



CITY OF MONTCLAIR  
PLANNING COMMISSION MINUTES  
REGULAR ADJOURNED MEETING  
Monday, March 24, 2008

CITY COUNCIL CHAMBERS  
5111 Benito Street, Montclair, California 91763

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**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

Vice Chairman Vodvarka led those present in the salute to the flag.

**ROLL CALL**

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

Other City Staff Present: City Engineer Hudson

**MINUTES**

The minutes of the February 25, 2008 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 2008-7  
Project Address: 10244 Central Avenue  
Project Applicant: Gardner Family Trust /  
Los Portales Restaurant  
Project Planner: Jim S. Lai, Associate Planner  
Request: Conditional Use Permit Amendment for  
restaurant expansion with on-sale beer and  
wine

Associate Planner Lai reviewed the staff report.

Community Development Director Lustro stated that as the Commission considered the item, he wanted to point out that Condition No. 4 on Page 6.a-4 of the staff report contained an error. The wording, "Sunday through Sunday" should read "Sunday through Thursday" and with a closing time of 11:00 p.m. on Friday and Saturday. That is consistent with what is in the staff report and it was just a typo.

Chairman Flores asked if staff received any comments from the public. Associate Planner Lai replied that staff did not receive any comments or inquiries.

Commissioner Johnson moved that, based on the evidence submitted, a finding is made that there will be no significant environmental impact as a result of the expansion of an existing bona fide restaurant with on-sale beer and wine, including a DeMinimis finding of no effect on fish or wildlife, and a Negative Declaration has been prepared, seconded by Commissioner Lenhert, there being no opposition, the motion passed 5-0.

Vice Chairman Vodvarka moved that a finding be made that the proposal for on-sale beer and wine as an accessory to a bona fide restaurant is desirable to the public convenience and a necessity to this use in compliance with Department of Alcoholic Beverage Control (ABC) policy, seconded by Commissioner Sahagun, there being no opposition, the motion passed 5-0.

Commissioner Lenhert moved to approve a Conditional Use Permit (CUP) Amendment under Case No. 2008-7 for a 993 square-foot expansion to a bona fide eating establishment with existing on-sale beer and wine (Type 41) at 10244 Central Avenue, by adopting Resolution No. 08-1674, subject to making the required findings and subject to the 17 conditions of approval, as amended, seconded by Chairman Flores, there being no opposition, the motion passed 5-0.

1. Approval is granted for a CUP Amendment to allow a 993 square-foot expansion to the dining room within a bona fide eating establishment (Los Portales Mexican Restaurant) with on-sale beer and wine (ABC Type 41) at 10244 Central Avenue, based on a finding of public convenience and necessity as per the submitted plans and as described in the application. Any substantial changes to the business operation, increase in floor area

of the demised space, physical location, or upgrade of license to full alcohol (distilled spirits) sales shall require prior City approval. Any discontinuation or substantial changes to the full service restaurant without City approval shall be a violation of this CUP and may be cause for revocation. Upon transfer, sale or re-assignment of the restaurant to another individual, corporation, partner or entity, the applicant shall make full disclosure of the CUP requirements and restrictions to future buyers, transferees or assignees.

2. Conditional Use Permit (CUP) approval shall be valid for a period of six months from the date of Planning Commission approval and shall automatically expire on the six-month anniversary date of Planning Commission action, unless the applicant is diligently pursuing building plan check toward eventual construction or implementation of this expansion 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. The restaurant shall continue to be operated, maintained and open to the general public as a full service (bona fide) eating establishment, serving meals at all times that beer and wine are offered for sale and consumption on the premises. At no time shall any portion of the premises be converted into other uses where minors are generally excluded, such as a bar, sports bar, entertainment venue, night club, dance hall or banquet hall operated by either the restaurant owner or outside vendors or promoters. Occasional rental of the dining room for private functions where meals are also served may be permitted, provided that such private functions do not extend beyond the approved hours of operation stated herein. Live entertainment shall require separate review and approval from the City.
4. Approved hours of operation for the restaurant are 7:00 a.m. to 10:00 p.m., Sunday through Thursday and closing at 11:00 p.m. on Friday and Saturday. No alcoholic beverages shall be served past the evening closing hours. The applicant may close the restaurant earlier than those stated herein. Any changes to the restaurant hours require written notification to the Planning Division and subject to City approval.
5. Take-out, off-sale, or "to go" beer and wine sales shall not be permitted under this approval. Furthermore, no alcoholic beverage is allowed to be served or consumed outside of the restaurant premises. Applicant shall post notification of this limitation in English and Spanish within plain view of employees and customers.
6. Prior to the serving of beer and wine on the subject premises, the applicant shall obtain the appropriate license from the Department of

Alcoholic Beverage Control (ABC), and demonstrate to the Planning Division that all necessary conditions have been met.

7. A copy of the CUP approval letter with all conditions of approval relating to this application shall be conspicuously posted alongside the establishment's business license and Certificate of Occupancy, and shall be made available for viewing to any law enforcement officers, fire and building inspectors in the course of conducting inspections or bar checks on said premises.
8. Prior to issuance of building permits, applicant shall:
  - a. Submit five complete sets of plans for the tenant improvements in the expanded space, including electrical, plumbing, mechanical, lighting, and accessibility details, plus two sets of Title 24 calculations for review and approval by the Building and Planning Divisions. The proposed wait/beverage station shall be plumbed to the restaurant's existing grease waste line. Contact the Building Division at 909/625-9430 for an appointment to submit plans.
  - b. Submit detailed plans for a mat wash-down area and covered trash enclosure at the rear of the building. The trash enclosure shall comply with the City's standard drawing and shall include a channel drain plumbed to the restaurant's grease interceptor. The mat wash-down area shall be designed to the satisfaction of the Environmental Manager and shall include a separate drain plumbed to the grease interceptor and designed such that it may be capped when the area is not in use. The trash enclosure and mat wash-down floors shall have black concrete, and the mat wash-down area shall be completely enclosed by a minimum four-inch (4") P.C.C. curb.
9. Prior to the issuance of building permits, the plumbing plans for the project shall be reviewed and approved by the Environmental Manager.
10. Other than the two (2) existing neon beer signs in the windows of the existing restaurant, no additional window signs either inside or outside or signs placed inside the business directed toward the outside shall advertise the availability of beer and wine for purchase. This condition shall apply to the existing tenant space as well as the proposed expanded tenant space.
11. No outdoor seating shall be permitted in conjunction with the operation of the restaurant or granting of this CUP. Should the applicant desire to add outdoor seating in the future, review and approval by the Planning Commission of a separate CUP shall be required.

12. The applicant and restaurant operator may be required by the City to provide at least one on-site uniformed security guard during the restaurant operating hours of 9:00 p.m. until closing should the Police Chief determine that such security measure is needed due to the on-sale of alcoholic beverages. The security guard(s) may be employed in coordination and conjunction with the other tenants in the shopping center. The applicant may be required to increase the number of security guards at the discretion of the Montclair Police Department if security concerns warrant such adjustment.
13. This CUP for on-sale beer and wine may be modified or revoked for failure to abide by these conditions or in the event that the use is determined to be a nuisance to surrounding properties, residents, businesses or the community at large.
14. The following mandatory conditions are hereby imposed as part of the CUP approval for on-sale beer and wine:
  - a. The premises shall be maintained at all times in a neat and orderly manner.
  - b. Trash receptacles shall be provided in such number and at such locations as may be specified by the Planning Commission.
  - c. No beer and wine shall be sold, dispensed or offered for consumption except within the permitted premises, which shall consist of a wholly enclosed building, except as otherwise permitted by the Planning Commission.
  - d. The exterior appearance of the premises shall be designed and maintained in a manner consistent with the exterior appearance of commercial properties already constructed within the immediate neighborhood so as not to cause blight or deterioration, or to substantially diminish or impair property values within the neighborhood.
  - e. The permittee shall comply with all State statutes, rules and regulations relating to the sale, purchase, display, possession and consumption of alcoholic beverages.
  - f. The permittee shall acknowledge and agree that the City has a legitimate and compelling governmental interest in permittee's strict compliance with all conditions imposed upon the permit, including adherence to State statutes, rules and regulations as specified in subsection (e) above. The permittee shall further acknowledge and agree, in writing, that any violation of a State statute, rule or regulation concerning the sale to or consumption of alcoholic

beverages by a minor has been determined by the City to have a deleterious secondary effect upon:

- i. The specific land use requested by the permittee and authorized by the City;
- ii. The compatibility of permittee's authorized land use with adjacent land uses;
- iii. The welfare and safety of the general public within the City.

In view of such deleterious secondary effects, permittee shall acknowledge that the City has specifically reserved the right and authority to impose sanctions, including suspension or revocation of the CUP, as a consequence of one or more violations of a State statute, rule or regulation concerning the sale to or consumption of beer and wine by a minor.

- g. The permit shall, after notice to the permittee and an opportunity to be heard, be subject to the imposition of such additional conditions as may be reasonable and necessary to address problems of land use compatibility, security, or crime control that have arisen since the issuance of the permit.
15. The property, inclusive of the building storefronts, exterior and perimeter walls, light fixtures, and sign structure shall be maintained to be free of graffiti at all time. The applicant shall be responsible to remove any and all graffiti from the premises immediately or no later than 24 hours upon notification by the City.
  16. Prior to issuance of a Certificate of Occupancy for the restaurant expansion, the applicant or restaurant operator shall:
    - a. Complete construction of the trash enclosure and mat wash-down area described herein. Mat wash-down area shall be to the satisfaction of the Environmental Manager.
    - b. Provide written documentation to the Environmental Manager that the schedule for pumping and maintenance of the grease interceptor has been increased to a minimum of every 90 days. If it is determined at any time that the restaurant operator is not in compliance with the pumping schedule or any other Best Management Practices related to sanitary sewer or stormwater discharge, he/she shall be subject to citation, fine, and possible revocation of this CUP.
    - c. Install disabled-accessible parking signs at the three spaces where they are currently not posted, and install disabled-accessible

parking lot entrance signs at the southerly driveway on Central Avenue and the driveway on Kingsley Street to the satisfaction of the Building Division.

17. 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 CASE NUMBER 2008-6

Project Address:	5111 Benito Street
Project Applicant:	City of Montclair
Project Planner:	Steve Lustro, AICP, Community Development Director
Request:	Precise Plan of Design for conversion of existing Police building to a youth center

Community Development Director Lustro reviewed the staff report.

Vice Chairman Vodvarka asked if the existing Police building was designed so that the possibility of removing interior walls would not affect the structure. Frank Cuomo, WLC Architects, 10470 Foothill Boulevard, Rancho Cucamonga, replied that is correct. The existing Police building has no interior bearing walls, so it allows flexibility in planning the interior of the Youth Center.

Commissioner Johnson asked which condition addressed the windows, particularly what type of covering will be on the new windows.

Mr. Cuomo stated the existing windows need to be replaced because they are leaking. The way the building was originally constructed, the windows go from floor to ceiling with a stucco panel below those windows. They saw that as an opportunity to install a storefront system similar to City Hall. The lower levels will have an outer layer of glass with an inner layer of carbon so it will not be the kind that can be scratched up.

Commissioner Lenhart asked how many Palm trees will be removed for the new driveway. Mr. Cuomo replied that they are looking at how to minimize the number of Palm trees to be removed. City Engineer Mike Hudson added that there are two types of Palm trees in the driveway's path. They are planning on transplanting the three Washingtonia filifera (California Fan Palms) into the Mission Boulevard median as part of the next phase of street improvements. One of the Washingtonia robusta (Mexican Fan Palm) will also need to be removed or relocated. From what he understands, there

is some historical significance as to where the robustas are located and what staff will try to do is move them someplace else in the park if they wind up being in the way. The trees are pretty tall right now and he was not sure how much of a problem it might be to transplant them. He has requested input from the Community Development Department, City Manager's office, Public Works, and Redevelopment for any concerns that might be associated with those trees. Commissioner Lenhart commented that those trees were relocated from Mills Avenue when it was widened and they were big trees when he was a kid. He would hate to see those trees destroyed. City Engineer Hudson commented that staff hoped to transplant all of them. The smaller palms are just the right size for what they need on Mission Boulevard as they continue the median improvements with the next two phases, which will take us near Central Avenue. As for the taller ones, there has not been any decision made on exactly where they will be relocated or whether they will be able to be protected.

Commissioner Johnson asked about the cyber café and how much monitoring there will be. When she was on jury duty a few months ago, there were some young people on trial for setting up a homicide electronically. Who will be monitoring that and is there a way we can protect what goes in and out of that café? Director Lustro stated that like computer labs in schools, that the cyber café in a City facility will have some pretty tight reins on it. We will rely on our Information Technology Division to do that because we would want to guard against any illicit use of the computers within the cyber café. If you look at the floor plan, the cyber café was designed in such a way that it is fairly well connected to the lounge, kind of separate but not buried in a corner somewhere. That was a conscious decision to do it that way so it can be monitored. Commissioner Johnson asked if there is any similarity to the set up we currently have in our library lab where the librarian is sitting behind and monitoring. Is there a place for that to happen? Mr. Cuomo stated what they did was place the cyber café on a raised platform with a monitor station that will have a staff person there at all times who will be able to see all the computer screens and monitor all activity.

Chairman Flores commented that many people will probably want to use the cyber café and he wondered how they would run it. Director Lustro speculated that time limits would be based on the usage that the cyber café gets or might be based on certain times of the day depending upon how busy it is. It will be a programming issue that Human Services will need to figure out. If patrons want to use computers, they will likely have to check-in, maybe provide a name or ID, etc.

Chairman Flores commented that he sees only 42 conditions, whereas the recommended action states 46 conditions. Director Lustro stated that it was a typo.

Vice Chairman Vodvarka moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the conversion of the existing police facility into a Youth Center and City support space, and that a DeMinimis finding of no impact on fish and wildlife and Negative Declaration have been prepared, seconded by Commissioner Lenhart, there being no opposition, the motion passed 5-0.

Commissioner Johnson moved to approve the Precise Plan of Design request under Case No. 2008-6 for the site plan, elevations, colors and materials associated with the proposed Youth Center, and related on- and off-site improvements per the submitted plans and as described in the staff report, subject to the 42 conditions of approval, seconded by Commissioner Lenhert, there being no opposition, the motion passed 5-0.

1. This approval is for a Precise Plan of Design for the conversion of the existing Montclair Police Department (approximately 13,120 square feet) into a Youth Center and City support facility, addition of an approximate 2,056 square-foot patio/activity area, and construction of associated improvements at 5111 Benito Street as depicted on the submitted plans and described in the staff report.
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. 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 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. 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. A disabled-accessible path-of-travel from the public sidewalk to the building, and from the parking lot to the building entrances, 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. 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.
  - d. Public right-of-way improvement plans for areas where driveways will be modified. Plans shall comply with State and/or City disabled-accessible requirements for ramps, street access, and parking. Street improvement plans shall include, but not be limited to, removal and replacement of P.C.C. curb, gutter and sidewalk and A.C. pavement. Disabled-accessible path-of-travel shall be maintained through drive approaches.
  - 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. Sewer and storm drain improvement plans to the satisfaction of the City Engineer.
  - 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 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 20'-0" as measured from adjacent grade to top

of luminaire. Luminaire and pole styles shall be consistent throughout the project site.

- c. Submit detailed landscape planting and irrigation plans for review and approval by the Planning and Building Divisions.
  - d. 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.
  - e. Pay all required Montclair Fire Department fees.
6. Exposed raceways shall be prohibited on all building-mounted and freestanding signs.
  7. 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.
  8. No pay telephones or vending machines shall be located on the exterior of the building.
  9. No outdoor storage of equipment or materials shall be permitted on the property. The placement of sea containers, Pods<sup>®</sup>, or other similar portable storage facilities shall be expressly prohibited at all times.
  10. All utility services to the building(s) shall be installed underground. This requirement applies to electrical transformers and switches and, where technology exists, telephone and cable television facilities as well. If pad-mount transformers and/or switches are necessary, they shall be screened from public views with walls or landscaping to the satisfaction of the City Planner. Electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders, electric meters and panels shall also be located entirely inside the building.
  11. 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.
  12. 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.

13. All new 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 Development Standard #106 and shall have a solid roof matching the architecture of the main building.
14. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be enhanced with masonry veneer consistent with that used on the main building or alternate material to the satisfaction of the City Planner.
15. 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 luminaires, 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.
16. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
17. 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.
18. All new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
19. 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.

20. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
  - a. The numerical address of the building shall be displayed on the canopy on the north elevation of the building as depicted on the submitted plans.
  - 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.
21. The new driveway to the rear parking lot shall be designed to the satisfaction of the City Engineer.
22. The parking lot shall include "hairpin"-style striping of each parking space.
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. 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.
26. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
27. 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.

28. 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.
29. 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 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.
30. 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).
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. Commercial occupancies with cooking areas shall require an approved fixed fire extinguishing system for protection of the hood and duct system and overall cooking areas. This system shall be equipped with an automatic fuel shutoff to all equipment protected by this system. Three (3) complete sets of drawings of this system shall be submitted to the Fire Marshal's Office prior to issuance of a permit.
33. 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.
34. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
35. 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.

36. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
37. 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.
38. 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.
39. A Certificate of Occupancy is required prior to occupancy. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
40. 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. Remove all directional building-mounted floodlights and/or spotlights.
  - d. Install all ADA-required parking stalls and parking lot signs.
  - e. Remove the abandoned drive approach along Benito Street and replace with P.C.C. sidewalk, curb, and gutter.
41. 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.
42. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its

own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

## **INFORMATION ITEMS**

Director Lustro reminded Commissioners Johnson and Sahagun about the Planners' Institute, wished them an enjoyable trip and encouraged them to bring back lots of information to share.

Commissioner Sahagun asked again about why the traffic signal at Palo Verde and Fremont defaults to green for north-south traffic even though no cars are present. City Engineer Hudson stated that the only problem he is aware of is that the north-south movement is on recall, which means that whether there is traffic going north-south or not, about every 70-80 seconds it is going to cycle to a green light and will hold that for about 20-25 seconds. If there are cars in the left turn pockets, going east or west, they will get a protected green arrow and if there are no cars in the turn pockets, then it will go to green for the east-west through traffic. The reason for the recall is that when the intersection was originally signalized, the detection loops for the southbound leg on Autoplex Drive were imbedded in the stamped concrete on the north side of the intersection. The detection loops failed as long as at least eight years ago, and possibly as long as 10-12 years ago. Removing the decorative concrete, installing new loops, and replacing the concrete, or changing the intersection to video detection would cost \$15,000 to \$20,000, so we just have the signal operating on recall. Commissioner Sahagun commented that he now understood the situation a little better, but wondered if the fuel that is being wasted by cars waiting there was worth the savings. Mr. Hudson stated that he was looking at another alternative that might be less expensive. There are radio-controlled devices that can be placed in the pavement and detect vehicles much like the embedded loops do but rather than having a hard-wired connection to the controller cabinet, they send a radio signal to the controller cabinet and he thought that installation could be done on the southbound leg for as little as \$5,000. Commissioner Sahagun commented that he would like that to be pursued. City Engineer Hudson added that his traffic engineer has told him that the reliability is not quite where it should be and it may not detect at all. Commissioner Sahagun commented that there were a couple other signals that he previously mentioned too, but one of them was better now. City Engineer Hudson stated that the signal we received the most complaints about was Central and Palo Verde. For the longest time we had detection problems for both the eastbound through movement and the eastbound left turn movement, but we believe we have the problems straightened out and there haven't been any complaints for about six or eight months. Prior to that staff received complaints regularly, including from City staff. Commissioner Sahagun stated that he feels it is working better now, but he wondered about the southbound leg at Palo Verde and Monte Vista. It seems that if the lead car delays one second, the third car will have a red light. City Engineer Hudson stated that the Palo Verde/Monte Vista signal is a Caltrans controlled signal and we have received complaints on that, but the best we can do is forward them to Caltrans and follow-up on them. We have had complaints of red lights that are out and it has

taken weeks and several calls before they send a technician out. We have had a few complaints but the best we can do is follow through with Caltrans.

Commissioner Johnson asked about the signal pattern in the city, particularly Central and Orchard. On the weekends, the east-west is really slow and she has timed it and has sat there for as long as five minutes, so she sometimes takes an alternate route to the freeway.

Chairman Flores commented that the former gas station sites adjacent to Montclair Plaza are getting cleaned up, but the fences need to be removed.

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

Respectfully submitted,

Laura Berke  
Recording Secretary