



**CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES**

**REGULAR ADJOURNED MEETING
Monday, November 27, 2006**

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

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

MINUTES

No minutes were presented for approval.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

A motion was made by Vice Chairman Lenhart to re-order the agenda, considering Agenda Item 6.b first, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

6.b CASE NUMBER 2006-44

Project Address: 5666 San Jose Street
Project Applicant: Alba N. Loaisiga
Project Planner: Jim S. Lai, Associate Planner
Request: Precise Plan of Design for a two-story addition to a single-family residence

Associate Planner Lai reviewed the staff report.

Commissioner Johnson asked for clarification regarding the windows and privacy. Associate Planner Lai replied that the east elevation of the second story is proposed to have one window in the bathroom. No windows are proposed in the upstairs bedroom on that elevation.

Commissioner Sahagun asked about the neighbor's concern regarding the balcony and whether they were satisfied. Associate Planner Lai replied that he spoke with the neighbors to the east and they were satisfied. They were concerned about the balcony and the loss of privacy. There is a fairly large Sycamore tree that may help screen part of the yard, but there is no way of completely preventing the balcony from overlooking the neighbor's yard.

Chairman Flores commented that staff has been experimenting with allowing applicants to submit different sizes of plans. Some have been very compact but now it seems like we are getting the right size.

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

Vice Chairman Lenhart approved the Precise Plan of Design request for the site plan, elevations, colors and materials for a two-story addition to the existing single-family residence plus balcony per the submitted plans and as described in the staff report, subject to the eleven conditions of approval, seconded by Chairman Flores, there being no opposition to the motion, the motion passed 5-0.

1. This Precise Plan of Design (PPD) approval is for a two-story, 1,601 square-foot residential addition at 5666 San Jose Street, in the R-1 (Single-Family Residential) zoning district, subject to meeting all building setbacks, height and lot coverage requirements. The proposal consists of a 1,116 square-foot

second story addition, inclusive of a 42 square-foot balcony; and a 485 square-foot first floor addition with a new fireplace. The total habitable area as a result of this proposed addition will be 2,745 square feet.

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. Applicant shall commence construction of the approved second-story project within 180 days of the issuance of a building permit and shall diligently complete the construction within 180 days from permit issuance date unless an extension is granted by the Community Development Director in the event of unavoidable circumstances.
5. Applicant shall provide a 45-degree corner fence/hedge cut-off at the intersection of the south edge of the drive approach leading to the garage and the property line parallel to Del Mar Avenue so as not to impede driver's sight distance.
6. Prior to issuance of a building permit, the applicant shall:
 - a. Submit five complete sets of architectural 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 the Building Division at 909/625-9430 for an appointment to submit plans.
 - b. Submit revised building elevations illustrating the following:
 - i. The proposed new roof shall consist of 'Class A' architectural grade composition shingles or a higher grade material, such as concrete tiles, subject to Planning Division approval.
 - ii. The north or rear building elevation illustrated on Sheet A-6 shall show a double French door instead of a window to the covered patio area.

- c. Submit three (3) complete sets of plans for an approved, automatic fire sprinkler system for the entire 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.
 - d. Pay all required Montclair Fire Department fees at time of fire sprinkler plan submittal.
 - e. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
7. Any new air conditioning condenser units shall be located on the ground in the rear yard of the residence. All rooftop exhaust vents shall be painted to match as closely as possible the color of the roofing material on the residences.
8. The applicant/developer is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
9. Prior to approval of a final inspection for the addition, the applicant shall submit to the Building Division electronic images of all plans and records for the purpose of obtaining a building permit. Electronic images shall comply with the City's Electronic Archiving Policy.
10. 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.
11. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

- 6.a PUBLIC HEARING - CASE NUMBER 2006-34
Project Address: 4952-4974 Arrow Highway
Project Applicant: Michael Family Trust
Marilyn Bertram Trust
Project Planner: Steve Lustro, AICP, City Planner
Request: Tentative Tract Map No. 18286, subdividing a 6.95-acre parcel into 13 numbered lots and 3 lettered lots for condominium purposes; Conditional Use Permit to allow 46 live-work units; and a Precise Plan of Design for a 184-unit mixed use development

City Planner Lustro reviewed the staff report.

Vice Chairman Lenhart asked if the units were going to be condominiums or rentals. City Planner Lustro replied that each of the three products that are being proposed on this particular project is "for sale." Vice Chairman Lenhart asked if there was going to be a group to maintain the property. City Planner Lustro replied that a homeowners association will be established to maintain all of the common areas within the project boundaries.

Vice Chairman Lenhart asked if this project would be affected by the City's home occupation ordinance. City Planner Lustro stated that the North Montclair Downtown Specific Plan overrides the Municipal Code in areas where it addresses particular issues. In this particular case, the Conditional Use Permit that is being requested by the applicant covers the 46 live-work units. Any businesses that would be established within the live-work units would be a permitted use provided it is consistent with the project's CC&Rs.

Commissioner Johnson commended staff for its diligence and hard work on this project. She observed that each of the spaces has a two-car garage space, but wanted to know if there will be on-site parking, where the guest parking is, and how many guest parking spaces are provided. City Planner Lustro clarified that one of the townhome models is proposed with a one-car garage. The Commission will remember that the Specific Plan was adopted requiring only one covered parking space for each unit. Based on the Specific Plan, the project is overparked, but if you take a look at the site plan, there are a number of on-street parking spaces that are available in a couple different areas of the project site, including along Arrow Highway and also on what is designated as "A" Street. When the applicant develops its CC&Rs, they will probably want to take a look at those spaces and include language that tightly governs their use so that a household with more cars than parking spaces will not be using those for storage, rather than allowing a potential client or customer of a resident in a live-work unit to have convenient parking. It is expected that these rules will be communicated to prospective buyers. It will be a CC&R issue that the homeowners association will need to police so that it will not become a problem.

Commissioner Johnson asked if there will be guest parking. City Planner Lustro responded that he believed guest parking will be designated, but deferred to the applicant.

Commissioner Vodvarka observed that there were not many parking spaces around the recreation and pool area and was concerned about that. City Planner Lustro commented that one of the primary objectives of the Specific Plan is to encourage projects that will entice residents to walk. While the recreation area is not located right in the middle of the project, it is not beyond walking distance from the most remote corner of the project site. There are courtyard areas that are conducive to walking and sidewalks with parkways along the more well-traveled streets.

Commissioner Sahagun commented that he thought that the Downtown Specific Plan was supposed to eliminate or reduce vehicle congestion as much as possible. He also inquired if any thought was given to any roof balconies, the width of the sidewalks (he hoped they would be at least four feet wide), and the Community Facilities District. City Planner Lustro replied that the developer had a big enough challenge with respect to the square footage of the third story on the units because there are strict requirements in the Uniform Building Code related to exiting from a third story. Some of the units have balconies on the second and third floors, but to staff's knowledge, no consideration was given to rooftop spaces because of UBC issues. In fact, the developer is going to upgrade some of the construction types on the third floor in order to comply with the UBC's exiting requirements. With regard to sidewalks, he understood that five-foot sidewalks are being proposed so that there is plenty of walking space without bumping into other pedestrians. On the streets where there are sidewalks, the sidewalk will be separated from the street by a parkway as is typical of older, urban neighborhoods. With respect to the Community Facilities District, the cost has not been nailed down yet. The CFD will help finance the establishment and maintenance of a number of public improvements within the North Montclair Downtown Specific Plan boundaries, including the Town Center area just to the east of this parcel. That parcel will ultimately have direct access to the pedestrian tunnel that will lead to the loading platforms for Metrolink and the future Gold Line.

Commissioner Sahagun noticed that the City Engineer was in the audience and wanted to know if the sewer capacity was adequate to handle this project and future projects.

City Engineer Michael Hudson responded that staff has reviewed sewer capacity in the Specific Plan area and does not see a problem with capacity. Staff is in the process of having a sewer modeling study done for the entire City and he is not anticipating any surprises regarding capacity or the complete development of the Specific Plan area. He thought that when the City was originally laid out, City staff was very conservative in sizing sewer mains. Based on current sewage generation rates, he feels we have sufficient capacity for the proposed development.

City Planner Lustro commented that he wanted to clarify his previous response to Commissioner Johnson's question about parking. On the tentative tract map, there is a parking analysis and summary that illustrates the total parking required per the Specific Plan is 276 spaces, and the project is providing 388, for a surplus of 112 spaces. There are 54 spaces designated as guest parking, including 33 on-street spaces, which will not be signed but available on a first-come, first-served basis.

City Planner Lustro added that staff is recommending revisions to six of the conditions of approval, details of which were provided to the Commission at the beginning of the meeting.

Commissioner Sahagun asked about parking structures. City Planner Lustro stated that there are areas within the Specific Plan boundary that are designated conceptually for parking facilities or structures. The parking structures would be financed by the CFD. What staff expects to see in the initial years of Specific Plan development is residential development that will park itself. As North Montclair matures and there are enough residential units to support the local serving commercial that we expect to come later, only then does staff expect that parking facilities will need to be constructed to support the retail and service uses. As development extends to the north side of the railroad tracks, it will be necessary to construct parking structures in order to maintain a minimum of 1,600 parking spaces for the Transcenter, which is the number of spaces currently provided in surfaced parking. In short, parking structures are envisioned as a component of the Specific Plan, but you probably will not see them any sometime soon.

Chairman Flores commented that the maps are getting much better, but if they took the time to come up with the finished floor elevation of all the buildings, why didn't they include a note to let us know the water is going to flow southwest into an existing catch basin?

David Gaulton, 21515 Vanowen Street, Suite 101, Canoga Park, president of Pacific Development Services, the owner's representative and outside project manager for LaingUrban. With him tonight are Marley Dominguez from LaingUrban, Jim Kawamura, the civil engineer, Rick Aiken and Jorge Regueiro from William Hezmalhalch Architects, and Lance Walker, their landscape architect. He thanked staff for their tremendous support. The time and energy they put into the project to help them fulfill the City's vision as well as their own has been immensely helpful. Rob Clark, Steve Lustro, Mike Hudson and Joe Rosales have sat through many meetings and really helped to shape the project in everyone's best interest. The developer's intent on this project was to carefully follow the Specific Plan. They are aware of the effort that went into it and that is why they are not applying for any variances. Everything they are doing is within the allowed zoning and planning regulations. They have, during the course of these meetings, incorporated staff's suggestions into the plans. As a result, he is able to speak on behalf of the developer that they are prepared to accept the conditions of approval as revised by Mr. Lustro.

LaingUrban is a developer that works strictly in urban condominium residential development. This is their niche and this is what they do. They are a division of John Laing Homes, which was named Builder of the Year in 2005 and has also been listed as number one in customer satisfaction on any number of polls in the industry. They were asked to make a short presentation about the design and intent of their project, so he would like to turn it over to Rick Aiken of William Hezmalhalch Architects.

Rick Aiken, 2850 Red Hill Avenue, Suite 200, Santa Ana, thanked staff and the Commission. This is the first project out of the blocks so they have been directed to pay close attention to detail and the Specific Plan guidelines. What they wanted to focus on is that this project includes three distinct communities. The live-work units are located along Arrow Highway,

which provides a street-activated home office opportunity. On-street parking will be provided adjacent to these units. The live-work units are intended to house "doorbell businesses" rather than traditional retail. Live-work units also line street leading north to the clubhouse, which is planned as a project icon, a more playful, two-story structure with more color. One of the ideas is to activate the hardscape areas. They looked at the types of hardscape proposed around the pool area and in different pockets within the community. The recreation area includes a spa in the back surrounded by walls, an irregular-shaped pool, outside fireplaces, and an outside barbecue area. The idea is that you can have several different activities happening at once rather than just one.

There is parking located throughout, which is more urban in nature. There is street parking in urban settings, not parking lots. There are courtyard homes and town homes. The idea is that each one of these should have its own sense of identity so when you go to the live-work in the front, it is a little boxier and vertical with brick extending along the horizontal façade. The courtyard homes are more traditional with well-defined vertical elements. On the back side of the project site are the townhomes, which are higher density and face the railroad tracks. One of the things they thought was interesting is that the train will stop right at the site so when people look out the window, they will see something a little more creative and more fun, sort of a back door to North Montclair that will have an eye-catching appeal with the open space, the clubhouse and the pool. The clubhouse will include separate changing rooms, so if you walk there with a backpack, you can change before walking home. There are a series of pedestrian paths that provide connectivity through the site.

The population that will be drawn to this site because of its proximity to the train platforms will be different than those interested in future projects in North Montclair farther from the platforms. We looked at the potential different types of buyers that might be attracted to this site: single, married, empty nesters, and tried to design a variety of products and activities that would appeal to them. The Specific Plan encourages a variety of housing types and we believe we have achieved that. We gave the live-work units along Arrow Highway a commercial look with a signature element that features three stories of brick. The courtyard homes in the center of the project have individual patios and balconies. The townhomes have small balconies and patio areas. It is difficult to take on decks and balconies because of water problems and also because there are square footage constraints.

They are proposing two different color schemes, with highlighting, accents and composition shingle roofs. On the townhomes, they tried to break up the individual architectural elements because some of the units sit over someone else's parking space. The vertical orientation of the courtyard homes sort of falls away with the townhomes and they become more playful with three different color schemes and stone applied in a brick pattern, which will have a very Tuscan look to it. In the clubhouse they felt it was a good idea to have a sense of energy and because it was in between and more associated in its relationship to the townhomes, it would take on a little more character of that so they brought back some of the brick that was used out in the front.

At the project entry, we designed the landscape and hardscape areas to be asymmetrical, with an open outside fountain area and a little seating area on one side, while the other side

might be more tree-oriented. The courtyard homes will have two distinctly designed courts with a unique sense of identity, where you can say that you're in the court with a fountain area or in the court with benches.

Commissioner Vodvarka asked if there are any existing businesses on the property and how they will be affected by the construction. City Planner Lustro answered that the property is occupied by a concrete batch plant, which has been there for 50 years, and Thompson Plumbing Supply, which operates on the eastern side of the site. Both businesses will be required to close or relocate. Director Clark advised that he believed Thompson Plumbing Supply had already relocated to Upland.

Commissioner Sahagun asked if the landscape architect could speak, especially regarding the water fountain, and some of the other hardscape. Lance Walker, 100 Avenida Miramar, San Clemente, the landscape architect, stated that the entryway had a water feature, which was designed to recall the character of the architecture and has a more modern, contemporary feel to it and asymmetrical in pattern. (The remainder of Mr. Walker's comments were inaudible because a microphone was not used.)

Vice Chairman Lenhart moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the construction of the proposed 184-unit mixed-use development, and that a DeMinimis finding of no impact on fish and wildlife and Negative Declaration have been prepared, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 5-0.

Vice Chairman Lenhart recommended City Council approval of Tentative Tract Map No. 18286, subdividing a 6.95-acre site on the north side of Arrow Highway east of Monte Vista Avenue into 13 numbered lots and three lettered lots for condominium purposes, finding the map to be consistent with the Montclair Municipal Code and the State Subdivision Map Act, and forward to the City Council for its consideration, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 5-0.

Commissioner Vodvarka recommended that the City Council grant a Conditional Use Permit under Case No. 2006-34 allowing 46 live-work units as part of Tentative Tract Map No. 18286 in the "Corridor Residential" land use district of the North Montclair Downtown Specific Plan at 4952-4974 Arrow Highway, by adopting Resolution No. 06-1639, subject to making the four required findings, subject to the 56 conditions of approval, with amendments to Conditions Nos. 8, 17, 19, 50, 52, and 54, and forward to the City Council for its consideration, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Commissioner Johnson recommended City Council approval of the Precise Plan of Design request under Case No. 2006-34 for the site plan, floor plans, elevations, colors and materials associated with the proposed 184-unit mixed-use development at 4952-4974 Arrow Highway, and associated on- and off-site improvements per the submitted plans and as described in the staff report, subject to the 56 conditions of approval, as amended, and forward to the City Council for its consideration, seconded by Chairman Flores, there being no opposition to the motion, the motion passed 5-0.

1. This approval is for the following:
 - a. Tentative Tract Map No. 18286, subdividing an existing 6.95-acre site into 13 numbered lots and three lettered lots (streets and common area) for the purpose of developing a condominium project of 184 dwelling units at 4952-4974 Arrow Highway.
 - b. Conditional Use Permit to allow 46 live-work units in the "Corridor Residential" land use district of the North Montclair Downtown Specific Plan.
 - c. Precise Plan of Design for the tract plot plan, floor plans, elevations, colors and materials associated with the construction of 184 dwelling units and associated on-site and off-site improvements on Lots 1-13 and A, B, and C of Tentative Tract Map No. 18286.
2. The above Conditional Use Permit and Precise Plan of Design approvals shall be contingent upon approval of Tentative Tract Map No. 18286 by the City Council.
3. The tentative tract map shall expire three years from the date of the Planning Commission resolution unless extended under Government Code §66452.6. The final parcel map shall be filed with the City Engineer and shall comply with the Subdivision Map Act of the State of California and all applicable ordinances, requirements, and resolutions of the City of Montclair.
4. 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.
5. 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.
6. 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.

7. The City has adopted an inclusionary ordinance (Ordinance No. 05-866) to provide 15 percent required housing for low-to-moderate income households pursuant to State law. The Ordinance applies to new residential development located within redevelopment project area boundaries. Since the subject property lies within the City's Redevelopment Project Area III, the project shall be subject to the provisions of the Ordinance. It is anticipated that moderate-income and very low-income unit requirements (a total of 28 units) will be satisfied through payment of the adopted in-lieu fee (\$15,400 per inclusionary unit, as of November 2006) to the City of Montclair Redevelopment Agency as would be determined by subsequent agreement. The developer shall agree that approval by the City of the requested entitlements shall constitute in entirety the City's compliance with the density bonus provision of Government Code §65915. Compliance with Inclusionary Housing Ordinance No. 05-866 shall be to the satisfaction of the Redevelopment/Public Works Director.

8. The applicant is aware that the City intends to create a Community Facilities District (CFD) within the boundary of the North Montclair Downtown Specific Plan in order to finance the construction and ongoing maintenance of various public improvements, including, but not limited to, reconstruction of existing and/or construction of new curbs, gutters, sidewalks, medians, paving, traffic signals, streetlights, signage, street furniture, landscaping, and parking facilities. It has been determined that the subject property will be a beneficiary of these improvements. Accordingly, the applicant, and all future owners, successors and assigns, will be subject to an annual special tax on their property tax bill to fund the construction, installation, and/or acquisition of the various public improvements, repay debt service on bonds that may be issued by the CFD, and costs associated with the annual administration of the CFD. While the City is working diligently with consultants to finalize the details of the CFD, the applicant acknowledges that the special tax has not yet been determined; however, the City's consultant estimates that the maximum amount of the special tax should not exceed six-tenths of one percent (0.6%) of the assessed value of the property after development. The applicant also acknowledges that it will be responsible to remit to the City the initial amount of the special tax for each of the proposed 184 dwelling units, or whatever the final unit count is, in an amount to be determined prior to recordation of the final tract map with the County of San Bernardino.

9. Prior to submittal of grading plans or other improvement plans, the applicant shall prepare, submit, and receive approval for a Water Quality Management Plan (WQMP) in accordance with the State of California Santa Ana Regional Water Quality Control Board Guidelines for San Bernardino County. WQMP shall be submitted to Joe Rosales, NPDES Coordinator (909/625-9470). WQMP Guidelines may be purchased from the City of Montclair or are available for review on-line at: www.swrcb.ca.gov/rwqcb8/html/san_bernardino_permit.html. The Water Quality Management Plan shall be prepared by a Registered Civil Engineer or other qualified professional as may be authorized in the guidelines.

Requirements of the WQMP may require significant modifications to the submitted tentative tract map. If significant modifications are required, a re-submittal to the Planning Commission and City Council may be required.

10. Prior to filing the original signed final map with the City Engineer, the applicant shall submit to the City the following documents, requiring approval of the City Engineer, at least 60 days before the filing of the original signed final map, in order to permit review pursuant to Government Code §66456.2:
 - a. A preliminary soils report, addressing the geology, stability of the site, and grading requirements.
 - b. A comprehensive grading and drainage plan prepared by a registered civil engineer in conformance with the Appendix to Chapter 33 of the Uniform Building Code and the requirements of the City. An erosion control plan is to be included and is considered an integral component of the grading plan. All lots within the subdivision shall drain to streets or alleys. No sheet flow cross-lot drainage shall be permitted. (This does not apply to nuisance water that may be collected in catch basins in the railroad right-of-way and conveyed in structures directly to Arrow Highway.) All drainage facilities shall comply with the requirements of the approved WQMP. Prior to the commencement of grading or any clearing of the site, a grading permit shall be obtained from the Building Division. An advance plan check fee, in an amount to be determined by the City Engineer, shall be required at the time of plan submittal.
 - c. Dedication to the City of Montclair of an additional 17'-0" of public street right-of-way along the Arrow Highway frontage of the site to the satisfaction of the City Engineer.
 - d. Street improvement plans for all streets and alleys within the interior of the subdivision. It is preferred that alleys be designed with a crown and concrete V-gutters on both sides, or with a maximum 2% slope in one direction and a concrete V-gutter on one side. V-gutters in the center of alleys shall be permitted if it can be demonstrated to the satisfaction of the City Engineer that an alternate design may result in flooding of units during significant rain events.
 - e. Dedication to the City of Montclair and/or other public agencies easements for water, storm drains, sanitary sewers, and other utilities.
 - f. Execution of a Subdivision Agreement with the City of Montclair containing provisions for performance and payment bonds for all work within the public rights-of-way and a monumentation bond for tract monuments in accordance with the Subdivision Map Act.
 - g. A letter of non-interference from any utility company that may have rights of easement within the property boundaries.

- h. "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.
- 11. An easement for public access shall be dedicated over "A" Street. In all other respects, "A" Street shall be considered a private street and maintained by the homeowners association established to maintain common areas of Tract No. 18286. Street widths for "A" Street, Lot B, and all alleys shall be as illustrated in the submittal and to the satisfaction of the Montclair Fire Department. Street parking on "A" Street and Lot B shall be permitted except in areas designated as "NO PARKING." No parking shall be permitted in alleys or drive aisles.
- 12. Applicant/developer shall comply with all requirements of the Subdivision Map Act and Montclair Municipal Code.
- 13. Sanitary sewers serving the development shall be designed to City standards and in a format satisfactory to the City Engineer. Sanitary sewer maintenance may be performed by the City or by the homeowners association. If maintenance is to be performed by the City, a ten-foot wide sanitary sewer easement shall be dedicated to the City, and vehicular access to all manholes shall be provided. Sewer lines shall terminate in sewer manholes rather than clean-outs.
- 14. Prior to filing the original signed final map with the City Engineer, the applicant shall conduct a Phase I environmental analysis of the entire site, to be performed by an environmental consulting firm acceptable to the City, to determine whether any contamination is present on the site. Any and all clean-up as required by the results of said analysis shall be completed prior to acceptance of the final tract map by the City for recordation. All clean-up activities shall be in compliance and completed in accordance with all applicable local, state, and federal regulations. The environmental analysis report shall be approved by the Director of Community Development. The applicant shall be responsible for staff and City Attorney costs associated with this review.
- 15. Prior to issuance of demolition permits, the applicant shall obtain clearance from the South Coast Air Quality Management District (SCAQMD) that all asbestos has been removed by a qualified professional from all of the structures to be demolished.
- 16. If any artifacts are encountered during grading or demolition activities, all work shall cease at the location immediately and the City and other appropriate agencies shall be notified of the conditions encountered on the site. A field archaeologist shall submit a written archaeology report, including findings and specific mitigation measures and time frames necessary to offset the impacts.

Work shall not be stopped for more than one month unless extended by the Director of Community Development in order to ensure that any identified artifacts are properly retrieved and catalogued. Work shall not resume unless clearance has been obtained from the Department of Community Development.

17. At least 30 days prior to anticipated recordation of the final map with the County of San Bernardino, the applicant shall submit to the City for review and approval as to form and content, three (3) draft copies of Covenants, Conditions and Restrictions (CC&Rs).
18. All utilities serving the subdivision shall be underground. This requirement applies to electrical service, transformers and switches, and where technology exists, telephone and cable television as well. Should the applicant encounter difficulty in placing equipment in underground vaults in low visibility locations, consideration will be given by the City Engineer and City Planner to allowing pad-mount equipment provided it is screened by a masonry structure compatible with the architectural design of the nearest building.
19. Prior to issuance of building permits, the applicant shall:
 - a. Submit five complete sets of architectural plans for each model/elevation, including building elevations, colors and materials, electrical, plumbing, mechanical, landscaping, lighting, and accessibility details, plus two sets of soils, structural and Title 24 calculations for review and approval by the Building and Planning Divisions. Contact the Building Division at 909/625-9430 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 the following for review and approval by the Planning and Building Divisions (as applicable):
 - i. A revised site plan illustrating the following:
 - A. A clearly delineated pedestrian path along the east side of Buildings 20 and 21 leading to the northeast corner of the subject property. Said path shall comply with the Americans with Disabilities Act of 1990 (ADA). Provisions shall be made at the northerly end of this path so that it may connect with a path extending easterly to the planned future pedestrian tunnel that will ultimately connect to the existing Metrolink loading platforms. If such access/connection is permitted by Metrolink, the access shall comply with all Metrolink and ADA requirements. Maintenance of said access path extending easterly from

the subject property and within the Southern California Regional Rail Authority (SCRRA/Metrolink) right-of-way shall be provided by the City under an amendment to an existing maintenance agreement between the City and the San Bernardino Associated Governments (SANBAG). The homeowners association shall enter into a separate maintenance agreement with the City for the access path. The initial annual payment to the City for maintenance purposes shall be set at \$5,000, with the rate being adjusted annually based on the Consumer Price Index for the Los Angeles area. The maintenance agreement shall be required prior to issuance of the first occupancy. Annual adjustments shall be effective on July 1 of each year.

- B. Ground-level pop-outs, bulb-outs, or other similar projections in each alley to accommodate tree or planter areas.
- ii. Revised and/or clarified project details as follows:
- A. Storefront glazing on all live-work units shall be clear rather than opaque or reflective. Glass that is required to be lightly tinted to comply with Title 24 requirements will be considered in compliance with this condition.
 - B. Buildings 1 and 2 shall employ a slightly different palette of finishes, colors or materials than those used on Buildings 3 and 8 to the satisfaction of the City Planner.
 - C. Downspouts on all buildings shall be metal.
 - D. Courtyard buildings within the same "court" shall share a common style of finishes, colors, and materials. Accordingly, Buildings 9, 10, and 14 shall employ one palette, and Buildings 11, 12, and 13 shall employ a second palette.
 - E. Except for those units identified as being ADA-accessible, all units in Buildings 9 through 21 shall include at least one step up from the adjacent pedestrian path to the front entry of each unit, consistent with the "Stoop" frontage type described in the North Montclair Downtown Specific Plan.
 - F. On Building Type 5, the applicant shall apply the smoothest finish of spray-on stucco available.
 - G. On Building Type 6, the "base" of the primary elevation (below the molding near the second floor line) shall be the

smoothest finish of spray-on stucco available. The stucco walls above the molding may be the same texture as the lower portion or a slightly rougher texture finish.

- H. Where moldings occur on exterior stucco surfaces, including cornices, window sills, surrounds, headers, and decorative details, these moldings shall be finished in the smoothest finish of spray-on stucco available and shall be a complementary accent color to the main body of the building.
 - I. Revise material boards to provide at least two different types and colors of brick to increase the architectural diversity of the buildings.
 - J. Windows on all elevations shall be recessed or otherwise articulated to the greatest degree possible for architectural interest.
- iii. A detailed landscape planting and irrigation plan for the entire site, including species, quantities and container sizes. It is staff's expectation that specimen trees will be incorporated in key locations throughout the project site.
 - iv. Detailed color and material information for each building type and location.
 - v. Detailed information for the proposed recreation area, including buildings, hardscape, landscape and lighting.
 - vi. Detailed information on the two proposed courtyards, including the focal design element, hardscape, landscaping, furniture and lighting.
 - vii. Cut sheets for all building-mounted lighting fixtures, including a site plan illustrating the type and quantity of each fixture and their locations.
 - viii. A detailed wall/fence plan showing details for all perimeter walls consistent with the conditions contained herein.
 - ix. Cut sheet and details for proposed streetlights within the subdivision.
 - x. 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.

- d. Submit three (3) complete sets of plans for an approved, automatic NFPA 13 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 and shall be consistent with details as outlined in written correspondence dated November 8, 2006, from the project architect, William Hezmalhalch Architects, Inc., to Building Official Steven D. Griggs. The system shall be equipped so as to provide a signal to an UL-listed monitoring station in the event of a water flow or tampering. Ongoing maintenance fees for said monitoring station, which shall monitor all 184 units at all times, shall be paid by the project's homeowners association.
 - e. Pay all required Montclair Fire Department fees.
 - f. Pay adopted parkland development fee. (Currently adopted fee as of November, 2006, is \$2,800 per dwelling unit.)
 - g. Pay adopted transportation impact fee. (Currently adopted fee as of November, 2006, is \$1,027 per dwelling unit.)
 - h. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
20. Streetlights shall be installed on "A" Street and Lot B in locations satisfactory to the City Engineer. The minimum lighting level for all streets and alleys shall be 0.5 foot-candles. The style of luminaire and type of illumination source shall be as specified by the City Planner. Lights may be owned and maintained by the homeowners association or Southern California Edison.
21. 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. The use of wall packs, barnlighters, and other similar unshielded luminaires shall be prohibited.
22. Design and placement of all amenities on Lot C, including trash receptacles or trash enclosure(s), shall be shown on the submitted drawing for Planning Division review and approval.
23. Prior to commencement of the framing stage or delivery of lumber or other building materials 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" (20'-0" on secondary streets and alleys). This minimum width shall be maintained free and clear of construction equipment, materials and debris at all times during construction.

24. The applicant shall construct the following improvements in conjunction with the project:
 - a. A combination decorative masonry wall and/or decorative iron fence along the north property line, adjacent to the SCRRA/Metrolink right-of-way. The intent of this condition is for the decorative iron fence to extend above the approximate grade level of the southerly edge of the railroad right-of-way. Masonry block exposed to the railroad right-of-way shall be kept to a minimum to minimize opportunities for vandalism.
 - b. A decorative masonry wall and/or decorative iron fence along the west property line, abutting the Southern California Edison substation. Said wall and/or fence shall replace the chain-link fencing that current exists along a portion of the property line.
25. The submitted tentative tract map indicates that the existing masonry wall along the east property line is located on the adjacent property. No additional wall or fence work shall be required along this property line at this time. However, if property and topographic surveys determine that all or any portion of the wall is located on the applicant's property, the applicant shall be required to remove those portions of the wall located on its property. THIS CONDITION SHALL BE DEFERRED UNTIL SUCH TIME THAT THE ADJACENT PROPERTY TO THE EAST IS DEVELOPED OR REDEVELOPED PURSUANT TO THE NORTH MONTCLAIR DOWNTOWN SPECIFIC PLAN.
26. Street names for internal streets of the subdivision shall be at the discretion of the developer subject to the approval of the City Planner.
27. Arrow Highway street tree designation for Tract No. 18286 shall be Quercus ilex (Holly Oak), minimum 30 feet on center. All street trees shall be minimum 24-inch box size and double-staked per City standards.
28. 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.
29. The address of each dwelling unit 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 at the front and rear of each dwelling unit.
30. All large mechanical devices, such as air conditioning condensers, may be located on flat roofs screened by parapet walls, on the ground at the front or rear of each unit, or at the end of each building. Where such units are placed on the ground, the units shall be architecturally screened with low masonry walls to match the adjoining residence or building. All wall- and roof-mounted exhausts and vents shall be designed to be compatible and blend with the architectural design of each residence.

31. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357.
32. 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.
33. All new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
34. All common area landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
35. The applicant and/or property owner and the homeowners association shall be responsible for maintaining the project 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.
36. No construction within the public right-of-way shall commence until a public works permit is obtained from the City's Public Works Department and all applicable fees paid. All utility lines installed to serve the new development shall be placed underground from the nearest existing power pole or other point of connection not adjacent to the property frontage. The sewer connection improvements may be shown on either the street improvement or grading improvement plans.
37. Storm drains serving the development shall be designed in accordance with the requirements of the San Bernardino County Flood Control District. All drainage features and structures required for the project shall be maintained by the homeowners association. Any work proposed within the SCRRA/Metrolink right-of-way shall require a license agreement with that agency. A copy of the license agreement shall be provided to the City Engineer prior to issuance of a grading permit.
38. The applicant/developer/homeowners association shall be responsible to contract with a qualified firm to inspect and maintain any and all manufactured stormwater treatment devices specified by the approved WQMP, following all

manufacturers' recommendations. It shall also be the responsibility of the applicant/developer/ homeowners association to maintain inspection reports and have them readily available for review by City staff upon request. In the event that any stormwater treatment device fails due to lack of, or insufficient maintenance and/or inspection, or some other unforeseen circumstances, it shall be the responsibility of the applicant/developer/homeowners association to correct the deficiency and restore the stormwater treatment device(s) to its original working condition.

39. Residential drive approaches ("W") and driveways (as measured at the intersection with the street) shall be a maximum of 18'-0" in width unless otherwise approved by the City Engineer. This condition is not applicable where rolled or V-curbs are used.
40. All streets and alleys where parking is not designated shall be red curbed and/or posted "No Parking, Fire Lane." Signs shall be mounted in accordance with Montclair Fire Department standards. Rolled or V-curb and gutter may be used provided that the flow line is well-defined.
41. Sidewalks shall be constructed on both sides of "A" Street and on both sides of the east-west section of Lot B. Sidewalk scoring pattern shall be as specified by the City Planner. Sidewalks shall not be required on the remainder of the private streets and alleys. Sidewalks, intersections, and curb cuts shall comply with the Americans with Disabilities Act of 1990 (ADA). Sidewalks through drive approaches with cross slopes exceeding two percent (2%) shall not be permitted.
42. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
43. 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).
44. 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.
45. 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.
46. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.

47. 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.
48. 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.
49. Landscaping immediately adjacent to entrance drives or an intersection that has the potential to impair sight distance for motorists should be of low profile types not to exceed eight feet in height when mature (except trees).
50. A fire hydrant system shall be required to provide the necessary water flow to the proposed subdivision. Exact number, location and design of hydrants shall be determined by the Fire Marshal's Office when building plans are received. Hydrants shall be active prior to the framing stage of construction.
51. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
52. A final release of occupancy is required for each building. Final release by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
53. 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.
54. 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 for each phase that final occupancy is being requested.
 - 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. Install streetlights along all internal streets for each phase that final occupancy is being requested. Streetlights shall be back of curb. Streets and alleys shall not be illuminated via building-mounted wide area lighting.
55. 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.
56. 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

Commissioner Sahagun inquired about the storm drain work on Harvard Street and whether the City has a stormwater runoff plan for that area. His concern was the broken-up asphalt being tracked by vehicles onto Monte Vista Avenue. He noticed a sweeper truck and a water truck parked there. Director Clark advised that they are a contractor to the City so we control that. City Planner Lustro added that if there are issues maintaining the street during construction, call Public Works because they are out there on a regular basis meeting with the contractor and would be able to deal the most quickly with that issue.

Commissioner Sahagun commented that the crossing guard at Moreno School flagged him down and requested speed bumps to slow traffic. She said that she almost was run over. He pointed out that some of our shopping areas, including Montclair Towncenter, have speed bumps.

Commissioner Sahagun asked what was happening on the former Sam's Club site. Director Clark replied that the last communication from the property owner was that they were going to be going forward with the design because it was very close to being finished. The application was actually filed and the fees were paid, but we have not heard anything from them in the last month or so.

Vice Chairman Lenhart wanted everyone to keep in mind that the Monte Vista Water District and Inland Empire Utilities Agency are constructing a reclaimed water main that could be available to irrigate some of these future projects.

Commissioner Vodvarka commented that there was an article in today's Daily Bulletin regarding North Montclair and was very disappointed at its tone, lack of accuracy, and some of the comments that appeared in it.

Chairman Flores commented that the holiday party at the Doubletree was one of the best the City has ever had. He added that the weeds are finally gone at Mission and Monte Vista.

Chairman Flores asked about the sidewalks proposed on Ramona Avenue. The neighborhood was measured and marked about one year ago to determine where sidewalks would be constructed. A couple of his neighbors were getting ready to build driveways at the time and he told them to hold off because the City would be constructing sidewalks and now his neighbors are questioning him. City Planner Lustro stated that the last time the issue was discussed, the information received from Public Works was that the sidewalks in the area were marked in anticipation of obtaining a grant from the Safe Routes to Schools program, but the City was unsuccessful in obtaining that funding. We were told by Public Works that the intent was to re-apply during the next round of funding but we have not heard anything further.

Chairman Flores stated that he would like to place an item on the next agenda to discuss Commission procedures and norms. City Planner Lustro replied that if that is the consensus of the Commission, staff will agendaize the item for the December 11 meeting. The Commission indicated its support of the request.

Chairman Flores adjourned the meeting at 8:25 pm.

Respectfully submitted,

Laura Berke
Recording Secretary