



**CITY OF MONTCLAIR  
PLANNING COMMISSION MINUTES**

**REGULAR ADJOURNED MEETING  
Monday, April 23, 2007**

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

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**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

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

**ROLL CALL**

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

**MINUTES**

The minutes of the April 9, 2007 Planning Commission meeting were presented for approval. Vice Chairman Lenhert moved, Commissioner Vodvarka seconded, there being no opposition to the motion, the minutes were approved 4-0, with Commissioner Johnson abstaining.

**ORAL AND WRITTEN COMMUNICATIONS**

None.

## AGENDA ITEMS

- 6.a PUBLIC HEARING - CASE NUMBER 2007-9  
(CONTINUED FROM MARCH 12, 2007)
- |                    |   |
|--------------------|---|
| Project Address:   | 10410 Ramona Avenue   |
| Project Applicant: | Jeong Rang Lee  |
| Project Planner:   | Jim S. Lai, Associate Planner   |
| Request:           | Conditional Use Permit and Precise Plan of Design for proposed expansion and renovation of an existing convenience store and coin laundry |

Associate Planner Lai reviewed the staff report.

Vice Chairman Lenhert asked why Camphor trees are being recommended along Ramona Avenue. City Planner Lustro replied that Camphor is the designated street tree on that portion of Ramona Avenue.

Commissioner Vodvarka asked about the signage and whether the sign design will be similar to those recently constructed along Holt Boulevard. Associate Planner Lai replied that staff's expectations are the same. There is an abandoned sign pole that will be removed and replaced by a monument sign.

Commissioner Vodvarka asked about the second story part of the building and whether it was office space or is it still being used as living space. Associate Planner Lai stated that it was previously approved as office space and it was conditioned that it could only be used as office or storage space.

Commissioner Vodvarka asked if the trash bins would be lockable because it looks like the tenants are not the only ones putting trash in the bins.

Commissioner Johnson asked about previous activity because she did not see a condition as she has seen on other projects regarding security. When she drove through the site intending to get out and walk around, it did not seem like a safe thing to do. Is there going to be security on-site? She noted a reference in the staff report about alcohol not being sold after 10:00 p.m., but she did not see any hours of operation listed in the staff report. She asked for clarification whether they just stop alcohol at 10:00 pm and stay open until midnight. Associate Planner Lai replied that ABC does have a restriction as to how late they can sell alcohol. The applicant informed him that it was set at 10:00 pm because of previous problems and violations by a previous owner. The applicant indicated that they will close around 9:30 p.m. during the week and at 10:00 p.m. on weekends and would comply with the ABC restriction. Without adequate parking lot lighting, it is very dark and one of the conditions is to improve the parking lot lighting, but no on-site security is proposed.

Masa Suzuki, project architect, was present for questions. Commissioner Johnson asked about both the convenience store and coin laundry and whether there would be any security.

Mr. Suzuki replied that he was informed by his clients that on-site security had not been addressed. His clients said that they have an employee who is licensed as a security guard. Commissioner Johnson asked when that employee would be present. Mrs. Lee, the applicant, responded that security would be present in the evenings.

Commissioner Vodvarka asked if the applicant was planning to install security cameras in the future. Mrs. Lee replied that they are planning on such an improvement.

Commissioner Vodvarka moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the reconfiguration of existing retail operations and property improvement of an existing commercial building without an increase in floor area and that a DeMinimis finding of no impact on fish and wildlife and a Negative Declaration have been prepared, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Director Clark recommended that a condition be added to incorporate all conditions from the previous CUP into this approval, including control of the hours of operation in case it becomes a problem in the future.

Vice Chairman Lenhart moved to approve a Conditional Use Permit under Case No. 2007-9 to allow reconfiguration of the existing convenience market and coin laundry facility to 3,300 and 5,100 square feet, respectively, within an existing commercial building located at 10410 Ramona Avenue by adopting Resolution No. 07-1656, making the four findings and subject to the 42 conditions of approval, seconded by Commissioner Sahagun, there being no opposition, the motion passed 5-0.

Commissioner Johnson moved to approve a Precise Plan of Design under Case No. 2007-9 per the submitted plans and as described in the staff report for the reconfiguration of a neighborhood market and coin laundry facility within a 9,210 square-foot retail commercial building at 10410 Ramona Avenue in the "Commercial" land use district of the Holt Boulevard Specific Plan, subject to the 42 conditions of approval, seconded by Chairman Flores, there being no opposition to the motion, the motion passed 5-0.

1. This approval is for the following:
  - a. A Conditional Use Permit (CUP) for the reconfiguration of an existing convenience market and coin-operated laundry facility to 3,300 and 5,100 square feet, respectively, within an existing commercial building at 10410 Ramona Avenue per the submitted plans.

- b. Precise Plan of Design (PPD) for the site and floor plans, elevations, colors and materials associated with the exterior rehabilitation of the two-story commercial building, landscaping, signage, lighting and parking lot as depicted on the submitted plans and as described in the application.
2. CUP shall be valid for a period of six (6) months from the date of Planning Commission approval, unless the applicant is diligently pursuing submittal of plans and construction permits for tenant improvement for the convenience store and laundry facility per the CUP approval. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date.
3. 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. The street address for the building shall remain 10410 Ramona Avenue. The market, coin laundry facility, and second-story office shall be designated as units A, B, and C respectively. The Bandera Street addresses shall no longer be used to identify this building.
6. Prior to issuance of building permits, the applicant shall submit a lot merger application for review and approval by the City Engineer for the purpose of consolidating the two subject parcels (APNs 1009-493-05 and 1009-493-07) with all applicable filing fees and documentation. Said parcel merger shall be recorded with the County of San Bernardino.
7. Prior to issuance of building permits, the applicant shall:
  - a. Submit five complete sets of plans for the project, including building elevations, colors and materials, electrical, plumbing, mechanical, landscaping, lighting, and accessibility details, plus two sets of soils, structural and Title 24 calculations, if applicable, for review and approval by the Building and Planning Divisions. Contact the

Building Division at 909/625-9430 for an appointment to submit plans.

- b. Submit detailed plans for all exterior building-mounted and pole lighting for review and approval by the Planning and Building Divisions. All lighting shall incorporate 90-degree cut-off style luminaires and flat lenses. Submitted plans shall include a photometric analysis of all exterior lighting. Pole lighting shall be a maximum height of 20'-0" as measured from adjacent grade to top of luminaires. All existing non-conforming barnlighters, wall packs, spotlights and similar unshielded fixtures shall be removed in conjunction with this remodeling.
- c. Submit detailed landscaping and irrigation plans for review and approval by the Planning and Building Divisions. The landscape plan shall include the following:
  - i. Removal of all trees and other landscape material along the Ramona Avenue frontage and installation of three (3) *Cinnamomum camphora* (Camphor) street trees, 40 feet on center (two shall be installed in the perimeter landscape planter between the driveways and one in the planter south of the southerly driveway).
  - ii. Removal of all trees and other landscape material along the Bandera Street frontage and installation of six (6) *Magnolia grandiflora* (Magnolia) street trees, 30 feet on center.

All street trees shall be minimum 24-inch box size and double-staked per City standards.
  - iii. A tree plan identifying all existing trees that are to be removed, relocated or retained as a part of this project.
  - iv. Landscaping and irrigation plans showing all plant materials to be planted on the property and a fully automatic irrigation system providing 100 percent coverage with control valves, back-flow devices and timers along with all standard specifications relevant to soil conditions, planting, irrigation and maintenance of the above.
- d. Submit a revised site plan illustrating the following:
  - i. Detailed layout of the proposed hardscape area between the market and Bandera Street, to include, but not limited to, trash receptacles, benches, and pavers.

- ii. A minimum of three (3) disabled-accessible parking stalls, including one (1) van-accessible stall in compliance with the Americans with Disabilities Act of 1990 (ADA).
  - iii. Identify location(s) and specifications of trash receptacles and bike racks for a minimum of two bicycles in the vicinity of the market entrance.
  - iv. A new trash bin enclosure with roof in accordance with City standard drawings. The structure may be designed with extra room to accommodate recyclable racks or holders for beverages, baked goods and recyclable cardboard.
  - e. Submit a revised detail illustrating how the security shutter cabinets will be enclosed within an architectural soffit matching the building.
  - 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.
  - g. Pay all required Montclair Fire Department fees.
8. Prior to issuance of building permits, the applicant shall submit the following documents for review and approval by the City Engineer:
- a. A parcel merger application consolidating the two parcels (APNs 1009-493-05 and 1009-493-07) with all applicable filing fees and documentation. Said parcel merger shall be recorded with the County of San Bernardino before a final inspection is conducted on the building and property improvements.
  - b. Dedication to the City of Montclair and/or other public agencies easements for water, storm drains, sanitary sewers and other utilities, if applicable.
  - c. Plans for erosion control and stormwater pollution prevention for parking lot and landscape improvements. A general construction permit may be required. Contact Joe Rosales, NPDES Coordinator, at 909/625-9470 for requirements.
9. Prior to installation of any signs on the property, the applicant shall submit a finalized shopping center sign program governing signage on the property. The sign program may, at a minimum, consist of the following elements:
- a. Monument Sign – One (1) internally illuminated monument sign, maximum 8'-0" in height and 48 square feet of sign area per sign face. Sign copy shall consist of routed-out letters with opaque

background in a texture and color to match the main building. Sign support or pedestal shall incorporate materials and colors that are architecturally compatible with the buildings. The numerical street address of the property shall be incorporated into the sign structure. The name of the complex plus no more than three tenants may be identified on the monument sign panels.

- b. Wall Signs – Pursuant to Section 11.72.450.B of the Montclair Municipal Code, a maximum of two building-mounted signs each shall be permitted for the market and coin laundry tenants on two separate building facades. The maximum length of wall signs shall be 60 percent of the leasehold width or 24 feet, whichever is less. Maximum height of sign copy shall be 24 inches. Stacked (two-line) copy shall be limited to a maximum height of 14 inches per line. Colors, materials, lighting (if applicable), design, dimensions and locations of these tenant signs shall be detailed in the sign program. No signage shall be permitted anywhere on the second floor of the building, including the window areas. The office tenant shall be allowed one non-illuminated sign on or next to the entry door, up to four square feet in area.
10. Exposed raceways shall be prohibited on all building-mounted and freestanding signs.
11. The existing non-conforming sign pole at the corner of Ramona Avenue and Bandera Street shall be removed in its entirety within 30 days from issuance of building permit.
12. 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.
13. 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.
14. No pay telephones, coin-operated or free vending machines, or children's rides shall be located on the exterior of the building.

15. The second floor office suite may continue to be utilized as administrative offices per the original land use approval. At no time shall the space be used or converted to a residential or other non-permitted use.
16. All utility services to the building shall be installed underground.
17. All existing and new 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.
18. 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.
19. 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 standard drawings and shall have a solid roof complementary to the main building.
20. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be enhanced with split-face block, stone veneer or other materials consistent with those used on the main building.
21. All decorative exterior lighting shall incorporate illumination sources of an appropriate wattage so as to not create any nuisance glare to the adjacent parking areas, private roadways, public rights-of-way, or neighboring properties. 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.
22. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
23. 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.

24. All existing trees and new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
25. 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, exterior security shutters, or other improvements shall be removed immediately by the applicant/property owner upon notification by the City.
26. 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 (10410) shall be centered within the sign band at the north end of the east elevation of the building. Numerals shall be Helvetica font, minimum 10 inches in height, minimum 1½ inches in depth, and in a color that adequately contrasts with the background to which they are attached. Individual unit or suite numbers shall be installed immediately adjacent to the main entrance(s) of each unit.
  - b. The facility shall be provided with a minimum maintained illumination level of one (1) foot-candle from dusk until termination of business every business day. During all other hours of darkness, a minimum of one-quarter (.25) foot-candles of illumination shall be maintained at grade.
27. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code. Expansion of the existing coin laundry facility shall require the payment of additional sewer fees. Expansion of the existing coin laundry facility will necessitate the payment of sewer discharge fees. Contact Nicole Greene, Environmental Manager, at 909/625-9446 for fees.
28. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact Nicole Greene, Environmental Manager, at 909/625-9446 for fees.

29. 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 Nicole Greene, Environmental Manager, at 909/625-9446 for fees.
30. 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.
31. Underground Service Alert shall be notified 48 hours prior to any excavation at 800/422-4133.
32. 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.
33. A 20-foot wide, unobstructed roadway capable of supporting firefighting apparatus shall be maintained within 150 feet of the structure prior to and for the duration of construction. Roadway is subject to Fire Department approval prior to commencement of construction.
34. The applicant/developer is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
35. 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).
36. 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.
37. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
38. 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.
39. Prior to issuance of a Certificate of Occupancy, the applicant shall:

- a. Submit to the City for review and approval as to form and content, three (3) copies of Covenants, Conditions and Restrictions (CC&Rs) making provisions for future reciprocal access to the parcels to the west and south. 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.
  - b. 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.
  - c. Complete all on- and off-site improvements, if applicable, per the approved plans under this CUP and PPD.
  - d. Install all approved landscaping and exterior lighting.
  - e. Install all ADA-required parking stalls and parking lot signs.
  - f. Remove all exterior pay telephones, exterior bulletin board, non-conforming sign pole, and non-conforming window signs.
  - g. Remove the existing utility poles along the southerly property line and at the northwest corner of the property and their associated overhead electrical conveyances.
40. 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.
  41. 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.
  42. All applicable conditions of Case Number 2001-62 associated with the establishment and operation of the convenience market, approved by the Planning Commission on December 10, 2001, that have not been

modified, superseded or added hereinabove, shall remain in full force and effect in association with this approval.

6.b PUBLIC HEARING – CASE NUMBER 2007-12

Project Address: 9399 Autoplex Drive  
Project Applicant: Montclair Metro Dealership Group  
Project Planner: Steve Lustro, AICP, City Planner  
Request: Conditional Use Permit Amendment and Precise Plan of Design for expansion of a new car sales and service facility and construction of a freestanding quick service/car wash facility

City Planner Lustro reviewed the staff report.

Commissioner Sahagun asked if staff was contacted by any neighbors who received notice of this hearing. City Planner Lustro replied only what was indicated in the staff report; one Carrillo Avenue resident contacted Director Clark regarding the plans for expansion. Director Clark responded to that particular resident that the plans were available in the Community Development Department should the resident or any of their neighbors desire to come by and take a look at the plans. No one has come in to look at plans and that was the only contact that staff has received.

Commissioner Sahagun asked for a clarification on Page 6.b-3 of the staff report. The third paragraph discusses a "Future Service" expansion. He was not a commissioner at the time the condominium project was approved, but are there any thoughts regarding eminent domain and getting rid of all the condos because he felt it was going to be a problem later on if those people do not want to sell and we should just make it all commercial. City Planner Lustro stated that the City does not have eminent domain authority over residential properties. The General Plan designation for the west side of Carrillo where the condos are located is General Commercial. The zoning remains R-3 to accommodate the condominiums, but as indicated in the staff report, if the area designated as "Future Service" has some definitive plans submitted at some point in the future, staff wants to make it very clear that it will be subject to separate review and consideration. Notification would be made to the neighboring property owners regarding any proposal to change the zoning designation and demolish any condos in conjunction with expansion of the dealership.

Commissioner Vodvarka asked if the car wash would be using recycled water. City Planner Lustro replied that question would be best addressed by the applicant or architect.

Commissioner Johnson commended staff and/or the applicant for taking the local residents into consideration with the parking issue and removal of the PA system.

Chairman Flores asked if there have been any studies as far as how many car washes are in the City. He realized that this will be an upscale car wash, but is the runoff water

from the car wash being treated differently from the car wash than normal runoff water and could they clean it up a bit before it gets into our system. City Planner Lustro stated that without answering for the applicant, there are standard requirements for car washes and any other uses where the water needs to be recycled or treated before it goes into our sewer system. That is typically addressed through the preparation of the Water Quality Management Plan, which has been approved for this project. Typically, and not speaking specifically to this project, discharged water needs to go through a clarifier first to remove impurities before it is conveyed into the sewer system to reduce the amount of pollutants.

John Hawkins, the applicant and dealer principal at 9399 Autoplex Drive, Montclair, commented that there were no neighbors in the audience because they have met with them and have maintained an open dialogue. The neighbors are aware of the project and they know of our desire to acquire and demolish some condominiums. This has been going on for 19 to 20 years. We own five of the 18 condos and the City owns one. Four of the five are at the north end and they have proposed to the property owners that they be allowed to tear those down because they are the ones most impacted by their activities on the site. He told them in great detail how the owner of the most northerly condo came to him years ago and felt that he had been damaged by the activities and wanted him (Mr. Hawkins) to buy his condo. He worked out something because he wanted to be a good neighbor.

He does not want to go forward with a project that makes the people unhappy. If the neighbors do not allow any of the condos to be torn down, that is fine, he will sell his and use the money to put into his project. We have discussed potential inducements, such as redoing the swimming pool or allowing residents to get their cars washed or serviced when they want. They are in the process of trying to put together a package and are going to have another meeting with the neighbors. City staff is welcome to attend. They are pleased with the relationship they have with their neighbors, there have been two or three neighbors over the years that have had problems, but even they admitted that when it was over they had no problem having access to them, no problems with grievances and by and large, it was a fairly healthy situation. He thought Director Clark and other staff members have provided inducements to move, and many probably believe they should have moved to that gated community (Carousel) when they had the opportunity. They are living in the middle of a commercial zone. Costco is not going anywhere and we are not going anywhere as Honda keeps pressuring us to expand our facilities and services. At some point in time we will reach a conclusion. A future phase of their project does include demolishing down four condos if they can get the neighbors to acquiesce, but by not tearing down those condos, it does not hurt their ability to move ahead with the project and accomplish the things that they need to do.

They have a very comprehensive water plan on this site that is covered in the WQMP. The car wash will use recycled water. Water goes in, it gets washed and comes back 99.99% ionized, clean, pure water. It is designed to have water added and keep going through the process without using the sewer system to eliminate water that is coming out of the car wash. Water that is coming out of the car wash that is less than required

to wash cars will go into the landscape areas. It is pretty much a self-contained system. Car washes are not the greatest citizens in town, but there have been some labor law changes in the past few years that have made it almost impossible to operate a full service car wash. So, car wash owners are switching to operations where people are not involved at all, it is all done with machines and high pressure water. This car wash would have the latest in washing technology. There will be one person that will direct driver where to pull their car onto the conveyor, the driver will stay in their car, move right on through and at the end, and there are blowers to dry the car. The neighbors were concerned about the blowers being noisy. He told them that because of that, they located the car wash as far away from the condos as possible and oriented it so the blowers are at the far end of the tunnel to minimize noise impacts.

Commissioner Vodvarka asked if the car wash was going to be open to the public. Mr. Hawkins replied yes, and that it will accept several forms of payment, such as credit cards, debit cards, cash and coins.

Commissioner Sahagun asked about expanding the parking structure if he needs to grow again in the future. Mr. Hawkins reviewed and discussed the site plan.

Commissioner Johnson commented that she presumed the car wash would be to wash the dealership's inventory, but she just learned that it will be public, and asked what the hours of operation would be. Mr. Hawkins stated the hours would be 7:00 a.m. until 7:00 p.m. and might vary upon the time of year. With longer daylight hours, people come in late and get there early. The neighbors asked if they could have their peace in the morning and evening and his people do not want to work 14- or 16-hour days, but some people may come in on Saturday morning and want a car wash. There are hours where these things operate more efficiently and it is generally 8:00 a.m. to 5:00 p.m. or 7:00 p.m. The reason for longer hours is that commuters are on the freeway from as early as 5:00 a.m. until 7:00 p.m. or so.

Mr. Hawkins stated when they met with the neighbors, they stated that they felt the dealership had mitigated the problem of the public address system and have not heard it for four or five years. He does not hear it because he hears it everyday and he asked Eliane if they still use it, but they have been able to mitigate it because they have turned their speakers in a different direction. They would like to be able to use it occasionally for emergency purposes, keeping it as a backup.

Mr. Hawkins stated they are not going to have outside vending machines. One of the things he was told was that on the back side of their car wash, facing north, he may want to build an alcove into the wall to accommodate vending machines that would dispense towels or other items associated with car maintenance.

Mr. Hawkins stated that the plans show Honda's generic metal cylinder at the showroom entrance. He and Director Clark talked about this issue many years ago when he saw they were developing something akin to a campus and they wanted to have colors and building finishes that complemented one another. One of the subjects they discussed

was having the elevations facing Autoplex Drive characterized by having a silver aluminum-type finish with a high-tech look rather than a Spanish or colonial look. The buildings have been designed with a high-tech look with gray and silver. The Acura building has an icon out in front and they will go with that same color on the Honda building.

Vice Chairman Lenhert moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the expansion of the sales and service operation and construction of a quick service/car wash facility 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 Johnson moved to grant a Conditional Use Permit amendment under Case No. 2007-12 per the submitted plans and as described in the staff report for the expansion of an existing vehicle sales and service facility at 9399 Autoplex Drive, and the construction of a freestanding, quick service/car wash facility, by adoption of Resolution No. 07-1654, subject to making the required findings and subject to the 49 conditions of approval, seconded by Vice Chairman Lenhert, there being no opposition to the motion, the motion passed 5-0.

Commissioner Vodvarka moved to grant a variance request for a reduction in the required front yard setback per the submitted site plan, by adopting Resolution No. 07-1655, subject to making the four required findings and subject to the 49 conditions of approval, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Vice Chairman Lenhert moved to approve a Precise Plan of Design under Case No. 2007-12 for the expansion of an existing vehicle sales and service facility, and construction of an approximately 5,000 square-foot freestanding quick service/car wash facility on an approximately ten-acre site in the C-3 (General Commercial) zoning district per the submitted plans and as described in the staff report, subject to the 49 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. A Conditional Use Permit amendment to allow the expansion of the existing Metro Honda sales and service facility at 9399 Autoplex Drive, and the construction of a freestanding, quick-service facility and car wash in conjunction with an existing new car sales operation as depicted on the submitted plans and as described in the staff report.
  - b. A Precise Plan of Design for the site plan, floor plans, elevations, colors, materials and sign program associated with the expansion of the existing Metro Honda sales and service facility at

9399 Autoplex Drive, and the construction of a freestanding, quick-service facility and car wash in conjunction with an existing new car sales operation as depicted on the submitted plans and as described in the staff report.

- c. A Variance to allow a front yard building setback of 32 feet along Palo Verde Street rather than the minimum required 75 feet.
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 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.
6. The street address for the freestanding quick service/car wash facility shall be assigned by the Building Official.
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 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. An advance plan check fee, in an amount to be determined by the City Engineer, shall be required at the time of plan submittal. Prior to the commencement of grading or any clearing of the site, a grading permit shall be obtained from the Building Division. A disabled-accessible path-of-travel from the public sidewalk to the building on-site shall be shown on the grading plan. Sidewalks, pathways and curb cuts shall comply with the Americans with Disabilities Act of 1990 (ADA). The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
- c. Dedication to the City of Montclair and/or other public agencies easements for water, storm drains, sanitary sewers and other utilities, if applicable.
- d. Street improvement plans for the Palo Verde Street frontage of the property for the length of the project limits to the satisfaction of the City Engineer. Plans shall comply with State and/or City disabled-accessible requirements for ramps, street access, and parking. Street improvement plans shall include, but not be limited to, construction of P.C.C. curb, gutter and sidewalk, closure of abandoned drive approaches, and removal and replacement of all substandard P.C.C. curb, gutter, sidewalk and A.C. pavement. Disabled-accessible path-of-travel shall be maintained through drive approaches. Additional street right-of-way dedication for sidewalks may be required.
- e. Plans for erosion control and stormwater pollution prevention. A general construction permit may be required. Contact Joe Rosales, NPDES Coordinator, at 909/625-9470 for requirements.
- f. A letter of non-interference from any utility company that may have rights of easement within the property boundaries.
- g. "Will-serve" letters from all utilities serving the site. The subdivider/developer will be required to coordinate with the various public utilities for the necessary improvements for said utilities to service the site.

8. Sanitary sewers serving the development shall be designed to City standards in a format satisfactory to the City Engineer and shall be privately maintained.
9. 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.
10. 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 match that currently existing on the remainder of the property with respect to pole height and finish, luminaire style, and illumination source. The applicant shall be required to install house-back shields or other similar devices on luminaires that cast light spill or nuisance glare onto neighboring residential properties.
  - c. Submit detailed plans for all walls and fencing associated with the project. Walls and fences within the street setback along Palo Verde Street shall be limited to a maximum height of 48 inches. Any new perimeter walls along the easterly property line may be a maximum of 8'-0" in height.
  - d. Submit a revised site plan illustrating the following:
    - i. A comprehensive analysis of the existing and proposed parking across the entire site, including total number of parking stalls, number and location of disabled-accessible parking stalls, number and location of parking stalls reserved for inventory, and number and location of parking stalls reserved for employees and customers. Minimum dimensions for inventory parking stalls shall be 8' x 16'; minimum dimensions for public parking stalls shall be 9' x 20'

(maximum two-foot overhang permitted into landscape planters or walkways with a width of at least 7'-0").

- ii. The entire length of the pedestrian path-of-travel from Palo Verde Street and/or Autoplex Drive to the buildings shall be constructed of a decorative material that contrasts with the parking lot and drive aisles.
- iii. Black-colored concrete shall be used for all trash enclosure floors and their respective concrete aprons.
- iv. The addition of a landscape planter, minimum 2'-0" in depth, for the entire length of the south side of the quick service/car wash building.
- v. Submit a detailed landscape plan illustrating all species, quantities, and container sizes. The landscape plan shall include the following:
  - A. Eleven (11) *Geijera parviflora* (Australian Willow) street trees along the Palo Verde Street frontage, 25 feet on center. (The two existing street trees along the south side of the used car lot shall be removed.)
  - B. Planting plan for all interior landscape planters.

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

- e. Submit a revised sign program that includes the following:
  - i. Complete information on each page, including scaled drawings, a comprehensive index of all existing and proposed signs, and page references for sign details.
  - ii. Primary freestanding identification signs (Signs "A" and "E") shall be a maximum of ten feet (10'-0") in height as measured from adjacent sidewalk grade on Palo Verde Street. Each sign face shall be a maximum of 60 square feet in sign area.
  - iii. Freestanding directional and information signs shall be a maximum of four feet (4'-0") in height and four square feet in sign area.
  - iv. Building-mounted sign copy shall be limited to a maximum of 24 inches in height and shall not exceed a maximum of 60 percent of the building length to which it is attached. (The

stylized "M" logo on the east, west, and south elevations shall be permitted to be a maximum of five feet (5'-0") in height.)

- v. The advertising copy over each entry door ("Get In Here and Get Out") shall be deleted.
  - 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. 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.
  - h. 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 all local and 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.
  - i. Pay all required Montclair Fire Department fees.
  - j. Pay adopted transportation development impact fee in effect at the time building permits are obtained. (Current fee as of April 2007, is \$6,763 per KSF.)
  - k. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
- 11. Exposed raceways shall be prohibited on all building-mounted and freestanding signs.
  - 12. 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.
  - 13. 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, portable electronic message signs, other similar advertising devices be utilized on the property or off-site.
14. No pay telephones or vending machines shall be located on the exterior of the building.
  15. All utility services to the building shall be installed underground.
  16. 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.
  17. 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.
  18. 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.
  19. All trash enclosures shall be constructed of masonry consistent with the primary type and color of that used on the building. The construction of such trash enclosure(s) shall conform to City standards and shall have a solid roof complementary to the main building.
  20. 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.

21. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
22. 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.
23. All new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
24. 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.
25. 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 quick service/car wash building shall be displayed in the upper right hand corner of the south-facing elevation. 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.
  - 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.
26. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
27. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact Nicole Greene, Environmental Manager, at 909/625-9446 for fees.

28. 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 Nicole Greene, Environmental Manager, at 909/625-9446 for fees.
29. 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.
30. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
31. 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.
32. 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.
33. The applicant/developer is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
34. 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).
35. The inside turning radius for an access road shall be a minimum of 32 feet, and the outside turning radius for an access road shall be a minimum of 45 feet.
36. 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.
37. Commercial occupancies with cooking areas require an approved, fixed fire suppression system for protection of the hood and duct system and overall cooking areas. This system shall be equipped with an automatic

fuel shut-off 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.

38. 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.
39. In occupancies utilizing flammable or combustible processes, an approved, fixed fire suppression system shall be required for protection (i.e. spray booths, spray rooms, etc.)
40. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
41. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
42. An approved, emergency keyed access system shall be required to facilitate access by Fire Department personnel in the event of an emergency during non-business hours. Forms are available at Montclair Fire Department Headquarters, 8901 Monte Vista Avenue, for those occupancies requiring such a system.
43. Vehicular security gates shall be approved only with the use of Medeco "hold-open" devices for emergency vehicle access. Contact the Fire Marshal's office for specific requirements.
44. 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.
45. Prior to issuance of a Certificate of Occupancy for the quick service/car wash building, 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 Palo Verde Street frontage for the length of the project limits, including, but not limited to, construction of P.C.C. sidewalk, curb and gutter, asphaltic concrete paving, closure of all abandoned drive approaches, removal and replacement of all substandard P.C.C. sidewalk, curb and gutter, and installation of concrete standard streetlights with underground service in a quantity and spacing satisfactory to the City Engineer.
  - e. Remove all existing overhead electric distribution lines along the Palo Verde Street frontage for the length of the project limits and underground utilities as necessary to the nearest utility pole not along the property frontage. (66KV transmission lines are specifically excluded from this condition.)
  - 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 each of the driveway exits on Palo Verde Street, and a "ONE WAY" sign in the Palo Verde Street median opposite each driveway to the satisfaction of the City Engineer. (Extension of Palo Verde Street median in front of the subject property shall commence in 2007.)
46. Prior to issuance of a Certificate of Occupancy for the expansion of the sales and service building, the applicant shall permanently disable and remove the existing exterior public address systems on the entire property.
47. Prior to issuance of a Certificate of Occupancy, the person or corporation responsible for the preparation of the Water Quality Management Plan shall certify, in writing, to the Building Official that all conditions and requirements of the Water Quality Management Plan have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the Building Official that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the Water Quality Management Plan. Further, the applicant shall provide written documentation to the NPDES Coordinator that the WQMP and associated maintenance agreement have been recorded with the County of San Bernardino.

48. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
49. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

## **INFORMATION ITEMS**

Chairman Flores mentioned there was an article in the paper regarding former Senator Ruben Ayala and the topic of water shortage. Vice Chairman Lenhert read the article aloud and commented that something has to be done or else there will be no aqueduct water for Montclair in the future.

Commissioner Johnson asked about the graffiti at Montclair East and if it would be taken care of soon.

Chairman Flores adjourned the meeting at 8:10 p.m.

Respectfully submitted,

Laura Berke  
Recording Secretary