



CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES
REGULAR ADJOURNED MEETING
Monday, April 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 Vodvarka, Commissioners Johnson, Lenhart and Sahagun, Community Development Director Lustro, City Planner Diaz, Associate Planners Frazier-Burton and Lai, and Deputy City Attorney Holdaway.

At the request of Chairman Flores, Director Lustro introduced and presented a short bio of new City Planner Michael Diaz. The Commissioners welcomed Mr. Diaz to Montclair.

MINUTES

The minutes of the March 24, 2008 meeting were presented for approval. Commissioner Lenhart moved, Chairman Johnson seconded, there being no opposition to the motion, the minutes were approved 5-0.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

- 6.a PUBLIC HEARING – CASE NUMBER 2008-9
- | | |
|--------------------|--|
| Project Address: | 10841 Fremont Avenue |
| Project Applicant: | Leoncio Jaudalso Jr. II |
| Project Planner: | Jim S. Lai, Associate Planner |
| Request: | Conditional Use Permit Amendment and Precise Plan of Design for forklift operation |

Associate Planner Lai reviewed the staff report.

Commissioner Sahagun asked if staff heard from the public; associate Planner Lai replied that staff had not.

Commissioner Sahagun asked if this was the first big development within the annexed area. Director Lustro answered that it was the third new project within Annexation No. 26 to be considered by the Commission.

Commissioner Johnson moved that, based upon evidence submitted, there will be no significant impact on the environment as a result of the temporary and permanent improvements associated with the project and that a DeMinimis finding of no impact on fish and wildlife and a Negative Declaration have been prepared, seconded by Vice Chair Vodvarka, there being no opposition, the motion passed 5-0.

Commissioner Lenhert moved to approve a Conditional Use Permit for a fork lift operation using the existing facility at 10841 Fremont Avenue in the MIP (Manufacturing Industrial Park) zoning district under Case No. 2008-9 per the submitted plans and as described in the staff report by adopting Resolution No. 08-1675, subject to the 45 conditions of approval, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

1. This approval is for a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) for the site plan, elevations, colors and materials associated with a forklift service, repair, sale and storage facility in an existing industrial facility in the MIP (Manufacturing Industrial Park) zoning district as depicted on the submitted plans and as described in the application.
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 project. The applicant and/or property owner shall be

responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date.

3. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
4. The applicant and/or property owner shall ensure that a copy of the Planning Commission approval letter, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
5. Prior to issuance of building permits, the applicant shall submit the following documents for review and approval by the City Engineer:
 - a. Plans for erosion control and stormwater pollution prevention. A general industrial permit may be required. Contact Joe Rosales, NPDES Coordinator, at 909/625-9470 for requirements.
 - b. Surface runoff shall be directed to the front landscape planter by means of a concrete swale. Areas designated for forklift repair or washing shall be provided with concrete barriers to contain spillage or leakage of industrial waste and solvent from entering the drainage swale or driveway, subject to the review and approval of the City Engineer.
 - c. A disabled-accessible path-of-travel from the public sidewalk to the building on-site shall be shown on the grading plan. Sidewalks, pathways and curb cuts shall comply with the Americans with Disabilities Act of 1990 (ADA). The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
 - d. Dedication of three feet (3'-0") of additional right-of-way along the Fremont Avenue frontage to the City of Montclair in accordance with the City's Development Plan for Transportation and Circulation will be required. Additional dedication to the City and other public agencies easements for water, storm drains, sanitary sewers and other utilities may be required.
 - e. Street improvement plans for the Fremont Avenue frontage of the property for the length of the project limits to the satisfaction of the City Engineer. Plans shall comply with State and/or City disabled-accessible requirements for ramps, street access, and parking. Street improvement

plans shall include, but not be limited to, removal and replacement of drive approach with P.C.C. curb, gutter and sidewalk, and removal and replacement of all substandard P.C.C. curb, gutter, sidewalk and A.C. pavement. Disabled-accessible path-of-travel shall be maintained through drive approaches.

- f. A letter of non-interference from any utility company that may have rights of easement within the property boundaries.
 - g. "Will-serve" letters from all utilities serving the site. The subdivider/developer will be required to coordinate with the various public utilities for the necessary improvements for said utilities to service the site.
6. Prior to issuance of building permits for renovation of the existing facility, the applicant shall:
- a. Submit five complete sets of plans for the project, including building elevations, colors and materials, electrical, plumbing, mechanical, irrigation and 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 909/625-9477 for an appointment to submit plans.
 - b. Existing structures on the property that were erected without a valid County building permit and inspection shall be included in the submitted plan for review by the Building Division. Structures that are deemed defective and/or unsafe may be required to be demolished or rectified in accordance with currently-adopted Codes, to the satisfaction of the Building Official.
 - c. Submit detailed plans for all exterior building-mounted and pole lighting for review and approval by the Planning and Building Divisions. All lighting shall incorporate 90-degree cut-off style luminaires and flat lenses. Submitted plans shall include a photometric analysis of all exterior lighting. Pole lighting shall be a maximum height of 25'-0" as measured from adjacent grade to top of luminaries.
 - d. Submit detailed landscaping and irrigation plans for review and approval by the Planning and Building Divisions. The landscape plan shall include the following as a minimum:
 - i. Two (2) Jacaranda mimosifolia (Jacaranda) street trees along the Fremont Avenue frontage at 30 feet on center, 7'-6" behind the public sidewalk and double-staked per City's standards. Said trees shall be a minimum 24-inch box specimen size.

- ii. Planting of drought-tolerant, low-maintenance shrubs, ground covers and/or lawn along the planter setback.
 - e. Submit a revised site plan illustrating the following:
 - i. Fencing within the front yard setback shall be limited to 4'-0" high tubular steel or wrought iron materials with masonry pilasters. Existing chain-link fencing within said front setback area shall be removed in its entirety. The proposed 6'-0" high security gates parallel to the front of the office building may be permitted provided a pedestrian gate is also proposed to allow a pedestrian path-of-travel.
 - ii. Enhanced Best Management Practices (BMPs) to adequately treat surface water runoff before it is conveyed to the swale/infiltration basin, to the satisfaction of the NPDES Coordinator.
 - f. Clearly indicate on submitted plans disabled-accessible path of travel to the public right-of-way and all required disabled-accessible parking lot signs.
 - g. Inspection of the facility by the Montclair Fire Department will be required before issuance of a Certificate of Occupancy.
 - h. Pay all required Montclair Fire Department fees.
- 7. Prior to installation of any signs on the property, the applicant shall submit a Precise Plan of Design application for a comprehensive sign program governing signage on the property. The sign program may, at a minimum, consist of the following elements:
 - a. One (1) internally illuminated monument sign, maximum 6'-0" in height and maximum 48 square feet of sign area per sign face. Sign support or pedestal shall incorporate materials and colors that are architecturally compatible with the buildings. Street addresses shall be incorporated into the sign structure. Illumination of the sign is optional. If internal illumination is desired, the sign copy shall consist of routed-out letters with opaque background in a texture and color to match the main building.
 - b. Wall-mounted business or directional signs shall be specified on the sign program if so desired.
- 8. Exposed raceways shall be prohibited on all building-mounted and freestanding signs.
- 9. 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.

10. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including, but not limited to the following:
 - a. Temporary banners for the purpose of announcing the grand opening or advertising promotions shall require banner permits from the Planning Division prior to installation.
 - b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
 - c. At no time shall pennants, inflatable signs, "human" signs, other similar advertising devices be utilized on the property or off-site.
11. No pay telephones or vending machines shall be located on the exterior of the building.
12. No long term vehicle, forklift, parts, propane tank or equipment storage, or merchandise display shall be allowed outside of an enclosed building or covered structure except for incidental parking of forklifts or vehicles being actively repaired by the building tenant. Further, no repair work of any kind shall occur outside of an enclosed building or covered structure.
13. All hazardous materials, including but not limited to, used motor oil, grease and industrial solvents, shall be stored inside the tenant spaces with secondary containment. All service areas shall have floor drains to collect wastewater. Drains shall connect to an approved hydrocarbon clarifier before being discharged to the sanitary sewer to the satisfaction of the Environmental Manager.
14. Auto body repair and painting shall be expressly prohibited on the property.
15. The front office building shall be brought up to current building code requirements and standards for use as an office. No part of the building shall be converted for use as a caretaker unit.
16. Security gates and locking devices to the storage facility shall be equipped with Medeco locks or other acceptable devices to allow access by emergency personnel and utility providers at all times.
17. All new utility services to the buildings shall be installed underground.
18. 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.

19. 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.
20. Fire sprinkler risers and roof access ladders, if applicable, shall be located entirely within the enclosed buildings.
21. 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 complementary to the main building. Location shall be indicated on the submitted plan and subject to Planning Division approval.
22. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be enhanced with split-face block, stone veneer or other materials consistent with those used on the main building.
23. All decorative exterior lighting shall incorporate illumination sources of an appropriate wattage so as to not create any nuisance glare to the adjacent parking areas, private roadways, public rights-of-way, or neighboring properties. Should the applicant desire to install any building-mounted wide area lighting, it shall consist of fixtures set at 90 degrees to the building wall and incorporating fully cut-off lenses so as to direct illumination down to the surface to be illuminated. All soffit lighting installed within the building shall be flush-mounted so that the lens or bottom of the fixture is flush with the underside of the soffit. The use of wall packs, barnlighters, other similar unshielded luminaries, or decorative lighting installed solely for the purpose of illuminating the roof shall be prohibited. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.
24. All landscape planting area shall have 100 percent irrigation coverage by an automatic irrigation system.
25. 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.
26. All existing trees and new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA). Failure to properly maintain trees in an acceptable

manner consistent with the above-mentioned guideline may result in replacement of trees in a quantity and size to the satisfaction of the City Planner.

27. 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.
28. 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 main building (10841) shall be located on the west-facing elevation. Numerals shall be Helvetica font, minimum 10 inches in height, minimum 1½ inches in depth, and in a color that adequately contrasts with the background to which they are attached. Individual unit or suite numbers shall be installed immediately adjacent to the office entrance of each unit.
 - b. The facility shall be provided with a minimum maintained illumination level of one (1) foot-candle from dusk until termination of business every business day. During all other hours of darkness, a minimum of one-quarter (.25) foot-candles of illumination shall be maintained at grade.
29. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
30. 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.
31. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA). Contact Nicole Greene, Environmental Manager, at 909/625-9446 for fees.
32. 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.
33. Underground Service Alert shall be notified 48 hours prior to any excavation at 800/422-4133.

34. 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.
35. A 20-foot wide, unobstructed roadway capable of supporting firefighting apparatus shall be maintained within 150 feet of the structure prior to and for the duration of construction. Roadway is subject to Fire Department approval prior to commencement of construction.
36. The applicant/developer is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
37. 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).
38. 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.
39. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
40. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
41. 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.
42. A Certificate of Occupancy is required prior to occupancy of the subject building. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
43. Prior to issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Building Division electronic images of all plans and records, which are submitted for the purpose of obtaining a building permit, to the Building Division. Electronic images shall meet the City's Electronic Archiving Policy.
 - b. Construct all P.C.C. sidewalk, curb and gutter, street light and relocation of the fire hydrant along the street frontage of the project site per the approved street improvement plan.
 - c. Complete all on- and off-site improvements.

- d. Install all approved landscaping and exterior lighting.
 - e. Install all ADA-required parking stalls and parking lot signs.
44. 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.
45. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

INFORMATION ITEMS

Commissioner Sahagun attended the Planners' Institute and commented that he was impressed by the City of Sacramento itself, its cleanliness and involvement with quite a few projects. On the walking tour, one of the hosts defined a "Texas donut," which is a parking structure that is not allowed to have just parking, but must have businesses on the outside and the parking structure is inside. He was very impressed with the different heights, from 2-3 stories to 40 stories and was excited about our proposed downtown Montclair plans and felt Montclair is headed in the right direction. He asked that staff think about how we can make parking structures attractive and not boxes and to not forget our cultural center, walking areas and open spaces.

Commissioner Johnson echoed Commissioner Sahagun's assessment of the Planners' Institute. She stated that it was a little different this year; it seemed like there was less that was available that was of interest to her. However, there was quite a bit of good information about transit-oriented development versus transit-accessible development. She commented that she will be thinking about those when we move forward with the downtown area. Also, the walking tour showed her that Sacramento appeared to be enchanted with trains. Her tour consisted of four blocks of open space so that they could point to the track where the original train from New York ended. They are really trying to incorporate Amtrak with their downtown center. She saw giant vats of "gorilla snot," which is apparently something they spray over the ground in the train yard to keep the dust from flying. The weather was cold but the convention area was designed as a walk area.

Chairman Flores adjourned the meeting at 7:21 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary