclair has and the leadership role for residents as being the reason for desiring reappointment.

Mr. Dominguez commented that it was a dream that he has had to help the neighborhood kids and Dr. Bonnie Mooney (of the Montclair Community Collaborative) is very involved in organizing how it is going to be run. For the people who are going to use the units, if they can only pay \$100 per month, that is what they will pay, because he has been there and people have helped him.

Chairman Flores commented that he and the other Commissioners felt it was a worthwhile project and wished they could get some people to donate some computers and said he would take the lead to see what could be done.

Vice Chairman Lenhart moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the conversion of a recreation room to two apartments for transitional living and a neighborhood learning center, and that a DeMinimis finding of no impact on fish and wildlife and Negative Declaration have been prepared, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Commissioner Johnson moved to grant a Conditional Use Permit under Case No. 2006-41 allowing the addition of two apartments for temporary, transitional housing and a neighborhood learning center to an existing, 12-unit multi-family development in the "R-3" zoning district at 10350 Kimberly Avenue, by adopting Resolution No. 06-1638, subject to making the four required findings, and subject to the 20 conditions of approval, seconded by Chairman Flores, there being no opposition to the motion, the motion passed 5-0.

1. This approval is for a Conditional Use Permit allowing the addition of two apartments for temporary, transitional housing and a neighborhood learning center to an existing, 12-unit multi-family development in the "R-3" zoning district at 10350 Kimberly Avenue. "Transitional" is defined as a maximum of 180 days, in order to allow families to accumulate sufficient financial resources for a first and last month's rent deposit on permanent housing elsewhere.
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. Suspension of any of the approved uses for a period of six months or more voids the CUP for the specified use.
3. The applicant and/or property owner shall ensure that a copy of the Planning Commission approval letter, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
 4. Prior to issuance of building permits, the applicant shall:
 - a. Submit five complete sets of plans, including building elevations, colors and materials, electrical, plumbing, mechanical, lighting, and accessibility details, plus two sets of 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. Pay all required Montclair Fire Department fees.
 - c. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
 - d. Pay adopted parkland development fee of \$2,700 per dwelling unit.
 - e. Pay adopted transportation development impact fee of \$1,027 per dwelling unit.
 5. The applicant shall incorporate sufficient sound attenuation measures (i.e. dual-paned glazing, upgraded insulation, etc.) in each residence to achieve a maximum interior noise level of 45dBA.
 6. The numerical street address ("10350") shall be prominently displayed in minimum six-inch (6") tall characters on the front and rear elevations of the building in a color contrasting with the background to which they are attached. Said identification shall be installed in locations clearly visible to the public street and alley.
 7. 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.
 8. 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.

9. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
10. 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.
11. All new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
12. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357.
13. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
14. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.430 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA).
15. The applicant/developer/general contractor is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
16. 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.
17. A final inspection is required for the new apartments and neighborhood learning center prior to occupancy. Final inspection shall be contingent upon Fire Department inspection and approval of all conditions.
18. Prior to final inspection and occupancy, the applicant shall:
 - a. Execute an agreement with the Montclair Community Collaborative or other non-profit social service agency to the satisfaction of the City of Montclair to reserve the two additional apartments as temporary, transitional housing. The two apartments shall be rented to families at affordable rents at the "very low" income level.

- b. Execute Affordability Covenants for the two additional apartments for the term prescribed by State law and a deed restriction limiting occupancy of the two apartments to very low income families. Said agreements shall be recorded with the County of San Bernardino by the City of Montclair Redevelopment Agency.
 - c. Replace the wide area lighting fixtures installed on the east and west elevations of the building with 90-degree cut-off luminaires to minimize nuisance glare and light spill to neighboring properties and the public right-of-way.
19. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
20. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay because of such action. At its sole discretion, the city may participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

6.d CASE NUMBER 2005-2 'A'

Project Address:	11211 Fremont Avenue
Project Applicant:	Fremont CKS Corporation
Project Planner:	Steve Lustro, AICP, City Planner
Request:	Precise Plan of Design to construct nine single-family dwellings in Tract No. 17422

City Planner Lustro reviewed the staff report.

