



**CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES**

**REGULAR ADJOURNED MEETING
Monday, March 26, 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, Vice Chairman Lenhert, Commissioners Johnson, Sahagun and Vodvarka, Community Development Director Clark, City Planner Lustro, Associate Planner Frazier-Burton and City Attorney Robbins

Excused: Associate Planner Lai

MINUTES

The minutes of the March 12, 2007 Planning Commission meeting were presented for approval. Vice Chairman Lenhert moved to approve, Commissioner Johnson seconded, there being no opposition to the motion, the minutes were approved 5-0.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

- 6.a PUBLIC HEARING - CASE NUMBER 2007-8
Project Address: 10850 Monte Vista Avenue
Project Applicant: Montclair Partners LP
Project Planner: Steve Lustro, AICP, City Planner
Request: Tentative Tract Map No. 18486 and Conditional Use Permit for a seven-lot industrial condominium, and Precise Plan of Design for a 53,480 square-foot multi-tenant industrial building

City Planner Lustro reviewed the staff report.

Commissioner Johnson asked if the owner has any tenants for the building yet.

Evan James, 2951 28th Street, Santa Monica, representing Montclair Partners LP, responded that he does not yet have any of the spaces leased. They hoped that this project would be an enhancement to the intersection in light of all the money the City is spending to upgrade the streetscape. Because of the way the building is designed, the intended uses will be more high-end type businesses that need more office space. He does a lot of small business parks and he caters to higher-end tenants in the sense that they are cleaner operations and they have more office space than the small industrial spaces, not retail, just on a wholesale basis. He thought it is important how they pick the tenants. He will sometimes retain ownership of the units and sometimes he sells them, but in any event, they will be higher-end tenants, many times owner-users.

Commissioner Vodvarka asked if any would be used for fast food. Mr. James replied no, that is not the type of tenant he will seek because there is enough new retail being added along Mission to support that need so he would not lean toward doing that.

Chairman Flores stated that he saw numerous catch basins on the plans and wondered if the water eventually gets to Mission Boulevard. Mr. James replied that the intent is to channel the surface water into dry river beds with filters on three sides of the property to filter out impurities. This is to comply with water quality requirements to retain as much of the water as possible on-site so that it gets back into the water table rather than being flushed out into the streets. If it gets full and cannot take any more during a larger rain event, then the excess will end up going up into the catch basins, one of which is now being installed on Mission.

Commissioner Sahagun asked if Mr. James could sell each one of the units individually. Mr. James stated that he has that option. He could keep them, but he could sell individual units. It is a seven-lot subdivision; six lots cover the individual units and the seventh lot is basically the common areas, parking and access.

Commissioner Sahagun asked if he did sell the units and, for example, someone in the future wanted to do a fast food or sit-down restaurant or retail sales with a conditional

use permit selling furniture, can it be done. City Planner Lustro responded that the Code, as it pertains to the MIP zoning district, allows up to 50% of the floor area of this type of building to be used for commercial uses if it meets the parking standards. In this particular case, the building is being proposed with 40 surplus parking spaces so the potential is there.

Commissioner Sahagun asked about the parking and stated that his concern was that cars be able to get in and out without jumping a curb. Mr. James wanted to comment because he said it was also a concern of his. Its one of the reasons that it was important and there are two things that have happened here; first, they were waiting for Montclair to annex the area and, second, was working with the City with regard to its need to acquire Earnhardt Way, and that was important to him because the westerly drive aisle is really intended for truck traffic. They should not be anywhere near the front doors and they should never be making any of the sharp turns shown on the plan, but he thought it was a requirement that they show that there is that capability. On a temporary basis, the City will allow us a temporary drive to Monte Vista through the street right-of-way to get out until such time as Earnhardt is constructed. When that is constructed, there will be a new drive apron on the west side of the property so they will always have the ability to drive straight through from Mission Boulevard so they do not need to go through the front parking area.

Vice Chairman Lenhert commented that he felt that the future street shown as Earnhardt Way should carry a name that aligns with another existing east-west street. City Planner Lustro stated that the only existing streets that this future street comes close to aligning with are Grove Street, which runs between Central and Ada Avenues, and 3rd Street, which is farther to the west off Silicon Avenue just west of the drive-in. Chairman Lenhert asked about the street that is south of State Street and west of Ada Avenue. City Planner Lustro replied that is Cliffwood Drive, which is a private street.

Vice Chairman Lenhert moved that, based upon evidence submitted, that there will be no significant impact on the environment as a result of the tentative tract map for condominium purposes and construction of a multi-tenant industrial building and that a DeMinimis finding of no impact on fish and wildlife and a Negative Declaration have been prepared, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 5-0.

Commissioner Vodvarka moved to recommend City Council approval of Tentative Tract Map No. 18486 for a seven-lot subdivision for industrial condominium purposes on a 3.23-acre parcel in the MIP (Manufacturing Industrial Park) zoning district, subject to the 52 conditions of approval, seconded by Vice Chairman Lenhert, there being no opposition to the motion, the motion passed 5-0.

Commissioner Sahagun moved to approve a Conditional Use Permit for a planned industrial condominium development under Case No. 2007-8 per the submitted plans and as described in the staff report for a 53,480 square-foot multi-tenant industrial building on a 3.23-acre parcel in the MIP zoning district, making the four necessary findings by adopting Resolution No. 07-1652, subject to the 52 conditions of approval,

seconded by Chairman Flores, there being no opposition to the motion, the motion passed 5-0.

Vice Chairman Lenhart moved to approve a Precise Plan of Design under Case No. 2007-8 per the submitted plans and as described in the staff report for the construction of a 53,480 square-foot multi-tenant industrial building on 3.23 acres in the MIP zoning district, subject to the 52 conditions of approval, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 5-0.

1. This approval is for the following:
 - a. Tentative Tract Map No. 18486 for the subdivision of a 3.23-acre parcel in the MIP zoning district into seven lots for condominium purposes in conjunction with the construction of a 53,480 square-foot multi-tenant building.
 - b. A Conditional Use Permit for a seven-lot industrial condominium pursuant to Chapter 11.88 of the Montclair Municipal Code.
 - c. A Precise Plan of Design for the site plan, elevations, floor plans, colors, materials, and conceptual landscape plan associated with the construction of a 53,480 square-foot multi-tenant industrial building at 10850 Monte Vista Avenue as depicted on the submitted plans.
2. The tentative tract map shall expire three years from the date of the Planning Commission resolution unless extended under Government Code §66452.6. The final parcel map shall be filed with the City Engineer and shall comply with the Subdivision Map Act of the State of California and all applicable ordinances, requirements, and resolutions of the City of Montclair.
3. 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 plan check toward subdivision of the property. 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.
4. 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.

5. 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.
6. Prior to submittal of grading plans or other improvement plans, the applicant shall receive approval from the City for a Water Quality Management Plan (WQMP) prepared in accordance with the State of California Santa Ana Regional Water Quality Control Board Guidelines for San Bernardino County. The 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.
7. The street address for the proposed building shall be 10850 Monte Vista Avenue.
8. 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 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 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, construction of P.C.C. curb, gutter, sidewalk and drive approaches, installation of concrete standard streetlights, removal and replacement of all substandard P.C.C. curb, gutter,

sidewalk and A.C. pavement, including closing all abandoned drive approaches, and construction of landscape improvements within the public right-of-way. Disabled-accessible path-of-travel shall be maintained through drive approaches. Additional right-of-way dedication for sidewalks may be required. No modifications shall be permitted to the Mission Boulevard median.

- d. 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.
 - e. Dedication to the City of Montclair and/or other public agencies easements for water, storm drains, sanitary sewers and other utilities.
 - f. Execution of a Subdivision Agreement with the City of Montclair containing provisions for performance and payment bonds for all work within the public rights-of-way and a monumentation bond for tract monuments in accordance with the Subdivision Map Act.
 - g. A letter of non-interference from any utility company that may have rights of easement within the property boundaries.
 - h. "Will-serve" letters from all utilities serving the site. The subdivider/developer will be required to coordinate with the various public utilities for the necessary improvements for said utilities to service the site.
9. Applicant/developer shall comply with all requirements of the Subdivision Map Act and Montclair Municipal Code.
10. A temporary driveway through the Earnhardt Way street right-of-way shall be permitted, subject to the issuance of an encroachment permit. The portions of the street right-of-way not used for access shall be irrigated and landscaped to the satisfaction of the City Engineer and City Planner. The encroachment permit shall be revoked at such time that the City constructs Earnhardt Way. Construction of Earnhardt Way shall include the construction of a drive approach by the City to provide vehicular access to the northwest corner of the project site.
11. Sanitary sewers serving the development shall be designed to City standards in a format satisfactory to the City Engineer and shall be privately maintained.
12. 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.

13. 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) addressing issues such as reciprocal access and parking, maintenance of shared driveways and common areas, landscaping, lighting, building exteriors, colors, signage, etc. Said CC&Rs shall be subject to the review and approval of the City Attorney as to form and content. The City shall be made a party to the CC&Rs with respect to any amendments of the terms of the documents and shall be given a minimum 30-day written notice for review of any such amendments before they become effective.
14. All utilities serving the project shall be underground. This requirement applies to electrical service, transformers and switches, and where technology exists, telephone and cable television as well. Pad-mount transformers and/or switches will be acceptable, provided they are screened from public view with landscaping or architectural screen walls.
15. 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 25'-0" as measured from adjacent grade to top of luminaire.
 - c. Submit detailed plans for all walls and fencing associated with the project. Walls and fences within street setbacks along Mission Boulevard, Monte Vista Avenue and future Earnhardt Way shall be limited to a maximum height of 48 inches. Perimeter walls and/or fences along the west property line may be a maximum of 8'-0" in height.

- d. Submit a revised site plan illustrating the following:
 - i. Relocation of the northernmost disabled-accessible parking stall adjacent to Monte Vista Avenue to the left of the loading space.
 - ii. 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, excepting that portion designated as a loading space adjacent to an accessible parking stall.
 - iii. Black-colored concrete shall be used for the trash enclosure floor and its concrete apron.
- e. Submit a detailed landscape plan illustrating all species, quantities, and container sizes. The landscape plan shall include the following street trees:
 - i. Mission Boulevard – Seven (7) *Pistacia chinensis* (Chinese Pistache), 25 feet on center.
 - ii. Monte Vista Avenue – 14 *Pinus canariensis* (Canary Island Pine), 20 feet on center.
 - iii. Earnhardt Way – Seven (7) *Tabebuia ipe* (Pink Trumpet), 25 feet on center. (No trees shall be planted within the footprint of the future driveway.)

Street trees shall be minimum 24-inch box size and double-staked per City standards. Additional tree species may be planted along the street frontages to enhance the designated street trees as space permits.
- f. 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. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of 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%).
- 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 in effect at the time building permits are obtained. (Current fee as of March, 2007, is \$57,384.)
 - j. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
16. Prior to installation of any signs on the property, the applicant shall submit plans prepared by a licensed sign contractor for review and approval by the Planning and Building Divisions. The sign program shall consist of the following elements:
- a. Monument Signs – One (1) monument sign along each street frontage (illumination optional), maximum 10'-0" in height and maximum 60 square feet of sign area per sign face. Sign copy shall consist of individual routed-out, channel, or pegged-off letters with opaque background in a texture and color to match the main building. A maximum of three tenants may be identified on each sign face. 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(s).
 - b. Wall Signs – Each tenant space shall be allowed one (1) sign to be installed in a consistent horizontal band along the east-facing building elevation as depicted on the submitted plans, except that the tenant occupying the southerly tenant space shall be allowed one (1) additional sign on the south-facing elevation, and the tenant occupying the northerly tenant space shall be allowed one (1) additional sign on the north-facing elevation. Maximum sign dimensions for each identified wall sign location shall be 30 inches tall and 16 feet in length. Signs shall consist of individual channel letters (non-illuminated, internally illuminated, or halo illuminated), minimum five inches (5") in depth and pegged $\frac{3}{8}$ " off the building wall. Signs may consist of a single line or stacked (two lines) copy and shall identify the name or nature of the business. No extraneous advertising copy, such as slogans, phone numbers or website addresses shall be permitted.
17. Exposed raceways shall be prohibited on all building-mounted and freestanding signs. An architectural sign backing/raceway may be allowed on the commercial building subject to review and approval by the City Planner.
18. 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.

19. 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.
20. No pay telephones or vending machines shall be located on the exterior of the building.
21. Each unit shall have individual and independent one-hour separation walls enveloping each assigned airspace or unit and independent utility meters, sewer and water connections and fire protection systems, subject to the review and approval of the Public Works, Community Development and Fire Departments.
22. Security gates to the rear of the building shall be equipped with Medeco locks or other acceptable devices to allow access by emergency personnel and utility providers at all times.
23. 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.
24. 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.
25. Fire sprinkler risers and roof access ladders shall be located entirely within the enclosed buildings. Double-detector check facility shall be adequately screened by landscaping or an architectural screen wall.
26. All trash enclosures shall be constructed of a material 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. Black-colored concrete shall be used for the trash enclosure floor and its apron.

27. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be enhanced with a stone veneer consistent with that used on the main building.
28. 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.
29. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
30. 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.
31. All new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
32. 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.
33. 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 two locations on the east-facing elevation as follows:
 - i. In the upper right corner of the northernmost tower element, immediately below the cornice.
 - ii. In the upper left corner of the southernmost tower element, immediately below the cornice.
 - b. 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.
 - c. 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.
34. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
 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 909/625-9441 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 909/625-9441 for fees.
 37. 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.
 38. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
 39. 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.
 40. Prior to commencement of building framing or delivery of any combustible materials to the project site, an all-weather access roadway capable of supporting firefighting apparatus shall be constructed within 150 feet of all

structures. 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". The 20-foot width shall be maintained free and clear of construction equipment, materials, and debris for the duration of construction. Roadway is subject to Fire Department approval prior to commencement of construction.

41. The applicant/developer is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris. The applicant shall also be responsible for immediate removal of graffiti from all temporary and permanent improvements on the project site for the duration of construction, including buildings, windows, walls, fences, signs, poles and storage containers.
42. 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).
43. 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.
44. 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.
45. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
46. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
47. 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.
48. 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.
49. 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 all approved public improvements along the Monte Vista Avenue street frontage for the length of the project limits, including, but not limited to, P.C.C. sidewalk, curb and gutter, asphaltic concrete paving, and concrete standard streetlights in a quantity and spacing satisfactory to the City Engineer.
 - e. Remove all overhead utility lines and utility poles along the Mission Boulevard and Monte Vista Avenue frontages of the property and underground utilities as necessary to the nearest utility pole not along the property frontage. This shall include crossing Mission Boulevard and Monte Vista Avenue as necessary to reach the nearest existing utility pole. The City is in the process of constructing improvements on Mission Boulevard and Monte Vista Avenue, including conduits necessary for utility work. The applicant shall reimburse the City for the cost of installing these conduits to the extent these conduits are used to comply with the utility undergrounding requirements.
 - f. Install all approved landscaping and exterior lighting.
 - g. Install all ADA-required parking stalls and parking lot signs.
 - h. Install a "RIGHT TURN ONLY" sign at the Mission Boulevard exit from the parking lot to the satisfaction of the City Engineer.
50. 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.
51. 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.

52. 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

Director Clark reminded the Commission that the State of the City luncheon is scheduled for Wednesday, March 28 at 11:30 am.

Commissioner Sahagun commented that the Planners' Institute in San Diego had sessions on parking, green building issues and water and were very informative. He felt as planning commissioners, they should be proactive on issues such as water reclamation, etc.

Vice Chairman Lenhart commented that the IEUA headquarters in Chino is the biggest and best green building this side of the Mississippi. They use the methane captured from cow manure to generate electricity to run the water filtration plants, to air condition the building, to light the building and then sell power back to Edison. The sidewalks and driveways are constructed of materials that allow the water to percolate back into the ground. The groundcover in the planter areas is recycled rubber and it is just amazing.

Commissioner Johnson asked about the correspondence from Mr. Willemse regarding the project on Central Avenue and whether he filed an appeal. Staff replied that Mr. Willemse did not file an appeal.

Commissioner Johnson commented that the Planners' Institute in San Diego had a session regarding group homes that was awesome and she inquired if we have a list of licensed homes and if there is there any effort toward controlling what the speaker called flop houses. Director Clark stated that we do not have a list, but the Fire Department is required to investigate them and they get notice of the small homes that are exempt from zoning, with six residents or less. We treat anything larger than that as a group home and require a conditional use permit. There are a number of group homes throughout the community that are really care homes. Commissioner Johnson thanked the City for letting her attend and commented that she learned more new things.

Chairman Flores asked about Mr. Willemse and what he would have to do to appeal. City Planner Lustro replied that if an appeal was filed in a timely manner, which is within

ten days of the Planning Commission's action, it would require submission of a one-page appeal form with the appropriate fee and then it is automatically scheduled for a hearing by the City Council. It does not come back to the Commission prior to consideration by the City Council, but we would notify you of the appeal. The only way the item could come back to the Commission is if Council refers it back for reconsideration.

Chairman Flores adjourned the meeting at 7:41 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary