



**CITY OF MONTCLAIR  
PLANNING COMMISSION MINUTES**

**REGULAR ADJOURNED MEETING  
Monday, January 8, 2007**

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

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**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

Commissioner Sahagun led those present in the salute to the flag.

**ROLL CALL**

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

Excused: Community Development Director Clark

**MINUTES**

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

**ORAL AND WRITTEN COMMUNICATIONS**

None.

## AGENDA ITEMS

- 6.a PUBLIC HEARING - CASE NUMBER 2006-46  
Project Address: 4380 Holt Boulevard, Suite N  
Project Applicant: Larry Karpontinis  
Project Planner: Steve Lustro, AICP, City Planner  
Request: Conditional Use Permit to allow a dermagraphics (tattoo) and body piercing establishment

City Planner Lustro reviewed the staff report. The applicant was present at the meeting.

Commissioner Johnson inquired about the drawing. She stated that it looked like two of the rooms had a chair and another room had a table and wondered why. City Planner Lustro deferred Commissioner Johnson's question to the applicants, but stated that staff worked with the applicants on developing the drawing that was included in the Commission packets. Some symbols were not transferred from the business owner's drawing into the drawing done at staff level.

Vice Chairman Lenhart asked if there was another tattoo business in the City. City Planner Lustro replied that there is one that staff is aware of and it is located within the indoor swap meet in the former Sears building. That application was approved by the Commission, appealed and upheld by the Council approximately three years ago. The business is still operating on the Montclair side of the building. There are other facilities that are located just outside the City in the sphere of influence, but are under County jurisdiction. About 5½ years ago, the Commission approved a similar type of facility in the 4600 block of Holt Boulevard. That establishment was open for a short time and then closed.

Commissioner Sahagun asked if the applicants are new at this type of business or do they own and operate other similar businesses elsewhere.

Yolanda Roldan, 7015 Skyview Drive, Riverside, who is proposing to operate the business with her husband, responded that this would be their only location.

Commissioner Sahagun added that he made a site visit and felt the property was in good condition except for a few minor maintenance issues.

William Fish, 4380 Holt Boulevard, Suite N, representing the owner of the shopping center, Mr. Karpontinis, stated that Mr. Karpontinis was ill and asked him to come in his place. He stated that they did not receive staff's letter outlining the conditions of approval that are being imposed on the property owner. When it was brought to his attention by the applicant, they made a copy of it and discussed it with the owners, who have agreed to make all of the repairs and address the maintenance items identified. Many of the repairs had already been planned for later this year, but will be accelerated.

Ms. Roldan thanked the Commission for giving her the opportunity to say a few words and reiterated that she and her husband would be opening and operating the shop. She stated

that her background is as a certified nurse for Riverside Community Hospital for six years. Her husband has been a tattoo artist for ten years and this was something they have always wanted to do. They are aware of the hazards, such as Hepatitis C, etc. She takes blood pathogen classes at the hospital and knows about sterilization and all the hazards associated with it and they will take preventative measures to prevent that. They also know about the bad rap that tattoo artists get and the nuisance that people say go along with it and they do not want that either. She has been trying to find a spot for them to open a shop and many doors were slammed in her face when she explained what she was trying to open. Given the opportunity, she thinks they will be good business owners and an asset to the community. They both have CPR cards and she is planning on signing her husband for the blood pathogen class as well.

Commissioner Vodvarka asked if a teenager comes into the business and wanted a body piercing or tattoo and they have a letter of permission, what guarantee do they have that the letter is authentic? Ms. Roldan deferred the question to her husband.

Margarito Roldan, 7015 Skyview Drive, Riverside, is a tattoo artist and to answer Commissioner Vodvarka's question, no services would be rendered to a minor without the parent present, with ID and birth certificate. Regarding Commissioner Johnson's previous question about the exam table, it would be used for large work, such as working on a back, leg or a thigh because it is more comfortable for the customer to lay flat rather than in a chair. Commissioner Johnson asked if that would be in all three rooms. Mr. Roldan answered that there will be a portable type massage table that can be moved out or into the room depending upon which artist needed it. Commissioner Johnson asked for clarification regarding the age for parental consent. Mr. Roldan said that it is age 16 and up for body piercing, but no genitalia or nipple piercing is permitted on a minor whatsoever. Ears, lip, or the basic piercing would be age 16 and up with a parent, and a tattoo would be age 18 and up with an ID. He has worked part time in Riverside County for 10 years, and he has his Department of Environmental Health certificate from Riverside County.

Commissioner Sahagun asked if there would be more than one artist working there. Mr. Roldan responded that he plans to employ at least one other artist.

Commissioner Johnson moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the proposed dermagraphics and body piercing business, and that a DeMinimis finding of no impact on fish and wildlife and Negative Declaration have been prepared, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 5-0.

Vice Chairman Lenhert moved to grant a CUP for the proposed dermagraphics and body piercing business, by adopting Resolution No. 07-1641, subject to making the four required findings and subject to the 14 conditions of approval, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

1. The Conditional Use Permit (CUP) shall be granted specifically to allow the operation of a dermagraphics (tattoo) and body piercing business within a 20' x 41' lease space, known as 4380 Holt Boulevard, Suite N. Any substantial

changes to the operation, increase in floor area, or its physical location shall require prior approval from the City of Montclair.

2. Conditional Use Permit (CUP) approval shall be valid for a period of six (6) months from the date of Planning Commission approval. 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 the approved use for a period of six months or more voids the CUP for the specified use.
3. This permit may be modified or revoked, after the Planning Commission has conducted a public hearing, for failure to abide by any conditions of this CUP or the Montclair Municipal Code, or in the event that the use is determined to be a nuisance to surrounding properties, businesses or the community at large.
4. Approved hours of operation are 11:00 a.m. to 10:00 p.m., seven days a week. The business owner has the option of opening or closing anytime within these hours. Any extension of the hours of operation requires prior City approval. In no event shall any business operations occur outside of the approved business hours.
5. Prior to issuance of building permits, the applicant shall submit five complete sets of all tenant improvement plans, including floor plan, electrical, plumbing, mechanical, lighting, Title 24 calculations (if applicable) and accessibility details for review and approval. Contact the Building Division at 909/625-9430 for an appointment to submit plans.
6. Loitering outside of the business location, other nuisance factors, or failure to abide with any of these conditions may be cause for modification or revocation of permit.
7. Persons under 18 years of age shall not be permitted to receive tattoo or body piercing services without written consent of a parent or legal guardian. Posting of such age restriction in English and Spanish shall be conspicuous to the public.
8. Window tinting, paint, or other similar devices obstructing views into the tenant space shall not be applied to the storefront glass on the west and south elevations. Operable window coverings may be installed on the interior partition windows of the work areas to provide privacy for clients when services are being performed.
9. Applicant shall comply with the adopted sign program for the subject property and with sign regulations of the City of Montclair. Portable signs shall not be permitted on the exterior of the building.

10. Portable fire extinguishers and a first aid kit shall be required on site at all times when the business is open to the public. Type, number, and location shall be determined by the Montclair Fire Department.
11. All applicable federal, state and local health department requirements and rules (Chapter 7 of Part 15, of Division 104 of the Health and Safety Code, commencing with Section 119300) regulating such tattoo and body piercing operations shall be strictly adhered to, such as, but not limited to, maintaining proper sterilization, sanitation, and safety standards; provision of wash basins, containers for needle disposal, first aid kit, and CPR certification.
12. Prior to issuance of a business license, the applicant shall:
  - a. Remove the unpermitted sign cabinet on the south-facing (Holt Boulevard) elevation of Suite N and patch all holes.
  - b. Replace the damaged/vandalized disabled-accessible parking sign at the entrance to the parking lot per ADA standards.
  - c. Completely re-paint the following:
    - i. Exterior stucco and trim of the entire building at 4380 Holt Boulevard, including the monument sign at the front of the building. Any substantial changes to the colors of the building shall be approved by the Planning Division prior to commencement of work.
    - ii. Inside and outside walls of both trash enclosures.
    - iii. Freestanding parking lot light poles, which shall be painted either dark brown or black.
  - d. Repair or replace all broken light fixtures over the rear doors to the tenant spaces on the north side of the building.
  - e. Replace the broken trash enclosure gates per City standards and remove all debris from the inside of the enclosure.
  - f. Remove all portable newspaper and flyer display racks from the exterior of Suites A through C.
  - g. Completely remove the abandoned pay telephone pedestal, enclosure and associated conduit between Suites B and C.
13. Prior to replacement of the sign cabinet face on the west-facing elevation over the subject tenant space, the applicant or licensed sign company shall submit sign drawings to the Planning Division for review and approval. A building permit and sign permit shall be required.

14. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or, in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any 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.b CASE NUMBER 2006-39

Project Address: 4545 Allesandro Street  
Project Applicant: Fernando and Maria Aguirre  
Project Planner: Jim S. Lai, Associate Planner  
Request: Precise Plan of Design for a two-story addition to an existing single-family residence

Associate Planner Lai reviewed the staff report.

Commissioner Sahagun commented that a vicinity map would be helpful in reviewing the projects. He noted there are no sidewalks in the area. Associate Planner Lai commented that the parcel to the south has a sidewalk. Commissioner Sahagun stated that across the street three parcels have sidewalks and he wondered if they put their own sidewalks in.

Commissioner Vodvarka commented that everyone complains about on-street parking and here we have a home that already has a driveway and according to the plans, it will be eliminated. If this family produces more vehicles and street sweeping day comes along, where will they park? Is there any special reason for the driveway being removed from the old garage? Associate Planner Lai stated that the new driveway and approach would allow them to have more parking than at the present time.

Vice Chairman Lenhart commented that the biggest problem he noticed from his days working with Code Enforcement was that people put junk in their garage and then put their \$25,000 car in the driveway.

Commissioner Sahagun stated that he understood the City would want to keep everything conforming and he understood how we would want someone to eliminate an old driveway for aesthetic reasons, but maybe the new driveway could be widened or made longer. On the new developments with smaller lots, that is when we will have a lot of street sweeping and parking problems. He thought City Planner Lustro had mentioned that new projects were being designed with the garages toward the back with longer driveways. City Planner Lustro stated that is fairly typical with the new developments. On the site plan for this particular proposal, even without a scale, you could probably get four or five cars parked in the new driveway. We typically discourage driveways that do not lead to covered parking, which is

the case here. The existing drive approach will be required to be removed and replaced with curb and gutter so that we maintain as much street parking as possible.

Vice Chairman Lenhart commented that the existing garage is a single-car garage with a very narrow driveway and the new one will give them at least double the capacity. City Planner Lustro commented that at a minimum the amount of parking will be doubled.

Chairman Flores asked for clarification regarding sidewalks and requiring them. City Planner Lustro replied that the only requirement that Public Works made on this particular project is that, prior to issuance of building permits, the applicant will need to dedicate to the City an additional five feet of right-of-way along Allesandro Street. The house was built in 1953 prior to incorporation when County standards were such that no sidewalks were required. What we also tend to find with tracts built in the County is that the streets were only built within a 50-foot right-of-way as opposed to the City's minimum requirement of 60 feet for a local street. The additional dedication of right-of-way will not mean that the street will physically get wider. The street would remain at its current width, but the additional five feet of right-of-way would allow the City to come in at some future date and construct sidewalks entirely within the City right-of-way, including providing full disabled-accessibility behind drive approaches. The five-foot dedication has been required on other projects in that same neighborhood in the past. The long-term goal would be to acquire five feet on each side of the street to get to the 60 feet.

Commissioner Sahagun suggested that the City Council consider a bond for financing sidewalk construction. He has asked for sidewalks in other locations in the City and particularly in his neighborhood, for substandard sidewalks and curbs to be replaced. He knows that funds are available in the City because we have the Exterior House Improvement Program (E-HIP). In addition to lawns, these funds could be used for sidewalks and broken curbs and gutters, making it nice for the seniors who use wheelchairs or electric scooters. He was sure if the City constructed sidewalks through a bond, we probably would not be reimbursed, but it would increase the value of the homes in our neighborhood. Part of the reason property values have risen in Montclair is because we have taken a proactive approach on beautifying the City.

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 two-story addition to an existing residence, 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.

Commissioner Vodvarka moved to approve 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, porch and two-car attached garage per the submitted plans and as described in the staff report, subject to the 11 conditions of approval, seconded by Commissioner Johnson, 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, 1,390 square-foot living area addition plus an attached two-car garage at 4545 Allesandro 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 1,166 square-foot second story addition, a 40 square-foot balcony; a 224 square-foot first floor addition; a 50 square-foot front porch; and a new 400 square-foot attached garage. The existing single-car garage and driveway shall be demolished. Roof material shall be concrete tile or equivalent.
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 and detached garage 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. Prior to issuance of a building permit, the applicant shall:
  - a. Dedicate to the City of Montclair an additional five feet (5'-0") of right-of-way along the Allesandro Street frontage of the property to the satisfaction of the City Engineer.
  - b. 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.
  - 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.
6. Any new air conditioning condenser units shall be located on the ground in the rear yard of the residence. All rooftop exhaust vents and dormers shall be located on rear-facing gables and painted to match as closely as possible the color of the roofing material on the residence.
  7. The applicant/developer is responsible for reasonable periodic clean up of the construction site to avoid hazardous accumulation of combustible trash and debris.
  8. Obtain all necessary permits from the Public Works Department prior to removal and construction of drive approach within the public right-of-way. Should the applicant desire to construct a new public sidewalk, all construction shall conform to City standards. A public works permit is required for all work in the public right-of-way.
  9. Prior to approval of a final inspection for the addition, the applicant shall submit to the Building Division electronic images of all final and approved construction plans, engineered calculations, and records. 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.c CASE NUMBER 2006-49

|                    |                                                             |
|--------------------|-------------------------------------------------------------|
| Project Address:   | 5494-5506 Arrow Highway                                     |
| Project Applicant: | Bruce Dobie                                                 |
| Project Planner:   | Jim S. Lai, Associate Planner                               |
| Request:           | Precise Plan of Design for multi-tenant auto service center |

Associate Planner Lai reviewed the staff report.

Commissioner Vodvarka stated that in looking at the plot plan, it showed a sliding gate, and he asked if it was going to be a gated business park or just for securing after hours. Associate Lai answered that the gates would be open during business hours.

Commissioner Sahagun asked about the drive approach on the map. He noticed that it is proposed at 45 feet wide and wondered what the typical drive approach is. City Planner Lustro stated that there really is not a minimum standard, but typically, what we see for commercial developments with two-way traffic in and out of the site is generally no more than 35 feet in width. Commissioner Sahagun added that when he visited the site of a case previously case considered by the Commission, it was very difficult to get out of that center because the drive approach was very narrow. On his visit to Larry's Plaza to review an earlier item on tonight's agenda, he noticed that it was very easy to get in and out without having to worry about going off the curb or another car being able to get in simultaneously. He mentioned the width of our approaches before, especially when they are right next to each other without a planter in between. He also commented that his vehicle was almost hit by another when exiting this site because of the parked cars on the street blocking his visibility. He wondered if there was going to be parking on the north side of Arrow Highway. City Planner Lustro replied that there is street parking allowed on Arrow Highway, but what can be done is to red-curb the first 20 feet east of the driveway to allow drivers exiting the driveway to have a better sight line.

Commissioner Sahagun asked about one of the conditions regarding the landscape planter on the north side. As he was visiting the site, he noticed a tremendous amount of graffiti and hoped that this new development would make it more difficult for the taggers to attack.

Chairman Flores commented that he did not see how the water was going to flow on the map and was sure it was listed in a condition, but he would appreciate seeing it on the map.

Ruben Warren, William Fox Group, 3333 E. Concoors, Ontario, the project manager, commented that they have diligently worked with staff to present the project before the Commission and it has been a pleasure working with such a great staff. The William Fox Group accepts the conditions as presented and will take any comments and suggestions made today to heart and incorporate those into the project as well. Regarding the gate, the gate will remain open during normal business hours, and will be closed at night for security reasons. Regarding the driveway width, they will work with Planning and Engineering staff; he felt that the difficulty of getting in and out of a driveway sometimes has to do with the turning radius and they will take that into consideration. Regarding the drainage and oil, they will be implementing the approved water quality management plan and that is based on City, state, and water body regulatory standards.

Vice Chairman Lenhart moved that, based upon evidence submitted, that there will be no significant impact on the environment as a result of the construction and operation of the proposed auto service center and that a DeMinimis finding of no impact on fish and wildlife

and a Negative Declaration have been prepared, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 5-0.

Vice Chairman Lenhart moved to approve a Precise Plan of Design under Case No. 2006-49 per the submitted plans and as described in the staff report for the construction of a new 15,689 square-foot building and a renovation of the existing 7,073 square-foot building on a 74,111 square-foot parcel in the MIP zone, subject to the 47 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 site plan, elevations, colors and materials associated with the construction of an auto service facility totaling 22,762 square feet, including a new 15,689 square-foot building and a renovated 7,073 square-foot building on a 74,111 square-foot parcel in the MIP (Manufacturing Industrial Park) zoning district at 5494-5512 Arrow Highway, as depicted on the submitted plans and as described in the application.
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. Prior to submittal of grading plans or other improvement plans, the applicant shall receive approval from the City for a Water Quality Management Plan (WQMP) prepared in accordance with the State of California Santa Ana Regional Water Quality Control Board Guidelines for San Bernardino County. The Water Quality Management Plan shall be prepared by a Registered Civil Engineer or other qualified professional as may be authorized in the guidelines.
5. The street address for the westerly building shall remain 5494 Arrow Highway. The street address for the easterly building shall be 5512 Arrow Highway.
6. Prior to issuance of building permits, the applicant shall submit the following documents for review and approval by the City Engineer:
  - a. A parcel merger application consolidating the two parcels (APNs 1007-661-01 and 1007-661-16) with all applicable filing fees and

documentation. Said parcel merger shall be recorded with the County of San Bernardino.

- b. A preliminary soils report, addressing the geology, stability of the site, and grading requirements.
  - c. A comprehensive grading and drainage plan prepared by a registered civil engineer in conformance with the Appendix to Chapter 33 of the Uniform Building Code and the requirements of the City. An advance plan check fee, in an amount to be determined by the City Engineer, shall be required at the time of plan submittal. Prior to the commencement of grading or any clearing of the site, a grading permit shall be obtained from the Building Division. A disabled-accessible path-of-travel from the public sidewalk to the building on-site shall be shown on the grading plan. Sidewalks, pathways and curb cuts shall comply with the Americans with Disabilities Act of 1990 (ADA). The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
  - d. Dedication to the City of Montclair and/or other public agencies easements for water, storm drains, sanitary sewers and other utilities, if applicable.
  - e. Street improvement plans for the Arrow Highway frontage of the property for the length of the project limits to the satisfaction of the City Engineer. Plans shall comply with State and/or City disabled-accessible requirements for ramps, street access, and parking. Street improvement plans shall include, but not be limited to, removal and replacement of abandoned drive approaches with P.C.C. curb, gutter and sidewalk, and removal and replacement of all substandard P.C.C. curb, gutter, sidewalk and A.C. pavement. Disabled-accessible path-of-travel shall be maintained through drive approaches.
  - f. Plans for erosion control and stormwater pollution prevention. A general construction permit may be required. Contact Joe Rosales, NPDES Coordinator, at 909/625-9470 for requirements.
  - 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.
7. Prior to issuance of building permits, the applicant shall:

- a. Submit five complete sets of plans for the project, including building elevations, colors and materials, electrical, plumbing, mechanical, landscaping, lighting, and accessibility details, plus two sets of soils, structural and Title 24 calculations for review and approval by the Building and Planning Divisions. Contact the Building Division at 909/625-9430 for an appointment to submit plans.
- b. Obtain a demolition permit for the removal of the existing dwelling and accessory structures on the property.
- c. Submit detailed plans for all exterior building-mounted and pole lighting for review and approval by the Planning and Building Divisions. All lighting shall incorporate 90-degree cut-off style luminaires and flat lenses. Submitted plans shall include a photometric analysis of all exterior lighting. Pole lighting shall be a maximum height of 25'-0" as measured from adjacent grade to top of luminaires.
- d. Submit detailed plans for enhanced paving at the vehicular entrance to the property, including color, material, and texture for review and approval by the City Planner and the City Engineer.
- e. Submit detailed landscaping and irrigation plans for review and approval by the Planning and Building Divisions. The landscape plan shall include the following as a minimum:
  - i. A tree demolition plan identifying all existing trees that are to be removed, relocated or retained as a part of this project. The two, mature *Quercus ilex* (Holly Oak) street trees along Arrow Highway closest to the west and east property lines shall be retained and protected during the demolition and construction stages and incorporated into the project. The *Quercus ilex* in the middle may be removed, as it is being crowded by the tree immediately to the west.
  - ii. Planting of drought-tolerant, low-maintenance shrubs and climbing vines along the planter setbacks between the north property line and the building or fence.
- f. Delete all references to land subdivision or lot line adjustment on the site plan as the two parcels are to be merged as part of this approval.
- g. Submit a revised site plan illustrating the following:
  - i. Replace the 8'-0" chain-link fencing along the north property line and a portion of the west property line with 8'-0" tubular steel or wrought iron fencing.

- ii. The proposed building shall observe a minimum three-foot rear setback along the north property line to facilitate the planting of climbing vines such as creeping fig (*Ficus pumila*) and drought-tolerant shrubs on the north side of building to minimize graffiti and for maintenance purposes.
  - iii. Enhanced Best Management Practices (BMPs) to adequately treat surface water runoff before it is conveyed to the swale/infiltration basin, to the satisfaction of the NPDES Coordinator.
  - h. Clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs.
  - i. Submit three (3) complete sets of plans for an approved, automatic fire sprinkler system directly to the Fire Marshal's office for review and approval, including two sets to be microfilmed/digitally imaged. The system shall conform to national standards. The system shall be equipped so to provide a signal to an UL-listed monitoring station in the event of a water flow or tampering.
  - j. Pay all required Montclair Fire Department fees.
  - k. Pay adopted transportation impact fee of \$1,073 per KSF per the adopted Engineering Department fee schedule at the time building permits are obtained.
  - l. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
8. Prior to installation of any signs on the property, the applicant shall submit a Precise Plan of Design application for a comprehensive sign program governing signage on the property. The sign program may, at a minimum, consist of the following elements:
- a. Monument Sign – One (1) internally illuminated monument sign, maximum 8'-0" in height and maximum 48 square feet of sign area per sign face. Sign copy shall consist of routed-out letters with opaque background in a texture and color to match the main building. Sign support or pedestal shall incorporate materials and colors that are architecturally compatible with the buildings. Street addresses shall be incorporated into the sign structure. The name of the complex plus no more than three tenants may be identified on the monument sign panels.
  - b. Wall Signs – Pursuant to Section 11.72.450.B of the Montclair Municipal Code, a maximum of one building mounted sign shall be permitted for each tenant or unit, except that the front (southernmost) units in each

building shall be entitled to two signs, including one facing Arrow Highway. The maximum length of wall signs shall be 40 percent of the leasehold width. Maximum height of sign copy facing the interior of the property shall be 18 inches, and the maximum height of sign copy facing Arrow Highway shall be 24 inches. Colors, materials, lighting (if applicable), design, dimensions and locations of these tenant signs shall be detailed in the sign program. Projecting signs of no more than three (3) feet from the façade may be permitted for the interior units if they are designed to blend in with the architecture of the building. No signs shall be permitted on the north elevations of the buildings, the west elevation of the westerly building, or the east elevation of the easterly building.

- c. Directional and Directory Signs – Freestanding traffic and facility directional signs may be permitted. Maximum sign area and height of directional signs shall be four (4) square feet and 4'-0" high, respectively. Illumination is optional. In addition, a directory sign/map of up to ten (10) square feet in sign area may be permitted adjacent to the sliding gates. Locations and design of these signs shall be subject to review and approval of the City Planner.
9. Exposed raceways shall be prohibited on all building-mounted and freestanding signs.
  10. Prior to any future changes to the approved sign program, an application shall be submitted to the Planning Division for review and approval by staff or the Planning Commission.
  11. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including, but not limited to the following:
    - a. Temporary banners for the purpose of announcing the grand opening or advertising promotions shall require banner permits from the Planning Division prior to installation.
    - b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
    - c. At no time shall pennants, inflatable signs, "human" signs, other similar advertising devices be utilized on the property or off-site.
  12. No pay telephones or vending machines shall be located on the exterior of the building.
  13. No long term vehicle, auto parts, equipment storage, or merchandise display shall be allowed outside of an enclosed building except for incidental parking of vehicles being actively repaired by the tenants of the auto complex. Further, no repair work of any kind shall occur outside of an enclosed building.

14. All hazardous materials, including used motor oil, grease, etc., shall be stored inside the individual tenant spaces with secondary containment. All auto bays shall have floor drains to collect wastewater. Drains shall connect to an approved hydrocarbon clarifier before being discharged to the sanitary sewer.
15. Auto body repair and painting shall be expressly prohibited on the property.
16. Security gates and locking devices to the storage facility shall be equipped with Medeco locks or other acceptable devices to allow access by emergency personnel and utility providers at all times.
17. All utility services to both buildings shall be installed underground.
18. All mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, vents, transformers, or similar equipment, whether located on the ground or on the roof of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building and to the satisfaction of the Planning Division.
19. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner incorporated into the architectural design of the building to the satisfaction of the Planning Division.
20. Fire sprinkler risers and roof access ladders shall be located entirely within the enclosed buildings.
21. All trash enclosures shall be constructed of masonry consistent with the primary type and color of that used on the building. The construction of such trash enclosure(s) shall conform to City Development Standard #106 and shall have a solid roof complementary to the main building.
22. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be enhanced with split-face block, stone veneer or other materials consistent with those used on the main building.
23. All decorative exterior lighting shall incorporate illumination sources of an appropriate wattage so as to not create any nuisance glare to the adjacent parking areas, private roadways, public rights-of-way, or neighboring properties. Should the applicant desire to install any building-mounted wide area lighting, it shall consist of fixtures set at 90 degrees to the building wall and incorporating fully cut-off lenses so as to direct illumination down to the surface to be illuminated. All soffit lighting installed within the building shall be flush-mounted so that the lens or bottom of the fixture is flush with the underside of the soffit. The use of wall packs, barnlighters, other similar unshielded luminaries, or decorative lighting installed solely for the purpose of illuminating the roof shall be prohibited. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.

24. All landscape planting areas, including those along the north property line, shall have 100 percent irrigation coverage by an automatic irrigation system.
25. Landscape maintenance shall be subject to immediate and periodic inspections by the City. The property owner shall be required to remedy any defects in grounds maintenance and replace any trees, shrubs, vines, or groundcover with a similar species, size, and quantity that are lost due to unauthorized removal, disease, windstorm, or other natural disaster as indicated by the City inspector, within two weeks after notification. Inspections shall be based on automatic landscape irrigation schedule, plant maintenance, weed and rubbish control, landscape plan approval, and any other area that is incidental to grounds maintenance.
26. All existing trees and new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
27. The applicant and/or property owner shall be responsible for maintaining the building's signs, lighting, landscaping, and all improvements in good working order at all times. Any accumulation of trash, weeds, or debris on the property shall be removed immediately so as not to present a public nuisance. Graffiti on the building or associated improvements shall be removed immediately by the applicant/property owner upon notification by the City.
28. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
  - a. The numerical address of each building (5494 and 5512) shall be centered on the south-facing elevation of each "tower" element, below the cornice. Numerals shall be Helvetica font, minimum 10 inches in height, minimum 1½ inches in depth, and in a color that adequately contrasts with the background to which they are attached. Individual unit or suite numbers shall be installed immediately adjacent to the office entrance of each unit.
  - b. The facility shall be provided with a minimum maintained illumination level of one (1) foot-candle from dusk until termination of business every business day. During all other hours of darkness, a minimum of one-quarter (.25) foot-candles of illumination shall be maintained at grade.
29. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
30. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact Michael Hudson, City Engineer, at 909/625-9440 for fees.

31. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA). Contact the Public Works Department at 909/625-9440 for fees.
32. No soil shall be imported or exported to or from the project site from an adjacent building site or from other sources for construction purposes without first obtaining approval from the City Engineer. A plan satisfactory to the City Engineer shall be prepared showing the proposed haul route within the City. Subject plan shall include provisions for street sweeping and cleanup. Applicant/contractor shall comply with all NPDES requirements.
33. Underground Service Alert shall be notified 48 hours prior to any excavation at 800/422-4133.
34. All off-site and on-site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
35. A 20-foot wide, unobstructed roadway capable of supporting firefighting apparatus shall be maintained within 150 feet of the structure prior to and for the duration of construction. Roadway is subject to Fire Department approval prior to commencement of construction.
36. The applicant/developer is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
37. Landscaping adjacent to the entrance drives should be of low profile types not to exceed 8'-0" in height when mature (with the exception of trees).
38. All Fire Department access and fire lanes shall be clearly posted as "No Parking, Fire Lane." Signs shall be designed and mounted in accordance with Montclair Fire Department standards.
39. A fire hydrant system shall be required to provide the necessary water flow to the proposed structure. Exact number, location, and design of hydrants shall be determined by the Fire Marshal's office when building plans are received. Hydrants shall be operational prior to commencement of the framing stage of construction.
40. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
41. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.

42. An approved, emergency keyed access system shall be required to facilitate access by Fire Department personnel in the event of an emergency during non-business hours. Forms are available at Montclair Fire Department Headquarters, 8901 Monte Vista Avenue, for those occupancies requiring such a system.
43. A Certificate of Occupancy is required prior to occupancy of the subject building. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
44. Prior to issuance of a Certificate of Occupancy, the applicant shall:
  - a. Submit to the Building Division electronic images of all plans and records, which are submitted for the purpose of obtaining a building permit, to the Building Division. Electronic images shall meet the City's Electronic Archiving Policy.
  - b. Submit to the Engineering Division electronic images of the Water Quality Management Plan. Electronic images shall comply with the City's Electronic Archiving Policy.
  - c. Submit evidence to the NPDES Coordinator that the Water Quality Management Plan has been recorded with the County of San Bernardino.
  - d. Remove and replace all substandard/damaged P.C.C. sidewalk, curb and gutter along the street frontage of the project site.
  - e. Complete all on- and off-site improvements.
  - f. Install all approved landscaping and exterior lighting.
  - g. Install all ADA-required parking stalls and parking lot signs.
45. Prior to issuance of a certificate of occupancy, the person or corporation responsible for the preparation of the Water Quality Management Plan shall certify in writing to the Building Official that all conditions and requirements of the Water Quality Management Plan have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the Building Official that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the Water Quality Management Plan.
46. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.

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

6.d Discussion of Planning Commission norms and rules of order (continued from December 11, 2006)

City Planner Lustro commented that this was placed on the agenda by the Commission to facilitate discussion of the Brown Act, Commission norms, rules of order, and the like. City Attorney Robbins provided the Commission with a written overview of the Brown Act at the last meeting for you to review for tonight's meeting.

City Attorney Robbins stated that her idea had originally been that the Commissioners take a look at her printed overview that she provided and ask questions. The first part talks about how the Brown Act applies to legislative bodies. The Planning Commission is a legislative body and the Brown Act applies. In reviewing the overview, page 2 lists that all meetings of the legislative body are required to be open and public. That is the main part of the Brown Act, that the public is entitled to hear your thought processes and collective deliberations on the decisions you make. They need to know how their representatives vote and what they take into consideration when they make their decisions. Any time a majority of the Commission is together, there is the potential for a meeting and a majority would be any three of you. Whenever three or more of you are together, if you discuss items among yourselves and share information you might use later in coming to your viewpoint on a matter that is before you or will be before you, that is arguably a meeting and it is not appropriate to have to those discussions unless they are in a formal noticed meeting. There are exceptions and those are listed. A staff person or one of you can discuss matters that come before you with another person; that is not a meeting, but an individual contact. You can also attend seminars and conferences as you do and those are not meetings unless you get together and discuss specific matters that you will be taking action on or possibly taking action on. There are other exceptions, such as social events or another committee meeting, and as long as you do not participate with three or more of you making collective decisions, then that is not a problem. A serial meeting can occur without individual members realizing it happening. For example, if Commissioner Johnson were to call Commissioner Vodvarka to get his opinion about a matter that is coming up and they discuss it and then she contacts Chairman Flores, Vice Chairman Lenhart, and it is discussed, there are collective thought processes and deliberations beginning to take place even though you are not all in the same place. The information provided sets forth how the series of individual contacts may actually violate the intent and purpose of the Brown Act because the meeting was not noticed and you are taking

into consideration each other's viewpoints, or at least a majority. Regarding notice and agenda requirements, agendas are required to be posted pursuant to specific requirements in the Government Code. Regarding public participation at the meetings, at a regularly scheduled meeting, there is an opportunity for the public to address the Commission on non-agenda items or they can specifically address the Commission on items that are agendaized. The public has a right to speak on these matters whether we like what they have to say or whether they criticize staff or the members of the Planning Commission. That is their right to speak out. We can set limits on the time they can speak, which is three minutes and is stated on the cover sheet of the agenda, and it is at the discretion of the Chairman to allow more time if the request is made and the Chairman agrees with that. The body can also adopt reasonable rules of decorum for its meetings and, again, we cannot stop someone from speaking because we do not like what they have to say, but we can ask them to leave if they are disrupting or disturbing the meeting such that the matters before the Planning Commission cannot occur or it is too disruptive. We have not had that problem occur and hopefully we will not. Something that has come up and is listed at the bottom of page 7 is discussion of non-agenda items. This is by the Planning Commissioners themselves and she thought it was clearly understood that we cannot take action on any item that is not on the agenda. Usually that is pretty clear and sometimes it sneaks up on us when something comes up at the last minute and we start talking about it and thinking about what to do. The one that is a little trickier and not as easy to notice is the fact that the Commission is not to discuss any item that does not appear on the agenda. It's broader than not taking action. The point is that the public has a right to know if an item is going to be addressed and if they do not know that an item is going to be addressed, then the Commission does not talk about it, does not discuss it, and certainly does not take action on it because the public would not be present to provide input because they do not know that it is going to be discussed. On page 8, there is a list of limited exceptions to the "no discussion" of non-agenda items rule. First, individual Commission members may briefly respond to statements made or questions posed by persons during public comment as long as it is something that is within your jurisdiction to know about. Commissioners or staff may ask questions for clarification and provide a reference to staff. The Commission or staff may make a brief announcement, ask a question, or make a brief report on his or her own activities. Members may request staff to report back and that has happened on occasion here and we do not really discuss it because it is not agendaized, but the Commission can ask for it to be placed on a future agenda for staff to report back. The caveat is that we are not to get too carried away with even discussing those items. These are supposed to be brief comments so if we start talking about what happened on that project we approved six months ago, etc. and we get too much into that, we are discussing an item that has not been agendaized. If we want to discuss that, we ask staff to put it on the next agenda and then it can be discussed as fully as the Commission would like.

Commissioner Vodvarka asked if an item was reviewed by the Planning Commission, such as the North Montclair Downtown Specific Plan, and an article comes out in the newspaper and someone calls him and wants to know a little more information about it, is he violating the Brown Act if he provides more information? City Attorney Robbins replied no, because he would not be participating in a decision making process with two other members of the Commission.

City Attorney Robbins commented that the rest of the written overview deals with audio and videotaping closed sessions. The Planning Commission does not tend to meet in closed session. There is also a section on enforcement, the remedies, and criminal penalties for violating the Brown Act. The civil remedies are injunctions against further violations and seeking court orders to set aside any action that the Commission may have taken in violation of the Act. Those are the civil remedies. Criminal remedies are technically a misdemeanor to violate the Act.

Commissioner Sahagun inquired whether the Commission was still in session during "Information Items" at the end of every meeting and were they in violation when they ask what happened on a previously approved project. City Attorney Robbins stated that the meeting is still ongoing during "Information Items." It would be appropriate for staff to reply that a project is in plan check, is delayed or is proceeding forward. Anything that you have dealt with could come back to you at a later time for an amended condition, etc. City Planner Lustro added that while there is nothing wrong with the Commission asking the status of, or a question about, a project that was approved in the past, we start to step over the line when discussion is generated among the Commission. When one question leads to a four- or five-minute discussion by the Commission, we've gone beyond providing a simple answer or response.

Chairman Flores commented that it was a new year and maybe some of the Commissioners may not like the way that the Chair is conducting the meeting and the Commission needs to decide some of the things that are at the Chair's discretion. He felt the public must be informed so they can keep control of their government. When he speaks about the Commission "not being the last word," he is simply trying to make the public aware of the process. The public needs to know this or they will keep asking things that the Commission has no power over. The Commission needs to decide if it wants to be more formal. He felt the way it is being done is fine, but it is up to the Commission and he would appreciate any comments. Commissioner Vodvarka commented if it ain't broke, don't fix it. Chairman Flores commented that they have been friends for so many years and he would like to see it continue the way that it is going.

Commissioner Johnson commented that the only thing that she would really like to see is that when we know an item on the agenda is going to generate some angst, she would really like to see stricter enforcement of the time limit for speakers because sometimes people do not understand the purpose of the meeting, even though staff and the Chairman explain it, sometimes they come with the intent to argue and she believed that the Commission should enforce the time limit. If they want to argue, they have the right to do that, but let's shut it down at three minutes. Chairman Flores said that it is stated on the agenda cover sheet and he will state it at future meetings.

City Planner Lustro commented that as staff members they have an interest in doing as professional of a job as they can to help the Commission do its job. They have made some changes over the past few years to try to provide the Commission with more complete information with regard to development proposals and more detailed conditions of approval,

the goal being to get better projects by working through the details and he felt we have been successful in doing that. One of the other things that staff tries to work toward and would like to see is that the Commission operate as a professional body and whatever we can do to effectuate that, staff is willing to help. If the Commission works well together and operates professionally, it reflects positively on the entire Montclair organization. For many people who attend Commission meetings, it may be their only contact with City government. While we all know that many individuals view government in general in a negative light, anything we can do to project a professional image during a meeting can work toward changing that perception. Always keep in mind that, by our actions and what we say during our public meetings, the folks in the audience are taking this all in and by what you are saying or not saying or by your actions, you are conveying an image or some type of feeling to these folks about what they might think about Montclair in general.

City Planner Lustro added that he made some notes, not directed at any specific Commissioner, for general discussion and suggestions to think about at future meetings to help keep the meetings on track and project a positive image. His notes are from observations that he has made as a staff member over time, things that he felt we needed to keep our minds on during meetings. As an example, the Commission was just discussing being argumentative during a contentious agenda item and, of course, annexations immediately come to mind. He observed that a strategy that has worked very well for the City Council over time is to stop engaging the argumentative speakers who attend the meetings. He truly believes that contention during Public Comment has virtually disappeared because the Council has ceased engaging in that "back and forth." They are very polite; they listen to the speakers and what they have to say. Most of the time, the Mayor says "thank you very much for your comments" and they go on to the next speaker or next agenda item. That is not to say that you ignore the speaker; if they have a question, you answer it. However, we all know that there have been agenda items where speakers are clearly trying to engage the Commission in arguments. Sometimes we bite and we all know where that goes, so that is something to keep in mind when we have an argumentative situation. Another item that goes without saying is when we have an item that is before the Commission; stay focused on the item at hand. It is very easy to sometimes get off track and start talking about other things. Chairman Flores has been very good about bringing the Commission back to center when the discussion starts to go awry. Stay focused and talk about what is before you. After staff members give their report, the Chair will open the discussion for questions of staff and the Commission has been good about staying focused on that. Occasionally what happens during that time is that a question is directed at the applicant. Save those questions until the public hearing opens. Whether the applicant has submitted a speaker's card or not, once the public hearing is open, if a Commissioner has a question of an applicant, then the proper thing to do is say that he/she has a question for the applicant so the applicant can step forward to the microphone. An applicant answering a question from their seat creates a whole set of problems, one of which is that they do not have a microphone, so it is difficult to hear them, another is that it is difficult to get the comments on the record when Laura is trying to transcribe the minutes.

Another issue that comes up occasionally is indicating what your vote is going to be before the public hearing closes. That can be done in any number of ways by what you might say.

While this is probably not an issue in most cases the Commission reviews, it can be when you have an item with people in the audience on both sides of the fence. What it indicates to everyone in the audience is that you have made up your mind before you have heard all the discussion, not just from the public but also by your colleagues on the Commission. The charge of the Planning Commission, City Council or any other elected or appointed body is to consider all of the information and all of the evidence or any input anyone might have before you make your decision. Once the public hearing is closed and Chairman Flores is asking the Commission for its comments, if at that point in time, you have heard everything that needs to be said and you want to indicate that you are going to support this because etc., etc., then it would be more appropriate, but making those comments prior to the public hearing being closed and hearing all of the input doesn't reflect well on the Commission.

City Attorney Robbins commented that along the line of not making up your mind beforehand on disputed items where people disagree with us, we all want people to understand where we are coming from and agree with us. With some folks it doesn't matter what you say, they are going to disagree or not believe your motives and not want to hear what your decision is going to be. In talking about allowing the public its three minutes to speak, they sometimes want to ask questions. At City Council, the Mayor tells speakers that they will get to their questions later. That works because if you start answering questions, then we have used up some of their three minutes or it gets into whether they still have time left. They have their three minutes, they say all they need to, and if there is information that staff can give them that has not already been repeated several times, that is fine. You listen to all the input and you have to learn to be thick-skinned and try not to take it personally and thank them for their comments. They are exercising their First Amendment rights and they care enough to attend and in these matters, when it involves how their property is zoned or whether they are going to be able to increase the size of their structure, these are very important items to them, and that's when people can get excitable and in someone's face. We have to learn to not take that personally and accept where they are coming from. You will make the decision that you feel is appropriate and try not to react to it. The engaging and dialogue does not get anyone anywhere, it just heats it up and it's not productive. Let them have their say and staff can answer any questions they have. You cannot always make them happy.

## **INFORMATION ITEMS**

City Planner Lustro stated that a copy of the flyer for the Planner's Institute, scheduled for March 2007 in San Diego, has been provided to the Commission this evening. Please review the flyer and let Laura know at your earliest convenience whether you plan to attend or not. As a personal comment, he was very excited to see that the General Session speaker is Bill Fulton, who is a City Councilmember in the City of Ventura, but probably more importantly is a very well-respected urban planner and promises to be a dynamic speaker at the open general session. Therefore, if you are planning on attending the Planner's Institute, you will not want to miss that opening session. It should be very worthwhile.

City Planner Lustro commented that everyone has Vice Chairman Lenhart to thank for noticing an oversight regarding the pay raise that was granted by the City Council for the Planning Commissioners. Thus far, the pay raise has not appeared on Commissioners'

paychecks. In response to a request by Vice Chairman Lenhert, City Planner Lustro followed up with Finance and, for some reason, the pay raise had not been communicated to them. Finance followed up with Administrative Services and discovered the raise was effective back in July 2006. Therefore, you will see the new rate on your next paycheck and the back pay will be addressed as well.

Commissioner Sahagun commented that he felt the Commission should have a study session about every six months and that all Commissioners should attend the Planner's Institute.

Commissioner Sahagun asked if staff could contact the contractor doing the stormdrain to use the street sweeper and water truck because it was very dusty.

City Attorney Robbins commented that if all the Commissioners attended the Planner's Institute, it would not be a violation of the Brown Act.

Commissioner Vodvarka asked if there is a catch basin near the caboose on Palo Verde Street because during the last rainstorm, there was standing water in the middle of the street. City Planner Lustro replied that the catch basins along Palo Verde have been blocked off since last year and will remain that way until the storm drain construction that is currently underway is completed. Staff is aware that there will be minor flooding until the project is finished. Commissioner Vodvarka asked if warning signs could be placed during the next rain because he felt it was a traffic hazard.

Commissioner Johnson asked about the closure of certain traffic lanes into the Plaza over the Christmas holiday. City Planner Lustro asked if she was referring to the left turn lanes from Moreno Street into the parking structure. She responded yes, and also that anywhere within the Plaza, there are little shortcuts to get from this side to that side and they were all blocked off and you could not get around. City Planner Lustro responded that it was for holiday traffic control. The Police Department, Engineering Division, and Plaza management have developed traffic control measures over the last two or three years that may slow you down initially, but actually help move traffic in and out of the Plaza more efficiently. Four or five years ago, we received complaints at City Hall from a number of people who had gone shopping at Montclair Plaza right before Christmas and it took them close to two hours to get off the Plaza property. That's when the City sat down with the Plaza to come up with solutions. The last three years or so we have received very few complaints about traffic circulation in and out of the Plaza. Whatever we are doing, it appears to be working.

Commissioner Vodvarka asked about the possibility of opening vehicular access from the Costco parking lot to Carrillo Avenue. He added that he heard most of the condos on the block were owned by Metro Honda. City Planner Lustro stated that the Costco project was conditioned that there would be no vehicular access to Carrillo Avenue. The majority of the residential properties are still in private ownership and the issue of limiting vehicular access to that neighborhood still exists; the original reason is still valid. For clarification, along Central Avenue, there are three ways into and out of the property. Two are limited access because they are right-out only and the third is at the traffic signal. In retrospect, the main

driveway aisle to Costco should have been designed differently, with a longer throat, before you could make turns left or right, but we have learned from that.

Chairman Flores commented that the storm drain on Mission Boulevard looks like it only goes 500 feet and he asked if that was put in there before Mission was resurfaced. City Planner Lustro responded that the storm drain construction underway on Mission Boulevard, just west of Monte Vista, will connect with the storm drain that was constructed as the last phase of the street improvements. The construction that is underway will extend the storm drain to just east of Monte Vista Avenue and is being done in conjunction with the next phase of street improvements on Mission Boulevard.

Chairman Flores adjourned the meeting at 8:51 p.m.

Respectfully submitted,

Laura Berke  
Recording Secretary