Commissioner Johnson appreciated inclusion of Condition No. 33.e (signage for the future street extension) because it should help avoid confusion in the future. She inquired about the orientation of the windows on the side elevations and if there is sufficient privacy. City Planner Lustro replied that there are three instances along Saddleback Street where you have the five-foot setbacks adjacent to one another, resulting in a minimal ten-foot separation between dwellings. Staff will take a look at the window placements in each of those situations and, if necessary, work with the developer to make some minor changes to minimize those occurrences. Commissioner Johnson stated that she would like to see that as a condition on future developments.

Chairman Flores commented that the size of the plans was large enough to see but they lacked directional arrows showing where the water is going.

Commissioner Sahagun commented that the design and size of the homes are really nice and he wished he could afford one. He also agreed that it would have been nice to see the tentative map because he wondered what was to the south of the property as he was reviewing Condition No. 9.g regarding the masonry wall along the back. City Planner Lustro replied that the property to the south is currently vacant and undeveloped. Staff has received a conceptual plan for a subdivision for the property to the south, but nothing more. Ultimately, it will be developed with single-family residential, but it is currently undeveloped.

Vice Chairman Lenhart moved that, based on the evidence submitted, a finding is made that there will be no significant environmental impact as a result of the residential project, including a DeMinimis finding of no effect on fish or wildlife, and a Negative Declaration has been prepared, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 5-0.

Commissioner Vodvarka moved to approve the Precise Plan of Design request under Case No. 2005-2 'A' for the tract plot plan, floor plans, elevations, colors and materials associated with the proposed nine-unit single-family residential subdivision and associated on- and off-site improvements per the submitted plans and as described in the staff report, subject to the 38 conditions of approval, seconded by Chairman Flores, there being no opposition to the motion, the motion passed 5-0.

1. This approval is for a Precise Plan of Design for the tract plot plan, floor plans, elevations, colors and materials associated with the construction of nine (9) single-family detached residences on Lots 1 through 9 of Tentative Tract Map No. 17422.
2. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval, unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
3. The applicant and/or property owner shall ensure that a copy of the Planning Commission approval letter, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
4. This approval is subject to compliance with all conditions of approval associated with Case No. 2005-2 and outlined in the Planning Commission approval letter dated March 29, 2005, unless superseded herein.
5. Prior to issuance of building permits, the applicant shall:

- a. Submit five complete sets of plans for each model/elevation, including building elevations, colors and materials, electrical, plumbing, mechanical, landscaping, lighting, and accessibility details, plus two sets of soils, structural and Title 24 calculations for review and approval by the Building and Planning Divisions. Contact Rudy Gomez, Senior Building Inspector, at 909/625-9437 for an appointment to submit plans.
- b. Prepare and submit plans for erosion control and storm water pollution prevention to the satisfaction of the City Engineer. A general construction permit may be required. Contact Joe Rosales, NPDES coordinator, at 909/625-9470 for requirements.
- c. Submit a detailed landscaping and irrigation plan for the following:
 - i. The area between the public sidewalk and tract perimeter wall along Fremont Avenue. Landscape plan for this area shall include a three-to-four-foot (3'-4') wide turf area adjacent to the sidewalk and a combination of shrubs and climbing vines adjacent to the perimeter wall. Turf and shrub areas shall be separated by a meandering concrete mow strip, minimum four inches in width.
 - ii. The front yard of each new residence, including sod turf, a variety of shrubs, two (2) street trees as designated herein, and at least one, 15-gallon container size accent tree. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
 - iii. The street side yard of Lot 7 that includes shrubs, climbing vines, and three (3) street trees as identified herein.
- d. Submit the following for review and approval by the Planning and Building Divisions (as applicable):
 - i. Masonry wall details consistent with those described herein.
 - ii. Renderings and proposed locations for neighborhood mailboxes within the subdivision. Before submission to the City for review, the applicant shall first obtain approval of the design style and siting from the United States Postal Service.
- e. Submit three (3) complete sets of plans for an approved, automatic fire sprinkler system for each residence directly to the Fire Marshal's office for review and approval, including two sets to be microfilmed/digitally imaged. The system shall conform to national standards.
- f. Pay all required Montclair Fire Department fees.

- g. Pay adopted parkland development fee. (Currently adopted fee as of October 2006, is \$2,700 per dwelling unit.)
 - h. Pay adopted transportation development impact fee. (Currently adopted fee as of October 2006, is \$1,468 per dwelling unit.)
 - i. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
6. Prior to commencement of the framing stage or delivery of lumber to any location within the tract boundary, the applicant shall provide an all-weather access within each street right-of-way. An all-weather access is defined as base course A.C. pavement to a minimum depth of 2½ inches and having a minimum width of 26'-0". This 26-foot width shall be maintained free and clear of construction equipment, materials and debris at all times during construction.
7. The following names are hereby assigned to the interior streets of Tract No. 17422:
- a. Saddleback Street (east-west street).
 - b. Carrillo Avenue (north-south street).
8. Street tree designations for Tract No. 17422 shall be as follows:
- a. Fremont Avenue – Jacaranda mimosifolia (Jacaranda), 30 feet on center
 - b. Saddleback Street – Lagerstroemia indica 'Rubra' (Crape Myrtle)*
 - c. Carrillo Avenue – Chitalpa tashkentensis 'Morning Cloud' (Chitalpa)*
- All trees shall be minimum 24-inch box size and double-staked per City standards. (*Two per residential lot, minimum 30 feet on center.)
9. The applicant shall construct the following improvements in conjunction with the project:
- a. A decorative masonry wall, 7'-6" in height, minimum 6'-0" back of the public sidewalk, in the street side yard of Lot 1. The wall shall be split-face masonry (or equivalent satisfactory to the City Planner) and shall include a contrasting cap. Said decorative wall shall include a return to the front corner of the residence on Lot 1. A split-face column, 8'-0" in height, shall anchor each corner of the wall.
 - b. A decorative masonry wall, 6'-0" in height, minimum 4'-0" back of the public sidewalk, in the street side yard of Lot 7. The wall shall be split-face masonry (or equivalent satisfactory to the City Planner) and shall include a contrasting cap. Said decorative wall shall include a

return to the front corner of the residence on Lot 7. A split-face column, 6'-6" in height, shall anchor each corner of the wall.

- c. A precision block masonry wall, 6'-0" in height, along the rear property lines of Lots 1-9.
 - d. A precision block masonry wall, 6'-0" in height, along the southerly property line of Lot 8. Said wall on Lot 8 shall terminate at a split-face column, 6'-6" in height, at the front setback line.
 - e. A decorative masonry wall, 2'-6" in height, along the southerly property line of Lot 8 between the front yard setback line and the public sidewalk along Carrillo Avenue. Masonry block shall be decorative on both sides.
 - f. A temporary wood fence, 5'-0" in height, along the southerly property line of Lot 8 atop the 2'-6" wall described in subsection (d) above.
 - g. A temporary wood fence, 7'-6" in height, along the southerly tract boundary within the Carrillo Avenue right-of-way.
 - h. A detailed wall/fence plan showing details for all perimeter walls and property line fences consistent with the conditions contained herein.
 - i. An eight-foot (8'-0") wide landscape area behind the public sidewalk along Fremont Avenue adjacent to Lot 1. Maintenance of this landscape area shall be the responsibility of the developer until the residence on Lot 1 becomes occupied, at which time the responsibility for maintenance shall transfer to the property owner.
10. Maintenance of landscape areas in front yards and street side yards shall be the responsibility of the developer until the respective residences become occupied, at which time the responsibility for maintenance shall transfer to the respective property owners.
 11. The applicant shall incorporate sufficient sound attenuation measures (i.e. dual-paned glazing, upgraded insulation, etc.) in each residence to achieve a maximum interior noise level of 45dBA.
 12. Elevations of each proposed dwelling shall reflect the inclusion of enhanced glazing (full divided-lights or divided-lights over single-light) and window surrounds and/or enhancements (wood, stucco-over-foam, shutters, pot shelves or similar) on all building elevations.
 13. The address of each new residence shall be displayed in minimum four-inch (4") tall numerals on a contrasting background and backlit with a low-voltage illumination source. Said identification shall be installed in a consistent location on each residence.

14. All large mechanical devices, such as air conditioning condensers, shall be located on the ground within interior yard areas not visible to the public right-of-way. All wall- and roof-mounted exhausts and vents shall be designed to be compatible and blend with the architectural design of each residence.
15. Fences and walls within front yard setbacks shall not exceed 42 inches in height. Chain-link is expressly prohibited for property fencing.
16. No construction within the public right-of-way shall commence until a public works permit is obtained from the City's Public Works Department and all applicable fees paid. All utility lines installed to serve the new development shall be placed underground from the nearest existing power pole or other point of connection not adjacent to the property frontage. All electrical transformers and switches, and all phone and cable television facilities shall be placed in underground vaults. The sewer connection improvements may be shown on either the street improvement or grading improvement plans.
17. The proposed storm drain system shall be designed and constructed to intercept and convey stormwater flows from a 100-year event (Q_{100}) as determined by the San Bernardino County Flood Control District hydrology manual.
18. Residential drive approaches ("W") and driveways (as measured at front property line) shall be a minimum of 16'-0" and a maximum of 18'-0" in width. Driveways may flare to the full width of the two- and three-car garages. Top of "X" shall be no closer than 5'-0" to property line. Public sidewalks shall be fully disabled-accessible.
19. In order to reduce surface water runoff in compliance with the San Bernardino County Stormwater Program, the applicant shall:
 - a. Use alternative, pervious surfaces for driveways and walkways on each parcel.
 - b. Design grading and landscaping so that moderate surface water generation (irrigation, light rainstorms) percolates into the ground before flowing to storm drain structures.
20. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
21. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.430 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA).
22. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact Michael Hudson, City Engineer, at 909/625-9440 for fees/assessments.

23. Cross-lot drainage shall not be permitted. The following drainage guidelines shall be implemented:
 - a. Lot 1 may drain north to Saddleback Street or west to Fremont Avenue.
 - b. Lots 2-7 shall drain south-to-north to Saddleback Street.
 - c. Lots 8-9 shall drain east-to-west to Carrillo Avenue.
 - d. The portion of Carrillo Avenue within the tract boundary shall drain south-to-north, then westerly in Saddleback Street.
24. All drainage tributary to the subdivision shall be intercepted and conveyed through the subdivision to the satisfaction of the City Engineer.
25. No soil may be imported or exported without first obtaining approval from the City Engineer. A plan satisfactory to the City Engineer shall be prepared showing the proposed haul route within the City. Subject plan shall include provisions for street sweeping and cleanup. Contractor(s) shall be responsible for complying with all NPDES requirements.
26. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
27. 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.
28. A 26-foot wide, unobstructed all-weather roadway capable of supporting firefighting apparatus shall be maintained within 150 feet of all structures prior to and for the duration of construction. Roadway is subject to Fire Department approval prior to commencement of construction.
29. The applicant/developer/general contractor is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
30. A fire hydrant system shall be required to provide the necessary water flow to the proposed subdivision. Exact number, location and design of hydrants shall be determined by the Fire Marshal's Office when building plans are received. Hydrants shall be active prior to the framing stage of construction.
31. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
32. A final release of occupancy is required for each residence. Final release by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.

33. Prior to the first release of occupancy, the applicant shall:
- a. 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.
 - b. Install all approved landscaping and exterior lighting.
 - c. Connect the subdivision to the City of Montclair sanitary sewer system.
 - d. Complete the following improvements to the satisfaction of the City Engineer:
 - i. Remove all on-site utility poles and overhead utility lines from the project site.
 - ii. Underground all overhead utility lines along the east side of Fremont Avenue for the length of the project limits to the nearest pole not adjacent to the property frontage and remove all abandoned utility poles.
 - iii. Construct all approved improvements along the Fremont Avenue frontage of the project site and on the interior streets of the tract, including, but not limited to construction of P.C.C. curb, gutter and sidewalk, and asphaltic concrete (A.C.) pavement, and installation of landscaping and irrigation.
 - iv. Install concrete standard streetlights on the east side of Fremont Avenue and on the interior streets of the subdivision in a quantity and spacing to the satisfaction of the City Engineer. Streetlights shall be owned and maintained by Southern California Edison. Lighting level on interior streets shall be a minimum 0.3 foot-candles within street rights-of-way.
 - v. Install a City-approved tract street sweeping sign on the south side of Saddleback Street east of Fremont Avenue. Coordination shall be through Mario Orioli, Public Works Superintendent, at 909/625-9466.
 - vi. Construct all storm drain system improvements, including an A.C. transition and berm from the terminus of the P.C.C. flow line at the southerly tract boundary to facilitate positive surface water flow southerly along Fremont Avenue.
 - vii. Erect a semi-permanent barricade at the northerly terminus of Carrillo Avenue if development precedes development of Tract No. 17191.

- e. Erect two "END" warning signs and "FUTURE STREET EXTENSION" signs, one each at the northerly and southerly termini of Carrillo Avenue. Said signs shall not be required at the northerly terminus if construction is underway on Tract No. 17191.
34. The applicant shall provide a written disclosure to prospective buyers of each residential lot, a copy of which shall be provided to the City and maintained on file, that Carrillo Avenue is designed as a stub street that will eventually be extended to serve additional residences at some future date.
35. The applicant shall provide a written disclosure to the prospective buyers of Lot 8 that the temporary wood fence described in Condition No. 9 herein shall be removed in its entirety at such time that development occurs on the property immediately to the south of the southerly tract boundary. Said documentation shall also be recorded with the County of San Bernardino as a covenant on both parcels.
36. Prior to release of occupancy for any of the dwelling units in the subdivision, 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.
37. 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.
38. The applicant shall agree to defend, at his sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or, in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of his obligations under this condition.

INFORMATION ITEMS

Director Clark announced that the next Planning Commission meeting will likely include review of the first residential development within the North Montclair Downtown Specific Plan area on the Western Rock property on Arrow Highway.

City Attorney Robbins wished everyone a Happy Thanksgiving.

Commissioner Sahagun congratulated Mayor Eaton and the Council members in their re-election.

Commissioner Sahagun inquired about the masonry wall constructed at the northwest corner of the Richmond American tract. He said there is a gap between the wall and an older block wall at the rear of the residence at the north end of Tudor Avenue. It's very ugly, there is trash and debris, and the fence is falling apart. It's not big enough for anyone to be dragged in there, but it sure is unsightly. He commented that he would like to see future development address the item and have a condition regarding it.

Commissioner Sahagun stated that at the Girl Scouts building at Monte Vista and Palo Verde, there are four semi-trailers that have been parked there for over one week.

Commissioner Sahagun asked if staff was able to review plans for the new homes in the County area at Grand and Pipeline and why that area was not proposed to be annexed at that time. City Planner Lustro stated that we had an opportunity to review and comment on the site planning for the subdivision. In this particular case, the developer proposed 50-foot rights-of-way, which is ten feet less than the City standard. Our typical residential streets are within a 60-foot right-of-way. The reason for that is to provide adequate room for sidewalks and utilities within the public right-of-way. One of the corrections we requested was to increase the street right-of-way, which they did, because eventually it is going to be ours. The reason it was not annexed is because we do not have a City boundary immediately adjacent to it. The closest existing City boundary is far enough away from that subdivision both to the east and to the north that it would have been a little bit of a challenge to try to create a leg from the existing City boundary to be able to take this in. If at some point in the future when we know there is support from adjacent neighborhoods or there are sufficient numbers of executed irrevocable annexation agreements, it might be easier or prudent for us to be able to annex that subdivision because the developer has executed a master irrevocable annexation agreement to connect each lot to our sewer. It is basically the same situation as what occurred with the Young Homes development south of the intersection of Vernon and Mission. Residents within these subdivisions have essentially given up their right to oppose annexation by connecting to the City sewer.

Commissioner Sahagun commented that many times during Planning Commission meetings Chairman Flores has said to the audience that the Commission has limited authority and the Council has the power to overturn our decisions. It makes him feel like the Commission does not mean anything, he resents it, and wanted to make it public. If the Commission makes a decision, he makes it hoping that the City Council is not going to overturn it. He would appreciate it if Chairman Flores would not tell the public that the Commission is only there for whatever reason. He apologized if he was overstepping his bounds, but he was there for the public and felt he had to say this.

Chairman Flores replied that when people are arguing back and forth and the Commission is straying from the subject at hand he tells the audience that they have recourse (with the City

Council) and that the Commission is there to do good planning. It's in the record and you can pull it back up. If the City Council wants to reverse the Commission's decision, he is simply telling the public that the Commission is not the last stop. The Commission has only been reversed one time in 20 years and he is not saying it in that way.

Commissioner Sahagun stated that it sounded like if the public is not happy with the Commission's decision, they are welcome to go to the City Council and complain. Commissioner Sahagun added that he has been on the Commission for seven or eight years and he has attended conferences at which he has learned that the Commission is an important body and he takes his job seriously, so he does not want to hear that the public can go to the City Council because we are "only" an advisory body. He knows that the Commission can be overturned, but he does not like the public being encouraged to go to the City Council so they can overturn our decision.

Chairman Flores apologized and commented that he cannot promise he will not say it again when people start arguing with him because the Commission is there to decide something on the agenda and the public does have the recourse to go to the City Council. That does not mean the Council will overturn the Commission. They haven't in 26 years and that is specifically why he says it. He knows the Commission is an advisory body, so he cannot keep that fact from the public.

Commissioner Sahagun stated that he understands the pressure of chairing the meeting, including having members of the public pointing fingers at the Commission. He felt Chairman Flores was doing a good job. He was proud of being a commissioner and had to get that off his chest. Chairman Flores responded that he did not take any offense and was glad that it was brought up. When someone goes off on a tangent, that is not being a professional commissioner and he sometimes has to interrupt and get the Commission back on track. To Chairman Flores, he felt it was part of his job, but he will refrain from the offensive comments as much as he can. As an example, the gentleman who spoke during the meeting kept saying that the City Council promised him something and Chairman Flores simply advised him that he needed to go to the City Council meeting.

Vice Chairman Lenhert congratulated Mayor Paul Eaton on his win and wished everyone a happy Thanksgiving.

Commissioner Vodvarka congratulated Mayor Paul Eaton and the Council Members for being re-elected.

Commissioner Johnson commented that while she agreed with Commissioner Sahagun about the verbiage Chairman Flores has used, she certainly would not want to be sitting in the hot seat that Chairman Flores sits in. She inquired about the time limit for speakers because when there is an issue that people are passionate about, they want to stand there and argue for five minutes, but if we have a limit on how much time they can speak, they can make their comment and be done. City Planner Lustro stated that Number 5 on the cover page of the agenda states that speakers are limited to three minutes. It is up to the Chair and the Commission whether that is enforced. It has been the Commission's practice to be

lenient on that, the exception being when there has been a contentious agenda item, such as pre-zoning or annexation, where we have scores of people who want to speak, the Chair has taken it upon himself to let everyone know up front that they each have three minutes. It has been enforced in those cases but it is the prerogative of the Commission, irrespective of what it says in the agenda. If the agenda is short and someone is going to go four or five minutes and the Commission wants to let them do that, it can, but if you want to enforce it, you have the right to do that. Another issue, again at the Chairman's discretion, is allowing rebuttals by the public. It occurred this evening, but you do not have to allow that. But if you feel that something important is going to come out in further comments, then it is permissible to allow rebuttal.

Commissioner Johnson congratulated Mayor Eaton and the two Council Members and commended the candidates for removing their campaign signs right after the election. Some of the neighboring cities still have signs up and there was an article in the paper regarding how they can do a better job with that.

Commissioner Johnson commended the Montclair Police Department for the work they do and how efficient they are. The police were chasing someone who accidentally turned down her cul-de-sac at 1:30 a.m. She heard the tires screech and before she could get to the phone, she could see the police lights and she commended them on the excellent job they do.

Chairman Flores commented that the new police station is progressing quickly; he saw the crews working on Saturdays, so they will likely get it done in time. Starbucks is also moving along pretty well. He finally saw a sign for the storm drain construction on Palo Verde Street. The weeds on the northwest and northeast corners of Monte Vista and Mission are about four feet high and inquired if we could get the County to at least clear the weeds that are in the right-of-way. City Planner Lustro responded that both of these corners became part of the City on October 24, 2006. On both properties, staff is working with developers on potential projects; however, neither one of the projects are far enough along that we would advise them that they could wait until they turn dirt, so staff will check with the Fire Department to see if they have been written up to clear the weeds.

City Attorney Robbins reminded everyone that "Information Items" are items that do not require action or discussion of anything that is not on the agenda. There is an exception for questions of staff or comments, or a meeting you have attended, but she has been a bit lax and the Commission tends to go on and on about something, and the theory is that if we're going to talk about something, it needs to be agendized. So, if anyone starts discussing a particular corner or piece of property, the public might want to provide its input because what we discuss informally does sink in and is taken into consideration, and that is the kind of deliberating process that is to be done only upon notice providing the public an opportunity to attend. Concerns about tall weeds or something is fine, but we tend to get off on discussing specific things, what should be done with it, what has been done, and that is bordering on deliberating. She will follow-up with a memo and will feel free to interrupt any or all if we venture into that territory.

Chairman Flores adjourned the meeting at 8:55 pm.

Respectfully submitted,

Laura Berke
Recording Secretary