



**CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES**

**REGULAR ADJOURNED MEETING
Monday, March 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

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

ROLL CALL

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

MINUTES

The minutes of the February 26, 2007 Planning Commission meeting were presented for approval. Commissioner Johnson 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 2005-35 'A'

Project Address: 9309 - 9379 Central Avenue
Project Applicant: Central Square Properties
Project Planner: Steve Lustro, AICP, City Planner
Request: Conditional Use Permit amendment for a drive-through and outdoor dining and Precise Plan of Design amendment and Variance for a multi-tenant commercial development

City Planner Lustro reviewed the staff report.

Laurie Woll, 9369 Central Avenue, wanted to go on record as supporting the project and is the physician who is currently in the pink building and thanked the Commission for the approval of her building that will be next door to this project. She commented that she felt this was a very attractive development and is beneficial for the community of Montclair.

Ralph Kemmerer, 9370 Rose Avenue, commented that he is all for development in the city and thought it was wonderful. The staff report stated that half the square footage was originally approved in 2005, so he wondered why it is now going to be a two-story building. Why do we need two stories in a larger space? He saw no other two-story buildings on Central Avenue and as far as it being an environmental impact, it certainly is on them because they will look out their kitchen window at a two-story wall and that is an environmental impact on their psychological well-being. He didn't see why it had to be a two-story building unless it's to make more money. Also, his wife thinks the building is overdone and does not match anything else along Central Avenue.

Matt Willemse, 9390 Rose Avenue, stated that he was worried about the scale of the two-story building. He read that the proposed building height will be 56 feet, instead of the code required 35 feet; that is getting pretty tall and they are directly behind the project and they will lose a lot of their view. There is nothing else there (along Central Avenue) that is two stories high and felt it was quite a bit overdone. He doesn't have any problem with the original proposal because everything else is that way, but was strongly opposing the two-story building.

City Planner Lustro clarified that two stories is permitted by right in the C-2 zone, with a maximum height of 35 feet per the code. Along the rear elevation of the building, the majority of the parapet height along the alley is about 30 feet, with occasional architectural pop-ups to break up the large wall that extend to 35 feet. The taller heights of the building, particularly the 56-foot height, would occur at the front of the building. There are pop-ups along the front elevation that also exceed the 35-foot maximum. However, the rear of the building is within the height parameters allowed in the C-2 zone.

Chairman Flores asked a question to someone in the audience who did not step forward to the microphone and his response was inaudible.

Commissioner Sahagun asked what the height of the block wall would be and what the highest point of the back wall of the building would be if the front were 56 feet. City Planner Lustro repeated that the height of the majority of the rear wall will be at about 30 feet as shown on the elevations. There will be three pop-ups at intervals along the rear wall that would go up to 35 feet, primarily for decorative purposes, rather than having a blank wall at the rear of the property. The rear of the building is proposed to be constructed of split-face masonry and the wall that would extend from the northerly end of the building along the rear of Tommy's would be split-face masonry, ten feet in height.

Commissioner Johnson commented that typically, when the Commission approves projects that abut residential areas, we try to soften the view through things like landscaping and she did not see this occurring at the rear of the building. City Planner Lustro commented that since the building is essentially built right up to the property line it does not allow for a lot of opportunities. However, staff has included a condition requiring the applicant to construct one-foot triangular vine pockets with irrigation so that the vines could eventually climb up the rear of the building as a graffiti deterrent and also to give it a softer look. See condition 8.d.iv.

Commissioner Sahagun asked about the existing trees on the site and whether any of the trees existing would remain. City Planner Lustro stated that the only significant trees are on the Long John Silver's property along the alley and in the parking lot. Given the amount of grading that will need to be done in conjunction with the proposed project, it is highly unlikely that any of the trees would remain on the site, especially since the proposed subterranean parking garage would extend the entire width of the property.

Commissioner Sahagun asked about the existing utility poles in the alley. City Planner Lustro stated that there are conditions of approval in the staff report that require the overhead utilities to be undergrounded from a certain point. This project would be more of a challenge than is typical because there are existing overhead service drops to the homes on the west side of Rose Avenue, which will need to be maintained. Staff will need to work with the applicant and Edison to determine how that is going to be accomplished. We are thinking that the utility poles on the east side of the alley would be removed. The overhead service along the alley would be undergrounded for the length of the project and there would be clearance poles planted on the west side of the alley, at intervals. There would not be one behind every residence; one clearance pole could service two residences. Utility service would rise on each pole from the underground service and then the overhead drops would go from the clearance pole to each residence. The drops would be shorter than the ones there now and would be less visually offensive. Commissioner Sahagun commented it would be nice to underground all the utilities. City Planner Lustro replied that unfortunately it is not a situation where utilities are along the street and there are no service drops to other properties. In those cases, we can typically make the poles go away, but in this case, if we can have the service undergrounded and just have the shorter, thinner clearance poles put up, it will be a big visual improvement.

Vice Chairman Lenhart asked if the alley north of Wienerschnitzel would be removed. City Planner Lustro replied that the alley was dedicated as a public way as part of the original tract that now includes Wienerschnitzel. This particular development would extend right up to the alley but would not necessitate its removal.

Chairman Flores commented that this is progress and when Costco was built and there was a 20-foot wall built behind it he was against it all the way, but there was someone before him that determined this was the right zone for that type of business. It has been looked at before and now all the Commission is doing is saying whether it belongs there or not.

Commissioner Johnson asked about Condition No. 17 and the subterranean parking and commented that she really liked the idea of doing that to get some of the traffic off the street and questioned how it would be patrolled. Condition No. 17 only states that it will be closed after 10 p.m., but what does that mean? Will there be a security guard or someone to prevent people going in there to do unscrupulous things at night and how is it going to be paid for? Is there going to be a cost to park there that pays for the security to keep it safe? City Planner Lustro stated that he would answer as much as he could and then would defer to the applicant who was in attendance at the meeting. This particular condition was included in response to a request by the Police Department for obvious reasons. They did not want to allow access to the subterranean parking 24 hours per day, with which staff agrees. The recommendation was that after a particular time, and 10 p.m. seemed reasonable since most of the businesses would be closed by that time, the garage would be closed to cars entering. Keep in mind that there are 73 parking spaces in the surface parking lot that would be accessible at all times. After 10 p.m. when most of the businesses are closed, there would not be much of a need for the parking in the subterranean garage. Any security that might be provided would be at the applicant's cost, whether it involves security cameras, physically having someone patrol the garage, or some combination of those or other methods.

Commissioner Vodvarka asked if an employee of one of the tenant spaces parked in the garage and worked after 10 p.m., would he/she be able to get out while no one being able to get in. City Planner Lustro stated the recommendation is that all the employees for this particular project park in the subterranean garage to leave the most convenient parking available for prospective customers and yes, Condition No. 17 states that staff is recommending loop sensors or some similar device in the exit lane so if someone is parked in the garage and they have to work late, they would still be able to exit.

Commissioner Johnson asked about deliveries, particularly to Tommy's and places that get deliveries often, would they do that in the alley? If so, would it block the residents from getting in and out of their garages? City Planner Lustro replied that the project would have absolutely no pedestrian or vehicular access to the alley. One of the things that we have communicated in working with the applicant over the last two years is that we did not want a commercial project of any kind affecting the alley any more than it is now. It is often times used as a shortcut presently and also provides access to some of the commercial businesses on Central Avenue. We did not want to add any more traffic

to the alley. The only type of service associated with this particular project that would utilize the alley would be trash pick-up for the one trash enclosure behind Tommy's, which will be locked to discourage illegal dumping. In talking with the architect last week, the trash enclosures/trash rooms for the larger building would be accessed in the subterranean garage. Our waste hauler, Burrtec, has indicated that they would use a smaller vehicle that will cost the applicant a little bit more, but they are willing to foot that bill to not have any trash enclosures at grade. Therefore, the answer is no deliveries or service vehicles would be using the alley to bring anything in because they would not be able to get to the building. There would be no doors or windows on the rear of the building because it is located on the property line and that would be in violation of the Uniform Building Code.

Commissioner Johnson especially commended staff regarding Condition Nos. 14 and 23 and thinking about the local residents when they monitor sound and light from the businesses spilling over into the neighborhoods. City Planner Lustro responded that Condition No. 14, with regard to the drive-thru speakers, was carried over verbatim from the previous approval one and one-half years ago.

Commissioner Sahagun asked if there would be right-of-way dedication for street widening in the future. City Planner Lustro replied that the City is requiring 10 feet of right-of-way dedication along the property frontage. The only actual street widening that will occur will be north of the northerly driveway. There will not be any street widening south of that driveway, but the additional street dedication is to ensure that in case the City needs to widen Central Avenue at some point in the future, we have the necessary right-of-way.

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

Vice Chairman Lenhart moved to grant a Conditional Use Permit request to allow a drive-through and outdoor seating in conjunction with a restaurant at 9309 Central Avenue, by adopting Resolution No. 07-1649, subject to making the four required findings and subject to the 58 conditions of approval, Commissioner Johnson seconded, there being no opposition to the motion, the motion passed 5-0.

Commissioner Sahagun moved to grant the variance request for a reduction in the required front and rear yard building setbacks, a reduction in the required minimum depth of the perimeter landscape planter, and to exceed the maximum allowed building height per the submitted site plan and building elevations, by adopting Resolution No. 07-1650, subject to making the four required findings and subject to the 58 conditions of approval, seconded by Vice Chairman Lenhart, there being no opposition to the motion, the motion passed 5-0.

Vice Chairman Lenhart moved to approve the Precise Plan of Design request under Case No. 2005-35 'A' for the site plan, elevations, colors and materials associated with

the proposed commercial development, and related on- and off-site improvements per the submitted plans and as described in the staff report, subject to the 58 conditions of approval, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

1. This approval is for the following:
 - a. A Conditional Use Permit to allow the construction of a Tommy's Original Hamburgers with drive-through and outdoor seating at 9309 Central Avenue as depicted on the approved site plan and described in the staff report.
 - b. Variances to allow the following:
 - i. A building height of 56'-0" rather than the Code-required maximum of 35 feet.
 - ii. A minimum 28'-0" front yard setback to Building "A" and a 65'-0" front yard setback to Building "B" rather than the Code-required minimum of 75 feet.
 - iii. A minimum rear yard setback of zero rather than the Code-required minimum of 20 feet.
 - iv. A street frontage landscape planter with a minimum depth of approximately 6'-0" rather than the Code-required minimum of 15 feet.
 - c. A Precise Plan of Design for the construction of a 2,442 square-foot Tommy's Original Hamburgers and a two-story, 47,500 square-foot multi-tenant commercial building as depicted on the submitted plans and described in the staff report.
2. Conditional Use Permit (CUP) approval shall be valid for a period of six (6) months from the date of Planning Commission approval, unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date.
3. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.

4. The applicant and/or property owner shall ensure that a copy of the Planning Commission approval letter, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
5. Prior to submittal of grading plans or other improvement plans, the applicant shall prepare and submit for review and approval a Water Quality Management Plan (WQMP) in accordance with the State of California 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 WQMP shall be prepared by, or under the direction of, a Registered Civil Engineer. The WQMP shall be signed and sealed by the responsible Registered Civil Engineer for the document. In addition, the cover of the WQMP shall contain a signature block and stamp location for the City Engineer.
6. The applicant/developer shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code with respect to the lot line adjustment (LLA 2005-1) currently being processed. Said lot line adjustment has been approved by the City Council but requires the following:
 - a. Dedication of a deed restriction regarding pedestrian and vehicular access to San Jose Street and the west alley of Rose Avenue.
 - b. Recordation of an agreement regarding mutual rights of ingress, egress and parking.
7. Prior to issuance of building permits, the applicant shall submit the following documents for review and approval by the City Engineer:
 - a. A preliminary soils report, addressing the geology, stability of the site, and grading requirements.
 - b. A comprehensive grading and drainage plan prepared by a registered civil engineer in conformance with the Appendix to Chapter 33 of the Uniform Building Code and the requirements of the City. An advance plan check fee, in an amount to be determined by the City Engineer, shall be required at the time of plan submittal. Prior to the commencement of grading or any clearing of the site, a grading permit shall be obtained from the Building Division. A disabled-accessible path-of-travel from the public sidewalk to the buildings 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. Dedication to the City of Montclair of additional street right-of-way along Central Avenue to the satisfaction of the City Engineer.
 - e. Street improvement plans for Central Avenue, San Jose Street and the west alley of Rose Avenue 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 P.C.C. curb, gutter and sidewalk and A.C. pavement, installation of one (1) concrete standard streetlight, and relocation of all streetlights necessitated by the widening of Central Avenue. 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.
8. Prior to issuance of building permits, the applicant shall:
- a. Execute a lot merger to consolidate the multiple parcels comprising the development site and provided documentation to the City Engineer that said merger has been recorded with the County of San Bernardino.
 - b. Submit five complete sets of plans for the project, including building elevations, colors and materials, electrical, plumbing, mechanical, landscaping, lighting, and accessibility details, plus two sets of soils, structural and Title 24 calculations for review and approval by the Building and Planning Divisions. Contact the Building Division at 909/625-9430 for an appointment to submit plans.
 - c. Submit detailed plans for all exterior building-mounted and pole lighting for review and approval by the Planning and Building

Divisions. All lighting shall incorporate 90-degree cut-off style luminaires and flat lenses. Submitted plans shall include a photometric analysis of all exterior lighting. Pole lighting shall be a maximum height of 20'-0" as measured from adjacent grade to top of luminaire. Luminaire and pole styles shall be consistent throughout the entire commercial center.

- d. Submit detailed landscaping and irrigation plans for review and approval by the Planning and Building Divisions. The landscape plan shall include the following:
 - i. *Pinus canariensis* (Canary Island Pine) and *Lagerstroemia indica* (Crape Myrtle) street trees in an alternating pattern approximately 25 feet on center. *Lagerstroemia indica* shall be planted in groups of two approximately ten (10) feet apart.
 - ii. Planting plan for the remainder of the project site, including species, quantities and container sizes. The planting plan shall include the right-of-way dedication area along the Central Avenue frontage. Should the applicant desire to incorporate Palms into the project landscaping, strong consideration shall be given to using *Phoenix dactylifera* (Date Palm).
 - iii. Planting plan for the Caltrans right-of-way along the eastbound Interstate 10 on-ramp for the length of the project limits in conjunction with the granting of a landscape variance for the Central Avenue street frontage.
 - iv. Landscape plan for the east (alley) side of the project site, including irrigation and planting plan to include 1'x1'x1' triangular vine pockets, minimum 10'-0" on center, along the entire project frontage. Irrigation heads shall be within a subsurface emitter box or cylinder to minimize vandalism.

All street trees shall be minimum 24-inch box size and double-staked per City standards.

- e. Submit a revised site plan illustrating the following:
 - i. Black concrete shall be used for the entire length of each drive-through lane, each trash enclosure floor and its respective apron.
 - ii. The entire length of the pedestrian path-of-travel from the public sidewalk to the sidewalk fronting Building "A" shall be

constructed of a decorative material that contrasts with the parking lot.

- iii. Enhanced paving across the full width of the driveway entrances, minimum 20'-0" in depth as measured from back of sidewalk, in a color, material and design to the satisfaction of the City Planner.
 - iv. Replace existing fencing along the northwest property line (adjacent to the eastbound Interstate 10 on-ramp) with a tubular steel or decorative iron fence, 8'-0" in height and painted gloss black, for the length of the project limits.
- f. Submit a revised set of building elevations illustrating the following:
- i. The north elevation view of Building "A" shall be corrected.
 - ii. A cornice or similar decorative feature shall be added to the top of the parapet wall along the entire rear (east) elevation of Building "A."
 - iii. The north and south elevations of Building "A" shall be enhanced with stone, recesses, projections, trellises, or other decorative features.
 - iv. The south end of the northwest elevation of Building "B" shall be enhanced with recesses or wall trellises mimicking the scale and pattern of the windows immediately to the north.

The above revisions shall be to the satisfaction of the City Planner.

- g. Make revisions to the submitted preliminary sign program, incorporating comments from staff and also addressing the following:
- i. Design criteria for all building-mounted signs, including placement, size, permitted styles and illumination.
 - ii. Details and design criteria for the Central Avenue monument sign. Sign shall incorporate architectural design elements from the building(s). Monument sign copy shall be limited to a maximum of four (4) panels; one panel identifying the name of the center and three tenant identification signs. Sign panels shall be of a durable background (aluminum, metal, stucco, cut stone, etc.) with either routed-out copy or channel letter copy affixed to the surface. Maximum sign height shall be 10'-0" and maximum sign area shall be 60

square feet. Outside edge of monument sign face and/or pedestal shall be a minimum of 10'-0" from back of the Central Avenue sidewalk to maintain sight distance.

- iii. Proposed design criteria and locations for directional (including drive-through) signs. Directional signs shall be a maximum of 4'-0" in height as measured from landscape grade in which each sign is located.

Freeway-oriented signs shall be expressly prohibited in conjunction with this development.

- 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 in effect at the time building permits are obtained. Payment of this fee may be deferred until prior to issuance of a Certificate of Occupancy; however, the applicant shall be responsible for paying the adopted fee in effect at that time.
 - l. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
- 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 structures shall be constructed over existing City storm drain easements. If development plans require placement of buildings or other structures within these easements, the storm drain shall be relocated to the satisfaction of the City Engineer and new easements dedicated to the City. Storm drains shall be designed in accordance with San Bernardino County Flood Control District requirements. Any work within existing easements shall require a construction permit issued by the City prior to commencement of any such work.
 13. Drive-through hours for Building "B" shall be limited to 6:00 a.m. through 11:00 p.m. seven days a week if a traditional speaker ordering system is used. Should the applicant desire to operate the drive-through beyond these hours, a speakerless ordering system shall be incorporated to the satisfaction of the City Planner. If a traditional speaker system is used, and if dining room business hours extend beyond this time range, the entrance to the drive-through lane shall be physically obstructed by cones or delineators prior to 6:00 a.m. and after 11:00 p.m.
 14. Speakers at the drive-through ordering position for Building "B" shall be in compliance with the City's Noise Ordinance (Chapter 6.12 of the Montclair Municipal Code) at all times and shall be subject to periodic inspection by the City. Violation of this condition shall be grounds for modification of the hours of operation of the drive-through, closing of the drive-through until compliance can be achieved or revocation of the Conditional Use Permit.
 15. No pay telephones or vending machines shall be located on the exterior of any building.
 16. All utility services to the building(s) shall be installed underground. Pad-mount transformers and/or switches shall be acceptable, provided they are screened from public views with walls or landscaping to the satisfaction of the City Planner. Electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders, electric meters and panels shall also be located entirely inside the building(s).
 17. Vehicular access to the subterranean parking garage shall be prohibited after 10:00 p.m. daily through the use of sectional gates at the garage entrance and exit. Gates shall be constructed of a material and design that allows visibility through the gates to the satisfaction of the City Planner. Loop sensors (or similar device) shall be required on the exit ramp to allow vehicles parked in the garage after 10:00 p.m. to exit.

18. After-hours limitations on pedestrian access to the subterranean parking garage shall be coordinated with, and agreeable to, the Montclair Police Department.
19. 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. This shall include line-of-sight from Interstate 10.
20. 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.
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 matching the architecture that of the main building(s). Trash enclosure doors to the west alley of Rose Avenue shall be closed and locked except when bins are being accessed by the rubbish hauler. Locking mechanisms on the alley side shall be keyed per Burrtec Waste Industries requirements.
22. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site and the vertical clearance bar at the entry to the drive-through lane (if applicable) shall be enhanced with stone veneer consistent with that used on the main buildings.
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 or drive-thru canopy 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 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 shall be displayed in the following locations:
 - i. Building "A" – Locations shall be coordinated with the City Planner subsequent to street address assignment by the Building Official.
 - ii. Building "B" (Tommy's) – On column projection, south end of northwest-facing building elevation.
 - iii. Numerals shall be Helvetica font, minimum 10 inches in height, minimum one inch in depth, and in a color that adequately contrasts with the background to which they are attached.
 - b. The facility shall be provided with a minimum maintained illumination level of one (1) foot-candle from dusk until termination of business every business day. During all other hours of darkness, a minimum of one-quarter (.25) foot-candles of illumination shall be maintained at grade.
 - c. The subterranean parking garage shall be illuminated to a minimum illumination level of 15 foot-candles during hours when the parking

garage is occupied by vehicles. During non-business hours, a minimum illumination level of one (1) foot-candle shall be maintained throughout the parking garage.

29. The applicant shall be required to install traffic regulatory signs in the following locations to the satisfaction of the City Engineer:
 - a. At both driveway entrances from Central Avenue.
 - b. At the top of the exit ramp from the subterranean garage.
 - c. In the north-south drive aisle where it intersects with the two driveway entrances from Central Avenue.
30. New drive approaches shall have a minimum width satisfactory to the City Engineer.
31. No additional median breaks allowing access to and from the subject property shall be permitted along Central Avenue. Any modifications to the existing median break adjacent to the primary vehicular entrance shall be at the discretion of the City Engineer.
32. Continuous disabled-accessibility shall be provided along the Central Avenue frontage of the property, including through all new drive approaches serving the site and at the foundation of the overhead freeway directional sign. A minimum of 5'-0" shall be provided as measured from base of column support to back of sidewalk. Additional right-of-way shall be dedicated if necessary.
33. Prior to the commencement of framing for buildings or delivery of lumber or other materials to any location within the development limits, the applicant shall construct an all-weather access to each building location. An all-weather access is defined as base course A.C. pavement to a minimum depth of 2½ inches and having a minimum width of 20'-0". This 20-foot width shall be maintained free and clear of construction equipment, materials and debris at all times during construction.
34. 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.
35. 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.
36. 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 Michael Hudson, City Engineer, at 909/625-9440 for fees.

37. On-site sanitary sewers serving the development shall be designed to City standards and shall be privately maintained.
38. 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.
39. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
40. 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.
41. The applicant shall grant to the City the right to restrict pedestrian and vehicular access from the subject property to both San Jose Street and the west alley of Rose Avenue. Access points to the project trash enclosures are exempt from this condition.
42. No construction equipment, vehicles, materials, etc., shall be permitted to access the site from San Jose Street or the west alley of Rose Avenue. The alley is not to be used for construction purposes, with the exception that it may be used during the construction of Building "A" and the masonry wall along the easterly boundary of the project site. During this time, the alley may be reduced to a minimum 10-foot wide northbound travel lane and closed to all southbound traffic. Written notice of the temporary, one-way alley and southbound closure shall be given at least one week in advance of said closure to all affected residents on the east side of the alley between San Jose Street and the east-west alley immediately north of Wienerschnitzel.
43. A 20-foot wide, unobstructed roadway capable of supporting firefighting apparatus shall be maintained within 150 feet of the structures prior to and for the duration of construction. This access shall be required to remain unobstructed throughout construction. Roadway is subject to Fire Department approval prior to commencement of construction. Further, it is understood that the building to be constructed immediately to the north of the proposed development at 9303 Central Avenue is not considered part of the subject development. The applicant shall provide a paved, unobstructed path-of-travel, minimum 20 feet in width, from Central Avenue to the parcel to the north for the duration of construction on that parcel and also on the subject parcel.

44. The applicant/developer is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
45. 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).
46. All Fire Department access and fire lanes shall be clearly posted as "No Parking, Fire Lane." Curb painting, stenciling, and or signs shall be in accordance with Montclair Fire Department standards.
47. 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.
48. Commercial occupancies with cooking areas shall 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. Three (3) complete sets of drawings of this system shall be submitted to the Fire Marshal's Office prior to issuance of a permit.
49. In the event that any portion of any structure is to be used for the purpose of a public assembly, the developer/architect shall contact the Fire Marshal's Office for requirements prior to submission of building plans.
50. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
51. In those structures covered by CAC Title 19, all drapes, hangings, curtains, drops and all other decorative material shall be made from non-flammable material, or shall be treated and maintained in a flame-retardant condition by means of a flame-retardant solution or process approved by the State Fire Marshal.
52. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
53. 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.

54. A Certificate of Occupancy is required prior to occupancy of each building. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
55. 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. Obtain written permission from Caltrans to permanently maintain the landscape right-of-way along the eastbound Interstate 10 on-ramp for the length of the project limits.
 - d. Complete all approved street improvements along the Central Avenue frontage for the length of the project limits, the San Jose Street cul-de-sac, and the west alley of Rose Avenue, including widening the east side of Central Avenue from the existing alley adjacent to the southerly property line to the existing right turn lane for the eastbound Interstate 10 on-ramp and modifying lane striping as necessary.
 - e. Remove all on-site utility poles and overhead utility lines and place underground.
 - f. Remove all utility poles and overhead utility lines from the project frontage along the west alley of Rose Avenue and underground to the nearest pole not adjacent to the project frontage. This shall necessitate the installation of utility poles on the east side of the alley to provide service drops to residences on the west side of Rose Avenue.
 - g. Install all approved landscaping and exterior lighting.
 - h. Install all ADA-required parking stalls and parking lot signs.
56. Prior to issuance of a Certificate of Occupancy or at a time satisfactory to the City Engineer, whichever occurs sooner, the applicant shall perform the following tasks to open the southbound-to-eastbound left turn pocket at Central Avenue and the Costco driveway:
- a. Remove existing barricades.
 - b. Sweep turn pocket.

- c. At applicant's cost, contract with:
 - i. Albert Grover & Associates to develop a new signal timing plan to include the southbound left turn phase. Depending upon the timing plan and signal modifications required, it may also be necessary to re-stripe the Costco entrance/exit. This will be determined once the signal modification design is complete.
 - ii. Team Econolite to re-program the existing traffic signal controller, modify existing poles and signal hardware as necessary to provide traffic indications to vehicles exiting the project site, and install sign on southbound signal mast arm reading "LEFT TURN YIELD ON GREEN."

57. 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.

58. 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 2007-5
Project Address: 9872 Central Avenue
Project Applicant: Montclair Town Center, LLC
Project Planner: Carol Frazier-Burton, Associate Planner
Request: Conditional Use Permit for vehicle rentals

Associate Planner Frazier-Burton reviewed the staff report.

Commissioner Vodvarka asked if particular spaces where vehicles would be parked were going to be marked off in a manner where they have a number of cars leased out and there is something going on and someone parks in the marked off stall, how would that be handled.

Brad Umansky, representing Montclair Town Center, the applicant, stated that the agreement with the tenant is that they will be labeling spaces in the parking lot as Advantage Rent-A-Car parking only. They have done similar labeling for 24 Hour Fitness and the coin laundry and it has worked beautifully; people have respected it

and, as you can see from the south side of the center, there is more than enough parking at this time.

Commissioner Johnson asked how the rental cars will get there. If they rent eight cars in one day, she was presuming that more cars will come from another location and she sees a huge car hauler pulling up into the Town Center. Mr. Umansky stated that Eddie Evans of Advantage Rent-A-Car would answer Commissioner Johnson's question about how the cars will get there.

Eddie Evans, Advantage Rent-A-Car, stated that in a suburban situation, they do not bring cars in with a hauler. They are normally brought in two to three at a time, depending on the needs of the store. They run a very high utilization so if there are 100 cars and they are using 20, they move cars out immediately.

Commissioner Sahagun commented that it would be a good use and the City needs more rental cars available to give residents more options.

Commissioner Vodvarka commented that he liked the fact that another vacant tenant space would be occupied.

Vice Chairman Lenhert moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the establishment of a car rental agency at the subject location, and that a DeMinimis finding of no impact on fish and wildlife and Negative Declaration have been prepared, seconded by Chairman Flores, there being no opposition to the motion, the motion passed 5-0.

Commissioner Vodvarka moved to grant a Conditional Use Permit for Case No. 2007-5 by adopting Resolution No. 07-1651, making the four necessary findings, and subject to the six conditions of approval, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 5-0.

1. This Conditional Use Permit (CUP) approval is granted specifically for the outdoor storage of a maximum of ten (10) passenger vehicles associated with a car rental operation at 9872 Central Avenue. Ten (10) assigned parking spaces in the south parking lot area will be labeled for the rental cars. The storage and rental of large commercial vehicles (in excess of 10,000 pounds GVW) and trailers are expressly prohibited by this approval.
2. CUP approval shall be valid for a period of six (6) months from the date of Planning Commission approval, unless the applicant is diligently pursuing commencement of the event. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date. Suspension of any of the approved uses for a period of six months or more voids the CUP for the specified use.

3. No repair or washing of vehicles associated with this operation shall be permitted in any parking areas on the subject property.
4. No signs, flags, or other advertising devices shall be placed on, or affixed to, rental vehicles parked on the subject property.
5. All monument sign panels and building-mounted signs require Planning Division approval and building permits prior to installation.
6. The applicant shall agree to defend, at his sole expense, any action brought against the city, its agents, officers, or employees because of the issuance of this approval; or in the alternative to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any court costs and attorney fees, which the city, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of his obligations under this condition.

6.c PUBLIC HEARING - CASE NUMBER 2007-9

Project Address: 10410 Ramona Avenue
 Project Applicant: J&Y Property, Inc.
 Project Planner: Jim S. Lai, Associate Planner
 Request: Conditional Use Permit and Precise Plan of Design for expansion/renovation of a convenience store and laundromat

Associate Planner Lai reviewed the staff report and indicated that the applicants have requested a continuance until April 23, 2007, in order to allow time to make some revisions to their proposal.

Chairman Flores opened the public hearing. There being no members of the public wishing to address the item, Commissioner Vodvarka recommended that the item be continued to the regular meeting of April 23, 2007, seconded by Commissioner Johnson, there being no opposition, the motion passed 5-0.

6.d CASE NUMBER 2007-7

Project Address: 9607 Vernon Avenue
 Project Applicant: Sergio Gutierrez and Olga Negrete
 Project Planner: Jim S. Lai, Associate Planner
 Request: Precise Plan of Design for a two-story addition

Associate Planner Lai reviewed the staff report.

Chairman Flores asked which direction the lot presently drains and if it would change as a result of the additions. Associate Planner Lai stated that this particular yard is

exceptionally large and drains toward the southeast. The drainage pattern would not change as a result of the project.

Commissioner Sahagun asked about the existing building on the south side of the property and whether it would stay or go.

Sergio Gutierrez, 9607 Vernon Avenue, the applicant, replied that it is a trailer and in back of that is a small tool shed. Commissioner Sahagun asked if both of those were permitted. Commissioner Sahagun asked if the tool shed and trailer were against the wall/property line or did they observe the five-foot setback. Mr. Gutierrez replied that he went to the City, obtained the setback requirements and observed them.

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

Vice Chairman Lenhert 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 per the submitted plans and as described in the staff report, subject to the ten conditions of approval, seconded by Chairman Flores, there being no opposition to the motion, the motion passed 5-0.

1. This Precise Plan of Design (PPD) approval is for a two-story, 1,196 square-foot residential addition at 9607 Vernon Avenue 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 748 square-foot second story addition, a 105 square-foot balcony, and a 448 square-foot first floor addition with a new fireplace and lattice patio. The total habitable area of the residence after completion of the proposed addition will be 2,485 square feet.
2. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval, unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
3. The applicant and/or property owner shall ensure that a copy of the Planning Commission approval letter, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.

4. Applicant shall commence construction of the approved second-story project within 180 days of the issuance of a building permit and shall diligently complete the construction within 180 days from permit issuance date unless an extension is granted by the Community Development Director in the event of unavoidable circumstances.
5. Prior to issuance of a building permit, the applicant shall:
 - a. Submit five complete sets of architectural plans for the project, including building elevations, colors and materials, electrical, plumbing, mechanical, landscaping, lighting, and accessibility details, plus two sets of soils, structural and Title 24 calculations for review and approval by the Building and Planning Divisions. Contact John Clayden, Senior Building Inspector, or the Building Division at 909/625-9438 for an appointment to submit plans.
 - b. Submit revised building elevations illustrating the following:
 - i. The proposed new roof shall consist of Class 'A' architectural grade composition shingles or a higher grade material, such as concrete tiles, subject to Planning Division approval.
 - ii. The revised site plan shall show all existing structures on the property, with dimensions.
 - 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 shall be painted to match, as closely as possible, the color of the roofing material on the residences.
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. Prior to approval of a final inspection for the addition, the applicant shall:

- a. Submit to the Building Division electronic images of all plans and records prepared for the purpose of obtaining a building permit. Electronic images shall comply with the City's Electronic Archiving Policy.
 - b. Install one (1) Lagerstroemia indica (Crape Myrtle) street tree, minimum 24-inch box size, and double-stake per City standards.
9. 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.
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.

INFORMATION ITEMS

Commissioner Sahagun commented about the amount of traffic that goes north and south on Monte Vista. He noted that the 210 Freeway has a Monte Vista off-ramp and asked if some of the traffic signal timers could be extended on some of the other parallel streets to let some of the overflow from Monte Vista get through until construction is completed. He also commented that, some day in the future, if \$10 or \$20 million happens to fall in the City's lap, to get the underpass at Monte Vista Avenue and I-10 widened. Director Clark commented that the traffic at that location will soon reach level of service "F." It does need to be widened. When North Montclair develops, it will become more obvious and it is a major project that needs to be resolved. Commissioner Sahagun asked if anything is being researched or sought to get or set aside the funds required to do the widening. Director Clark replied that the City adopted a traffic development impact fee in October so we are now collecting funds for that improvement and other traffic improvements as well.

Commissioner Vodvarka stated that Saratoga Park has sporting events several times per week and during the games, overflow parking ends up on Kingsley Street and the south end of Saratoga Avenue. Cars park so close to the intersection, you cannot see around the vehicles and there have been some close calls and he has received complaints from the neighbors. Commissioner Vodvarka wondered if some red curbs could be added to keep vehicles from parking so close to the intersection. Director Clark stated that staff would refer it to Public Works.

Commissioner Johnson asked if Penske is planning to leave Montclair, because she noticed that they are building a brand new facility in West Covina. Director Clark answered that he thought the West Covina location had been planned long ago to expand their facility and he did not think it would affect the Montclair location. This is just an off-site location that they thought would be more convenient in this immediate area.

Chairman Flores commented that the Plaza did a haphazard job of repairing the damaged fence at Central and Moreno, but it is better than it was. There is graffiti on the reservoir at Ramona and Palo Verde, behind Circuit City, and on a wall at Moreno and Mills.

Chairman Flores adjourned the meeting at 8:00 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Laura Berke".

Laura Berke
Recording Secretary