



CITY OF MONTCLAIR
PLANNING COMMISSION MINUTES
REGULAR ADJOURNED MEETING
Monday, January 12, 2009

COUNCIL CHAMBER
5111 Benito Street, Montclair, California 91763

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

MINUTES

The minutes of the December 8, 2008 meeting were presented for approval. Commissioner Johnson moved, Commissioner Vodvarka seconded, there being no opposition to the motion, the minutes were approved 4-0; with Chairman Flores abstaining due to his absence at the December 8, 2008 meeting.

ORAL AND WRITTEN COMMUNICATIONS

None.

AGENDA ITEMS

6.a PUBLIC HEARING – CASE NUMBER 2008-33

Project Address: 9720 Central Avenue
Project Applicant: Nithyananda Foundation
Project Planner: Michael Diaz, City Planner
Request: Conditional Use Permit to allow expansion of a religious land use

City Planner Diaz reviewed the staff report stating that this Conditional Use Permit request was intended to replace the existing Conditional Use Permit currently at the site previously approved for a church. He stated that the proposed CUP was sought to more specifically reflect the unique operating conditions of the Vedic Temple. The staff report gave a breakdown of the types of activities that go on at the Temple. The activities are similar, but at the same time, very different than a normal church operation that staff was accustomed to reviewing. The other reason for the new CUP is that Vedic Temple is proposing a reorganization of the interior spaces and eventual interior expansion of the use to the second floor of the building in the near future. Page 2 of the staff report provided a phasing plan for the improvements. For now, the new CUP includes Phase 1 improvements, which involve a reorganization of the bottom floor, the addition of the Swamji retreat on the second floor, and an elevator. Phase 2 would occur when the Vedic Temple raises funds. Phase 2 improvements would return to staff for review when they are ready. Mr. Diaz indicated that the Vedic Temple has operated without incident or problems and the owner of the center has no opposition to the changes, except for concerns about drainage of the air conditioning units which was passed along to the applicant. Staff believes that because of its location and because of the way it operates, the Vedic Temple is a good fit.

City Planner Diaz mentioned that the applicant had requested a modification in two conditions of approval, Nos. 8 and 11, regarding operating hours that are different than indicated in the proposed conditions and clarification on the number of events allowed at the site. The Vedic Temple has requested a change in Condition No. 8 for operating hours of 7:00 AM to 10:00 PM daily, which staff believes is reasonable request given that most of the activities occur indoors and the overall number of participants is at this point very low. Condition No. 11 was also revised to specifically indicate that a maximum of two (2) special events at the Temple that are not directly related to the mission of the religious group, such as a rental of the facility for a Chamber of Commerce event. The condition also includes a prohibition of events where the serving alcoholic beverages are proposed. Staff prepared a Memorandum for each Commissioner indicated the conditions as proposed and the recommended revisions.

Chairman Flores opened the public hearing.

Commissioner Vodvarka asked about whether there is a second floor. City Planner Diaz answered that there is a second floor deck, which was used as for projection rooms by the former movie theater. The deck would be converted into usable space for the Temple, including the Swamji retreat area. Commissioner Vodvarka asked if it was big enough to be converted into other uses. City Planner Diaz replied yes.

Commissioner Sahagun asked for clarification on the extra festivities allowed and whether there will be a limit. City Planner Diaz directed the Commission to the table within the staff report for an idea of how routine formal worship and teaching classes are accommodated at the facility. For the most part, everything is held indoors and congregants come and go as they need to. He indicated that during weekends there were lectures, and that during the year the Temple observes seven separate festivals as part of their religion. Most of these events are held indoors but they ever need to do an outdoor event, they can come obtain a special event permit and staff will work with them accordingly. Commissioner Sahagun commented about the parking and did not recall ever seeing the parking lot full.

Vice Chairman Lenhart commented that Condition No. 11 says that it will not be open to the general public or be subject to a fee and wondered what that included because most places charge a fee to clean up and take care of the place. City Planner Diaz replied that staff was thinking of an entry fee such as would be charged for dances or pay per view events such as ultimate fighting championships where the public is charged to enter. Since alcohol is not allowed, the likelihood for attracting rowdy events and crowds will not be an issue.

Commissioner Vodvarka asked that since they are going to be having a kitchen, are they going to have a bona fide chef or cook or qualified people that are trained through the Health Department. City Planner Diaz replied that they will have to install a commercial kitchen and that they will be required to obtain permits from the Health Department for the operation of the kitchen.

Rufus Turner, 1182 Monte Vista Avenue, Upland, architect, commented that the last time he was in the Council Chamber was 30 years ago. He wanted to clarify a few items. The first item is the hours of operation as stated in Condition No. 8 which currently reads 6:30 a.m. to 8:00 p.m. The Temple is open for extended hours daily to accommodate adherents who come and go to meditate and do those activities that are significant and typical. They have no objection to any of the items that have been presented, staff has worked with them and he was available for any questions from the Commission.

Commissioner Johnson asked if the availability for people to come and meditate would start at 7:00 a.m., not 6:30 a.m. Mr. Turner clarified 7:00 a.m. and stated that the doors are open and everyone was welcome to come.

Chairman Flores asked if the elevator was going to present any problems for them. Mr. Turner stated no and that it was already spotted on the plans and mandatory for disabled-accessibility.

Chairman Flores closed the public hearing.

Commissioner Sahagun stated that the applicant has been a very good neighbor. He passes by frequently and it is always quiet. The City needs places of worship to keep us moral, and has been a great addition to the City of Montclair.

Commissioner Vodvarka stated that he was thrilled that the building is being used for something, because typically when a theater goes empty, it stays empty until it is torn down. He mentioned that he took a tour just after they moved in and would like to take another tour to see how they handled all the sloping floors in the theaters.

Vice Chairman Lenhert moved that based on the evidence presented, there will be no significant impact on the environment as a result of the Vedic Temple at the subject site. The Planning Commission has reviewed the Planning Department's determination of exemption, pursuant to Section 15301 of the State CEQA Guidelines, and based on its own independent judgment, concurs in the staff's determination of exemption, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 5-0.

Commissioner Vodvarka moved to grant the Conditional Use Permit request to allow its religious services, rites, and related religious events for the Vedic Temple as described in the staff report, at 9720 Central Avenue by adopting Resolution No. 09-1691, subject to making the four required findings and the 42 conditions of approval, revising Conditions No. 8 and 11, seconded by Commissioner Johnson, there being no opposition to the motion, the motion passed 5-0.

Planning

1. This approval shall be for the operation of a religious use, including religious services, rites, and related events on the subject property as described in the staff report and depicted on approved plans for Phase 1 improvements. A day care facility or private school is not included with this approval.
2. This CUP approval shall supersede previous CUP approvals for the subject site and is approved for the benefit of the applicant only and for the use as specified within this application only, subject to the conditions herein. The benefit of this conditional use shall not be changed or transferred to a new use without prior City review and approval, including the potential requirement to obtain a new CUP.
3. Any modification, intensification, or expansion of the use beyond that which is specifically approved with this CUP shall require review and approval by the Planning Commission.
4. Prior to the development of any improvements envisioned in Phase 2, the applicant shall be required to submit subsequent application(s) for an amendment of this CUP and obtain City review and approval. Projects in Phase 2 shall be subject to additional conditions of approval and/or requirements as necessary.
5. This CUP approval shall be valid for six months (180 calendar days) from the date of Planning Commission action. Failure to initiate the approved

use and/or improvements prior to the end of the six month period shall result in the termination of and automatically void the CUP approval.

6. Within 5 days of approval, the applicant shall submit a check in the amount of \$50 to cover the County administrative fee for filing a Notice of Exemption as required by the California Environmental Act (CEQA). The check shall be made payable to the Clerk of the Board of Supervisors.
7. Hours of operation shall be generally limited to Weekdays (M-F) Morning: 6:30 a.m. to 8:00 a.m. / Evening 6:45 p.m. to 8:00 p.m. On weekends 8:30 a.m. to Noon. Any special events held at the Temple shall conclude no later than 10:00 p.m. on any day of the week.
8. General hours of operation shall be daily from 7:00 a.m. to 10:00 p.m. All events shall be held indoors unless an outdoor event is specifically approved by the City via a separate permit.
9. The maximum number of adherents permitted to occupy the Temple at any one time shall not exceed 326 persons. Seating capacity in the auditorium shall not exceed 267 persons for lectures, and 50 persons seated at dining tables for banquets.
10. On site parking based on seating capacity of the 326 persons requiring that at a minimum of 55 parking spaces shall be maintained and available for use at all times.
11. A maximum of two (2) special private events not directly associated with the Vedic Temple may be permitted per month. All events shall occur in the auditorium and not be open to the general public or subject to an entrance fee. The sale and/or service of alcoholic beverages in conjunction with these events shall not be allowed.
12. No temporary or permanent residential living quarters shall be established on the premises. The retreat area on the second level is approved only as a private place for the temple leader to prepare and wait for events held at the temple. The retreat area shall not be constructed with a separate kitchen facility, and shall be subject to applicable building and safety codes. Indications that a property is being used as temporary or permanent residential living quarters include actions such as spending significant time at the location on more than one day, sleeping at the location, and performing other life activities at the location repeatedly.
13. No portion of the building may be leased for other uses not directly related to Vedic Temple's main use and mission.
14. Food preparation on the site shall be subject to the review and approval of the San Bernardino County Health Department, including full requirements for the installation of a commercial kitchen facility within the building.

15. Any catering services performed on-site shall require the issuance of a separate business license from the City of Montclair, and be subject to County Health Department requirements.
16. This CUP may be subject to revocation or modification by the Planning Commission or City Council at such time as any of the following conditions are found to exist:
 - a. Conditions of Approval have not been fulfilled.
 - b. The use has resulted in a substantial adverse impact on the health and/or general welfare of users of adjacent or proximate property.
 - c. The use has resulted in a substantial adverse impact on public facilities or services.
17. No outdoor amplified sound systems shall be installed or used on the property.
18. No pay telephones or vending machines shall be located on the exterior of the building or on the subject property.
19. All mechanical equipment, devices and their component parts (e.g., wiring, conduit, meters, etc.) for such items as air conditioners, evaporative coolers, exhaust fans, vents, transformers, utility meters, or similar equipment, whether located on the ground, building walls, 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 to the satisfaction of the City Planner.
20. All satellite dish antennas, microwave receivers and transmitters, and other forms of communication equipment shall be located in a manner in accordance with the provisions of Chapter 11.46 of the Montclair Municipal Code.
21. 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.
22. Prior to the installation of any signs on the property, the applicant shall submit plans prepared by a licensed sign contractor for review and approval by the Planning and Building Divisions. Individual channel letters (illuminated or not) shall be required as internally illuminated cabinet signs with translucent backgrounds and vinyl graphics are not permitted. Exposed raceways for building mounted signs are also prohibited.
23. 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. Portable flags, pennants, spinners, painted-on signs or the like shall be prohibited.
 - d. No trailer-mounted electronic sign/message boards or other similar types of portable signs shall be permitted on the property at any time.
24. 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.
 25. The property owner/applicant shall routinely inspect and maintain the property (e.g., structures, equipment, fences/walls, landscaping, hardscape, and pavement) in good condition and in a clean and presentable manner at all times. All trash, debris, weeds (in landscape areas and in asphalt parking areas), graffiti, etc. shall be promptly and/or continually removed. Any accumulation of trash, weeds, or debris on the property shall be removed immediately so as not to present a public nuisance.
 26. 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.
 27. 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.

Building

1. Submit 4 complete sets of plans for the project, including but not limited to a site, floor, reflected ceiling, electrical, plumbing, and mechanical plans.

Contact the Building and Safety Division for any further plan review submittal requirements.

2. All plans shall be marked with the case number (i.e., 2008-01). The applicant shall comply with the latest adopted California Codes, and other applicable codes, ordinances and regulations in effect at the time of permit application.
3. Submit two sets of structural calculations, energy conservation calculations.
4. Prior to acceptance of plans for review, a plan review deposit shall be required at the established rate.
5. Prior to the issuance of building permits, the required development fees shall be paid in full and documentation presented to the Building Division as proof of payment. Fees include school fees, building permit and remaining plan review fees, transportation development fees, and sewer fees.
6. All utility services to the building shall be installed underground.
7. Clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the handicap accessible regulations as required by chapter 11 of the 2007 California Building Code.

Fire Department

1. The developer/general contractor shall be responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
2. The proposed commercial structure(s) shall require an approved automatic fire-sprinkler system. The system shall conform to all local and national standards. Three complete sets of the sprinkler system plans shall be submitted directly to the Fire Marshal's Office for approval prior to installation of the system in commercial structures. The system shall be so equipped as to provide a signal to a UL listed monitoring station in the event of water flow or tampering.
3. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
4. 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 complete sets of drawings of this system shall be submitted to the Fire Marshal's Office prior to issuance of a permit.

5. In the event that the structure is to be used for the purpose of public assembly, the developer/architect shall contact the Fire Marshal's Office for requirements prior to submission of building plans.
6. 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.
7. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of normal lighting.
8. An approved emergency keyed access system shall be required to facilitate access to buildings or gates by Fire Department personnel in the event of an emergency during non-business hours. Forms are available at the Montclair Fire Department Headquarters for these occupancies requiring such a system. Facilities with gated drive approaches shall contact the Fire Marshal's Office for additional key and strobe requirements.
9. All Montclair Fire Department fees are due prior to any permit issuance.

6.b PUBLIC HEARING - CASE NUMBER 2008-35

Project Address: 1600 E. Holt Avenue
Project Applicant: California Recycling Inc.
Project Planner: Michael Diaz, City Planner
Request: Conditional Use Permit to allow a recycling collection facility

City Planner Diaz stated that the item was for a proposed recycling collection facility and the applicant has asked that the item be continued to the next meeting. The applicant has some issues on their end that could not be resolved before completion of the staff report. Staff requests that the Commission consider continuing the item until the January 26, 2009 meeting.

Director Lustro commented that before the Commission entertains a motion on the item, and because this item has been noticed to neighboring property owners and in the newspaper, the public hearing will need to be opened to take any comments and then a motion can be made to continue the item.

Chairman Flores opened the public hearing; there being no one present to speak on the item, Chairman Flores closed the public hearing.

Commissioner Vodvarka moved to continue the item to the January 26, 2009 Planning Commission meeting, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

6.c CASE NUMBER 2007-39

Project Address:	5242 El Morado Street
Project Applicant:	Davey L. Woodard
Project Planner:	Michael Diaz, City Planner
Request:	Time Extension for the Precise Plan of Design granted for the construction of a new single family residence

City Planner Diaz stated that the item was a request for a time extension for the project. The project is a new single-family residence that, because of difficulties in obtaining a contractor and/or finding another one, the applicant has not been able to start the project before the approval expired on December 13, 2008. As such, the applicant has asked for a time extension. Staff is recommending a full year time extension given the state of the economy at this time. Staff recommends granting the extension to December 13, 2009.

Commissioner Johnson asked if the Commission had already granted an extension on this item. City Planner Diaz stated no.

Commissioner Sahagun moved to approve a one-year time extension until December 13, 2009, approving the site plan, elevations, colors and materials associated with the construction of a new single-family residence at 5242 El Morado Street, subject to the original 27 conditions of approval, seconded by Commissioner Vodvarka, there being no opposition to the motion, the motion passed 5-0.

1. This approval is for a Precise Plan of Design for the plot plan, elevations, colors, and materials in conjunction with the construction of a one-story, single-family residence with a two-car garage at 5242 El Morado Street.
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:
 - a. Submit a comprehensive grading and drainage plan prepared by a registered civil engineer in conformance with the Appendix to Chapter 33 of the Uniform Building Code and the requirements of the City. 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, amount to be determined by the City Engineer, shall be required at the time of plan submittal.
 - b. 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 the Building Division at 909/625-9430 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 a detailed landscape planting plan for the front yard and street side yard of the residence, including the following:
 - i. One (1) *Cupaniopsis anacardioides* (Carrotwood) street tree to be installed along the El Morado Street frontage of the property.
 - ii. Two (2) *Tabebuia ipe* (Pink Trumpet) street trees, minimum 30 feet on center, to be installed along the Poulsen Avenue frontage of the property.
 - iii. Sod or hydroseed turf, ground covers, a variety of shrubs and at least two, 15-gallon container size accent trees.

All street trees shall be minimum 24-inch box size and double-staked per City standards.
 - e. Submit three (3) complete sets of plans for an approved, automatic fire sprinkler system for the 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.

- f. Pay all required Montclair Fire Department fees.
 - g. Pay adopted parkland development fee. (Currently adopted fee as of December, 2007, is \$2,800 per dwelling unit.)
 - h. Pay adopted transportation development impact fee. (Currently adopted fee as of December, 2007, is \$1,468 per dwelling unit.)
 - i. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
5. The address of the new residence shall be displayed in minimum four-inch (4") tall numerals on a contrasting background and backlit with a low-voltage illumination source.
 6. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
 7. Fences and walls within the front and street side yard setbacks shall not exceed 48 inches in height. Chain-link fencing is expressly prohibited.
 8. The applicant shall incorporate sufficient sound attenuation measures (i.e. dual-paned glazing, upgraded insulation, etc.) in the residence to achieve a maximum interior noise level of 45dBA.
 9. Elevations of the proposed dwelling shall reflect the inclusion of enhanced glazing (full divided-lights or divided-lights over single-light) and window surrounds and/or enhancements (wood, stucco-over-foam, shutters, pot shelves or similar) on all elevations.
 10. The new dwelling shall be connected to the City of Montclair sanitary sewer system.
 11. All utility connections to the new dwelling shall be underground.
 12. All large mechanical devices, such as air conditioning condensers, shall be located on the ground within the rear yard area not visible to the public right-of-way. All wall- and roof-mounted exhausts, vents, and/or dormers shall be designed to be compatible and blend with the architectural design of the residence.
 13. 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 residence shall be underground. The sewer connection improvements may be shown on either the street improvement or grading improvement plans.

14. Residential drive approach ("W") and driveways (as measured at front property line) shall be a maximum of 18'-0" in width. Top of "X" shall be no closer than 5'-0" to property line. Private driveway width at the back of the sidewalk shall match the drive approach width.
15. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
16. 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.
17. Payment of all sewer connection fees and 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.
18. No soil shall be imported or exported 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.
19. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
20. 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.
21. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357.
22. 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.
23. A final release of occupancy is required for the residence. Final release by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
24. Prior to release of occupancy for the dwelling unit, 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.

25. Prior to the final release of occupancy, 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. Submit to the Engineering Division electronic images of the Water Quality Management Plan. Electronic images shall comply with the City's Electronic Archiving Policy.
 - c. Submit evidence to the NPDES Coordinator that the Water Quality Management Plan has been recorded with the County of San Bernardino.
 - d. Install all approved landscaping and permanent, automatic irrigation system within the front yard and street side yard of the residence.
 - e. Construct P.C.C. sidewalk along both street frontages of the project site, including a disabled-accessible ramp at the northwest corner of El Morado Street and Poulsen Avenue, and replace any substandard P.C.C. curb and gutter along both property frontages to the satisfaction of the City Engineer.
26. 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.
27. The applicant shall agree to defend, at his 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 his obligations under this condition.

INFORMATION ITEMS

City Planner Diaz asked the Commission for input regarding the new format of the staff report, noting that there have been subtle changes to the organization of the conditions of approval. He explained that staff is trying to simplify how conditions are obtained from other departments/divisions, and how they are presented to the Commission and public. Staff has adjusted the format by dividing the conditions into groupings such as Planning, Engineering, Fire, Building, and so forth. Each of the groups of conditions would be numbered individually, with the total being identified as usual.

The commissioners generally favored the change. Commissioner Vodvarka liked the new format but wondered why not continue the numbering instead of starting over with number 1 in each grouping. His concern was that if a particular issue is being discussed, someone says Condition No. 4 and it is unclear whether it is Building Condition No. 4 or Fire Department Condition No. 4. City Planner Diaz stated that either way works.

Commissioner Johnson commented that when she reads through the conditions and has a certain question, she found herself flipping back through the pages and she usually asks for clarification on that condition. The numbering is fine with her either way, but she liked the grouping of conditions by department, instead of having to flip through, especially with the projects that have a lot of conditions.

Commissioner Sahagun commented that he liked the change and new ideas and he was fine with them. He also wanted to mention to everyone that it was very important to speak directly into the microphones so everyone could hear what was being presented.

Chairman Flores commented that he was glad to get back and wanted to thank the Commission for re-electing him chairman. He felt the Commission was a good team and he really enjoyed being a part of it.

Commissioner Vodvarka thanked Director Lustro for the Development Review Log because it really helped him to see the status of future and past projects. Director Lustro apologized for the absence of the report, as staff got busy with other things and it was one of the things that fell by the wayside. But it has been resurrected and will be updated after every Commission meeting as was done in the past.

Director Lustro added that in case anyone receives an inquiry from the public, staff tries to keep the Residential and Commercial-Industrial Development Summary updated at least every 90 days. The summaries can be found on the city website under Planning. Along the left-hand side there is a tab marked "Current Projects in Montclair." At the top of that page, there is a link to both of the development summaries, which are Microsoft Word documents that provide a lot of information about projects that are currently underway, entitled, or getting ready to start. The information includes what the project is, who the developer is, when it was approved, and so forth. It is a good tool for the Commission but also for the public as well. Staff tries to keep as much relevant information on the website as possible and if you see something that needs fixing or have an idea, let staff know and we will see if we can add it.

Commissioner Sahagun welcomed everyone back and wished everyone Happy New Year. He wanted to thank Lee McDougal for the lovely ornaments that he provided to the Commissioners.

Commissioner Sahagun stated that while traveling westbound on Moreno Street, he saw weeds coming out of an outlet or drain along the north curb by Wells Fargo and by Islands. He also noted that the general maintenance and landscaping at the Target shopping center is not as good as before. He wondered if there was an ordinance because it was a nice building but it has not been maintained.

Commissioner Sahagun stated that he is on the Measure T bond oversight committee for Ontario-Montclair School District. At the committee's last meeting, he brought up what he felt were substandard conditions at Montera School, including the lack of HVAC screens and unmaintained landscaping along the slopes adjacent to Holt Boulevard. Director Lustro stated that there was some previous discussion regarding the City contributing toward the screening of the rooftop units on the roof, particularly along Monte Vista Avenue; however, he doubts that happening at the present time given the economy. The condition of the landscaping along Holt Boulevard has been an ongoing staff concern since the school opened. He would suggest that District staff consult with Dave Schroeder at Chino Basin Water Conservation District. He would be a very good resource and would likely be glad to visit the site to suggest ideas.

Commissioner Sahagun added that the Measure T bond oversight committee is looking for members. They only meet once every three months and try to limit their meetings to one hour. Meetings are typically scheduled at 4:00 p.m. on a Thursday.

Commissioner Johnson asked about Macy's and whether our store is on the chopping block. City Planner Diaz answered that as far as he knew, in California there are only two stores closing, one in downtown Los Angeles, and the other one in San Bernardino.

Commissioner Johnson also commented that she knew the economy was terrible but that she still had great hope for North Montclair, and noted that she thought it was a good idea that in the City Manager's Weekly Report that Deputy City Manager Starr encouraged readers to Shop Montclair to boost our sales tax and that she made an effort to do that. However, there are a lot of things that she cannot do in Montclair, like see a movie, go dancing any place she would want to dance, go to a comedy club, live music or anything that has to do with the performing arts. She knows that nothing can be done right now, but as we move forward, she would really like to see something that has entertainment value so dollars that are being spent could be spent within the City.

Building Official Merry Westerlin was introduced to the Commission. Ms. Westerlin indicated that she had been working for the City since October 2007 as Deputy Building Official. She noted that the City Council gave her an opportunity to work here for a year so she could be well adjusted when she took over as Building Official. Since Steve Griggs' retirement, she has assumed her new role and looks forward to many years of serving Montclair. The Commission congratulated her.

Chairman Flores adjourned the meeting at 7:46 p.m.

Respectfully submitted,

Laura Berke
Recording Secretary