



CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES

REGULAR ADJOURNED MEETING
Monday, January 14, 2008

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 Johnson 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 Lustro, Associate Planner Frazier-Burton and City Attorney Robbins.

Excused: Associate Planner Lai

MINUTES

The minutes of the December 10, 2007 Planning Commission meeting were presented for approval. Vice Chairman Lenhart 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 2007-43

Project Address: 8900 & 9000 blocks Monte Vista Avenue
Project Applicant: M&H Realty Partners V, L.P.
Project Planner: Steve Lustro, AICP, Community Development Director
Request: Tentative Tract Map and Precise Plan of Design for 290 dwelling units

Community Development Director Lustro reviewed the staff report.

Director Lustro commented that there were some recommendations that the applicant believed not necessary to implement to ensure a quality project and they may address those to the Commission when the public hearing is opened. When this project reaches the plan check stage, assuming it will ultimately be approved by the City Council, we would expect to proceed deliberately to make sure that all of the conditions are met and that everything was being included to ensure a quality project. As the Commission was well aware, it was noted a number of times during the development and adoption of the Specific Plan that the first project out the door needs to be done right to set a standard for what we want to see happen in North Montclair. As previously mentioned, the Commission had an opportunity to review one other project that was recommended for City Council approval. The developer retreated from that project because of what happened with the housing market over the last one and one-half years. This could potentially be the first project that is implemented but we will wait and see if that happens or not, depending upon what happens with the residential market. Generally speaking, staff was pleased with the proposal and feels this project would start development in North Montclair in its intended direction. The proposal complies with the development standards and guidelines set forth in the Specific Plan with respect to land use, subdivision and urban standards and architectural types and styles. Staff has had numerous discussions and extensive interaction with the applicant and applicant's team during the development of the plans for this project that extended up to today. Staff has placed before the Commission a list of recommended changes to the conditions of approval based on comments received from the applicant. He did not believe any of the proposed changes were major. They were primarily issues with the wording of some of the conditions that did not change the original intent, but the applicant was more comfortable with some of the changes. Staff did not delete any conditions and added one condition that was in conjunction with the request that the applicant made. In the staff report there were 55 conditions and now there are 56. The proposed revisions to the conditions are outlined in detail in strikeout and underscore so the Commission could readily see what changes have been made. Staff recommended that the Commission take the three actions listed on Page 6.a-7 of the staff report, subject to the 56 conditions of approval, as amended. The applicant and development team were in attendance for any questions.

Commissioner Johnson commented that she had several questions, but asked if she could hold her questions until after the presentation.

Chairman Flores asked about the proposed interior streets and noted that the only street that goes through to the east was Olive Street, which is not completely improved east of the site and people constantly parked there. Is the other half of Olive going to be improved? On the other streets that were shown, there was vacant land; could a street go easterly? Instead of showing a street that could continue there, show a cul-de-sacs so people do not later think that the street will be continued through. Director Lustro replied that it was addressed in the conditions of approval, but staff's expectation was that as the northeasterly portion of the site was developed and completed adjacent to where Olive Street currently terminates into the project site, Olive Street would be opened to traffic into the site. What we have east of the site is a half-street that is improved from center line roughly to the south curb line. There currently is parking permitted along that south curb line. After some discussions with the City Engineer regarding that, we cannot require this developer to improve the northerly half of Olive Street because it is not their property and the right-of-way is not yet dedicated. That would be required to be dedicated as part of the development of that property. However, what we would be looking to do is before Olive Street is opened up to traffic easterly from this particular project site, the south side of the street would either be posted and/or red-curbed to prohibit parking along that stretch extending from the project boundary east to Monte Vista Avenue. We feel that will have minimal impact on the residential neighborhood in that particular area, at least for the time being. None of the houses in the neighborhood actually front onto Olive Street, so we believe the parking prohibition is a reasonable short-term solution until the north side of Olive Street is developed.

Commissioner Vodvarka wanted to clarify that this was not going to be a gated community and was the park going to be a public park? Director Lustro stated that as part of the Specific Plan, there are a number of areas that are conceptually designated to be public spaces and on this particular site, this particular area, from the time we originally started reviewing plans for this site almost two years ago, was designated as a public park. The intent would be to have the developer dedicate the land and develop the park, but it would be open to the public. Commissioner Vodvarka commented that he would like to see the developer make clear to buyers that this is going to be a public park because he can see people thinking that it is a private park. Director Lustro replied that he was sure that as developers are found for this particular site, it would be made clear in their marketing material.

Chairman Flores opened the public hearing portion of the meeting.

Scott Gale, 105 Symphony, Irvine, project coordinator, thanked staff for working with them over the past several months on a plan that they feel will be a good addition to the City of Montclair and they are excited to bring to the market. There were certain items that the peer reviewer recommended that they do not believe will necessarily add value or benefit the project. Jeff Chelwick, the project architect and a partner at William

Hezmalhalch Architects, a firm that specializes in urban-style attached products, will address the details of the project and the conditions with which we have concern.

Jeff Chelwick, 2820 Red Hill Avenue, Santa Ana, Senior Principal with William Hezmalhalch Architects, thanked the Commission. He wanted to discuss two issues; the first one being a little bit of background and then some of the conditions. They originally started working on this project in April 2005. So, they have spent over two years working first with Standard Pacific Homes and Brookfield Homes and now with the property owner and staff on multiple site plans and many different product types. There are three key things to get a successful project: create a special neighborhood, which is what he thinks the City wants for this site considering it is the first of the Specific Plan that really could potentially get built; tying the site plan together with marketing; and third, the building types and the plans that are involved and the architectural statement and design of all of the exteriors. You put those things together and he felt that is what they have been able to do over the past two years and nine months. The site plan is pretty straightforward. He has done many projects and you go back and forth with alternative layouts. In this one, the Specific Plan was pretty straightforward in its connectivity to the adjacent property, to the way it was affected and how the buildings would affect the street scene, and where the public park would be located within the property itself. So, those things were all part of the plan that they had to deal with, relate to and design around. Once they had that basic framework in place, then they went into the product design that was appropriate. Over time, they considered some products, threw some out and then the final suggestion on this last go-round was to have three product types to create the desired neighborhood. They wanted to attract as many different people as possible to afford an efficient townhome and different type of lifestyle. The P-1 product is a two-story townhome with a carriage unit, a basic, straightforward home with living and dining on the first floor, a little patio off the front, the kind of living that would appeal to a starter family. The square footages and the number of bedrooms tie into that concept, along with garages that have direct access to the unit. The P-2 product is a courtyard home, a little bit more upscale because it has that separation that breaks down the scale of the neighborhood, but in smaller segments and gives each one of the homeowners the opportunity to have their captured space that is separate from the rest of the development. The third product is the P-3 and is really the efficient one, with smaller square footage. It is a three-story townhome; the living spaces are on the second floor, bedrooms are on the third floor. Because there are more stairs, it would probably appeal to a younger buyer. They really tried to accommodate and capture every market segment in the plans themselves. The last thing is the design. Working together with staff, they wanted to create a neighborhood feel. If you have a variety of design styles that are dramatically different, you get a cookie cutter sort of feel. So, what they wanted to do was pick styles that sort of blended together, were harmonious together, but at the same time had variety and created more differentiation. They wanted to weave the design styles through the neighborhood. That is where they came up with the design of the townhomes having a Spanish and Monterey style. The courtyard homes borrow the Monterey style and add the Italianate. They have tried to blend the elevations along with the color palettes. They have hit on the Specific Plan requirements, have the

market segment in place to give that variety, and the architectural styles to achieve that quality of design. Mr. Chelwick presented large scale renderings of the design styles and enlargements of the design details and described how the massing and design details varied from product to product and among the different elevations.

He wanted to discuss several conditions, but noted that they are in agreement with most everything. The conditions they would like to discuss are as follows:

18.d.iii.A.(i) regarding the board-and-batten siding. We feel in the Monterey design style that they have shown, it is appropriate the way they have done it. Additional materials are, from a design point of view, in and out materials. You do not want to just apply board-and-batten or a siding to a face of a building and not have the correct transition and not have the correct change. They feel the design is fine as is.

18.d.iii.B.(iii) regarding vinyl windows. His understanding is that the vinyl comes in white and almond so if almond is okay as a color, that is acceptable, but if we are talking about going to a black or a dark brown, then that is not typical and is very expensive.

18.d.iii.C.(i) regarding the covered balconies. It is what he mentioned earlier. On the P-2 product, because of the court nature of the product, they do not see the need to add additional balconies. They have included it on the row towns.

18.d.iii.C.(ii) regarding the board-and-batten siding. We have the same comment as on the P-1 product.

Lastly, regarding raising the elevation of the courts or the townhomes, they felt that, especially with the changes to the laws regarding accessibility, they do not want to prohibit access to any of the units, not just the ones with the ADA-accessible. They would recommend that we just keep the project as a level playing field so we can have that interaction not just from people in wheelchairs, but strollers and friends that are handicapped.

Commissioner Johnson commented that as she looked through the blueprints, she noted the tandem parking and then she looked for the corresponding guest spots or public spots and was not clear where guests are going to park. Further, she is concerned that people who have tandem garages are going to use the front of the garage for storage, park one car in there and park the others outside. Mr. Chelwick answered that the Specific Plan was very smart in its layout. One thing about parking and distribution is to create a street system that has parallel spaces throughout the development so that neighbors can park in the street and walk to the front doors. Because of the circulation pattern, the guest-to-front door situation is achieved very well with the distribution that is there. You can see that all of the streets have parallel parking and it inherently gives it good distribution. Regarding the tandem parking situation, they have done it for many years and it is a way to achieve the goals of the City, which was to have a value product that was efficient to do and create the correct

density for the location. In the Specific Plan, the parking requirement was one space per unit and they are way above that. They are at about 2.4. On the tandem garage, within the CC&Rs, there are some specific requirements of what is allowed in the development and what is not. To a certain extent that the policy can place in the CC&Rs, it will be self-policing with the neighbors. They have to live together and they understand what is in place and where parking is, etc.

Commissioner Johnson asked if all of the parking was street parking and how wide the streets are. Are the streets wide enough that a car can be parked on both sides and people can pass comfortably in between? Mr. Chelwick replied in the affirmative.

Commissioner Johnson asked about the public park and commented that she thinks the proposal represents a wonderful job in the planning and layout, but she was thinking of young families and how nice it is to have a park where people can sit and read and be peaceful. She asked if there would be anything there for the children to climb, swing, etc. and, if not, could we add that? Mr. Chelwick stated that they had discussions with the City about this issue. The linear park is going to ultimately be maintained by the City and the City asked for as basic a layout as possible for both simplicity and for risk mitigation. There is, in the private recreation space, more activities for children, such as a pool/spa, barbecue, and some seating. Commissioner Johnson commented that those things are good for the older crowd, but what about five-year-olds? Mr. Gale responded that if the City wanted a slide or something to that effect, he did not think it would be problematic, but they were complying with the City's request to keep it simple. Director Lustro stated that Mr. Gale was correct in that when staff was discussing the site plan for this particular project and the siting of a park that would be open to the public in the center of this particular complex, the direction from City staff from day one was that it was the intent of the City to see a passive park that would be a green space that would lend itself to walking, resting, playing Frisbee, those sorts of things. It was his recollection that the direction from staff that the park not include a tot lot or similar facilities. Commissioner Johnson asked if we could change it. Director Lustro stated that the Commission has the ability to make that recommendation to Council, such as through an added condition of approval. If the Council agrees then it would go with the project approval; if the Council does not agree, they have the authority to delete the condition. Commissioner Johnson stated that she wanted to add that condition because there is so much tradition with young families and going to the park on certain days; she commented that her children are "old as dirt," but they still remember going to "Shark Park" (Alma Hofman Park) and that is one of their fondest memories. Every Saturday they cleaned the house and went to the park. They picnicked, played, and all those things. From what she could tell, this was a very dense area with a lot of people, traffic all around and no place for the children to play. She wanted to add a condition where there is something for the children and young families to do.

Commissioner Johnson commented that she saw a condition that had to do with sound and wondered if there was something special happening with sound. Director Lustro replied that the only condition that staff included was the standard condition with regard to noise attenuation. He deferred to Mr. Chelwick and also stated that he was unsure

that there would be anything you could do with sound attenuation that would totally block out sirens from fire trucks or ambulances leaving Station 1 at late hours, but he did not know if the applicant had thought that through.

Commissioner Vodvarka asked if there was going to be a pool. Director Lustro responded yes, within the private recreation area. Commissioner Vodvarka commented that the pool area could be the family area with a recreation area for the little kids in that area and asked if there was going to be a clubhouse.

Chairman Flores commented that he was not comfortable voting on something that was not on the agenda and, although he felt it was worthwhile, but would rather send it to the City Council. Director Lustro stated that in listening to Commissioners Johnson and Vodvarka, the Commission has the authority to send the recommendation on to the City Council either as it is proposed or as the Commission should choose to amend it by deleting, modifying, and/or adding conditions. If it is the Commission's desire to add a recommendation for a small tot lot or play area to be incorporated into the project, the condition could be worded that the applicant consider adding a tot lot or play area either within the public park or within the private recreation area and then give the applicant an opportunity to mull that over. Staff could discuss it because the direction was, as clearly stated before, that was not the direction staff wanted them to go with the public park. So, although the private recreation area is a much smaller area than the park itself, a little over half the size, if the Commission felt strongly about that, a condition could be added and forwarded to Council. Chairman Flores stated that maybe the Commission could reach a consensus on that. For him, something brought totally out of the blue without anyone looking into it was not something he felt comfortable about. If the Commission felt that it wants to add something to the conditions, the Commission can forward a recommendation to the Council. Vice Chairman Lenhart commented that if this was going to be a City park, it was up to the Public Works Department to decide what goes in.

Commissioner Sahagun stated that he has young children and liked the idea of a slide or something, but his boys did not need that to have fun. Staff directed the applicant to design it and he was in favor of just leaving it alone. Giving staff the opportunity to add it, even though we would not have the developer do it now, would be at our expense. After all, they are going to dedicate it to us and we are going to maintain it. It would not be that expensive to add something, but the change to the private area is too much of an alteration. He liked the idea of plenty of benches and felt it was a beautiful project and would like to hear from the City Engineer what he thought about the traffic and parking, drainage, etc.

Commissioner Johnson asked that the Commission not add it as a recommendation that can be eliminated later, and were there any other options. Director Lustro suggested if there is not a consensus among the Commission to recommend addition of a condition that would address what was discussed, staff can incorporate into the report to the City Council a summary of the discussion regarding a tot lot and whether it should be in the public park or in the private recreation area. If there is consensus among the

Council that a tot lot would be a good idea, then they can include a condition and we can write it into the approval. Commissioner Johnson said she is fine with that as long as it does not die, as long as there is a possibility and that this is not now or never and there is a possibility that it may come. Families are what Montclair is really about and we need to be cautious as we move forward to new plans that we do not design things just for us and also design things for small families. As long as that discussion continues, she was comfortable.

Chairman Flores commented that he did not think the Commission was against it, they just do not have enough information. It is a good idea, but not the correct time.

Alfred Cervantes, 9014 Lindero Avenue, Montclair, asked how close the buildings facing the east portion of the property would be to the houses. Mr. Chelwick responded that he did not scale each one of the buildings but it looks like they are all parallel to the property line shown on the drawing and the scale shows that it is 15 feet to the main mass of the building and then there is an encroachment of 2'-4" for the meter cabinets that are on that backside. Mr. Cervantes asked about the existing curbing inside the wall; is it measured from the wall or the curb? Mr. Chelwick replied 15 feet from the wall. Mr. Cervantes commented that he felt it was too close to the homes. Is there going to be a backyard for those buildings? Mr. Chelwick replied that originally it was a 3-story product type and because of issues like that, they redesigned it to a 2-story, more like a row-town product type, putting the sides to that property line at 15 feet, which is five feet more than the 10-foot separation. So, those are not the front doors of the units themselves, they are just side windows and it is only a 2-story product, with a landscaped buffer area between the building itself and the privacy walls. Mr. Cervantes asked about Olive Street because he lives on the corner and he has a boat and takes almost 40 feet of the side street and wants to see Olive Street become the front of the building, the entrance and see it widened because if you put this project up, the teenagers will find a quicker way to get to the pizza place and they are going to jump the wall and he will be out there wondering what they are doing. He commented that he and the Police Department could tell how much stuff has happened in that corner and he felt it should be opened up and do it right. People are going to come out, look and run the corner anyway. If they are going to open the street up, he did not want to see it put to the side and wait for the next project. He liked the project, but thought it was kind of close. When the strip mall was being built, they had that fire lane for the fire truck to get through, they put lighting back there in case we had to look over the wall. He did not know what type of lighting would be on these new buildings, it is not that he wants to look over, as he is looking over a 14-foot drop back there. The elevation, the way it drops, are those units going to tier like they do on Lindero or are they going to dig it up like they did the Sam's property and put it in a pocket back there. Also, parking and cars and so forth. Tuesday is the street sweeping day. Are all these cars that exit the facility there going to just move their vehicles on the residential street, can we issue some permits or decals so we can find out who lives where. Chairman Flores commented that all of that will get looked into and systemized as to when the sweeper comes by, but they appreciated the input from the residents and it looks pretty good that

not too many people have problems with it. Again, it is a worthwhile project and the time has come for something to happen there.

Commissioner Sahagun asked what the setback is. Director Lustro replied that in a standard C-3 zone, when the Sam's Club center was there, typically the setback from a commercial building to a residential area is 20 feet and that is to provide a little bit of a buffer between the commercial uses and the residential uses. So the assumption is with this project that you would have less because it is residential-to-residential. Commissioner Sahagun commented that he understood that there would be zero setbacks on some commercial up to residential, but he may have been thinking about another city.

Chairman Flores stated that a 15-foot setback is pretty good because the old houses there are only five feet from the property line.

Vice Chairman Lenhart asked if the price range of the houses was known. Mr. Gale replied that it is dictated by the market and targeting who the buyers are, especially with a market like this that is in such flux.

Director Lustro stated that staff has direction on the tot lot, including a narrative for the Council and to make them aware of the Commission's concerns and let them consider it, but he wanted to discuss the conditions that Mr. Chelwick addressed in his presentation. The applicant's desire is to delete four of them completely and then there were two conditions that staff modified in response to concerns from the applicant to make them less definitive than they were originally worded. Staff needs the Commission to take some position; either not do anything with those or make some recommendation to the Council.

Commissioner Vodvarka moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the construction of the proposed 290-unit residential development, and that a DeMinimis finding of no impact on fish and wildlife and Negative Declaration have been prepared, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 5-0.

Vice Chairman Lenhart recommended City Council approval of Tentative Tract Map No. 18213, subdividing a 15.1-acre site at the northeast quadrant of Monte Vista Avenue and Moreno Street into 23 numbered lots and nine lettered lots for condominium purposes, finding the map to be consistent with the Montclair Municipal Code and the State Subdivision Map Act, and forward to the City Council for its consideration, seconded by Chairman Flores, there being no opposition to the motion, the motion passed 5-0.

Commissioner Vodvarka recommended City Council approval of the Precise Plan of Design request under Case No. 2007-43 for the site plan, floor plans, elevations, colors, materials, and conceptual landscape plan associated with the proposed 290-unit residential development at the northeast quadrant of Monte Vista Avenue and Moreno Street, and associated on- and off-site improvements per the submitted plans and as

described in the staff report, subject to the 56 conditions of approval, as amended, and forward to the City Council for its consideration, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

Director Lustro clarified that the Commission was incorporating the changes presented to the Commission before the meeting but with no further changes. The recommendation would be forwarded to the Council as amended, and if the applicant wishes to again pursue the changes to the conditions of approval discussed this evening, they have the ability to do that at City Council.

1. This approval is for the following:
 - a. Tentative Tract Map No. 18213, subdividing an existing 15.1-acre site into 23 numbered lots and nine lettered lots (streets and public park) for the purpose of developing a condominium project of 290 dwelling units on the northeast corner of Monte Vista Avenue and Moreno Street.
 - b. Precise Plan of Design for the tract plot plan, floor plans, elevations, colors and materials associated with the construction of 290 dwelling units and associated on-site and off-site improvements on Lots 1-23 and A-I of Tentative Tract Map No. 18213.
2. The above entitlements shall be contingent upon approval by the City Council.
3. The tentative tract map shall expire three years from the date of the Planning Commission resolution unless extended under Government Code §66452.6. The final parcel map shall be filed with the City Engineer and shall comply with the Subdivision Map Act of the State of California and all applicable ordinances, requirements, and resolutions of the City of Montclair.
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. The City has adopted an inclusionary ordinance (Ordinance No. 05-866) to provide 15 percent required housing for low-to-moderate income households pursuant to State law. The Ordinance applies to new residential development located within redevelopment project area boundaries. Since the subject

property lies within the City's Redevelopment Project Area III, the project shall be subject to the provisions of the Ordinance. As an alternative, the moderate-income and very low-income unit requirements (a total of 44 units) may be satisfied through payment of the adopted in-lieu fee (\$15,400 per inclusionary unit, as of January, 2008) to the City of Montclair Redevelopment Agency as would be determined by subsequent agreement. The developer shall agree that approval by the City of the requested entitlements shall constitute in entirety the City's compliance with the density bonus provision of Government Code §65915. Compliance with Inclusionary Housing Ordinance No. 05-866 shall be to the satisfaction of the Redevelopment/Public Works Director.

7. The applicant is aware that the City intends to create a Community Facilities District (CFD) within the boundary of the North Montclair Downtown Specific Plan in order to finance the construction and ongoing maintenance of various public improvements, including, but not limited to, reconstruction of existing and/or construction of new curbs, gutters, sidewalks, medians, paving, traffic signals, streetlights, signage, street furniture, landscaping, and parking facilities. It has been determined that the subject property will be a beneficiary of these improvements. Accordingly, the applicant, and all future owners, successors and assigns, will be subject to an annual special tax on their property tax bill to fund the construction, installation, and/or acquisition of the various public improvements, repay debt service on bonds that may be issued by the CFD, and costs associated with the annual administration of the CFD. While the City is working diligently with consultants to finalize the details of the CFD, the applicant acknowledges that the special tax has not yet been determined; however, the City's consultant estimates that the maximum amount of the special tax should not exceed six-tenths of one percent (0.6%) of the assessed value of the property after development. The applicant also acknowledges that it will be responsible to remit to the City the initial amount of the special tax for each of the proposed 290 dwelling units, or whatever the final unit count is, in an amount to be determined at the time of building permit issuance.
8. Prior to filing the original signed final map with the City Engineer, the applicant shall submit to the City the following documents, requiring approval of the City Engineer, at least 60 days before the filing of the original signed final map, in order to permit review pursuant to Government Code §66456.2:
 - a. A preliminary soils report, addressing the geology, stability of the site, and grading requirements.
 - b. A comprehensive grading and drainage plan prepared by a registered civil engineer in conformance with Appendix J of the 2007 California Building Code and the requirements of the City, subject to the approval of the Community Development Director and City Engineer. An erosion control plan is to be included and is considered an integral component of the grading plan. Grading plans shall be designed in accordance with City standards and guidelines, and shall be on 24"x36" sheets. All lots shall

drain to public or private streets. No cross-lot drainage shall be permitted to properties east of the subject site. Additionally, if the subject site currently accepts drainage flows from adjacent properties to the north and east, it shall be required that the subject property be developed such that it continues to accept such flows. All drainage facilities shall comply with the requirements of the approved WQMP. Prior to the commencement of grading or any clearing of the site, a grading permit shall be obtained from the Building Division. An advance plan check fee, in an amount to be determined by the City Engineer, shall be required at the time of plan submittal.

- c. Dedication to the City of Montclair of additional public street right-of-way along the Monte Vista Avenue and Moreno Street frontages of the site as may be necessary to accommodate sidewalk and parkway improvements as required herein to the satisfaction of the City Engineer.
 - d. Street improvement plans for all public streets. Construction drawings shall be 24"x36" with City standard title block. Construction drawings for private streets and alleys may be included on grading plans, which shall also be on 24"x36" sheets. Street improvement plans for Monte Vista Avenue and Moreno Street shall include 6'-0" wide parkways and 5'-0" wide sidewalks. Alleys shall be designed with a crown and concrete V-gutters on both sides, or with a maximum 2% slope in one direction and a concrete V-gutter on one side. V-gutters in the center of alleys shall not be permitted.
 - e. Dedication to the City of Montclair and/or other public agencies easements for water, storm drains, sanitary sewers and other utilities.
 - f. Execution of a Subdivision Agreement with the City of Montclair containing provisions for performance and payment bonds for all work within the public rights-of-way and a monumentation bond for tract monuments in accordance with the Subdivision Map Act.
 - g. A letter of non-interference from any utility company that may have rights of easement within the property boundaries.
 - h. "Will-serve" letters from all utilities serving the site. The subdivider/developer will be required to coordinate with the various public utilities for the necessary improvements for said utilities to service the site.
9. Applicant/developer shall comply with all requirements of the Subdivision Map Act and Montclair Municipal Code.
 10. Sanitary sewers serving the development shall be designed and constructed to City standards. Sanitary sewers located within public streets shall be maintained by the City. Sanitary sewers located within private streets or alleys may be maintained by the homeowners' association or by the City. If maintenance is to

be performed by the City, a ten-foot wide sanitary sewer easement shall be dedicated to the City, and vehicular access to all manholes shall be provided. Sewer lines shall terminate in sewer manholes rather than clean-outs.

11. The tentative tract map includes cross sections showing existing walls along the north and east property lines that are intended to remain. Boundary walls shall have a minimum height of 6'-0". Walls not meeting this minimum height shall be replaced, except as noted herein. Back-to-back walls and/or fences shall not be permitted. The applicant shall make reasonable efforts to coordinate with the adjacent property owners to the north and east regarding the replacement of property line walls if required. Masonry wall materials shall be to the satisfaction of the Community Development Director.
12. The masonry wall along the easterly property line north of Olive Street may remain or, if necessary, replaced by a wood or vinyl fence. However, at such time that the property to the east develops in compliance with the North Montclair Downtown Specific Plan, the applicant or homeowners' association shall be responsible for removal of the wall or fence in its entirety to facilitate the creation of a courtyard environment between the two properties.
13. Prior to filing the original signed final map with the City Engineer, the applicant shall provide to the Director of Community Development a copy of the "No Further Action" letter as issued by the South Coast Air Quality Management District (SCAQMD) or other appropriate regulatory agency in association with the Phase I environmental analysis previously completed on the subject site.
14. 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.
15. 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 three (3) copies of Covenants, Conditions and Restrictions (CC&Rs) for review and approval by the City Attorney as to form and content. A deposit in the amount noted on the City's adopted master fee schedule shall be paid at the time of submittal.
16. All utilities serving the subdivision shall be underground. This requirement applies to electrical service, transformers and switches, and where technology exists, telephone and cable television as well. Should the applicant encounter difficulty in placing equipment in underground vaults in low visibility locations, consideration will be given by the City Engineer and City Planner to allowing pad-

mount equipment provided it is screened by a masonry or similar structure compatible with the architectural design of the nearest building to the satisfaction of the City Planner.

17. All construction traffic shall access the site from Monte Vista Avenue, Moreno Street, or Arrow Highway to the satisfaction of the City Engineer. No construction access shall be permitted from Olive Street.
18. Prior to issuance of building permits, the applicant shall:
 - a. Obtain all necessary approvals of Tentative Tract Map No. 18213 from the City and have the final map recorded with the County of San Bernardino.
 - b. Submit five complete sets of architectural plans for each model/elevation, including building elevations, colors and materials, electrical, plumbing, mechanical, landscaping, lighting, and accessibility details, plus two sets of soils, structural and Title 24 calculations for review and approval by the Building and Planning Divisions. Contact John Clayden, Senior Building Inspector, at 909/625-9438 for an appointment to submit plans.
 - c. Prepare and submit plans for erosion control and storm water pollution prevention to the satisfaction of the City Engineer. A general construction permit may be required. Contact Joe Rosales, NPDES Coordinator, at 909/625-9470 for requirements.
 - d. Submit the following for review and approval by the Planning and Building Divisions (as applicable):
 - i. Revised floor plans clearly displaying that every bedroom contains a minimum of 110 square feet of floor area (excluding closets).
 - ii. A revised site plan that includes the following:
 - A. For the P-1 town homes, clarification as to which elevation ("Monterey" or "Spanish") is proposed for each building. Buildings facing onto a common pedestrian walkway shall have the same elevation. Color schemes for the "Spanish" elevation shall be modified as described herein.
 - B. Ground-level pop-outs, bulb-outs, or other similar projections on each 25-foot wide private street to accommodate tree wells, planter areas, and streetlights. Trees shall be provided on private streets at a minimum of 40 feet on center.
 - iii. Revised and/or clarified project details as follows:
 - A. P-1 "Monterey" elevation:

- (i) Add vertical board-and-batten or horizontal siding at second floor building ends and rear (over garages).
 - (ii) Add wood corbels under second floor projection at rear (as at front elevation).
 - (iii) Door and window trim shall be wood or simulated (i.e. cement fiber board), not stucco-over-foam.
- B. P-1 "Spanish" elevation:
- (i) Introduce painted, decorative ceramic accent tiles at stair risers, entry door or window surrounds, or as a background for unit numbers.
 - (ii) Surrounds and/or headers at doors and rectangular windows shall be wood or simulated (i.e. cement fiber board).
 - (iii) If vinyl windows are to be used, they shall be dark in color.
 - (iv) Secondary stucco color shall be used only at patio walls and within entry alcoves.
 - (v) The smoothest finish ("1030") of spray-on stucco available shall be used on this style.
- C. P-2 "Monterey" elevation:
- (i) Covered balconies shall be added at front elevations to achieve a minimum of 50 percent coverage at front elevations.
 - (ii) Add vertical board-and-batten or horizontal siding at second and third floors on all elevations.
 - (iii) Door and window trim shall be wood or simulated (i.e. cement fiber board), not stucco-over-foam.
- D. Downspouts on all buildings shall be metal.
- E. The owner/developer shall make reasonable efforts to ensure that the five courtyard areas be vertically articulated through the use of modest steps, ramps, raised planters, water features and other design elements to the degree that ADA-accessibility is not compromised to the satisfaction of the City Planner and Building Official.

- F. The owner/developer shall make reasonable efforts to ensure that the entrances to the row house units include an elevated porch or stoop with the exception of ADA-required accessible units.
 - G. Windows on all elevations shall be recessed or otherwise articulated to the greatest degree possible for architectural interest.
 - H. Where shorter building façades include utility closet doors and face sidewalks or streets, the utility closets shall be relocated to a less conspicuous location or designed in such a way that they are not readily visible as such.
- iv. A detailed landscape planting and irrigation plan for the entire site, including species, quantities and container sizes. Specific street trees shall be identified for each public and private street. It is staff's expectation that specimen trees will be incorporated in key locations throughout the project site. Street trees shall include the following:
- A. Monte Vista Avenue – *Pinus canariensis* (Canary Island Pine) and a deciduous and/or flowering species in a random, alternating pattern.
 - B. Moreno Street – *Platanus racemosa* (California Sycamore) and an evergreen and/or flowering species in a random, alternating pattern.
 - C. Arrow Highway – *Quercus ilex* (Holly Oak) and a deciduous and/or flowering species in a random, alternating pattern.
- All street trees shall be minimum 24-inch box size and double-staked per City standards. If planted in turf areas, trees shall be planted within a 4'-0"-diameter circle in which turf does not encroach. The circle shall be left natural or minimally improved with decomposed granite, a thin layer of wood chips or similar moisture-retaining material.
- v. Detailed information for the proposed recreation area, including buildings, hardscape, landscape and lighting.
 - vi. Detailed information on the five proposed courtyards, including the focal design element, hardscape, landscaping, furniture and lighting.

- vii. Cut sheets for all building-mounted lighting fixtures, including a site plan illustrating the type and quantity of each fixture and their locations.
- viii. A detailed wall/fence plan showing details for all perimeter walls consistent with the conditions contained herein.
- ix. Cut sheet and details for streetlights within and on the perimeter of the subdivision. Streetlights shall be as follows and as illustrated in "City Nights...City Lights," a publication of Southern California Edison:
 - A. Interior streets – "Nostalgic Fluted Pole" with single acorn pole top fixture.
 - B. Monte Vista Avenue and Moreno Street - "Nostalgic Fluted Pole" with double acorn pole top fixture.
 - C. Poles shall be black concrete and approximately 18 feet in height.

Fixtures shall be fitted with up-light shielding and house-side shielding (where necessary).
- x. Renderings and proposed locations for neighborhood mailboxes within the subdivision. Before submission to the City for review, the applicant shall first obtain approval of the design style and siting from the United States Postal Service.
- e. Submit three (3) complete sets of plans for an approved, automatic NFPA 13R fire sprinkler system for each residence directly to the Fire Marshal's office for review and approval, including two sets to be microfilmed/digitally imaged. The system shall conform to national standards. The system shall be equipped so as to provide a signal to a UL-listed monitoring station in the event of a water flow or tampering. Ongoing maintenance fees for said monitoring station, which shall monitor all 290 units at all times, shall be paid by the project's homeowners' association.
- f. Submit three (3) complete sets of plans for an approved, automatic fire sprinkler system for the recreation building and any other non-residential buildings 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 as to provide a signal to a UL-listed monitoring station in the event of a water flow or tampering.

- g. Pay the following fees, which shall be assessed at the rate in effect at the time of payment:
 - i. All required Montclair Fire Department fees.
 - ii. Parkland development fee. (Fee as of January, 2008, is \$2,800 per dwelling unit.) The applicant/owner/developer shall be entitled to a credit for dedication and development of the linear park within the project boundaries in an amount to be determined by the City Engineer.
 - iii. Transportation development impact fee. (Fee as of January, 2008, is \$1,157 per dwelling unit.)
 - iv. All required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
- 19. The applicant is strongly encouraged to consider adding the "Spanish" style to the palette of proposed elevations for the "P-2" courtyard product, or to substitute it for either the "Monterey" or "Italianate" styles currently proposed.
- 20. The submitted conceptual landscape planting plan shall be revised to delete the trees along the easterly property line north of Olive Street in order to allow creation of an open courtyard area when the property to the east develops in the future pursuant to the North Montclair Downtown Specific Plan.
- 21. Streetlights shall be installed on all public and private streets to the satisfaction of the City Engineer. The minimum lighting level for all interior public and private streets and alleys shall be 0.5 foot-candles. The minimum lighting level along Monte Vista Avenue and Moreno Street shall be 0.7 foot-candles. The style of luminaire, pole, and type of illumination source shall be as specified herein, subject to the following: Streetlights on public streets shall be owned and maintained by Southern California Edison (SCE); streetlights on private streets may be owned and maintained by the homeowners' association or SCE.
- 22. 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. The use of wall packs, barnlighters, and other similar unshielded luminaires shall be prohibited.
- 23. Design and placement of all amenities on Lots A (public park) and 23 (private recreation area), including trash receptacles or trash enclosure(s), shall be shown on the submitted drawing for Planning Division review and approval.
- 24. Prior to commencement of the framing stage or delivery of lumber or other building materials to any location within the tract boundary, the applicant shall provide an all-weather access within each street right-of-way. 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 26'-0" (20'-0" on secondary streets and alleys). This minimum width shall be maintained free and clear of construction equipment, materials and debris at all times during construction.

25. Street names for internal streets of the subdivision shall be at the discretion of the developer subject to the approval of the City Planner.
26. The applicant shall incorporate sufficient sound attenuation measures (i.e. dual-paned glazing, upgraded insulation, etc.) in each residence to achieve a maximum interior noise level of 45dBA.
27. The address of each dwelling unit shall be displayed in minimum four-inch (4") tall numerals on a contrasting background and backlit with a low-voltage illumination source, or on a decorative background (i.e. ceramic tile) and illuminated by a decorative, low-voltage illumination source. Said identification shall be installed in a consistent location at the front and rear of each dwelling unit.
28. All large mechanical devices, such as air conditioning condensers, may be located on flat roofs screened by parapet walls, on the ground at the front of each unit. Where such units are ground-mounted, they shall be architecturally screened with low masonry walls or similar structures to match the adjoining residence or building to the satisfaction of the City Planner. All wall- and roof-mounted exhausts and vents shall be color-compatible and blend with the architectural design of each residence.
29. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357.
30. Landscape maintenance shall be subject to immediate and periodic inspections by the City. The property owner shall be required to remedy any defects in grounds maintenance and replace any trees, shrubs, vines, or groundcover with a similar species, size, and quantity that are lost due to unauthorized removal, disease, windstorm, or other natural disaster as indicated by the City inspector, within two weeks after written notification. Inspections shall be based on automatic landscape irrigation schedule, plant maintenance, weed and rubbish control, landscape plan approval, and any other area that is incidental to grounds maintenance.
31. All new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
32. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.

33. The applicant and/or property owner and the homeowners' association shall be responsible for maintaining the project 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 written notification by the City.
34. No construction within the public right-of-way shall commence until a public works permit is obtained from the City's Public Works Department and all applicable fees paid. All utility lines installed to serve the new development shall be placed underground from the nearest existing power pole or other point of connection not adjacent to the property frontage. The sewer connection improvements may be shown on either the street improvement or grading improvement plans.
35. Storm drains serving the development, including the hydrology study necessary for their design, shall be designed in accordance with the standards and requirements of the San Bernardino County Flood Control District. All drainage features and structures required for the project require City approval and upon satisfactory completion and acceptance by the City, shall be maintained by the City.
36. The applicant/developer/homeowners' association shall be responsible to contract with a qualified firm to inspect and maintain any and all manufactured stormwater treatment devices specified by the approved WQMP, following all manufacturer's recommendations. It shall also be the responsibility of the applicant/developer/homeowners' association to maintain inspection reports and have them readily available for review by City staff upon request. In the event that any stormwater treatment device fails due to lack of, or insufficient maintenance and/or inspection, or some other unforeseen circumstances, it shall be the responsibility of the applicant/developer/homeowners' association to correct the deficiency and restore the stormwater treatment device(s) to its original working condition.
37. Sidewalks shall be constructed on both sides of all public streets within the interior of the project site and along the Monte Vista Avenue and Moreno Street frontages of the project site. Sidewalks shall be encouraged as space allows, but not required, on private streets, provided accessibility from each dwelling unit to a public sidewalk can be provided. Sidewalk scoring pattern shall be as specified by the City Planner. Where sidewalks are proposed on interior streets, they shall be a minimum of 4'-0" in width, a maximum of 5'-0" in width, and located behind a 6'-0" wide landscaped parkway. Sidewalks shall not be required in alleys. Sidewalks, intersections, and curb cuts shall comply with the Americans with Disabilities Act of 1990 (ADA). Sidewalks through drive approaches with cross slopes exceeding two percent (2%) shall not be permitted.

38. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
39. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.430 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA). Contact Nicole Greene, Environmental Manager, at 909/625-9446 for fees.
40. 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/assessments.
41. No soil may be imported to or exported from the project site to or from any adjacent building site or 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. Contractor(s) shall be responsible for complying with all National Pollutant Discharge Elimination System (NPDES) requirements.
42. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
43. 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.
44. The applicant/developer/general contractor is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris. The applicant/developer/general contractor 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.
45. Landscaping adjacent to entrance drives should be of low profile types not to exceed eight feet in height when mature.
46. The inside turning radius for a fire access road shall be a minimum of 32'-0"; the outside turning radius shall be a minimum of 45'-0" or as otherwise may be approved by the Deputy Fire Marshal.
47. All streets and alleys where parking is not designated and all Fire Department access and fire lanes shall be red curbed and/or posted as "No Parking, Fire Lane." Signs shall be designed and mounted in accordance with Montclair Fire Department standards. Rolled or V-curb and gutter may be used provided that the flow line is well-defined.

48. A fire hydrant system shall be required to provide the necessary water flow to the proposed subdivision. Exact number, location and design of hydrants shall be determined by the Fire Marshal's Office when building plans are received. Hydrants shall be active prior to the framing stage of construction.
49. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
50. In those structures covered by CAC Title 19, all drapes, hangings, curtains, drops, and all other decorative material shall be made from non-flammable material or shall be treated and maintained in a flame-retardant condition by means of a flame-retardant solution or process approved by the State Fire Marshal.
51. A final release of occupancy is required for each dwelling unit. Final release by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
52. Prior to release of occupancy for any of the dwelling units in the subdivision, 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.
53. Prior to the first release of occupancy, the applicant shall:
 - a. Submit to the NPDES Coordinator electronic images of the Water Quality Management Plan. Electronic images shall comply with the City's Electronic Archiving Policy.
 - b. Submit evidence to the NPDES Coordinator that the Water Quality Management Plan has been recorded with the County of San Bernardino.
 - c. Complete the following improvements to the satisfaction of the City Engineer:
 - i. Underground all overhead utility lines along the north side of Moreno Street and the east side of Monte Vista Avenue for the length of the project limits to the nearest pole not adjacent to the property frontage and remove all abandoned utility poles. All new guy wires required to anchor end poles shall be located beyond the project limits.

- ii. Construct all approved public improvements along the Monte Vista Avenue and Moreno Street frontages of the project site for the length of the project limits, and along all public streets within the subdivision, including, but not limited to, P.C.C. sidewalk, parkway, curb and gutter, asphaltic concrete paving, and replacement of existing streetlights with Specific Plan-approved streetlights in a quantity and spacing satisfactory to the City Engineer.
 - iii. Permanently remove any masonry wall or other obstructions allowing access to existing Olive Street to the east. Flexibility in the timing of this condition shall be allowed if construction on the project side of Olive Street is not completed. The intent is to not have the street open if traffic would be required to traverse a construction area.
 - iv. Construct one (1) public transit stop shelter each along the Monte Vista Avenue and Moreno Street frontages of the site in a location to the satisfaction of the City Planner, City Engineer, and Omnitrans and in a design to the satisfaction of the City Planner.
 - v. Construct concrete pads at the two public transit stop locations along the street frontage of the property. Bus pad dimensions and specifications shall be to the satisfaction of the City Engineer.
54. Prior to the first release of occupancy for each phase, the applicant shall:
- a. Submit to the Building Division electronic images of all plans and records for the purpose of obtaining a building permit. Electronic images shall comply with the City's Electronic Archiving Policy.
 - b. Install all approved landscaping and exterior lighting.
 - c. Connect the subdivision to the City of Montclair sanitary sewer system.
 - d. Install Specific Plan-approved streetlights along all internal streets and alleys to the satisfaction of the City Engineer. Streetlights shall be back of curb or outside the minimum required 20-foot clear area in alleys. Streets and alleys shall not be illuminated via building-mounted wide area lighting.
55. 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.
56. The applicant shall agree to defend, at his sole expense with its own counsel selected in its sole discretion, 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, except to the extent such action is based upon negligence, misconduct, or malfeasance committed by City staff. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of his obligations under this condition.

6.b CASE NUMBER 2007-40

Project Address:	4896 El Morado Street
Project Applicant:	Maria Mendivil
Project Planner:	Carol Frazier-Burton, Associate Planner
Request:	Precise Plan of Design for a 2-story addition

Associate Planner Frazier-Burton reviewed the staff report.

Commissioner Johnson commented that she was, once again, pleased to see a family improving their existing housing in the City instead of choosing to move on or rent.

Commissioner Sahagun asked what would be the timeline for a project like this. Associate Planner Frazier-Burton replied that it depends on the applicant because the Precise Plan of Design is only good for one year. If the applicant does not begin work by that time, the approval would become null and void and the applicant would have to start from the beginning. Commissioner Sahagun commented that he has seen five or ten of these and he knows that not all of them have been started and was curious about the time from start to finish, not counting pulling the permits, but the actual beginning of construction to completion. Associate Planner Frazier-Burton stated that the applicant has at least one year to start the work.

Vice Chairman Lenhart commented that it was good to see someone upgrade their property like this and it makes it better for the surrounding neighborhood.

Chairman Flores commented that it was always good to see the neighbors staying here instead of leaving to another city.

Commissioner Vodvarka stated that he was curious what the original floor plan was for the first floor. One bedroom is now going to become the kitchen and it does not give him any idea where the original kitchen was. He applauded the homeowner for doing what they are doing because from what he saw, this house will be beautiful.

Chairman Flores commented that the plans are getting a lot better, a "North" arrow and scale were on there, but the one thing that was lacking for him was information regarding the drainage, even on a project where we know that the house has been there and draining. He asked that a note be put on there that states that the drainage is not going to be altered in any way and there will be no problem with the drainage, even though we understand that nothing has happened so far.

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

Commissioner Vodvarka moved to approve the Precise Plan of Design request for the site plan, elevations, colors and materials for a two-story addition to the existing single-family residence per the submitted plans and as described in the staff report, subject to the 11 conditions of approval, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 5-0.

1. This Precise Plan of Design (PPD) approval is for a 1,519 square-foot second story addition and a 263 square-foot addition to the first floor area at 4896 El Morado Street, in the R-1 (Single-Family Residential) zoning district, subject to meeting all building setbacks, height and lot coverage requirements. The second story addition consists of a play room, three bedrooms and two bathrooms, and the first floor addition would include a new entry and dining room. The total habitable area as a result of this proposed addition will be 3,041 square feet.
2. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval, unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
3. The applicant and/or property owner shall ensure that a copy of the Planning Commission approval letter, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
4. The applicant shall commence construction of the approved project within 180 days of the issuance of a building permit and shall diligently complete the construction within 180 days from permit issuance date unless an extension is granted by the Community Development Director in the event of unavoidable circumstances.
5. The applicant shall revise the proposed right (east) elevation of the residence to include a raised belt course (e.g. stucco-over-foam) generally between the first and second floors from the front corner of the house to the shed roof over the proposed living room (approximately 18 lineal feet).

6. Prior to issuance of a building permit, the applicant shall:
 - a. Submit five complete sets of architectural plans for the project, including building elevations, colors and materials, electrical, plumbing, mechanical, landscaping, lighting, and accessibility details, plus two sets of soils, structural and Title 24 calculations for review and approval by the Building and Planning Divisions. Contact John Clayden, Senior Building Inspector, at 909/625-9438 for an appointment to submit plans.
 - b. Submit three (3) complete sets of plans for an approved, automatic fire sprinkler system for the entire residence directly to the Fire Marshal's office for review and approval, including two sets to be microfilmed/digitally imaged. The system shall conform to national standards.
 - c. Pay all required Montclair Fire Department fees at time of fire sprinkler plan submittal.
 - d. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
7. Any new air conditioning condenser units shall be located on the ground in the rear yard of the residence. All rooftop exhaust vents shall be painted to match as closely as possible the color of the roofing material on the residences.
8. 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.
9. Prior to a final inspection or approval of occupancy for the addition, the applicant shall:
 - a. Demolish all unpermitted structures on the property, including the patio cover, BBQ patio, and pool storage as depicted on the plans.
 - b. Reface or modify the exterior perimeter walls and pilasters along the southerly and easterly sides of the property in materials to match the proposed remodel of the dwelling.
 - c. Rehabilitate the landscaping along the Monte Vista Avenue frontage of the property, including the installation of a permanent irrigation system.

- d. Submit to the Building Division electronic images of all plans and records for the purpose of obtaining a building permit. Electronic images shall comply with the City's Electronic Archiving Policy.
10. 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.
11. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

INFORMATION ITEMS

Chairman Flores thanked the members of the public that attended the meeting because it is very important that people attend to find out what is going on in our city, especially something of this magnitude.

Chairman Flores and the Commission congratulated former City Planner Steve Lustro on his appointment as the new Director of Community Development.

Director Lustro stated that in the Commissioner's packets was the flyer for the 2008 Planners Institute which will take place at the end of March in Sacramento. If you are planning on attending, please let Laura know at your earliest convenience. She can make reservations online. Commissioner Vodvarka asked how many openings there were. Director Lustro stated there were three. Commissioner Vodvarka commented that because he was unable to attend in the past, he would like to attend this year.

Commissioner Sahagun commented that he brought up installing the "Do Not Block" pavement legend on southbound Monte Vista, north of San Bernardino, several years ago. The traffic going southbound would block vehicles exiting Harvard Street and then the striping was done and for the most part, the people going southbound now respect the striping and do not block the traffic for the people going in and out. The same thing occurs with northbound traffic, south of San Bernardino Street, at Rosewood Street. He suggested having Public Works take a look at that intersection for a "Do Not Block" legend as well.

Chairman Flores asked about the status of the pedestrian underpass at the Metrolink tracks. Director Lustro replied that it is still under construction but the actual tunnel is in place and if you drive into the parking lot at the Inland Pacific Ballet on Arrow Highway, you can actually see through the tunnel now. Chairman Flores stated that he always looks at it from the adjacent car wash.

Chairman Flores adjourned the meeting at 8:20 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary