



CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING
Monday, June 11, 2007

CITY COUNCIL CHAMBERS
5111 Benito Street, Montclair, California 91763

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

MINUTES

The minutes of the May 14, 2007 Planning Commission meeting were presented for approval. Commissioner Johnson moved, Chairman Flores 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 2007-21

Project Address: NEC Mission Boulevard and Monte Vista Avenue
Project Applicant: KLC Properties LLC
Project Planner: Jim S. Lai, Associate Planner
Request: Tentative Tract Maps and Conditional Use Permit for an industrial condominium, and Precise Plan of Design for a business park

Associate Planner Lai reviewed the staff report.

Tien H. Chu, 3354 E. Colorado Boulevard, Pasadena, architect for the project, attended the meeting to represent KLC Properties and Karl Chen, the owner.

Chairman Flores asked about the third paragraph on page 6.a-3 of the staff report, with regard to drainage. He saw all the cross-cutters directed southerly to the landscaped area and asked if there would be overflow going to Mission Boulevard or is the water going to be recycled. Mr. Chu replied that as far as he knew there is a large catch basin to retain the water and stated that he is not the civil engineer who designed the system, but he understood the WQMP was approved and the code-required filtration system will be incorporated.

Commissioner Vodvarka asked about security issues regarding the complex and asked whether this will be treated as a gated community and each parcel responsible for its own security system. Mr. Chu commented that the owner has considered having gates at the entrance of Mission and Monte Vista. He thought each individual parcel will not be gated but that a gate at the public entrance was contemplated. However, between buildings 1 and 2, 10 and 11, and 11 and 12, there is a potential that they will want to install a private gate for the warehouse.

Commissioner Sahagun commented he was very happy with the 31 excess parking spaces. He asked about off-site improvements and sewer condition and capacity. Director Clark stated that it goes south to Phillips Boulevard and has been master planned for many years with plenty of capacity to reach complete build-out. We are not changing anything in the area that has not been considered for many years so the actual main lines of the system are designed to handle all the sewage that will occur and this does not present any problems.

Commissioner Sahagun commented that he wanted staff to be aware of ingress/egress on the site, the size of the trees, the width of the approaches, plus no project signage blocking sight distance.

City Planner Lustro stated that the driveway widths are actually called out on the plans. The main driveway from Mission Boulevard, which would split the two parcels, is 32 feet

in width and the secondary driveway that is farther to the east on Mission is shown at 27 feet and that would probably take less traffic. There was no dimension called out for the driveway on Monte Vista, but it appears close to the width of the secondary driveway on Mission.

Vice Chairman Lenhert moved that, based upon evidence submitted, that there will be no significant impact on the environment as a result of the two tentative tract maps for condominium purposes and construction of 12 multi-tenant industrial and commercial buildings 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 Nos. 18190 and 18192 for a 34-lot subdivision for business park condominium purposes on a 5.13-acre parcel in the MIP (Manufacturing Industrial Park) zoning district, subject to the 57 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 Conditional Use Permit for a planned business park condominium development under Case No. 2007-21 per the submitted plans and as described in the staff report for a total of 34 commercial and industrial units in 12 buildings on a 5.13-acre parcel in the MIP zoning district, making the four necessary findings by adopting Resolution No. 07-1660, subject to the 57 conditions of approval, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 5-0.

Commissioner Johnson moved to approve a Precise Plan of Design under Case No. 2007-21 per the submitted plans and as described in the staff report for the construction of 12 multi-tenant industrial and commercial buildings of one and two story in height, totaling 96,166 square feet, and all associated on- and off-site improvements on a 5.13-acre parcel in the MIP zoning district, subject to the 57 conditions of approval, seconded by Vice Chairman Lenhert, there being no opposition to the motion, the motion passed 5-0.

1. This approval is for the following:
 - a. Tentative Tract Maps 18190 and 18192 creating two separate tracts on a 5.13-acre parcel in the MIP zoning district for business park condominium purposes, each with 17 units plus common areas in conjunction with the construction of a 12-building, 96,166 square-foot business park complex.
 - b. Conditional Use Permit (CUP) for a business park condominium development in accordance with Chapter 11.88 of the Montclair Municipal Code.

- c. A Precise Plan of Design for the site plan, landscape plan, elevations, colors, and materials associated with the construction of a business park complex consisting of 12 industrial and retail commercial buildings totaling 96,166 square feet on two, vacant, contiguous MIP parcels as depicted on the submitted plans and as described in the application.
2. Tentative Tract Map approvals are subject to City Council approval. The tentative tract maps shall expire three years from the date of the Planning Commission resolution unless extended under Government Code §66452.6. The final tract maps 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. All uses located within the building shall be in compliance with the Montclair Municipal Code. All business operations shall be conducted entirely within the enclosed building unless otherwise approved through a separate CUP.
7. 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.

8. The street addresses for each of the proposed buildings shall be as follows:

Building 1	10839 Monte Vista Avenue
Building 2	4940 Mission Boulevard
Building 3	4930 Mission Boulevard
Building 4	4920 Mission Boulevard
Building 5	4910 Mission Boulevard
Building 6	10851 Monte Vista Avenue
Building 7	4970 Mission Boulevard
Building 8	4960 Mission Boulevard
Building 9	4950 Mission Boulevard
Building 10	4988 Mission Boulevard
Building 11	4984 Mission Boulevard
Building 12	4980 Mission Boulevard

9. Prior to filing the original signed final map with the City Engineer, the applicant shall submit the following documents for review and approval by 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 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. Street improvement plans for the Mission Boulevard and Monte Vista Avenue frontages of the property for the length of the project limits to the satisfaction of the City Engineer. Plans shall comply with State and/or City disabled-accessible requirements for ramps, street access, and parking. Street improvement plans shall include, but not be limited to, removal and replacement of abandoned drive approaches with P.C.C. curb, gutter and sidewalk, removal of utility poles and overhead utility lines, installation of concrete standard streetlights, and installation and removal and replacement of all substandard P.C.C. curb, gutter, sidewalk and A.C. pavement. Disabled-accessible path-of-travel shall be maintained through drive approaches. It is acknowledged that much of the public right-of-way improvements have been installed as part of the recent Mission Boulevard storm drain improvement project. Additional right-of-way dedication may be required as determined by the City Engineer. 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, if applicable.
 - 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.
- 10. Applicant/developer shall comply with all requirements of the Subdivision Map Act and Montclair Municipal Code.
 - 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 evidence of satisfactory asbestos removal from the existing sheds and obtain a demolition permit from the Building Division for demolition of the two non-conforming structures on subject property.
 - b. Submit five complete sets of plans for the project, including building elevations, colors and materials, electrical, plumbing, mechanical, landscaping, lighting, and accessibility details, plus two sets of soils, structural and Title 24 calculations for review and approval by the Building and Planning Divisions. Contact the Building Division at 909/625-9430 for an appointment to submit plans.
 - c. Submit detailed plans for all exterior building-mounted and pole lighting for review and approval by the Planning and Building Divisions. All lighting shall incorporate 90-degree cut-off style luminaires and flat lenses. Submitted plans shall include a photometric analysis of all exterior lighting. Pole lighting shall be a

maximum height of 25'-0" as measured from adjacent grade to top of luminaire.

- d. Submit detailed plans for all walls and fencing associated with the project. Walls and fences within street setbacks along Mission Boulevard and Monte Vista Avenue shall be limited to a maximum height of 48 inches. Perimeter walls and/or fences along the easterly property line may be a maximum of 8'-0" in height. Chain-link fencing shall be expressly prohibited.
- e. Submit detailed plans for enhanced paving at the vehicular entrances to the property, including color, material, and texture for review and approval by the City Planner and the City Engineer.
- f. Submit final landscaping plans for review and approval by the Planning Division providing all associated details and specifications of the plant materials, irrigation system, including street trees with root barriers and vines along the perimeter walls, per the preliminary plans. The final landscape plan shall incorporate those street trees already planted on the street frontages as part of the Mission Boulevard street improvement project. The detailed landscape plan shall illustrate 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.

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.
- g. Submit detailed drawing, material and engineering specifications for the public art design, generally located at the northeast corner of Mission Boulevard and Monte Vista Avenue, outside of the public right-of-way and consistent with the City corner cut-off policy. A permit is required prior to installation. The design shall be subject to the review and approval of the City Planner and the City Engineer.
- h. Submit revised building elevations as follows:
 - i. East elevations of Buildings 10, 11 and 12 to incorporate additional architectural treatments, such as an extension of

- cornices, moldings, reveals, recesses, color bands, plant-on columns or other articulation, etc. to enhance the starkness of those elevations.
- ii. The southwest corner of Building 5 shall be architecturally enhanced to take advantage of its exposure to the Mission/Monte Vista intersection.
 - iii. The depth of the arched towers on various buildings shall be increased to provide a more substantial appearance as viewed from the side.
- i. Submit a revised site plan illustrating the following:
 - i. Clearly indicate on submitted plans disabled-accessible path(s) of travel from the public right-of-way on Mission Boulevard and Monte Vista Avenue and all required disabled-accessible parking lot signs. The entire length of the pedestrian path-of-travel from the public sidewalk to the sidewalk fronting the building shall be constructed of a decorative material that contrasts with the parking lot.
 - ii. Black-colored concrete shall be used for the trash enclosure floors and their respective aprons.
 - iii. Enhanced Best Management Practices (BMPs) to adequately treat surface water runoff before it is conveyed to the swale/infiltration basin, if required, to the satisfaction of the NPDES Coordinator.
 - j. 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.
 - k. Pay all required Montclair Fire Department fees.
 - l. Pay adopted transportation development impact fee of \$95,894 (\$6,763 x 8.120 + \$1,073 x 38.190) for Tract No. 18192.
 - m. Pay adopted transportation development impact fee of \$94,646 (\$6,763 x 7.232 + \$1,073 x 42.624) for Tract No. 18190.
 - n. 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 a Precise Plan of Design application for a comprehensive sign program governing signage on the property pursuant to Section 11.72.440.B of the Montclair Municipal Code. The sign program may, at a minimum, consist of the following elements:
- a. Monument Signs – One (1) internally illuminated monument sign, maximum 10'-0" in height and maximum 60 square feet of sign area per sign face per street frontage. Other alternative design as shown on the proposed site plan may be considered. Sign copy shall consist of routed-out letters with opaque background in a texture and color to match the main building. Sign support or pedestal shall incorporate materials and colors that are architecturally compatible with the buildings. Street addresses shall be incorporated into the sign structure. The name of the complex, plus no more than three tenants, may be identified on the monument sign panels.
 - b. Wall Signs for Commercial Buildings 5 and 9 – A maximum of one building-mounted sign shall be permitted for each tenant or unit, except that the westernmost tenant on Building 5 shall also be entitled to one (1) additional building-mounted sign on the west elevation facing Monte Vista Avenue. The maximum length of wall signs shall be 60 percent of the leasehold width. Maximum height of signs with single-line copy shall be 24 inches; for stacked (maximum two lines) copy, 30 inches. Colors, materials, lighting design, dimensions and locations of these tenant signs shall be detailed in the sign program.
 - c. Wall Signs for Industrial Buildings – A maximum of one building-mounted sign shall be permitted for each tenant or unit. The maximum length of wall signs shall be 40 percent of the leasehold width. Maximum height of signs with single-line copy shall be 18 inches; for stacked (maximum two lines) copy, 24 inches. Colors, materials, lighting design, dimensions and locations of these tenant signs shall be detailed in the sign program.
 - d. All 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. No extraneous advertising copy, such as slogans, phone numbers or website addresses shall be permitted.
 - e. Directory and directional signs for the business park shall be incorporated into the comprehensive sign program.

17. Exposed raceways shall be prohibited on all building-mounted and freestanding signs. For both the commercial and industrial buildings, an architectural sign backing/raceway with consistent design, materials and colors may be allowed if incorporated as part of the sign program, subject to review and approval of 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 public telephones, vending machines, children's rides or other coin-operated 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 securing the common areas between Buildings 1 and 2, 10 and 11, and 11 and 12 may be allowed and shall be constructed of tubular steel, maximum eight feet (8'-0") in height, with high-density meshing painted to match. Locking mechanism shall conform to Fire Department requirements. Such enclosed areas shall not be used for outdoor manufacturing or storage.
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. All satellite dish antennas, microwave receivers and transmitters, and other forms of communication equipment shall be located in a manner in accordance with the provisions of Chapter 11.46 of the Montclair Municipal Code.
26. 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.
27. 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 with the exception of those trash enclosure that are recessed into the buildings.
28. 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.
29. 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.
30. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
31. 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.

32. All building downspouts shall drain directly into landscape areas.
33. All new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
34. 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.
35. 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 buildings shall be displayed as follows:

Building 1 – (Two locations) Upper right hand corner of the west elevation, six inches (6") below the bottom of the cornice, and the upper left hand corner of the south elevation, six inches (6") below the bottom of the cornice.

Building 2 – (Two locations) Upper left hand corner and upper right hand corner of the south elevation, six inches (6") below the bottom of the parapet trim cap.

Building 3 – (Two locations) Upper left hand corner and upper right hand corner of the south elevation, six inches (6") below the bottom of the parapet trim cap.

Building 4 – (Four locations) Upper left hand corner and upper right hand corner of the south elevation, six inches (6") below the bottom of the parapet trim cap, and the upper left hand corner and upper right hand corner of the north elevation, six inches (6") below the bottom of the parapet trim cap.

Building 5 – (Two locations) Upper left hand corner of the south elevation of the westernmost tenant space projection, six inches (6") below the bottom of the cornice, and the upper right hand corner of the south elevation of the easternmost tenant space projection, six inches (6") below the bottom of the cornice.

Building 6 – (Two locations) Upper left hand corner and upper right hand corner of the west elevation, six inches (6") below the bottom of the cornice.

Building 7 – (Two locations) Upper left hand corner and upper right hand corner of the south elevation of the building, six inches (6") below the bottom of the parapet trim cap.

Building 8 – (Four locations) Upper left hand corner and upper right hand corner of the south elevation of the building, six inches (6") below the bottom of the parapet trim cap, and the upper left hand corner and upper right hand corner of the north elevation of the building, six inches (6") below the bottom of the parapet trim cap.

Building 9 – (Two locations) Upper left hand corner of the south elevation of the westernmost tenant space projection, six inches (6") below the bottom of the cornice, and the upper right hand corner of the south elevation of the easternmost tenant space projection, six inches (6") below the bottom of the cornice.

Building 10 – (Two locations) Upper left hand corner of the south elevation of the building, six inches (6") below the bottom of the cornice, and the upper right hand corner of the west elevation of the building, six inches (6") below the bottom of the cornice.

Building 11 – (Three locations) Upper left hand corner of the south elevation of the building, six inches (6") below the bottom of the parapet trim cap, and the upper left hand corner and upper right hand corner of the west elevation of the building, six inches (6") below the bottom of the parapet trim cap.

Building 12 – (Three locations) Upper left hand corner of the south elevation of the building, six inches (6") below the bottom of the cornice, and the upper left hand corner and upper right hand corner of the west elevation of the building, six inches (6") below the bottom of the cornice.

Numerals shall be Helvetica font, minimum 10 inches in height, minimum 1½ inches in depth, and in a color that adequately contrasts with the background to which they are attached. Individual unit or suite numbers shall be installed on the storefront glass entrance or immediately adjacent to the entrance of each unit.

- b. The facility shall be provided with a minimum maintained illumination level of one (1) foot-candle from dusk until termination of business every business day. During all other hours of

darkness, a minimum of one-quarter (.25) foot-candles of illumination shall be maintained at grade.

36. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code. Grease interceptors shall be required for restaurants.
37. 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.
38. 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.
39. 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.
40. Underground Service Alert shall be notified 48 hours prior to any excavation at 800/422-4133.
41. 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.
42. 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.
43. 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.

44. 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).
45. 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.
46. A fire hydrant system shall be required to provide the necessary water flow to the proposed structures. 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.
47. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
48. Commercial occupancies with cooking areas require an approved fixed fire extinguishing system for protection of the hood and duct system and overall cooking areas. This system shall be equipped with an automatic fuel shutoff to all equipment protected by this system. Four complete sets of drawings of this system shall be submitted to the Fire Marshal's Office prior to issuance of a permit.
49. In occupancies utilizing flammable or combustible processes, an approved fixed fire extinguishing system shall be required for protection (i.e., spray booths, spray rooms, etc.).
50. In those structures covered by CAC Title 19, all drapes, hangings, curtains, drops and all other decorative material shall be made from nonflammable material, or shall be treated and maintained in a flame retardant condition, by means of a flame retardant solution or process approved by the State Fire Marshal.
51. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
52. 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.
53. 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.

54. 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 the following to the NPDES Coordinator:
 - i. Evidence that the Water Quality Management Plan has been recorded with the County of San Bernardino.
 - ii. A signed letter from the engineer of record that all stormwater treatment devices have been properly installed per the approved WQMP and manufacturer's guidelines.
 - d. Construct all approved public improvements along both street frontages 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. Install concrete standard streetlight(s) on the north side of Mission Boulevard and on the east side of Monte Vista Avenue along the property frontage in a quantity and spacing satisfactory to the City Engineer.
 - f. 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.
 - g. Install all approved landscaping and exterior lighting.
 - h. Install all ADA-required parking stalls and parking lot signs.
 - i. Complete all on- and off-site improvements.
 - j. Install a "RIGHT TURN ONLY" sign at each of the Mission Boulevard driveways.

- k. Install a "ONE WAY" sign in the Mission Boulevard median directly opposite each of the Mission Boulevard driveways.

- 55. 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.

- 56. 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.

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

- 6.b PUBLIC HEARING - CASE NUMBER 2007-17
 - Project Address: 8975 Vernon Avenue
 - Project Applicant: William Fox Group, Inc.
 - Project Planner: Carol Frazier-Burton, Associate Planner
 - Request: Tentative Parcel Map for a single-lot industrial condominium

Associate Planner Frazier-Burton reviewed the staff report.

Chairman Flores stated that he saw the cross-gutter and it empties into a catch basin, changes to a pipe according to the plans, and then does it run on the surface? Associate Planner Frazier-Burton stated that this is only a parcel map and does not have all the details. Chairman Flores commented that he has been commenting on that for several years and feels that every plan should stand on its own with the drainage report, the water plan, and other things. City Planner Lustro stated that the structures are not called out on the map, as Chairman Flores has indicated, but his recollection of the project is that on the east side there is a V-gutter, which cuts across the driveway, drops into a drop inlet, goes into a pipe into an area along the south side of the building,

west of the driveway, that will be landscaped and, as part of the approved WQMP, the applicant is required to construct a filtration system or similar device or structure that will accept typical irrigation and storm run-off. During a 100-year event, it would only be able to collect a certain amount of that and then the overflow would go onto Olive Street. The landscaped area is designed as a percolation basin to catch most of the surface water. Chairman Flores stated that it is not as the plan says and he assumed that it was going to be surface runoff.

Vice Chairman Lenhert commented that we should salvage as much of the stormwater as we can and it is very important, particularly as we head into a very dry year.

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

Vice Chairman Lenhert moved to recommend City Council approval of Tentative Parcel Map No. 18681 for a single-lot industrial condominium on a 55,289 square-foot parcel in the MIP zoning district, subject to the 12 conditions of approval, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Commissioner Johnson moved to approve a Conditional Use Permit for a planned industrial condominium development under Case No. 2007-17 per the submitted plans and as described in the staff report for a previously-approved 20,489 square-foot multi-tenant industrial building on a 55,289 square-foot parcel in the MIP zone, making the four necessary findings by adopting Resolution No. 07-1647, subject to the 12 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 Parcel Map No. 18681 creating a single-lot subdivision for industrial condominium purposes on an existing 1.27-acre parcel in the MIP zoning district at 8975 Vernon Avenue.
 - b. A Conditional Use Permit to allow a single-lot industrial condominium development with shared common area.
2. The tentative parcel map shall expire three years from the date of the Planning Commission resolution unless extended under Government Code §66452.6. The final parcel map shall be filed with the City Engineer and shall comply with the 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. 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 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. 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.
 - e. Street improvement plans for the Vernon Avenue and Olive Street frontages of the property for the length of the project limits to the satisfaction of the City Engineer. Plans shall comply with State and/or City disabled-accessible requirements for ramps, street access, and parking. Street improvement plans shall include, but not be limited to, removal and replacement of abandoned drive

approaches with P.C.C. curb, gutter and sidewalk, installation of concrete standard streetlights, removal of overhead utility lines and utility poles, and installation and removal and replacement of all substandard P.C.C. curb, gutter, sidewalk and A.C. pavement. Disabled-accessible path-of-travel shall be maintained through drive approaches.

- f. Plans for erosion control and stormwater pollution prevention. A general construction permit may be required. Contact Joe Rosales, NPDES Coordinator, at 909/625-9470 for requirements.
 - g. A letter of non-interference from any utility company that may have rights of easement within the property boundaries.
 - h. "Will-serve" letters from all utilities serving the site. The subdivider/developer will be required to coordinate with the various public utilities for the necessary improvements for said utilities to service the site.
5. Prior to filing the original signed final map with the City Engineer, the applicant shall conduct a Phase I environmental analysis of the entire site, to be performed by an environmental consulting firm acceptable to the City, to determine whether any contamination is present on the site. Any and all clean-up as required by the results of said analysis shall be completed prior to acceptance of the final tract map by the City for recordation. All clean-up activities shall be in compliance and completed in accordance with all applicable local, state and federal regulations. The environmental analysis report shall be approved by the Director of Community Development. The applicant shall be responsible for staff and City Attorney costs associated with this review.
 6. Applicant/developer shall comply with all requirements of the Subdivision Map Act and Montclair Municipal Code.
 7. Prior to issuance of demolition permits, the applicant shall obtain clearance from the South Coast Air Quality Management District (SCAQMD) that all asbestos has been removed by a qualified professional from all of the structures to be demolished.
 8. If any artifacts are encountered during grading or demolition activities, all work shall cease at the location immediately and the City and other appropriate agencies shall be notified of the conditions encountered on the site. A field archaeologist shall submit a written archaeology report, including findings and specific mitigation measures and time frames necessary to offset the impacts. Work shall not be stopped for more than one month unless extended by the Director of Community Development in order to ensure that any identified artifacts are properly retrieved and

catalogued. Work shall not resume unless clearance has been obtained from the Department of Community Development.

9. At least 90 days prior to anticipated recordation of the final map with the County of San Bernardino, the applicant shall submit to the City for review and approval as to form and content, three (3) copies of Covenants, Conditions and Restrictions (CC&Rs) addressing issues such as reciprocal access and parking, cross lot drainage, 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.
 10. Prior to the final map approval, applicant shall obtain all necessary approvals for Tentative Parcel Map No. 18681 from the City and have the final map recorded with the County of San Bernardino.
 11. All requirements and conditions of Case No. 2007-13 shall be met. More specifically, 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.
 12. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.
- 6.c PUBLIC HEARING - CASE NUMBER 2007-12
- | | |
|--------------------|--|
| 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 Planer Lustro reviewed the staff report.

Commissioner Sahagun asked about the notification and commented that he was not aware that we used an outside company for notification. City Planner Lustro stated that occasionally the Public Works Department contracts out, but many times does their own mailing lists in-house, as is the case with planning projects. We offer the applicant the option of having us do the mailing list in-house for a fee that was set by the City Council, but applicants also have the option of contracting out for this service. That is what happened in this particular case for the first hearing. When we were contacted subsequent to this item being considered by the Planning Commission, we reviewed the mailing list and it became apparent very quickly that the 9400 block of Carrillo Avenue was omitted. When the outside contractor developed the boundaries for the subject property and did the 300-foot radius map, all of the condominium units on the west side of Carrillo Avenue were included as part of the subject property and the boundary was drawn from there with no notification going to those properties. That was an easy one to figure out and we now realize why no one received a notice. For this particular hearing, staff did the radius map and we did the notification to make sure everyone was included.

Chairman Flores commented that there was no vicinity map, not one dimension in the whole thing, no little arrow to tell him where the water is going and lacks many, many things; it looks pretty, but there is no information in there.

Anthony Alvarez, 9432 Carrillo Avenue, Montclair, asked for clarification that this was not for an approval for the demolition of the condos right now and he understood the City Planner as saying that area is proposed for some future development. The parking situation has gotten out of hand. He asked, with this expansion would parking be provided for employees? He commented that parking on his street has become impossible. The dealer's employees are using his street and the north gate of the dealership as its own entrance with no regard for the residents. He inquired if the expansion would give employees an alternate route to perform test drives and come and go without using the gate on his street. The proposed car wash is 130 feet from the condo property line, with parking along the backside of the divided wall. This will bring us up close and personal with the employees and the new expansion. The wall height on our side is 4 to 5 feet, a very short wall. Can we have a better separation from the construction, a higher wall, say, eight feet on their side, so they can have a better shield against the construction? Last, the new car wash and lube will have oil change and quick-lube service. This will include impact air guns, which he hears all the time already. He wished to know if the impacts and the dryer for the car wash will be their morning wake-up call and was it researched. City Planner Lustro stated that he felt the applicant would be better equipped to answer Mr. Alvarez's questions.

John Hawkins, 9399 Autoplex Drive, Montclair, the applicant, stated that in designing this project he talked to the architects and engineers about noise attenuation. There is only a certain amount of things they can do in a building that is open on both sides, but the people who provide the equipment have said that they will be using the latest equipment and sound has been one of the things they have tried to engineer out over

the years. He felt the neighbors were correct in that they have to be judicious in the use of the equipment, impact wrenches do make noise, there will be some noise, they don't know exactly how much because they were not able to get any readings from 130 feet to 150 feet away from it, but they have tried to position it not up next to the condos but over toward the westerly side of the site, trying to get as far away as they can. For years, employees and people in the church congregation were parking up against the fence and he does not know if they will have any different impact on the homes than they are already having. He has dealt with Mr. Alvarez on the noise issue and thought they had it pretty well in hand and felt they have not had any problems over the last four or five years on noise.

As already noted, this is a three-phase project and it is not known whether we will ever get into tearing down condos or not and that could certainly not be done without the full approval of the owners there. They only included that to show City staff what would happen to this project if it went to its highest and best use. We are going to start out with the first phase and he was sure they would get into the second phase and third phase, but was unsure whether they would go beyond that with additional expansion and parking structures, which might take 12 to 15 years. Mr. Hawkins asked Mr. Alvarez if that answered his questions.

Mr. Alvarez responded from the audience area and was not audible. Mr. Hawkins responded to Mr. Alvarez's inaudible comment by stating that he has talked extensively about employee parking and they have always provided parking and even has parking on Holt Boulevard for cars and employees, but they cannot control whether they park or do not park on the City streets. They have given the employees a place to park, they have asked them not to park on the City streets, but as the employees remind him, they can park anywhere on the City street if they so desire and they have been providing and will provide parking for them. He felt it was that some people are too lazy to carry their lunchbox an extra 20 or 30 feet; it is really that simple. He has done everything to induce them and occasionally they have had cars broken into and he tried to tell them that they park at risk when they park on a City street and if they parked within the confines of the project, there would be video cameras to help them. So, they are aware of that concern and they have done everything they can to encourage them to do that and will continue to do that, but occasionally they have inducements that they would get to park a little closer. They will continue to try to address this with employees. They are aware of it, they will try to mitigate it and they will continue to work on it. They will not close that gate (on Carrillo Avenue), as it will still be used for certain purposes, but they are going to provide additional ways to get to the north end of the property. The wall has been there for a number of years as it is now and they had not planned on doing anything except putting landscaping in there to lessen the impact of people parking there. The wall has been there for years and this is the first time they have had anyone voice a concern about the wall being insufficient. When he talked about demolishing some of the condos, he thought they would build higher walls around that area because on the northern part of Carrillo Avenue is where they did have complaints about noise in the past and that was one of the reasons they talked with owners about the possibility of taking out those four condos because they are the most impacted by impact wrenches

and noise and the repair of cars and mechanical activities going on from 7:00 a.m. until 8:00 or 9:00 at night. He could not promise that they would make equal to or less noise than a church.

Mikio Yoshioka, 9444 Carrillo Avenue, Montclair, stated that Mr. Hawkins talked about parking for his employees, but commented that if you drive by the south side along Palo Verde Street every morning, he has two new cars blocking the driveway. He talked to them about that before and they are still there. So, where are the employees supposed to park? Mr. Hawkins answered that inasmuch as they do not have their permanent fencing right now, they sometimes do block certain entrances, but there are at least two or three and sometimes four entrances to get onto their property off of Palo Verde and Autoplex Drive, so there are various ways of getting in there. As soon as they start their construction, they will have normal gates that can be opened and closed at fixed hours, but for insurance purposes right now, sometimes in areas that are ungated and guarded, they will block those until a little later in the morning. They do have some employees that arrive at 7:00 a.m., but that is far from a full force. There is plenty of on-site parking at the hour they get there. There are some people that prefer to park on Carrillo Avenue and they will continue to try to induce them off that street. Mr. Yoshioka said Mr. Hawkins talked about the zoning and he asked whether it is industrial or commercial. City Planner Lustro stated that the zoning on the former church property was changed from R-3 to C-3, which is General Commercial, back in May, 2003. Mr. Yoshioka asked why Mr. Hawkins was under the impression that it is under industrial zoning. Mr. Hawkins stated that it was just a phrase and the property is properly zoned for the use they propose. Mr. Yoshioka asked for clarification on the houses not being knocked down and commented that when that time does come the association will be losing \$400 per month in dues and asked who will make that up, the City or Mr. Hawkins. City Planner Lustro stated that, as indicated in the report, if there is any plan in the future to demolish one or more of the condominiums, his understanding was that Mr. Hawkins would have to get buy-in from the condominium association and before any demolition could occur or any zone change to allow expansion of the dealership, that would be subject to a separate public hearing and notification of the neighbors. Mr. Yoshioka commented that the neighbors would not have known if Anthony (Alvarez) had not contacted them. City Planner Lustro stated that if the mailing list is done by an outside contractor, staff would make sure that everyone that should be included is included.

Sabrina Sheppard, 9486 Carrillo Avenue, Montclair, commented that she appreciated all the efforts, but as a condo owner, those are our homes and they may put a little more integrity into it. One of the things they are experiencing now is trash being thrown over the back fence of their backyards and trash being left out front. She commented that Mr. Hawkins says he cannot control his employees, but she works and if her boss sets precedent, then there are repercussions, some compliance or you do not have a job. Since they have had a continuous problem with the employees either with other people's cars, she would like to introduce the idea of speed bumps on their street that is paid for by them (the applicant), since they (the applicant) will have the employees and no control over them. As far as the church, she has been there as long as the church

was there and there is no comparison. The church people did not park on their street, they had plenty of parking on their own property, they were considerate and she did not recall one owner in the condo complaining about the parking or any noise or lack of consideration.

Mr. Hawkins stated that they have had meetings with the condo owners and they want to have dialog with them because they are their neighbor and they want to be a good neighbor. They talked about the possibility of tearing down the condos and they do not know that that will happen and they are very well aware that it would never happen without their acquiescence and approval and they have had talks with them about a shortfall with their condominium dues. There has been no part of this that happened nor will happen without their complete approval and complete acquiescence. He stated that they are good communicators. They are willing to sit down anytime, any place, to meet with property owners and tell them what they are trying to do and see if they can help them with problems. Unfortunately, people park on their street, they litter, they try to go around and clean it up, he tells his employees that if they see things like that, pick it up and bring it onto their property and dispose of it. They are not trying to do less than their part; they are trying to do more than their part. He assured Mr. Yoshioka that if it works out to the benefit of all of us, they can and will work together to mitigate problems, as they are condo owners on that street too, owning five of them. If they can't come to some reconciliation, then they will just continue to let people live there and they will sell their condos and they will build a higher, better parking structure on their property and try to accommodate people that want to go there to do business. They are not trying to do anything underhanded, his door is open all the time, his telephone number is known to all of them. They will meet with the association as a group and not one on one. We can meet as a group and talk our way through these things. They want to be good neighbors and anything they can do, if they would let him know, they will try to accommodate them.

Mr. Alvarez asked that the Commission consider some type of better separation between the condominiums and the new construction.

Chairman Flores commented that after listening to all the comments, everyone is very close to agreeing and suggested one more meeting between the applicant and the association to talk about this higher wall.

Commissioner Johnson commented that the Commission has heard from three folks all of whom seem to be concerned about parking. She understood that parking was an issue and also understood that there is only so much an employer can do; however, she asked how difficult would it be for there to be permit parking on that street, which would solve that issue and was there a condition in the staff report about fencing because she did not find one. City Planner Lustro replied there is a possibility that staff can explore with the Public Works Department, via the item being taken to the Public Works Committee, to look at restricting both sides of Carrillo Avenue to permit parking. If that were something the residents on the street want the City to consider and would be a deterrent for employees, the employees would be forced to park where Mr. Hawkins is

asking them to park on the property. With respect to any fencing or walls, there was no requirement with regard to any property wall boundaries, particularly along the east side because there is an existing wall there. It is certainly within the Commission's purview if it believes it is warranted to require an intensification of that dividing wall between the subject property and the condominiums if the Commission believes it will address the issues heard. Staff has written the 49 conditions, as included in the report. The wall issue is a relevant one and if the consensus of the Commission is that a condition needs to be added to address that, it is certainly within the Commission's discretion to do that. Commissioner Johnson asked if the Commission chose to do that, could they approve the rest of it and have all that looked at by staff without them having to look at it again. City Planner Lustro replied yes. If the Commission believes that the existing wall along the east side of the property is insufficient because of its height or design, etc., and it decides to add a condition that requires a minimum height wall, whatever that might be, because that will better address the concerns of the residents with regard to the proximity of the land use intensification, the Commission can go ahead and add that condition and that would become a condition of approval that would be addressed through the plan check process along with everything else when the project is submitted to the Building Division. That becomes an enforceable condition of approval as all of the other conditions of approval are.

Vice Chairman Lenhert asked if the existing wall could support an additional foot or two. City Planner Lustro stated that is unlikely. In the case of an existing masonry wall, the wall was designed to be the height it was built and there are footing and steel requirements. In the case of a wall that is taller than six feet, there are engineering requirements. So, if the Commission required a taller wall along that boundary, the process would be that the existing wall would be demolished and a new wall built from ground up. It depends upon the structural integrity of the wall. If we can locate the original plans for the wall to see structurally what the wall could support, we can determine if the wall can be added to. Vice Chairman Lenhert asked whose wall it is. City Planner Lustro replied that to his knowledge the wall was built as part of the condominium development. Whether it was built inside the property line or on the property line, he could not answer that. Director Clark indicated that the wall is partially retaining as well. It retains soil on the condo side. Chairman Flores commented that if it is a retaining wall, the footings might be able to take on a little height. City Planner Lustro commented that it was possible, but we do not know. Chairman Flores commented that it is too bad this was not talked about sooner and asked how much length was being talked about. Mr. Hawkins responded that he thought it was about 300 feet. This is a \$7,000,000 to \$8,000,000 project; to tear out those footings and remove that wall would, depending on how high you build the wall, be somewhere between \$300,000 and \$500,000. So, it is not a matter of \$2,000 to \$3,000. Commissioner Sahagun asked again for clarification on the price. Mr. Hawkins stated that to run that down anywhere from 7 to 10 feet, could cost them anywhere from \$300,000 to \$500,000 for 100 yards, plus its footings, because there is a grade differential along there. Director Clark stated that the length is probably closer to 500 feet. Mr. Hawkins stated for internal purposes they thought it was 100 yards. Commissioner Sahagun commented that he heard Commissioner Johnson bring up the

retaining wall and the parking permit idea and he felt staff should really look at a speed bump and permit parking for that street. As far as the wall, he wanted to add a condition that they build an eight foot wall, whether it needs to be retaining or not. He was in favor of a wall and some brush on top of the wall and felt the condition needed to be added. On page 6.c-8, Condition No. 10.c specifies a maximum height of eight feet and he asked that Public Works look at the permit parking and a speed bump, regardless of the cost.

Commissioner Vodvarka commented that if you look at the plot plan, there are 52 parking spaces along the west side of the wall. He inquired how many employees there are. If the employees all parked up against that wall, wouldn't those vehicles buffer the sound? Director Clark stated that he didn't think putting more things less than six feet would make any difference from the Metro Honda property side. The wall is six feet tall and it is retained on the inside on the condominium property so they can drain out to Carrillo Avenue. So, from where the noise is coming, it is a six foot wall, whether you put a car there or not, it will not make any difference in that area. The only way to block sound is to put something solid in its path. He knew that everyone thought you can just paste a few blocks on top, but you cannot do that. Structurally, you have to look at the engineering and he would be surprised if it could be done. It is a retaining wall and may have quite a substantial footing and section design in the lower parts that could permit it in places. Often what has to happen when people want to raise the height of something like this, they have to come back and build another fence, independent of the block wall and, in a lot of cases, people will put them where they need a separation or security. In this case, you could put, for example, a wrought iron fence with a solid two foot top that would extend above the height of the wall and for the purpose of the sound attenuation, you would have an eight foot wall separating these other properties. But this other new fence would have to be structurally separate and independent of the block wall; it's better not to even touch it. So, that might be another alternative that is significantly cheaper than tearing down 500 feet of retaining wall and engineering an eight-foot wall. That would be a very expensive proposition. Vice Chairman Lenhert asked about landscaping something on top. Director Clark commented that you could certainly do that and there is a planter there and intention to do it, but anything that moves, will usually let noise transmit through it. Vice Chairman Lenhert stated that trees could soak up sound. Director Clark replied that there is nothing like a solid barrier. He knows there will be a landscape plan that will provide extra landscaping too. It will be a nice enhancement, but landscaping does not do as much as a solid barrier. Commissioner Sahagun stated that we need both, the new wall and Cypress to line it all up and down. This is a condition for the applicant and nobody else.

Commissioner Johnson asked what the difference in cost would be (*from building an entirely new eight-foot wall to leaving the existing retaining wall in place and putting a wrought iron fence with solid top*). Director Clark stated that it would be substantially less and you would have a great place to have vines climb on and landscaping. It would be substantially less and provide the same effect of having a solid barrier on the top to raise the height. The Commission could add a condition that requires it to be either a new eight-foot wall or something to be constructed separately and staff could

review those possibilities. If by chance, once the engineering was reviewed and staff discovered there was a way to add more block to the existing wall, that would be a nice solution, but there are two or three options here.

Vice Chairman Lenhart asked what the difference in the elevation of the dirt on the condominium side was compared to the other side. Director Clark replied that it is four feet in some places. So, if you put an eight foot wall on his property, it would not be that much higher than the existing. Director Clark stated that it would be a couple feet, generally. City Planner Lustro stated that one of the things the Commission may want to consider is that staff could craft a condition that says that a either a masonry wall or some other type of solid fencing shall be provided along the east property line, subject to the approval of the City. The overall height of whatever that structure is, whether wall or fence, should be no less than six feet, as measured from the high side of the fence. Essentially what that would do is provide a six-foot barrier, as viewed from the condominium side, between their properties and the Metro Honda property. It would be taller than if you are building a completely separate fence on the Metro Honda property, but it would achieve that minimum six-foot height on the condo side. So, you could specify where it is going to be measured from and in places, it might vary in height, depending on the varying elevation, as you move from north to south. If there is four feet in elevation difference and the goal is to achieve a six foot barrier, as viewed from the condominium side, it ends up being a 10 foot high fence or wall on the Metro Honda side. As the condition is written right now, it says eight feet, but it does not specify where that eight-foot height is measured from. We have allowed between residential and commercial uses, a maximum of eight feet in height, but in some cases, those eight feet, when you measure it from the low side of the barrier, is actually taller than that. You are trying to achieve a minimum height of the affected side. Chairman Flores asked if there was some way they could add a condition that the issue regarding the wall be determined later because we do not know the heights of the corresponding properties. A study should settle the height issue, find out about the footings to see how much the wall would have to be brought up and if it could be, if it is substantial, it doesn't have to be block, it could be something else, but solid enough for the acoustical part of it. Here we are talking arbitrary and more study should be made of what's really there before the Commission can say it wants a ten-foot wall, etc.

Commissioner Sahagun asked if it had to be a wind wall. City Planner Lustro affirmed that a wall has to be built to withstand 70 mph winds. What staff would look for from the Commission is some specific direction with regard to what you would like to see out there, whether you would like that particular plan for that fence wall to come back to the Commission for consideration at a future date. Staff will write the condition however the Commission directs. Chairman Flores stated that he would like to reach a consensus of asking for a study to be done and then staff could come back to the Commission with the information. City Planner Lustro suggested that staff add a new Condition No. 10.i, which would state that prior to issuance of building permits the applicant shall submit plans for either a masonry wall and/or other type of barrier along the easterly property line for review and approval by the Planning Commission. The burden is on the applicant to design something that is satisfactory to the Commission. Staff can review

plans for the original wall, if we still have them, and try to determine what its structural capabilities are, whether it can be added to or not, and then provide the applicant with that information so they know what their options are. Chairman Flores asked the Commission if there was a consensus on that. Commissioner Vodvarka stated that he did not want to stop the construction of the project. City Planner Lustro stated that if the Commission desires some time trigger other than "prior to issuance of building permits," it could be written that way as well. Commissioner Johnson asked if it could be written with everything that has already been said without having to come back to the Commission and approved at staff level. City Planner Lustro responded that is fine, but with respect to the time trigger, does the Commission want it to be prior to issuance of building permits or give them a little bit more time, say, submit plans, have them approved, and build the wall prior to issuance of a Certificate of Occupancy? That way they can move forward on the project and start the first phase, and at the same time, they could have their architect or engineer work on the plans and get them submitted. Staff can review them concurrently so it would be cost-effective if they have to build a new structure. Commissioner Sahagun stated that he would like the condition to include that the new fence, wall, etc. match the existing wall and is not in favor of adding wood to the top. City Planner Lustro directed the Commission to Condition No. 45 on page 6.c-14. It currently reads, "Prior to issuance of a Certificate of Occupancy for the quick service/car wash building, the applicant shall..." Staff can add a new subparagraph i., which would address the issue of submitting and receiving approval for plans for some type of sound attenuation along that east property line and completion of construction of that structure prior to Certificate of Occupancy for the new building.

Commissioner Johnson moved that, based upon evidence submitted, that 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 Sahagun, there being no opposition to the motion, the motion passed 5-0.

Commissioner Vodvarka 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 conditions of approval, adding a new Condition No. 45.i, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Commissioner Sahagun 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 conditions of approval, adding a new Condition No. 45.i, seconded by Commissioner Johnson, 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, adding a new Condition No. 45.i, 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.)
 - i. Submit plans, receive approval from the Planning and Building Divisions, and complete construction of a masonry screen wall or

fence along the easterly property line of the subject property adjacent to the condominiums in the 9400 block of Carrillo Avenue to the satisfaction of the City Planner. Screen wall or fence shall be a minimum of 8'-0" in height and shall be architecturally compatible or complementary to the existing masonry wall along the westerly (rear) property line of the condominiums.

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.

Director Clark asked for clarification if the Commission still wanted the permit parking and speed bumps on Carrillo Avenue to be referred to the Public Works Department. The Commission confirmed.

6.d PUBLIC HEARING - CASE NUMBER 2007-19
Project Address: 4780 Mission Boulevard
Project Applicant: Robert Yanik
Project Planner: Steve Lustro, AICP, City Planner
Request: Conditional Use Permit for outdoor storage

City Planner Lustro reviewed the staff report.

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

Commissioner Johnson moved to grant a Conditional Use Permit under Case No. 2007-19 per the submitted plans and as described in the staff report to allow an approximately 25,550 square-foot, enclosed outdoor storage area at 4780 Mission Boulevard, by adoption of Resolution No. 07-1659, subject to making the required findings and subject to the 26 conditions of approval, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 5-0.

1. This Conditional Use Permit (CUP) approval is granted specifically to allow outdoor storage within a designated, enclosed area along the west side of the property at 4780 Mission Boulevard. No storage of materials or equipment shall occur outside of the area designated on the approved site plan.
2. CUP approval shall be valid for a period of six (6) months from the date of Planning Commission approval, unless the applicant is diligently pursuing commencement of the event. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date. Suspension of any of the approved uses for a period of six months or more voids the CUP for the specified use.
3. The applicant and/or property owner shall ensure that a copy of the Planning Commission approval letter, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
4. Prior to issuance of building permits, applicant shall:
 - a. Submit a revised, scaled site plan for review and approval by the Building and Planning Divisions. Contact the Building Division at

909/625-9430 for an appointment to submit plans. The north end of the proposed storage area may require slight modification to provide adequate on-site circulation and turning radii for Fire Department equipment.

- 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 luminaries and flat lenses. Submitted plans shall include a photometric analysis of all exterior lighting. Pole lighting shall be a maximum height of 20'-0" as measured from adjacent grade to top of luminaire.
 - c. 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.
5. No permanent building-mounted, wall-mounted or monument signs are approved as part of this entitlement. Should the applicant desire to install any business identification signs, plans shall be submitted to the Planning and Building Divisions for review and approval prior to installation of said sign(s).
6. 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.
7. The fencing and gates enclosing the approved outdoor storage area shall be 8'-0" in height, constructed of wrought iron or tubular steel and backed with a metal, aluminum or similar mesh material to substantially screen views into the storage area. Fencing, gates and mesh material shall be painted or finished in gloss black. At no time shall storage within the enclosed area extend higher than 8'-0" above grade.
8. 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, or other similar unshielded luminaires on the property shall be prohibited.

9. No public telephones, vending machines, or other coin-operated machines shall be located on the exterior of the building.
10. All satellite dish antennas, microwave receivers and transmitters, and other forms of communication equipment shall be located in a manner in accordance with the provisions of Chapter 11.46 of the Montclair Municipal Code.
11. Mechanical equipment including, but not limited to, utility meters, air conditioners, and repair equipment shall be located within the building or in a manner compatible with the architectural design of the building to the satisfaction of the Planning Division. Freestanding electrical transformers and fire department double detector check equipment shall be screened with masonry walls compatible with the building architecture and/or landscaping.
12. Trash enclosure(s) 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 the City's standard drawing, including a standing seam metal roof.
13. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be enhanced with an architectural material matching or complementary to those used on the main building.
14. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
15. 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.

16. All existing and new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
17. Final architectural details, including but not limited to, the colors to be used on the building, shall be subject to Planning Division/Building Official review and approval. Building permits are required for all work.
18. 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.
19. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357, including, but not limited to, the requirement that 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.
20. The applicant shall install a "RIGHT TURN ONLY" sign for vehicles exiting the Mission Boulevard driveway.
21. 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.
22. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
23. 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.
24. 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. Install all approved landscaping and exterior lighting.

- c. Construct the pedestrian path-of-travel and relocate disabled-accessible parking stalls as shown on the submitted plans to the satisfaction of the Building Official. Install all ADA-required parking stalls and parking lot signs.
 - d. Comply with all accessibility issues mandated by the Americans with Disabilities Act of 1990 (ADA) to the satisfaction of the Building Official.
 - e. Repair the existing fire alarm system as necessary to the satisfaction of the Deputy Fire Marshal.
 - f. Provide an approved, emergency keyed access system at the front gate to facilitate access by Fire Department personnel in the event of an emergency during non-business hours.
 - g. Replace the street address numerals currently installed on the exterior wall. The replacement numerals shall be displayed just below the top of the wall, west of the vehicular driveway. Numerals shall be Helvetica font, 10 inches in height, minimum 1½ inches in depth, and in a color that adequately contrasts with the background to which they are attached.
25. 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.
26. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

6.e CASE NUMBER 2007-23
 Project Address: 4575 Brooks Street
 Project Applicant: Tri-Alloy Group LLC
 Project Planner: Steve Lustro, AICP, City Planner
 Request: Precise Plan of Design for temporary facility

City Planner Lustro reviewed the staff report.

Commissioner Johnson asked about the 18 months and what happens at 18 months, plus one week. City Planner Lustro stated that the plan is that during the siting of the modular unit and construction of the interim improvements and some of the permanent improvements, the architect and the applicant will continue to refine and work on the plans for the permanent facilities. In the packets, the Commissioners received a copy of the conceptual plan for the entire site, which includes the subject property, but also Tri-Alloy's current site to the south. As the conceptual plan shows at this point in time, there will be some significant changes to that particular property and the communication we have had with the architect is that once the temporary facilities are complete, we do not want the process to stop. It needs to be dynamic because we want to see their permanent facility constructed within that period of time, so the short answer is that within 18 months their permanent facilities would be completed, they would move out of the temporary facilities and the modular structure would be removed from the property so the permanent improvements could be completed.

Commissioner Vodvarka asked about the demolition and if there could be contamination at the site. City Planner Lustro replied that is a possibility; Tri-Alloy is involved in primary metal recycling and they have operated a furnace for melting down metals there for years. You may have noticed on the conceptual plan the furnace is not shown. Staff does not know whether that is going to be the case when the final plan is submitted. Certainly the City's preference would be to have the furnace go away and limit the activity on-site to recycling, where trucks would deliver material to the site and then take it away. However, when the plans for the entire site are finalized, they will need to come back to the Commission for review and approval. During that review, staff will include standard conditions of approval that you see from time to time for new construction projects. At a very minimum, a Phase I analysis of the site be required and if there is contamination of any sort, then they would need to move on to the subsequent steps to mitigate any soil contamination on-site. The buildings that have been removed thus far are part of the old Wolfe property, which is the northerly site. However, on their conceptual plan, as Commissioner Vodvarka indicated, there are buildings on the existing Tri-Alloy site that they anticipate demolishing as part of their overall master plan.

Chairman Flores stated that he did not see any spot elevations or contours and asked whether the property was going to drain to Ramona. City Planner Lustro stated that when the Ramona Avenue grade separation project is built, the street will be above this site, so there will not be any drainage out to Ramona. Currently, the properties drain to the south toward the railroad right-of-way, which will not change. In recent years, Tri-Alloy has built a structure along their south property line to contain more of the surface water before it drain off-site and during a heavy rain, a lot of the water drains out onto Ramona Avenue and then puddles at the railroad right-of-way. That will not be a problem when the grade separation occurs because the street will be higher. However, as part of the overall development plan, they will need to do a Water Quality Management Plan and, more than likely, any devices or structures that will require construction will be at the south side of the existing Tri-Alloy property to treat the majority of the surface water that is generated on those two sites with any overflow

continuing to drain into the railroad right-of-way. Vice Chairman Lenhert asked if that would drain into the Brooks Street basin. City Planner Lustro stated no, because this site would be below the level of Brooks Street.

Commissioner Sahagun asked about Condition No. 6.e.i, which states a 45-foot wide driveway for Brooks Street. City Planner Lustro stated that it is a 45-foot-wide driveway to accommodate the large trucks that will go in and out of the site. The scale is set considerably back from the street. In our discussions with the architect, the purpose of that is to avoid stacking out into Brooks Street.

Harry J. Heady, Heady Design, 7365 Carnelian Avenue, Suite 210, Rancho Cucamonga, the architect for the temporary facility, stated that his client, Tri-Alloy Group, is extremely excited about getting this blighted area cleaned up and, as you might have noticed already, they have taken the initial steps to make that happen. Working closely with the City Planner, City Engineer, Building Official and the NPDES Coordinator, his office has been retained and will be handling all of those issues. He is passionate about our National Pollution Discharge Elimination System and Water Quality Management Plan and think therein lies some of the challenges in moving forward with this master plan. So, he wants everyone to rest assured that he will be here to represent state-of-the-art retention/detention systems that will hopefully retain most of their water on-site and obviously mitigate any previous issues that Mr. Rosales and his office discussed, along with concerns of the drain image that you are going to see in the near months. He believed that Commissioner Vodvarka's concerns about contamination under the building or under the furnace will be the subject of discussions in the near future. They have not brought to the table any formal decision to say we are going to leave the furnaces as allowed or remove them. They already have a Phase I environmental assessment. He will be moving forward on that. As far as the furnace staying, that is something he will have to talk to the client about in more detail before he can speak to the body of the Commission. The historic drainage pattern on this site does flow north to south and they have already, in their temporary facility, added a retention/detention basin about midway through the property at the turn of the drive approach. It is a grassy area that will allow percolation into the groundwater table. The site is being worked on by many experts being headed up by him and he was there to represent that what the Commission asks him to do will be done. As he represented to Mr. Lustro, Mr. Clark, Mr. Hudson and Mr. Griggs, they do want to move forward and they want to meet and/or exceed all of the requirements. He has been in the industry for 30 years and he plans on bringing something that they will not only be proud of but also be extremely happy with. He has been working on this project for 18 months and if there is anything he overlooked, he will find out the answer, but if there are any questions, he was there to answer them.

Vice Chairman Lenhert moved that, based upon evidence submitted, that there will be no significant impact on the environment as a result of the temporary and permanent improvements associated with the project and that a DeMinimis finding of no impact on fish and wildlife and a Negative Declaration have been prepared, seconded by

Commissioner Vodvarka, there being no opposition to the motion, the motion passed 5-0.

Commissioner Johnson moved to approve a Precise Plan of Design under Case No. 2007-23 per the submitted plans and as described in the staff report for the placement of a modular office facility and associated improvements on a 3.18-acre site in the M-2 (General Manufacturing) zoning district, subject to the 37 conditions of approval, seconded by Chairman Flores, there being no opposition to the motion, the motion passed 5-0.

1. This approval is for a Precise Plan of Design for the site plan associated with the placement of a 48'x60' (2,880 square-foot) modular office facility, temporary parking lot, temporary and permanent site lighting, permanent driveway, truck scale and radiation detector, and eight-foot high masonry wall with a two-foot wrought iron extension along the easterly property line on a 3.18-acre parcel at 4575 Brooks Street as depicted on the submitted plans.
2. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
3. The applicant and/or property owner shall ensure that a copy of the Planning Commission approval letter, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
4. The modular office facility shall be removed from the site no later than December 31, 2008. Further, if building permits for the permanent office building at 4585 Brooks Street are not obtained by March 31, 2008, the applicant shall commence the process for installing fire sprinklers in the modular office facility.
5. The street address for the temporary modular office facility shall be 4575 Brooks Street.
6. The applicant shall work diligently toward preparing plans for the site perimeter wall, landscaping, and permanent vehicular and pedestrian gates along the Brooks Street frontage. Said plans shall be submitted in a time frame to allow approval by staff no later than August 31, 2007, and completion of said improvements no later than December 31, 2007.

7. Prior to issuance of building permits, the applicant shall submit the following documents for review and approval by the City Engineer:
 - a. A preliminary soils report, addressing the geology, stability of the site, and grading requirements.
 - b. A comprehensive grading and drainage plan prepared by a registered civil engineer in conformance with the Appendix to Chapter 33 of the Uniform Building Code and the requirements of the City. An advance plan check fee, in an amount to be determined by the City Engineer, shall be required at the time of plan submittal. Prior to the commencement of grading or any clearing of the site, a grading permit shall be obtained from the Building Division. A disabled-accessible path-of-travel from the public sidewalk to the 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. Street improvement plans for the Brooks 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, 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. Street improvement plans may be included as an integral part of the grading plan.
 - 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. A letter of non-interference from any utility company that may have rights of easement within the property boundaries.
 - f. "Will-serve" letters from all utilities serving the site. The subdivider/developer will be required to coordinate with the various public utilities for the necessary improvements for said utilities to service the site.
8. Prior to issuance of building permits, the applicant shall:
 - a. 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 the street setback along Brooks Street shall be limited to a maximum height of 48 inches.
 - d. 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.
 - e. Pay all required Montclair Fire Department fees.
 - f. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
9. Proposed masonry wall along the easterly property line shall include voids or core holes (min. 3" diameter) at 8'-0" on center to facilitate the growth of climbing vines to the east-facing side of the wall.
 10. Prior to installation of any signs on the property for the temporary facility, the applicant shall submit plans to the Planning and Building Divisions for review and approval. A sign permit and building permit shall be required.
 11. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including, but not limited to the following:
 - a. Temporary banners for the purpose of announcing the grand opening or advertising promotions shall require banner permits from the Planning Division prior to installation.
 - b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
 - c. At no time shall pennants, inflatable signs, "human" signs, other similar advertising devices be utilized on the property or off-site.
 12. All utility services to the building shall be installed underground.

13. 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.
14. 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.
15. Temporary trash enclosure may be constructed of masonry or wood to the satisfaction of the City Planner. The construction of said temporary trash enclosure(s) shall conform to City standards and shall have a solid roof complementary to the main building.
16. 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 or elsewhere on the site.
17. 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.
18. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
19. 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.

20. All new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
21. 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.
22. 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 modular office facility shall be displayed in the upper right-hand corner of the north-facing elevation, six inches (6") below the top of the modular unit. 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.
23. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
24. 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.
25. 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.
26. 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.

27. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
28. 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.
29. 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.
30. 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.
31. 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.
32. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
33. 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.
34. 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.
35. 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. Construct all approved public improvements along the Brooks Street frontage for the length of the project limits, including, but not limited to, P.C.C. sidewalk, curb and gutter, drive approaches, and asphaltic concrete paving to the satisfaction of the City Engineer.
 - c. Remove all existing non-conforming pole lighting.
 - d. Remove all abandoned on-site utility poles and overhead utility lines.
 - e. Install all approved landscaping and exterior lighting.
 - f. Install all ADA-required parking stalls and parking lot signs.
36. 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.
37. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

INFORMATION ITEMS

Commissioner Sahagun asked about the status of the Montclair Hospital sign on Monte Vista that was damaged. City Planner Lustro answered that it was a victim of an errant car. We have approved new signs for all of their facilities, including along San Bernardino Street as well. They have covered-up, temporarily, their previous signs with a vinyl material that closely replicates what the permanent signs will look like, but the sign that Commissioner Sahagun is talking about was referred to Code Enforcement shortly after it happened.

Commissioner Sahagun asked about the former Sam's Club site. Director Clark answered that staff met with the owner and new development team last week and they are revising the plans that they intend to bring forward to the Planning Commission as quickly as possible, possibly by late fall.

Commissioner Vodvarka commented that south of the eastbound on-ramp to I-10, there are piles of dirt and concrete. He wondered if someone was illegally dumping. City Planner Lustro stated that there might be a need for fill on that particular property

because the subterranean parking lot that does not extend that far north. If concrete has been dumped there, staff will get it taken care of.

Commissioner Johnson congratulated Mr. Lenhart on his new position at the water district.

Commissioner Johnson asked about our ongoing graffiti problem, especially the property next to and north of the freeway. She is hopeful that the property owner will put up cameras because it seems to be the favorite place to tag.

Chairman Flores stated that the parking lot between Wells Fargo and Islands restaurant has finally been paved.

Chairman Flores asked if it is necessary that staff include all the conditions, resolutions, etc. in the Commission packets. City Attorney Robbins answered that in recommending a resolution, the Commissioners are approving a resolution and it is necessary to know what is being approved and the conditions all need to be in there too.

Chairman Flores adjourned the meeting at 9:05 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary