



**CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES**

**REGULAR ADJOURNED MEETING
Monday, February 12, 2007**

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

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

Excused: Associate Planner Frazier-Burton

MINUTES

The minutes of the January 22, 2007 Planning Commission meeting were presented for approval. Commissioner Vodvarka moved to approve, Commissioner Johnson seconded, there being no opposition to the motion, the minutes were approved 4-0, Commissioner Lenhert abstaining from the vote because he was absent from the January 22, 2007 meeting.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

- 6.a PUBLIC HEARING - CASE NUMBER 2006-55
Project Address: 4855 Mission Boulevard
Project Applicant: Calvin Quach
Project Planner: Jim S. Lai, Associate Planner
Request: Precise Plan of Design and Variance for a
17,480 square-foot commercial building

Associate Planner Lai reviewed the staff report and stated that there were representatives of the applicant available in the audience for questions.

Chairman Flores commented that the south side of the building is not square with the south property line, with the rear setback being 10 feet on one side and 14 feet on the other. He also commented that he knew the map was a preliminary one, but it failed to show where the water would drain. He inquired if it would drain toward Monte Vista Avenue. Associate Planner Lai replied affirmatively, that the project has an approved Water Quality Management Plan, and the on-site flows would drain in a southeasterly direction to Monte Vista Avenue. Chairman Flores asked if it would sheet flow in the parking lot, without gutters. Chairman Flores stated that his problem is that they will have to get the water all the way down to the south property line to get it out and he did not see anything on the map that told him that.

Commissioner Johnson asked which condition dealt with the lack of architectural enhancement. Associate Planner Lai replied that it was condition number 7.e.i.

Commissioner Sahagun asked whether any thought was given to whether the parking would be enough for a future restaurant use. Associate Planner Lai replied that, as proposed, the applicant has seven extra parking spaces over and above the code requirement. Commissioner Sahagun commented that he also would appreciate thought being given to how the planters are curved so that vehicles entering and exiting parking stalls and the drive aisles could maneuver, especially when two vehicles meet at the exit simultaneously.

Commissioner Vodvarka noted that vehicles tend to drive over the ends of landscape islands with square corners, so he felt they ends should have a radius to minimize that occurring.

Chairman Flores commented that everyone is thinking about the right things. He suggested that the radius on the nose be a zero or rolled-curb and a five-foot transition to get it back up to the 6-inch curb face. That way when you usually run over the curb, you are backing up and if it was a rolled curb, you will minimize the impact.

Vice Chairman Lenhert asked if we specified the trees to be used. City Planner Lustro stated that staff worked with the landscape architect during the review of the project and we provided comments back to them so the landscaping plan that was submitted

addressed all of our comments. The Commission's approval would include approval of the landscape plan. Vice Chairman Lenhart stated that the reason he asked is because the landscape plan specifies a Flowering Plum as one of the trees and they are a mess, they drop fruit, and then in 15-20 years, those trees are going to die off. City Planner Lustro replied that the issue was addressed by staff when the landscape plan was reviewed. The subspecies of the Flowering Plum that was proposed was a subspecies that had heavy fruit drop so staff contacted the landscape architect and recommended that they still go with the Flowering Plum, but to go with a subspecies that has little or no fruit and still has the look, the flower, but does not make the mess and the landscape architect agreed to change it.

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

Vice Chairman Lenhart moved to grant a setback variance, by adoption of Resolution No. 07-1646, for a reduced building setback of 29'-10" on Mission Boulevard and 31'-11" on Monte Vista Avenue rather than the Code-required 75 feet, and 10'-0" interior side and rear setbacks along the west and south property lines rather than 20'-0" as required when abutting residential land uses per the required findings and subject to the 49 conditions of approval, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Commissioner Vodvarka moved to approve a Precise Plan of Design under Case No. 2006-55 per the submitted plans and as described in the staff report for the construction of a 17,480 square-foot, single-story retail commercial building on a 66,930 square-foot parcel in the C-2 zoning district at 4855 Mission Boulevard, subject to the conditions of approval, seconded by Chairman Flores, there being no opposition to the motion, the motion passed 5-0.

1. This approval is for the following:
 - a. A Precise Plan of Design for the site plan, landscape plan, elevations, colors and materials associated with the construction of a retail commercial building totaling 17,480 square feet on a vacant, 66,930 square-foot C-2 parcel as depicted on the submitted plans and as described in the application. All uses located within the building shall be in compliance with the Montclair Municipal Code. All business operations shall be conducted entirely within the enclosed building unless otherwise approved through the Conditional Use Permit (CUP) process.
 - b. A Variance to allow a 29'-10" building setback along Mission Boulevard and a 31'-11" building setback along Monte Vista Avenue rather than the

Code-required 75 feet, and interior side yard and rear yard setbacks of 10'-0" abutting the residential zones rather than the Code-required 20 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. Prior to submittal of grading plans or other improvement plans, the applicant shall prepare and submit for review and approval a Water Quality Management Plan (WQMP) in accordance with the State of California Santa Ana Regional Water Quality Control Board Guidelines for San Bernardino County to Joe Rosales, NPDES Coordinator. WQMP Guidelines may be purchased from the City of Montclair or are available for review on-line at: www.swrcb.ca.gov/rwqcb8/html/san_bernardino_permit.html. The Water Quality Management Plan shall be prepared by a Registered Civil Engineer or other qualified professional as may be authorized in the guidelines.
5. The street address for the proposed building shall be 4855 Mission Boulevard.
6. Prior to issuance of building permits, the applicant shall submit the following documents for review and approval by the City Engineer:
 - a. A preliminary soils report, addressing the geology, stability of the site, and grading requirements.
 - b. A comprehensive grading and drainage plan prepared by a registered civil engineer in conformance with the Appendix to Chapter 33 of the Uniform Building Code and the requirements of the City. An advance plan check fee, in an amount to be determined by the City Engineer, shall be required at the time of plan submittal. Prior to the commencement of grading or any clearing of the site, a grading permit shall be obtained from the Building Division. A disabled-accessible path-of-travel from the public sidewalk to the building on-site shall be shown on the grading plan. Sidewalks, pathways and curb cuts shall comply with the Americans with Disabilities Act of 1990 (ADA). The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).

- c. Dedication to the City of Montclair and/or other public agencies easements for water, storm drains, sanitary sewers and other utilities, if applicable.
 - d. Street improvement plans for the Mission Boulevard and Monte Vista Avenue frontages 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, removal of utility poles and overhead utility lines, installation of concrete standard streetlights, and installation and removal and replacement of all substandard P.C.C. curb, gutter, sidewalk and A.C. pavement. Disabled-accessible path-of-travel shall be maintained through drive approaches.
 - e. Plans for erosion control and stormwater pollution prevention. A general construction permit may be required. Contact Joe Rosales, NPDES Coordinator, at 909/625-9470 for requirements.
 - f. A letter of non-interference from any utility company that may have rights of easement within the property boundaries.
 - g. "Will-serve" letters from all utilities serving the site. The subdivider/developer will be required to coordinate with the various public utilities for the necessary improvements for said utilities to service the site.
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. 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 20'-0" as measured from adjacent grade to top of luminaries.
 - c. 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.

- d. Submit final landscaping plans for review and approval by the Planning Division providing all associated details and specifications of the plant materials, irrigation system, including street trees with root barriers and vines along the perimeter walls, per the preliminary plans dated January 23, 2007. The final landscape plan shall provide adequate planting to screen the trash enclosure and above-grade transformer(s) from public view.
- e. Submit a revised site plan illustrating the following:
 - i. Revised west and south elevations of the building to incorporate additional architectural treatments, such as an extension of cornices, moldings, reveals, recesses, color bands, plant-on columns or other articulation, etc., to enhance the starkness of those elevations.
 - ii. Clearly indicate on submitted plans disabled-accessible path of travel from the public right-of-way on Mission Boulevard and Monte Vista Avenue and all required disabled-accessible parking lot signs. The entire length of the pedestrian path-of-travel from the public sidewalk to the sidewalk fronting the building shall be constructed of a decorative material that contrasts with the parking lot.
 - iii. Black-colored concrete shall be used for the trash enclosure floor and its concrete apron.
 - iv. Enhanced Best Management Practices (BMPs) to adequately treat surface water runoff before it is conveyed to the swale/infiltration basin, if required, to the satisfaction of the NPDES Coordinator.
 - v. Detailed plans for the perimeter wall along the south property line.
- f. The applicant shall submit written evidence to the Planning Division granting permission to place fill against the masonry wall constructed adjacent to the west property line. If said permission is not granted, the applicant shall also submit plans for a masonry retaining wall along the west property line to the satisfaction of the City Planner and City Engineer.
- g. Submit three (3) complete sets of plans for an approved, automatic fire sprinkler system directly to the Fire Marshal's office for review and approval, including two sets to be microfilmed/digitally imaged. The system shall conform to national standards. The system shall be equipped so to provide a signal to an UL-listed monitoring station in the event of a water flow or tampering.
- h. Pay all required Montclair Fire Department fees.

- i. Pay adopted transportation development impact fee of \$118,217 (\$6,763 x 17.480).
 - j. 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 pursuant to Section 11.72.440.B of the Montclair Municipal Code. The sign program may, at a minimum, consist of the following elements:
 - a. Monument Sign – One (1) internally illuminated monument sign, maximum 10'-0" in height and maximum 60 square feet of sign area per sign face. Sign copy shall consist of routed-out letters with opaque background in a texture and color to match the main building. Sign support or pedestal shall incorporate materials and colors that are architecturally compatible with the buildings. Street address shall be incorporated into the sign structure. The name of the complex, plus no more than three tenants, may be identified on the monument sign panels.
 - b. Wall Signs – A maximum of one building mounted sign shall be permitted for each tenant or unit, except that the easternmost tenant shall also be entitled to one (1) building-mounted sign on the east elevation facing Monte Vista Avenue and the northernmost tenant shall also be entitled to one (1) building-mounted sign on the north elevation facing Mission Boulevard. The maximum length of wall signs shall be 60 percent of the leasehold width. Maximum height of signs with single-line copy shall be 24 inches; for stacked (maximum two lines) copy, 30 inches. Colors, materials, lighting design, dimensions and locations of these tenant signs shall be detailed in the sign program. No signs shall be permitted on the west and south elevations of the buildings.
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. 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.
 13. All utility services to the building shall be installed underground.
 14. 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.
 15. 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.
 16. All satellite dish antennas, microwave receivers and transmitters, and other forms of communication equipment shall be located in a manner in accordance with the provisions of Chapter 11.46 of the Montclair Municipal Code.
 17. All building downspouts shall drain directly into landscape areas.
 18. No public telephones, vending machines, children's rides or other coin-operated machines shall be located on the exterior of the building.
 19. Mechanical equipment including, but not limited to, utility meters, air conditioners, and repair equipment shall be located within the building or in a manner compatible with the architectural design of the building to the satisfaction of the Planning Division. Freestanding electrical transformers and fire department double detector check equipment shall be screened with masonry walls compatible with the building architecture and/or landscaping.

20. Fire sprinkler risers and roof access ladders shall be located entirely within the enclosed building.
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 standards and shall have a solid roof complementary to the main building.
22. Access gates securing the rear set backs of the “L-shaped” building shall be constructed of 8-foot high tubular steel. Locking mechanism shall conform to Fire Department requirements.
23. 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.
24. All landscape planting areas, including those along the south and west property lines, shall have 100 percent irrigation coverage by an automatic irrigation system.
25. Landscape maintenance shall be subject to immediate and periodic inspections by the City. The property owner shall be required to remedy any defects in grounds maintenance and replace any trees, shrubs, vines, or groundcover with a similar species, size, and quantity that are lost due to unauthorized removal, disease, windstorm, or other natural disaster as indicated by the City inspector, within two weeks after notification. Inspections shall be based on automatic landscape irrigation schedule, plant maintenance, weed and rubbish control, landscape plan approval, and any other area that is incidental to grounds maintenance.
26. All new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
27. The applicant and/or property owner shall be responsible for maintaining the building's signs, lighting, landscaping, and all improvements in good working order at all times. Any accumulation of trash, weeds, or debris on the property shall be removed immediately so as not to present a public nuisance. Graffiti on the building or associated improvements shall be removed immediately by the applicant/property owner upon notification by the City.
28. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. The numerical address of the building (4855) shall be displayed in two locations as follows:

- i. On the upper left side of the north-facing elevation of the cornice-topped building element at the northwest corner of the building, above the hipped roof.
- ii. On the upper portion of the main tower element on the east-west leg of the building, centered between the bottom of the cornice and the keystone.

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. The applicant shall be required to install traffic regulatory signs, including, but not limited to, the following:
 - a. A "RIGHT TURN ONLY" sign at the Mission Boulevard driveway.
 - b. A "ONE WAY" sign in the Mission Boulevard median directly across from the Mission Boulevard driveway.
 30. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code. Grease interceptors shall be required for restaurants.
 31. 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.
 32. 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.
 33. 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.

34. Underground Service Alert shall be notified 48 hours prior to any excavation at 800/422-4133.
35. 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.
36. 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.
37. The applicant/developer is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
38. 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).
39. 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.
40. A fire hydrant system may 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.
41. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
42. Commercial occupancies with cooking areas require an approved fixed fire extinguishing system for protection of the hood and duct system and overall cooking areas. This system shall be equipped with an automatic fuel shutoff to all equipment protected by this system. Four complete sets of drawings of this system shall be submitted to the Fire Marshal's Office prior to issuance of a permit.
43. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
44. 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.

45. 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.
46. 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. Construct and/or replace all substandard/damaged P.C.C. sidewalk, curb and gutter along the street frontage of the project site.
 - e. Install concrete standard streetlight(s) on the south side of Mission Boulevard and on the west side of Monte Vista Avenue along the property frontage in a quantity and spacing satisfactory to the City Engineer.
 - f. Underground all overhead utility lines along the south side of Mission Boulevard and on the west side of Monte Vista Avenue for the length of the project limits to the nearest pole not adjacent to the property frontage and remove all abandoned utility poles.
 - g. Complete all on- and off-site improvements.
 - h. Install all approved landscaping and exterior lighting.
 - i. Install all ADA-required parking stalls and parking lot signs.
47. 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.
48. 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.

49. 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.b PUBLIC HEARING - CASE NUMBER 2007-2

Project Address:	5494 & 5512 Arrow Highway
Project Applicant:	Bruce Dobie/William Fox Group, Inc.
Project Planner:	Jim S. Lai, Associate Planner
Request:	Tentative Parcel Map No. 18494 for proposed business park condominium

Associate Planner Lai reviewed the staff report.

Commissioner Sahagun commented that he liked the map that was submitted. He also liked the idea of subdividing so that small businesses would have the ability to own rather than rent.

Chairman Flores commented that it appears that one of the buildings will encroach over a property line. Associate Planner Lai clarified that there are currently two separate parcels, each 80 feet wide, which will be merged as a condition of approval.

Commissioner Vodvarka moved that, based upon evidence submitted, that there will be no significant impact on the environment as a result of the approval of a parcel map for industrial condominium purposes and that a DeMinimis finding of no impact on fish and wildlife and a Negative Declaration have been prepared, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Commissioner Johnson moved to recommend City Council approval of Tentative Parcel Map No. 18494 for two numbered lots for industrial condominium purposes and one Lot "A" for the common areas on a 74,111 square-foot MIP parcel, subject to the ten conditions of approval, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 5-0.

Vice Chairman Lenhert moved to approve a Conditional Use Permit for a planned industrial condominium development under Case No. 2007-2 per the submitted plans

and as described in the staff report for a previously-approved 22,762 square-foot automotive service center on a 74,111 square-foot parcel in the MIP zone, making the four necessary findings by adopting Resolution No. 07-1647, subject to the ten conditions of approval, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 5-0.

1. This approval is for Tentative Parcel Map No. 18494 for the subdivision of a 74,111 square-foot parcel in the MIP zoning district into three lots for condominium purposes in conjunction with the construction of a 22,762 square-foot auto service facility.
2. This tentative parcel map approval is contingent upon the applicant completing the required parcel merger application consolidating the two parcels (APNs 1007-661-01 and 1007-661-16) with final approval of the City Engineer. Said parcel merger shall be recorded with the County of San Bernardino.
3. The tentative parcel 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. 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 cross-lot drainage shall be permitted. 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. 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.

- d. Dedication to the City of Montclair and/or other public agencies easements for water, storm drains, sanitary sewers and other utilities.
 - e. 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.
 - f. A letter of non-interference from any utility company that may have rights of easement within the property boundaries.
 - g. "Will-serve" letters from all utilities serving the site. The subdivider/developer will be required to coordinate with the various public utilities for the necessary improvements for said utilities to service the site.
5. 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.
6. Applicant/developer shall comply with all requirements of the Subdivision Map Act and Montclair Municipal Code.
7. 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.
8. 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.

9. At least 90 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) copies of Covenants, Conditions and Restrictions (CC&Rs). Said CC&Rs shall be consistent with provisions of Section 11.88.130 of the Montclair Municipal Code. A copy of the recorded CC&Rs shall be transmitted to the City for permanent records.
10. 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 PUBLIC HEARING - CASE NUMBER 2007-4

Project Address:	Citywide
Project Applicant:	City of Montclair
Project Planner:	Steve Lustro, AICP, City Planner
Request:	Amend Chapters 11.02 and 11.10 of the Montclair Municipal Code regarding the establishment of medical marijuana dispensaries

City Planner Lustro reviewed the staff report.

Commissioner Vodvarka commented that he read about the controversies in other cities over this subject and was glad that the City is taking steps to address the issue here and thanked City Planner Lustro for doing a great job on the staff report and for bringing up the matter. City Planner Lustro responded that he could not take the credit because it was Mayor Pro Tem Dutrey who brought up the item and asked staff to research it and that is why it was on the agenda.

City Attorney Robbins stated that the problem that the City is facing is that, under federal law, medical marijuana dispensaries are not allowed. There have been certain state laws as indicated in the staff report that allow for the use but there is inconsistency between federal and state law. So it gets a little difficult to know what to do about allowing them or instructing our law enforcement authorities how to handle these shops until the feds and the state figure out what they want to do.

Commissioner Johnson moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the proposed code amendments,

and that a DeMinimis finding of no impact on fish and wildlife and Negative Declaration have been prepared, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Commissioner Vodvarka moved to approve Ordinance No. 07-891, amending Chapters 11.02 and 11.10 of the Montclair Municipal Code, by adopting Resolution No. 07-1645, 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.

INFORMATION ITEMS

Commissioner Sahagun thanked staff for replacing the curbs and sidewalks in his neighborhood, mostly along Harvard Street. It is an improvement and helps maintain real estate values.

Commissioner Vodvarka inquired if Montclair Sewing Center (4699 Holt Boulevard) could install a monument sign for their business. When they inquired, they were told they could not do it, but the other tenant of the building installed a monument sign for himself. City Planner Lustro stated that what they could do is modify or replace the monument sign that is out in front for J&M Floors, they can identify two businesses on one monument sign. City Planner Lustro suggested that the sewing center contact the sign company who did the monument sign and see if they can come up with a proposal to fit two businesses on a sign.

Chairman Flores stated that the temporary chain link fence at the southwest corner of Central and Moreno has been damaged and it has been like that for several weeks.

Chairman Flores commented that the contractor is doing a good job on the storm drain on Monte Vista but is not providing adequate notice for the road closures. When they closed northbound Monte Vista there is no warning until you get to San Bernardino Street and by then the traffic is backing up.

Chairman Flores adjourned the meeting at 7:52 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary