



CITY OF MONTCLAIR
PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS
5111 Benito Street, Montclair, California 91763

REGULAR ADJOURNED MEETING
Monday, April 26, 2010
7:00 p.m.

It is respectfully requested that you please silence your cell phones and other electronic devices while the meeting is in session. Thank you.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Chairman Luis Flores, Vice Chairman Sergio Sahagun, Commissioner Tenice Johnson, Commissioner Maynard Lenhert, and Commissioner Don Vodvarka

4. APPROVAL OF MINUTES

The minutes of the April 12, 2010 Planning Commission meetings are presented for consideration.

5. ORAL AND WRITTEN COMMUNICATIONS ON NON-AGENDA ITEMS

The public is invited to address the Planning Commission regarding any items that are not on the agenda. Comments should be limited to matters under the jurisdiction of the Planning Commission. It is respectfully requested that speakers limit their comments to no more than three minutes in length.

Any person wishing to address the Planning Commission on an agenda or non-agenda item should complete a speaker's card and submit it to the City Planner. Speaker's cards are available at the entrance to the Council Chambers.

6. AGENDA ITEMS

- a. PUBLIC HEARING - CASE NUMBER 2010-1
Project Address: 5450 Deodar Street
Project Applicant: Sprint Wireless/City of Montclair
Project Planner: Jim S. Lai, Associate Planner
Request: Conditional Use Permit amendment

- b. PUBLIC HEARING - CASE NUMBER 2010-2
Project Address: 5180-5220 Mission Boulevard
Project Applicant: Storage Place Montclair LLC
Project Planner: Jim S. Lai, Associate Planner
Request: Conditional Use Permit

- c. PUBLIC HEARING

Review of proposed Ordinance No. 10-913 replacing Chapter 11.60 of the Montclair Municipal Code related to landscape water conservation

See attached report covering this item.

7. INFORMATION ITEMS

Although the Planning Commission is prohibited from taking action on or discussing items not on the posted agenda, a member of the Planning Commission may ask for information, request a report back or to place a matter of business on the agenda for a subsequent meeting, ask a question for clarification, make a brief announcement, or briefly report on his or her own activities, provided the foregoing are related to, or within the jurisdiction of, the Planning Commission.

8. PUBLIC INSPECTION OF MATERIALS

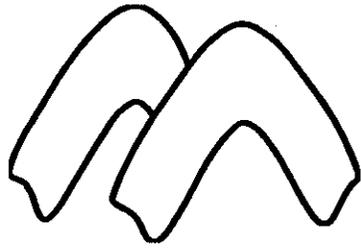
Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of May 10, 2010 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California

CERTIFICATION OF AGENDA POSTING

I, Laura Berke, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda was posted on the bulletin board adjacent to the south door of Montclair City Hall on April 22, 2010.



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 04/26/10

AGENDA ITEM 6.a

Case No.: 2010-1

Application: Conditional Use Permit (CUP) Amendment to allow co-location & addition of Clearwire equipment on an existing 75-foot tall stealth wireless Sprint communications facility (cell tower) at the north end of MacArthur Park

Applicant / Property Owner:

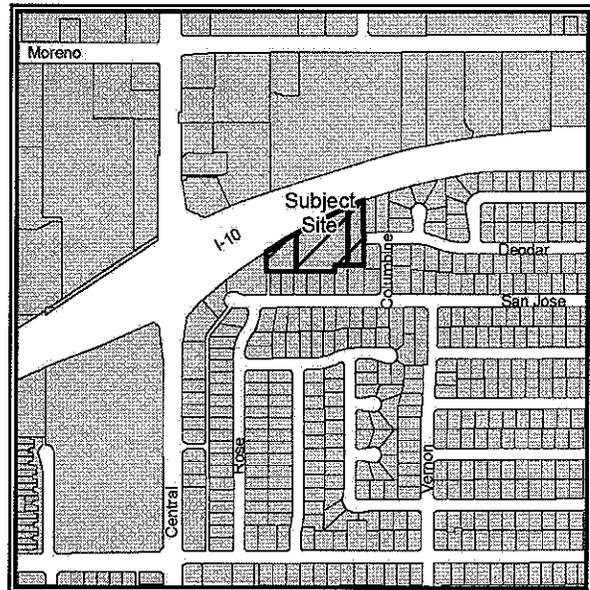
Sprint Wireless / City of Montclair

General Plan: Neighborhood Park

Zoning: R-1 (Single-Family Residential)

Project Address: 5450 Deodar Street (MacArthur Park)

APN: 1008-311-18-0000



Location Map

EXISTING SITE FEATURES/CONDITIONS

Structures: Public park with playground apparatus, picnic tables and benches

Parking: 22 on-site parking spaces

City/Public Utility Easements: Typical utility easements

Trees/Significant Vegetation: Park setting featuring turf and numerous trees of various sizes including mature Canary Island Pines, Eucalyptus, and broadleaf trees.

ADJACENT LAND USE DESIGNATIONS AND LAND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	Neighborhood Park	R-1 (Single-Family Residential)	MacArthur Park
North	----	----	I-10 Freeway
East	Low Density Residential (3-7 du/ac)	R-1 (Single-Family Residential)	Single-Family Residential
South	Low Density Residential (3-7 du/ac)	R-1 (Single-Family Residential)	Single-Family Residential
West	Low Density Residential (3-7 du/ac)	R-1 (Single-Family Residential)	Church

Report on Item Number 6.a

PUBLIC HEARING - CASE NUMBER 2010-1

APPLICATION TYPE	Conditional Use Permit Amendment
NAME OF APPLICANT	Sprint Wireless/City of Montclair
LOCATION OF PROPERTY	5450 Deodar Street
GENERAL PLAN DESIGNATION	Neighborhood Park
ZONING DESIGNATION	R-1 (Single-Family Residential)
EXISTING LAND USE	MacArthur Park
ENVIRONMENTAL DETERMINATION	Categorical Exemption – Section 15303 (Small Existing Facilities)
PROJECT PLANNER	Jim S. Lai

Project Description

Sprint Wireless LLC is requesting approval of a Conditional Use Permit (CUP) Amendment to add antennas for its subsidiary, Clearwire Wireless, to the existing telecommunications facility located on the north side of MacArthur Park. Currently, Sprint Wireless operates the stealth telecommunications facility that is disguised as a "monopine." The new Clearwire Wireless antennas are intended to provide improved data transmission and coverage for Sprint customers.

The new equipment for Clearwire Wireless would include a ground-mounted cabinet box, three (3) panel antennas with head units, and three (3) parabolic microwave antennas. The new antennas will be mounted on to the existing 3-sided antenna support arrays located on the monopine. The proposed addition of antennas will not require an increase in height for the structure (presently at 75 feet) and will not significantly alter the appearance of the monopine. Sprint has provided drawings to demonstrate how the facility will appear before and after the installation.

The new equipment cabinet will be located on a concrete pad at the base of the monopine within the enclosed lease area where three cabinets already exist. The facility will be unstaffed, but visited regularly by Sprint and Clearwire Wireless technicians for routine maintenance work.

Background

- The Federal Telecommunications Act of 1996 precludes local governments from banning cellular transmission sites based on health concerns about the dangers of exposure to radiofrequency radiation (RFR) and electromagnetic frequency (EMF). This is due to inconclusive evidence about the health risk of exposure to RFR and EMF. Cities and counties retain discretion over design and location of the sites but cannot exclude them. Therefore, the Planning Commission is reminded that it cannot consider any environmental effects of emissions that otherwise comply with

FCC regulations, including purported impacts upon health or alleged interference with television reception, in its decision to approve or deny the project.

- The Montclair Municipal Code permits the addition and co-location of antennas or carriers to wireless telecommunications facilities subject to the approval of a Conditional Use Permit (CUP) Amendment pursuant to Chapter 11.73 (Wireless Telecommunications Facilities). The wireless ordinance provides policies and direction, clarifies existing codes, and sets forth reasonable criteria, development standards and standardized conditions of approval upon which staff is using to evaluate this application.
- The existing 75-foot tall stealth wireless communication facility was approved on June 8, 1998, under Case Number 98-11. This was the first wireless communications facility to be located on City property. The owner of the communications facility, Cox Communications PCS LP, has a long-term lease of the ground and air space with the City on the subject portion of MacArthur Park.
- In 2009, the existing monopine was given a facelift to improve its appearance. Several new branches were replaced where they had been missing for some time.

Planning Division Comments

Overall, staff believes that the proposed addition and co-location of Clearwire Wireless antennas on the existing site at MacArthur Park is appropriate and consistent with the Montclair Municipal Code. The purpose for the proposed wireless telecommunications facility is to improve service capacity and reception for Sprint customers in this area of the City. Demand for co-location and addition of more antennas is driven by the number of subscribers and by the addition of text, photo and video messaging services to the communication system. As such, telecommunications companies regularly seek to add new sites and antennas to eliminate dead zones and to handle increasing traffic. However, the City's Wireless Telecommunications ordinance encourages the co-location of antennas as a means of minimizing the need for constructing more cell towers in the City. This CUP Amendment would allow the applicant to improve and expand service from an existing location with a minimal amount of impact.

The CUP process also allows the City to address such issues as overall appearance, conditions and maintenance of the existing facility. The existing monopine is over 12 years old and is an example of an older design. Until recently, the monopine exhibited considerable wear with many missing branches. In 2009, at the City's urging, the monopine was given a facelift to achieve its present appearance. In conjunction with this CUP amendment request, staff is requiring that branches be added where possible to fill in gaps, and for better camouflaging of the antenna panels and their supports. Judging by what has been done at newer installations within the City, staff knows that the antenna panels can be painted colors that more closely match the colors of the branches, and that radiofrequency transparent "socks" are available. The goal is to have the antennas and any supports be screened from view as much as possible.

Given the monopine's placement in a public park and visibility to Interstate 10 this is very important. A condition of approval requiring such enhancements has been added.

Lastly, the proposed addition of antennas at the subject site is not expected to have any significant adverse impacts. There is no expansion of the ground lease area, so current park usage will not be affected, and there is no increase in height or other expansion of the support structure's dimensions. Moreover, staff is unaware of any complaints or issues being received regarding the operation of the facility since its initial placement.

Conditional Use Permit Findings

- A. The proposed wireless telecommunications facility is essential or desirable to the public convenience and public welfare in that such facilities promote universal access to telecommunications services for all Montclair residents, businesses, visitors and commuters traveling through the City. In addition, the proposed wireless facility has the capability to continue to operate and provide communications service in the event of a major power outage that may cause traditional telephone service to be rendered inoperable.
- B. The proposed wireless telecommunications facility use would not create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. The antenna structure is located in a public park of sufficient size to allow its full integration within the general context of the site without significant impact to the use of the park by the public. Moreover, staff finds that the location and physical features of the monopine, which is a stealth tower designed to look like an evergreen tree, and its associated equipment provide the best degree of aesthetic and environmental protection pertaining to on-site and surrounding uses and public areas. Lastly, all necessary building permits will be required to ensure that the facility is properly constructed and inspected.
- C. That the proposed addition of antennas to the wireless telecommunications facility use at the proposed location conforms to good zoning practice. The proposed amendment takes advantage of an existing wireless telecommunications facility that is consistent with the Wireless Telecommunications ordinance, which encourages the co-location of antennas as a means of minimizing the need for constructing more cell towers in the City. This CUP Amendment would allow the applicant to improve and expand service from an existing location with the least amount of impact.
- D. That such use in such location is not contrary to the objectives of any part of the adopted General Plan, which encourages compliance with federal law, increased emergency preparedness, enhancement of public convenience and communication, and projects which meet community design objectives and attempt to reasonably minimize undesirable aesthetic effects on adjacent properties.

Wireless Telecommunications Facility Findings

- A. There is adequate space and structural load capacity on the existing antenna arrays of the wireless telecommunications facility without conflicting with existing buildings or other improvements on the property, reducing required parking or landscaping, or otherwise compromising applicable development standards. The park site is approximately 2.29 acres in size and has been host to the existing wireless telecommunications facility without significant impact. The proposed wireless telecommunications facility will not eliminate any parking spaces or existing landscaping.
- B. The design and placement of the antennas and ground cabinet to the wireless telecommunications facility will not adversely impact the use of the property, buildings and structures located on the property or the surrounding area or neighborhood. The monopine is situated in a corner of the park site, visually blends in with other mature pine trees, and will not restrict any existing park activities, while the support equipment is enclosed and shielded from view by the public visiting the park, on the street, or from neighboring properties.
- C. The proposed co-location and addition of antennas to the wireless telecommunications facility is consistent with the provisions of Chapter 11.73 and complies with all other applicable requirements of Title 11 of the Montclair Municipal Code. The new antennas and equipment will not emit excessive noise, vibration, traffic or other disturbance that would have a substantial adverse effect on abutting property or uses located on these properties. Moreover, the proposed wireless telecommunications facility meets distance requirements from adjacent residential properties, required setbacks of the underlying district and is planned to accommodate a second carrier in the future. The proposed height and monopine design of the antenna support structure will not adversely affect appearance of the surrounding area.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on April 16, 2010. Public hearing notices were also mailed to existing tenants of the center and to property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary zoning entitlement.

Environmental Assessment

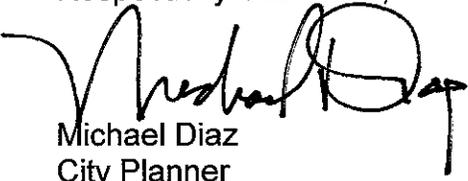
The proposed project involves the installation of small, new structures on a developed site. As such, staff has determined that this project is categorically exempt (Class 3 – New Construction or Conversion of Small Structures) from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15303 of the CEQA Guidelines. A DeMinimis finding of no impact on fish and wildlife will be prepared.

Planning Division Recommendation

Staff recommends that the Planning Commission take the following action(s):

1. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303 of the State CEQA Guidelines.
2. Move to approve a Conditional Use Permit Amendment under Case No. 2010-1 to allow the co-location and addition of antennas and an equipment cabinet onto an existing telecommunications facility at MacArthur Park at 5450 Deodar Street, per the submitted plans, as described in the staff report, required findings, and subject to the 37 conditions in attached Resolution Number 10-1721.

Respectfully Submitted,



Michael Diaz
City Planner

JL/lb

Attachments: Draft Resolution of Approval for Case No. 2010-1

RESOLUTION NO. 10-1721

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT AMENDMENT UNDER CASE NO. 2010-1 TO ALLOW THE CO-LOCATION AND ADDITION OF ANTENNAS TO AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY IN THE R-1 ZONING DISTRICT AT MACARTHUR PARK, 5450 DEODAR STREET (APN 1008-311-18).

A. Recitals.

WHEREAS, on January 19, 2010, Sprint Wireless submitted an application for a Conditional Use Permit (CUP) Amendment to allow the co-location and addition of additional antennas to the existing wireless telecommunications facility at MacArthur Park, 5450 Deodar Street; and

WHEREAS, Chapter 11.73 of the Montclair Municipal Code governs the development of wireless telecommunications facilities within the City and provides policies and sets forth criteria, development standards and standardized conditions of approval upon which to evaluate this application; and

WHEREAS, the existing wireless telecommunications facility consists of a 75-foot high "monopine" structure and support equipment located within an enclosed lease area; and

WHEREAS, Section 11.73.100 of the Montclair Municipal Code strongly encourages co-location of wireless telecommunications facilities to minimize their numbers and the visual impact additional locations would have on the community; and

WHEREAS, Sprint Wireless, the current wireless carrier at the subject site, desires to add the additional antennas for its subsidiary, Clearwire Wireless LLC, to the existing facility on the subject property; and

WHEREAS, Sprint Wireless has identified the site as a practical location to provide enhanced services to its customers by increasing signal strength and more efficient and faster data transmission; and

WHEREAS, staff has determined that the application meets the intent and requirements of the Municipal Code and the applicable development standards of the Wireless Telecommunications Ordinance; and

WHEREAS, Planning Division staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act

(CEQA) and the City's CEQA Guidelines, pursuant to Section 15303 (Class 3 – New Construction or Conversion of Small Structures). In addition, there is no substantial evidence that the project will have a significant effect on the environment. The Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent judgment, concurs with staff's determination of exemption and directs staff to prepare a Notice of Exemption and a DeMinimis finding of no effect on fish and wildlife; and

WHEREAS, a notice of public hearing was duly given and posted in the manner and for the time frame prescribed by law; and

WHEREAS, on April 26, 2010, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a public hearing at which time all persons wishing to testify in connection with said application were heard, and said application was fully studied.

A. Resolution.

NOW, THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Montclair as follows:

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on April 26, 2010, including written and oral staff reports together with public testimony, this Commission hereby finds as follows:

Conditional Use Permit Findings

- A. The proposed wireless telecommunications facility is essential or desirable to the public convenience and public welfare in that such facilities promote universal access to telecommunications services for all Montclair residents, businesses, visitors and commuters traveling through the City. In addition, the proposed wireless facility has the capability to continue to operate and provide communications service in the event of a major power outage that may cause traditional telephone service to be rendered inoperable.
- B. The proposed wireless telecommunications facility use would not create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. The antenna structure is located in a public park of sufficient size to allow its full integration within the general context of the site without significant impact to the use of the park by the public. Moreover, staff finds that the location and physical features of the monopine, which is a stealth tower designed to look like an evergreen tree, and its associated equipment provide the best degree of

aesthetic and environmental protection pertaining to on-site and surrounding uses and public areas. Lastly, all necessary building permits will be required to ensure that the facility is properly constructed and inspected.

- C. That the proposed addition of antennas to the wireless telecommunications facility use at the proposed location conforms to good zoning practice. The proposed amendment takes advantage of an existing wireless telecommunications facility that is consistent with the Wireless Telecommunications ordinance, which encourages the co-location of antennas as a means of minimizing the need for constructing more cell towers in the City. This CUP Amendment would allow the applicant to improve and expand service from an existing location with the least amount of impact.
- D. That such use in such location is not contrary to the objectives of any part of the adopted General Plan, which encourages compliance with federal law, increased emergency preparedness, enhancement of public convenience and communication, and projects which meet community design objectives and attempt to reasonably minimize undesirable aesthetic effects on adjacent properties.

Wireless Telecommunications Facility Findings

- A. There is adequate space and structural load capacity on the existing antenna arrays of the wireless telecommunications facility without conflicting with existing buildings or other improvements on the property, reducing required parking or landscaping, or otherwise compromising applicable development standards. The park site is approximately 2.29 acres in size and has been host to the existing wireless telecommunications facility without significant impact. The proposed wireless telecommunications facility will not eliminate any parking spaces or existing landscaping.
- B. The design and placement of the antennas and ground cabinet to the wireless telecommunications facility will not adversely impact the use of the property, buildings and structures located on the property or the surrounding area or neighborhood. The monopine is situated in a corner of the park site, blends in with other mature pine trees and will not restrict any existing park activities, while the support equipment is enclosed and shielded from view by the public visiting the park, on the street, or from neighboring properties.
- C. The proposed co-location and addition of antennas to the wireless telecommunications facility is consistent with the provisions of Chapter 11.73 and complies with all other applicable requirements of Title 11 of the Montclair Municipal Code. The new antennas and equipment will not emit excessive noise, vibration, traffic or other disturbance that would have a substantial adverse effect on abutting property or uses located on these properties. Moreover, the proposed wireless telecommunications facility meets distance requirements from adjacent residential properties, required setbacks of the underlying district and is

planned to accommodate a second carrier in the future. The proposed height and monopine design of the antenna support structure will not adversely affect appearance of the surrounding area.

3. Based upon the findings and conclusions set forth in the paragraphs above, this Commission hereby approves the application subject to each and every condition set forth below.

Planning

1. This approval is for a Conditional Use Permit (CUP) to co-locate and to add antennas, parabolic disc and a ground equipment cabinet to an existing wireless telecommunications facility located at MacArthur Park, 5450 Deodar Street, as described in the staff report and depicted on the approved plans. The approval of this permit shall become effective after all applicable appeal periods have expired or appeal processes exhausted.
2. All applicable conditions of the original CUP and Precise Plan of Design approval for the wireless communications facility under Case No. 98-11 shall remain in force and shall be complied with.
3. No increase in the height of the monopine or expansion of the ground lease area of the existing facility shall be allowed with this CUP Amendment.
4. Prior to issuance of a building permit for the addition of all approved antennas and equipment cabinet, the applicant shall submit detailed shop drawings and/or plans for final design review and approval by the City Planner. Drawings/plans shall incorporate or address the following elements in order to correct deficiencies and to enhance the overall appearance of the monopine and associated structures:
 - a. Add additional branches to fill in gaps in the branch structure of the faux monopine tree. The new branches shall match existing branches and be of sufficient quality, quantity, length, spacing, and density to provide screening of the antennas and to achieve a natural appearance to the greatest extent possible.
 - b. Each antenna panel shall be covered with "antenna socks" that match the approved foliage color.
 - c. All "stand-off-mounts" and support pipe mounts shall be painted in a "flat" complementary finish to reduce reflection and visibility of the mounting hardware.

- d. Missing "bark" finish or paint on the support pole shall be added as necessary to restore or improve the overall appearance of the faux monopine tree.
5. Prior to the issuance of any building permits to install the additional antennas and equipment cabinet to the approved wireless communications facility at MacArthur Park, the applicant (Sprint Wireless) shall obtain City approval of an amended License Agreement with the City of Montclair. Failure to obtain such approved License Agreement shall render this CUP Amendment approval null and void.
6. Conditional Use Permit (CUP) approval shall be valid for six months from the date of Planning Commission action. If no construction drawings have been submitted to the City for plan review within this time frame or a time extension for such CUP granted, then the approval shall automatically expire without further City action.
7. Within five (5) days of approval by the Planning Commission, the applicant shall submit a check in the amount of \$50 to cover the County's administrative fee for filing a Notice of Exemption as required the California Environmental Quality Act (CEQA). The check shall be made payable to the Clerk of the Board of Supervisors.
8. 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.
9. The wireless provider shall obtain and maintain current at all times a business license issued by the City.
10. The applicant shall be responsible to fully comply with all requirements of the Federal Communications Commission (FCC) regarding electromagnetic frequency (EMF) and radiofrequency radiation (RFR) standards.
11. No advertising, signs or lighting shall be incorporated or attached to the antenna array or support facilities, except as required by the City's Building Division or federal regulations.
12. All electrical and utility connections serving the facility shall be placed underground in accordance with the requirements of the Montclair Municipal Code.
13. The applicant shall submit to the City certification of continued use of the approved facility on an annual basis at the time of business license

renewal for as long as the facility remains in operation. The certification shall indicate that the facility is operating as approved and that the facility complies with the most current FCC safety standards. Facilities that are no longer in operation shall be completely removed within 90 days after the date of cessation of operation.

14. If no annual certification is provided, the CUP for the facility may be revoked by the Community Development Director. Prior to revoking a permit, the Director shall provide the owners of record written notice of their failure to provide the annual certification and an opportunity for a hearing.
15. Notice of change of ownership of the facility shall be provided in writing to the Director within 30 days of said change.
16. Within 90 days of commencement of operations, applicants shall provide a preliminary report and field report prepared by a qualified engineer that shows the operation of the facility to be in conformance with the standards established by ANSI and IEEE for safe human exposure to EMF and RFR.
17. All future changes and modifications to an approved facility, such as the addition of panel, whip, dish, omnidirectional, GPS or test antennas, shall require prior review and approval by the City.
18. The applicant and/or property owner shall be responsible for maintaining the monopine structure, antennas and artificial foliage and branches, building, ground equipment, fencing, lighting, landscaping, and all improvements in good condition and/or 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 screen walls, or adjacent buildings or structures shall be removed immediately by the applicant/property owner upon notification by the City.
19. The permit may be modified or revoked for failure to abide by the conditions contained herein, or in the event the use is determined to be a nuisance to surrounding properties, businesses, or community at-large.
20. Prior to issuance of a building permit for the addition of antennas and equipment to the existing wireless telecommunications facility, the applicant shall remit to the City a cash deposit in an amount to be determined by the Director for the purpose of removing the subject facility and all associated support equipment in the event the facility becomes abandoned, the CUP is revoked by the Director, or the applicant does not or is unable to remove the facility.
21. A complete set of plans shall be submitted to the Montclair Police Department to determine the compatibility and non-interference with the City's public safety radio frequencies and services. Building permits shall

not be issued unless it is determined that the proposal will not impact the City's radio communications systems.

22. If, as a result of the operation of the subject facility, existing or future residential, commercial or industrial properties near the site experience interference difficulties with electronic equipment (such as radios, televisions, telephones, home computers, etc.), or if public safety personnel experience interference with communications systems, the applicant shall be solely and fully responsible to correct any and all problems upon proof of such interference.
23. At no time shall equipment noise from any source exceed an exterior noise level for nighttime hours as set forth in Table 6-2 of the Montclair General Plan. Any backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekday nights. The carrier shall take corrective action within 30 days of receipt of any reported noise complaint by the Planning Division.
24. To ensure compliance with the conditions of the approval, a final inspection is required from the Building and Planning Divisions upon completion of construction and all improvements. The applicant shall contact the City to schedule an appointment for such inspections.
25. 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

26. Submit two complete sets of plans for the project, including engineered structural calculations and drawings for the proposed addition of antennas, parabolic disc and ground equipment cabinet to the monopine structure, associated facilities and utility plans, and three additional sets of architectural plans, including elevations, colors and materials, foliage addition to the monopine and lighting, if any, for review and approval by the Building and Planning Divisions.
27. Underground Service Alert shall be notified 48 hours prior to any excavation by calling 8-1-1.

28. All off-site and on-site excavation and trenching shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
29. The developer/contractor is to be responsible for reasonable periodic clean up of the construction site to avoid hazardous accumulation of combustible trash and debris.
30. Architect's/Engineer's stamp and "wet" signature are required prior to permit issuance.
31. Plans shall be submitted for plan check and approved prior to construction. The applicant shall comply with the latest adopted California Building Code and other applicable codes, ordinances and regulations in effect at the time of permit application. These applicable codes shall be indicated on the first page of submitted plans.
32. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
33. All utility services to the project shall be installed underground.
34. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
35. Approval of final inspection is required prior to the use of the subject facility. Final approval by the Building Official shall be contingent upon compliance with all conditions of approval. The applicant shall contact the City to schedule an appointment for such final inspection.
36. The developer/general contractor is to be responsible for reasonable periodic clean up of the construction site to avoid hazardous accumulation of combustible trash and debris.
37. Prior to the issuance of final approval of the project, the applicant shall submit to the Building Division electronic images of all plans and records for the purpose of obtaining a building final. Electronic images shall comply with the City's Electronic Archiving Policy.

The Secretary to this Commission shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED THIS 26TH DAY OF APRIL, 2010

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Luis Flores, Chair

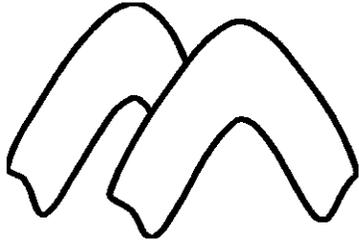
ATTEST: _____
Steve Lustro, Secretary

I, Steve Lustro, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 26th day of April, 2010, by the following vote, to-wit:

AYES:

NOES:

ABSENT:



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 04/26/10

AGENDA ITEM 6.b

Case No.: 2010-2

Application: Conditional Use Permit

Property Owner/Applicant: Storage Place Montclair LLC

General Plan: Business Park

Zoning: C-3 (General Commercial)

Project Address: 5220 Mission Boulevard

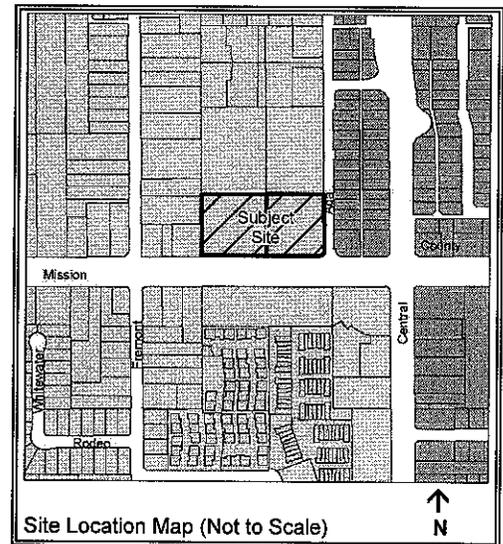
APN: 1011-283-01

EXISTING SITE FEATURES/CONDITIONS

Structures: Self-storage facility (under construction)

Parking: 18 on-site parking stalls for self-storage facility per approved plan

City/Public Utility Easements: Right-of-way and utility easements on Mission Boulevard and Ada Avenue frontages



ADJACENT LAND USE DESIGNATIONS AND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	Business Park	C-3	Self-storage facility
North	Commercial	MIP	Warehouse / vacant lot
East	Business Park	CS (County)	Commercial / residential
South	Business Park	C-2	Vacant
West	Business Park	MIP	Commercial / trailer storage

Report on Item Number 6.b

PUBLIC HEARING - CASE NUMBER 2010-2

APPLICATION TYPE	Conditional Use Permit
NAME OF APPLICANT	Storage Place Montclair LLC
LOCATION OF PROPERTY	5220 Mission Boulevard
GENERAL PLAN DESIGNATION	Business Park
ZONING DESIGNATION	C-3 (General Commercial)
EXISTING LAND USE	Self-Storage facility (Under Construction)
ENVIRONMENTAL DETERMINATION	Categorical Exemption – Section 15332- Class 32 (Infill Projects)
PROJECT PLANNER	Jim S. Lai

Project Description

The applicant is requesting approval of a Conditional Use Permit to allow the construction and operation of a recreational vehicle and watercraft storage yard on approximately 1.44 acres of land at the southwest portion of the 4.5-acre parcel where a self-storage facility is being constructed on Mission Boulevard at Ada Avenue. The RV storage yard, if approved, would replace a previously-approved, 23,183 square-foot commercial building (Case No. 2006-53 'A') for which entitlements have expired.

The proposed RV storage yard would provide up to 64 parking stalls of various sizes for recreational vehicles such as travel trailers, boats and other watercraft. The site would be fully paved and secured by an eight (8) foot high decorative masonry wall. Primary entry to the RV storage yard would be from Ada Avenue via a code-activated gate on the north side of the existing three-story storage building. The two gated entrances facing Mission Boulevard would be used for emergency access only. Extensive landscaping of up to 45 feet in depth would be provided on the Mission Boulevard frontage of the facility to soften and further screen the proposed use. No repair, washing, dump station, or fuel tanks would be allowed or provided on the site.

The applicants have provided a site plan, wall elevation, landscape plan and related information, which are included in the Commission packets for reference.

Background

- On January 22, 2007 the Planning Commission approved the self-storage facility that is under construction on the subject site under Case No. 2006-53. The approved project includes a 135,035 square-foot self-storage facility in three separate buildings. The 23,183 square-foot commercial building was approved by the Commission on October 22, 2007. The commercial building portion of the project has since been

abandoned by the new property owner in favor of the proposed RV and boat storage yard.

- The new property owner acquired the property and project in late 2009. The anticipated opening date for the self-storage facility is by the summer of 2010.
- City records indicate that there are a total of four similar RV and boat storage facilities within the City and its sphere of influence, including one that was recently approved but not yet fully constructed in the 5000 block of State Street. Several other existing self-storage facilities also provide limited spaces for RV, vehicles and boat storage.

Planning Division Comments

The applicant has been working with staff over the past several months to resolve issues relating to the storage yard design such as screen wall, landscaping, lighting and access. Staff is pleased that all of these issues have been satisfactorily resolved. Staff is supportive of the proposed RV and watercraft storage yard to replace the previously-approved commercial building as the current demand for retail space in a strip mall setting is weak and that the RV storage yard concept fits better with the approved self-storage facility on the same property.

The subject location is adequately separated from any nearby residential uses and is served by fully developed roadways of sufficient size to easily accommodate the recreational vehicles the facility will serve. The RV storage yard will be setback 45 feet from Mission Boulevard and screened from view by a minimum eight-foot high decorative masonry wall and landscaping. These elements will help to ensure the proposed facility will not have an adverse visual impact on Mission Boulevard nor detract from the recent public improvements in the area.

According to the applicant, only RVs and watercraft in sound, working condition would be allowed. Hours of operation hours for the yard would be from 7:00 a.m. to 6:00 p.m. as clients must access the yard through a code-activated gate on the north side of the facility. An on-site manager would provide regular maintenance and round-the-clock security of the entire facility with the aid of a video surveillance system. Conditions of approval addressing these issues are included in the proposed resolution of approval.

Conditional Use Permit Findings

Staff believes the necessary findings for granting the CUP for an RV and watercraft storage facility can be made, as follows:

- A. The proposed RV and watercraft storage yard would be an essential and desirable use for the general public convenience and welfare, in that the facility would meet a public need and demand for the storage of large RVs, trailers and boats in a properly improved and secure facility.

- B. Granting of the CUP for the proposed RV storage facility will not be materially detrimental to the public welfare and to other property in the vicinity, in that the proposed use will be located on a site that is of adequate size and shape and be visually screened from public view by a solid masonry wall and landscaping. The proposed RV storage facility will comply with all required development standards.
- C. The proposed RV storage facility at the subject site conforms to good zoning practice, in that the Montclair Municipal Code allows such uses at properly improved locations. The requirement for a CUP allows the City to place reasonable conditions of approval to ensure that the use has the least possible adverse impact on adjacent uses. Moreover, the subject location is adequately separated from any nearby residential uses and is served by fully developed roadways of sufficient size to easily accommodate the recreational vehicles the site facility will serve.
- D. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages a wide range of service uses on properly developed sites within the area.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on April 16, 2010. Public hearing notices were also mailed to property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law. At the time this report was prepared, no comments or inquiries had been received by staff regarding the proposal.

Environmental Assessment

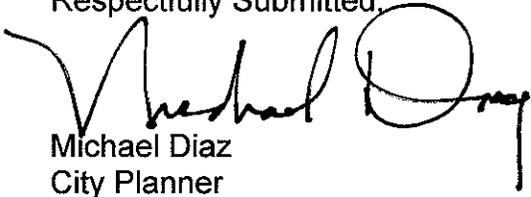
The project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15332, which exempts infill projects meeting specific criteria. As such, a DeMinimis finding of no impact on fish and wildlife will be prepared.

Planning Division Recommendation

Staff recommends that the Planning Commission take the following actions:

1. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 32 exemption under State CEQA Guidelines Section 15332, which covers infill projects meeting specific criteria. As such, a DeMinimis finding of no impact on fish and wildlife will be prepared.
2. Move to approve a Conditional Use Permit under Case No. 2010-2, subject to making the required findings and subject to the 55 conditions as described in attached Resolution Number 10-1722.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Diaz". The signature is stylized with a large, circular flourish at the end.

Michael Diaz
City Planner

JL/lb

Attachments: Draft Resolution of Approval No. 10-1722

RESOLUTION NUMBER 10-1722

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2010-2 TO ALLOW THE OPERATION OF AN RV AND WATERCRAFT STORAGE YARD IN CONJUNCTION WITH AN APPROVED SELF-STORAGE FACILITY AT 5180-5220 MISSION BOULEVARD (APN 1011-283-01).

A. Recitals

WHEREAS, on January 19, 2010, Storage Place Montclair LLC, acting as applicant and property owner, filed an application for a Conditional Use Permit (CUP) to allow a recreational vehicle and watercraft storage yard to be part of a 4.5-acre self-storage facility that is currently under construction at 5220 Mission Boulevard; and

WHEREAS, on January 22, 2007, the existing self-storage facility under construction was approved under Case No. 2006-53; and

WHEREAS, on October 22, 2007, a 23,183 square-foot retail commercial building was approved for the southwest corner of the subject site under Case No. 2006-53 'A'; and

WHEREAS, the project was acquired by new owners in 2009 who have determined that construction of the retail building is not economically viable at this time and are seeking approval to revise this portion of the originally approved project; and

WHEREAS, the proposed RV and watercraft storage yard would replace the previously approved, but unbuilt, retail commercial building on the 1.44-acre portion of the property on the southwest corner of the 4.5-acre site; and

WHEREAS, staff has determined that the proposed RV and watercraft storage use meets the intent and applicable development standards of the C-3 (General Commercial) zoning district in which it is located; and

WHEREAS, staff has determined that the proposed RV and watercraft storage yard would not have a significant effect on the environment and has prepared a Categorical Exemption pursuant to Section 15332 of the California Environmental Quality Act (CEQA) and a DeMinimis finding of no effect on fish and wildlife; and

WHEREAS, a notice of public hearing was duly given and posted in the manner and for the time frame prescribed by law; and

WHEREAS, on April 26, 2010, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a public hearing at which time all persons wishing to testify in connection with said CUP request were heard, and said CUP was fully studied.

B. Resolution

NOW, THEREFORE, it is hereby found, determined, and resolved by the Planning Commission of the City of Montclair as follows:

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on April 26, 2010, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:
 - a. The proposed RV and watercraft storage yard would be an essential and desirable use for the general public convenience and welfare, in that this facility would meet a public need and demand for the storage of large RVs, trailers and boats in a properly improved and secure facility.
 - b. Granting of the CUP for the proposed RV storage facility will not be materially detrimental to the public welfare and to other property in the vicinity, in that the proposed use will be located on a site that is of adequate size and shape and would be visually screened from public view by a solid masonry wall and landscaping. The proposed RV storage facility will comply with all required development standards.
 - c. The proposed RV storage facility at the subject site conforms to good zoning practice, in that the Montclair Municipal Code allows such uses at properly improved locations. The requirement for a CUP allows the City to place reasonable conditions of approval to ensure that the use has the least possible adverse impact on adjacent uses. Moreover, the subject location is adequately separated from any nearby residential uses and is served by fully developed roadways of sufficient size to easily accommodate the recreational vehicles the site facility will serve.
 - d. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages a wide range of service uses on properly developed sites within the area.

3. Planning Division staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies under the Class 1 exemption under State CEQA Guidelines Section 15332, which exempts infill projects meeting specific criteria. In addition, there is no substantial evidence that the project will have a significant effect on the environment. The Planning Commission has reviewed the Planning Division's determination of exemption and, based on its own independent judgment, concurs with staff's determination of exemption and directs staff to prepare a Notice of Exemption and a DeMinimis finding of no effect on fish and wildlife; and
4. Based upon the findings and conclusions set forth in paragraphs 1, 2 and 3 above, this Commission hereby approves the application subject to each and every condition set forth below.

Planning

1. This Conditional Use Permit (CUP) approval is for the operation of a recreational vehicle (RV) and watercraft storage yard on the southwesterly, 1.44-acre portion of a 4.5-acre parcel located at 5180-5220 Mission Boulevard. The maximum number of parking stalls shall be limited to 64 parking stalls as depicted on the approved site plan.
2. This decision, or any aspect of this decision, may be appealed to the City Council within 15 days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
3. This CUP approval shall be valid for a period of six months (180 days) 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 the necessary permits to initiate construction and obtain a City business license. 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.
4. Approval of this CUP shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances, San Bernardino County Health Department, or the State of California.
5. 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 on said premises.

6. Primary entry to the RV storage yard shall be from Ada Avenue via a code-activated gate on the north side of the three-story storage building. The two gated entrances off Mission Boulevard shall be reserved for emergency access only.
7. The on-site manager of the self-storage facility shall provide regular maintenance and round-the-clock security of the entire RV facility with the aid of a video surveillance system. Should the RV storage facility be parceled off at a later date, professional management of the use as approved by the Community Development Director shall be required to enforce the conditions of this approval.
8. Development of the site for the RV storage facility shall be in accordance with the site plan as approved by the Planning Commission on this date and on file with the Planning Division. Site improvements for the RV storage facility shall include the following:
 - a. Provide one (1) trash enclosure for the RV storage site. The trash enclosure shall be constructed of masonry consistent with the primary type and color of that used on the building and to City standards.
 - b. Construction of an 8'-0" high decorative masonry screen/security wall around the site, per approved plans. Sliding gates shall include metal mesh painted black or in a color to match the building exteriors. All design details and specifications for the screen/security wall shall be consistent with the submitted drawings (Sheet A-1.1).
 - c. All proposed exterior lighting shall comply with the following standards:
 - i. Provide a minimum maintained illumination level of one (1) foot-candle across the site. During non-business hours, a minimum of one-quarter (.25) foot-candles of illumination shall be maintained at grade.
 - ii. Lighting fixtures shall be vandal resistant and of a design that complements the architecture of the building.
 - iii. All light fixtures shall incorporate 90-degree cut-off style luminaires and flat lenses so as to direct illumination downward to the surface to be illuminated and away from public rights-of-way or adjacent properties/uses.
 - iv. Freestanding light fixtures and poles shall not exceed a maximum height of 25'-0" as measured from adjacent grade to top of luminaires.

- v. The use of wall packs, barn lighters, other similar unshielded luminaires, and/or decorative lighting installed solely for the purpose of illuminating the roof shall be prohibited.
 - vi. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.
- 9. Prior to installation of any signs on the property, the applicant shall submit a proposal and/or sign program (and fee) for the entire facility which is in compliance with the applicable provisions of the Montclair Sign Code.
- 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 their installation.
 - b. At no time shall pennants, inflatable signs, "human" signs, other similar advertising devices be utilized on the property or off-site.
- 11. Permitted recreational vehicles (RVs) shall mean vehicles for non-commercial, recreational use, including motor homes (including Class A, B and C), travel trailers, cab-over-campers, fifth wheels, horse trailers, or trailers mounted with RVs such as watercraft or off-road vehicles in sound and operable condition.
- 12. The storage of inoperative cars or trucks, unattached camper shells, heavy equipment or large trucks, storage containers, mobile homes or manufactured housing, modular offices, vehicle parts, new or used building materials, scrap products or industrial waste and the like shall not be permitted.
- 13. Any modification, intensification, or expansion of the use beyond that which is specifically approved with this approval shall require review and approval by the Planning Commission. No expansion of the storage yard or construction of any building shall be permitted without prior City review and approval.
- 14. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m., seven (7) days per week. Applicant may elect to operate the storage yard less hours within this time frame.
- 15. No electricity, water, propane or sewer dump station shall be installed and/or provided for customer use on-site.
- 16. No washing/detailing, repair, servicing, body work or auto painting of any vehicle shall be allowed.

17. The sale of any vehicle, boats, or other items shall not be allowed on the premises.
18. The sale or dispensing of propane or other types of vehicle fuel shall not be allowed on the premises.
19. No loitering, overnight camping, or person(s) living on the premises shall be permitted at any time.
20. No outdoor pay telephones or vending machines shall be installed or used on the property in conjunction with this approval.
21. The applicant shall provide adequate signage on the lot to advise against littering, loitering and unauthorized activities, such as repair or washing of vehicles.
22. All electrical and utility connections serving the facility shall be placed underground in accordance with the requirements of the Montclair Municipal Code.
23. The applicant and/or property owner shall be responsible for maintaining the overall appearance and condition of the new improvements and the property at large. All graffiti and other forms of vandalism and damage to the subject improvements shall be removed and/or repaired within 72 hours of notice by the City. The facility shall maintain a litter free environment to the business as well as the surrounding areas.
24. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions which are a part thereof.
25. To ensure compliance with the conditions of approval, a final inspection is required from the Building and Planning Divisions upon completion of construction and all improvements. The applicant shall contact the City to schedule an appointment for such inspections.
26. Any violations of the conditions of approval may result in the revocation or modification of this permit, including the imposition of fines in the event that the use is determined to be a nuisance to surrounding properties, businesses or the community at large.
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.

Building

28. Prior to issuance of building permits, the applicant shall:
 - a. Submit three (3) complete sets of plans for the project, including all codes and specifications that apply: materials, electrical, plumbing, and mechanical, landscaping, lighting, and accessibility details for review and approval by the Building Division. Contact the Building Division at 909/625-9477 for an appointment to submit plans.
 - b. The Code requirements shall be in compliance with the 2007 California Codes.
 - c. Submit detailed plans for all walls and fencing associated with the project.
 - d. Clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs, as may be required by the Building Official. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24.
 - e. Contact the Building Division for the specific requirements for submittal of light pole plans.
29. Grading plans shall be submitted to the Engineering Division for approval. After approval of the grading plans by the Engineering Division, the applicant shall submit to the Building Division for a grading permit.
30. Security gates to the facility shall be equipped with Medeco locks or other acceptable devices to allow access by emergency personnel and utility providers at all times.
31. 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:
 - 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. Numerals shall be affixed to a durable placard or plate attached to the perimeter fence immediately adjacent to the facility entrance.

- 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. The maximum height of the light standards for the storage yard shall be 25'-0". Type and design of the light fixture shall be included as part of the submittal for plan review.
32. 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.
 33. Prior to issuance of a Certificate of Occupancy, the applicant shall 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.

Engineering/Environmental Control

34. Payment of transportation development impact fees in effect at the time of payment, if required by the City Engineer.
35. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact the Environmental Manager at (909) 625-9446 for fees/assessments.
36. Regional Sewerage Capital Outlay fees, if required, shall be paid as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.
37. Discharge of wastewater into the sewer collection system, if proposed, shall conform to all requirements of the Montclair Municipal Code, upon approval by the Environmental Manager.
38. Sanitary sewers serving this development shall be designed to City standards and shall be privately maintained.
39. A Water Quality Management Plan (WQMP) has been approved for this project. Implementation of the water runoff containment and detention measures as specified and required by the WQMP shall be subject to the inspections, approval and acceptance of the City NPDES Coordinator and the City Engineer. Requirements for the WQMP may be obtained from Joe Rosales, NPDES Coordinator, at 909-625-9470.
40. A disabled-accessible path of travel from the public sidewalk to the facility entrance shall be shown on the grading plan. Sidewalks, pathways, and curb cuts shall comply with the Americans with Disabilities Act of 1990 (ADA)

requirements. The maximum cross slope on a sidewalk or path of travel shall not exceed 2%, as may be required by the Building Official.

41. Prepare a grading plan to the satisfaction of the City Engineer and Building Official. An erosion control plan is to be included and considered an integral part of the grading plan. Grading and landscaping shall be done to minimize impacts on the storm drain system.
42. No soil may 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 acceptable to the City Engineer shall be prepared showing proposed haul routes within the City. Plans shall include provisions for street sweeping and cleanup. Contractor(s) shall comply with all NPDES requirements.
43. All off- and on-site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
44. All utilities serving development shall be placed underground. Pad mount transformers and/or switches will be acceptable, provided they are screened from public view with walls or landscaping.
45. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at 8-1-1.

Fire

46. A 20-foot wide base asphalt or concrete roadway capable of supporting firefighting apparatus within 150 feet of all structures is required prior to the framing stage of construction. This access is required to be maintained unobstructed throughout construction. Roadway is subject to Fire Department approval prior to construction.
47. The developer/general contractor is to be responsible for reasonable periodic clean up of the construction site to avoid hazardous accumulation of combustible trash and debris.
48. Planter areas in the center of drive and adjacent to entrances should be low profile type, not to exceed eight feet in height when mature.
49. The inside turning radius for an access road shall be 32 feet or greater, and the outside turning radius for an access road shall be 45 feet or greater.
50. All Fire Department access and fire lanes shall be posted as "No Parking, Fire Lane." Signs shall be designed and mounted in accordance with Montclair Fire Department standards.

51. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
52. A fire hydrant system may be required to provide the necessary water flow to the proposed structure(s). Exact number, location, and design of hydrants shall be determined by the Fire Marshal's Office when building plans are received. Hydrants shall be active prior to the framing stage of construction.
53. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
54. 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 those occupancies requiring such a system.
55. All Montclair Fire Department fees are due prior to any permit issuance.

The Secretary to this Commission shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED THIS 26TH DAY OF APRIL, 2010

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Luis Flores, Chair

ATTEST: _____
Steve Lustro, Secretary

I, Steve Lustro, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 26th day of April, 2010, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Report on Item Number 6.c

PUBLIC HEARING

PROPOSED WATER EFFICIENT LANDSCAPE ORDINANCE (ORDINANCE NO. 10-913)

APPLICATION TYPE(S)	Code Amendment
NAME OF APPLICANT	City of Montclair
LOCATION OF PROPERTY	Citywide
ENVIRONMENTAL DETERMINATION	Exempt pursuant to Sections 15307 and 15308 of the State CEQA Guidelines
PROJECT COORDINATOR	Michael Diaz

Project Proposal

In 2006, Assembly Bill 1881, the Water Conservation in Landscaping Act of 2006, mandated increased water efficiency for both new and existing development statewide. The law required the Department of Water Resources (DWR) to update the Model Water Efficient Landscape Ordinance (MWELO) in 2009, to take effect in 2010. A chief reason behind the passage of AB 1881 is the recognition that landscaping irrigation accounts for half of urban water use in California. With the state's increasing population and the difficulties in developing new water supplies and storage, increased efficiency in the use of landscaping irrigation water is needed.

The updated State MWELO contains several new landscape and irrigation design requirements aimed at reducing water consumption and waste in landscape irrigation. All local land use agencies are required to adopt the State MWELO prepared by the DWR, or develop their own ordinance that is at least as effective by January 1, 2010. Should no action be taken, the MWELO would automatically become effective in January 2010 by statute.

In response to the above mandate, City staff participated in a joint effort with the Inland Empire Utilities Agency (IEUA), representatives from local water agencies and municipalities served by IEUA, and landscape professionals to develop a model ordinance that would be consistent with and/or exceed the provisions of the State model and yet be tailored to local conditions. The IEUA Model Ordinance was completed in the summer of 2009.

Using the IEUA Model Ordinance as the base document, staff developed Ordinance No. 10-913 to comply with state requirements and meet the City's particular needs. The intent of the proposed Ordinance is to protect water supplies through the implementation of a comprehensive approach to the design, installation, and maintenance of landscapes, which results in water conserving, climate-appropriate

landscapes. Since the proposed Ordinance is more comprehensive than the City's existing ordinance, it was not possible to merely incorporate new changes. Instead, staff is recommending that Chapter 11.60 of the Montclair Municipal Code be replaced in its entirety with the proposed Water Efficient and Conservation Landscape Ordinance. When approved, the new Ordinance will supersede the City's existing water efficient landscape requirements contained therein. A copy of the proposed Ordinance is included in the Commission packet for reference.

The City Council is the final review authority for all new ordinances. As such, the Planning Commission is requested to review the proposed Ordinance, take public comments, and then forward its recommendations to the City Council for its consideration and action.

Applicability of Proposed Ordinance No. 10-913

The new standards will apply to all discretionary permits and/or approvals for residential, multifamily, commercial, mixed-use, industrial, and public institutional uses. More specifically, every new public agency, private commercial, multi-family, industrial, or tract home project containing 2,500 square feet or more of landscaping installed by the developer will be subject to the new Ordinance. New landscapes installed by an individual homeowner that requires a permit or design approval and has a net landscape area of more than 5,000 square feet would also be subject to the Ordinance.

Homeowner-installed landscapes that are not required by code and are not subject to site design and architectural review (such as the yard for a typical single-family residence in an R-1 zoning district) and use only low voltage electrical connections are exempt from obtaining any sort of permit, and are, therefore, not required to comply with the new Ordinance.

There is no requirement that a developer or property owner replace existing landscaping components in areas of their property outside of the areas proposed for new landscaping. Similarly, there is nothing that would require replacement of any landscaping or irrigation system that would remain undisturbed by construction activities (e.g. during an interior remodeling project).

Significant Changes from Existing Requirements

The proposed Ordinance will contain new requirements that are based on the requirements of the MWELO, including the following:

- **Water Budget** – Each project subject to the ordinance will be required to have an established water budget. Water budgets will be required to be based on evapotranspiration (ET) factors to ultimately reduce the use of artificially applied water. The reduction in applied water allowance will likely influence design and plant selection, and will limit the amount turf used.

- **Irrigation Systems & Schedules** - Irrigation controllers will be required to incorporate weather-based, soil moisture-based, or other self-adjusting technology. Sensors (e.g., rain, freeze, wind, etc.) are required that suspend irrigation during unfavorable weather.
- **Landscape Architect** - Landscaping plans will need to be prepared by a landscape architect, licensed landscape contractor, or other landscape professional as established in state law. Each project will need to have an established water budget, planting schedule and irrigation details.
- **Hydrozones** - New landscapes will need to be divided into hydrozones, with plants requiring similar water usage grouped into appropriate hydrozones. The DWR model ordinance requires use of a state-recognized publication for plant water use known as the Water Use Classification of Landscape Species (WUCOLS), published by the University of California Davis, DWR, and the Bureau of Reclamation. Rather than incorporate the entire plant list, the proposed ordinance incorporates the WUCOLS document by reference.
- **Turf Limits** – Turf will be limited to a maximum of 50 percent of total front and/or street side landscape areas. Lawns will need to be smaller and more purposefully placed. This requirement would not apply to “special landscape areas” such as active parks and playfields.
- **Synthetic Turf** – The proposed Ordinance allows the use of synthetic turf subject to specific criteria and limitations.
- **Sprinkler Setbacks** - No sprinklers or other overhead irrigation will be allowed within 24 inches of hardscape, or non-pervious pavements. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low-flow technology.
- **Soil Testing** - Pre-installation and post-installation soil testing by a laboratory will be required to determine suitability of soil to support plant materials.
- **Certification** - Post-installation certification will be required, which includes a water audit of the installed irrigation system, an irrigation schedule for both establishment and ongoing maintenance, and the results of the post-installation soil analysis.

Background

The following is a synopsis of the legislative history leading to the proposed Ordinance:

- In 1990, the Water Conservation in Landscaping Act required the State Department of Water Resources (DWR) to adopt a model local water efficient landscape ordinance, based on the recommendations of an advisory task force. The Act required the model ordinance to contain at least nine provisions for promoting water

conservation in landscape design, construction, and maintenance. Cemeteries received special exemptions. After review by the Joint Legislative Budget Committee, DWR had until January 1, 1992 to adopt the model ordinance.

- In 1993, Assembly Bill (AB) 325, known as the Water Conservation in Landscaping Act, was passed, requiring the DWR to adopt a model water efficient landscape ordinance to reduce irrigation water waste. Local land use agencies were required to adopt the model ordinance, adopt provisions that were at least as effective in conserving water as the model ordinance, or apply for an exemption. The City of Montclair's current landscape water conservation requirements, found in Chapter 11.60 of the Montclair Municipal Code, were adopted to be in compliance with state law.
- In 2004, passage of AB 2717 required the formation of a task force (California Urban Water Conservation Council), comprised of public and private agencies to evaluate and recommend proposals for improving the efficiency of water use in new and existing urban landscapes in California. The task force adopted 43 recommendations, including a recommendation for DWR to update the model water efficient landscape ordinance originally adopted by the State in 1993.
- In 2006, AB 1881 was approved by the State Legislature requiring the Department of Water Resources (DWR) to update the State Model Water Efficient Landscape Ordinance. The updated model ordinance contains several new landscape and irrigation design requirements aimed at reducing water consumption and waste in landscape irrigation. Once again, local land use agencies were required to adopt a water efficient landscape ordinance that meets or exceeds the requirements defined by DWR.
- In early 2008, DWR released a draft Model Landscape Ordinance for public review and comment. The draft model ordinance was not well received as many agencies found it difficult to interpret and administer. Local agencies provided feedback to DWR, some of which was incorporated into a revised model ordinance.
- On September 10, 2009, the final approved State Model Water Efficient Landscape Ordinance was issued by DWR.
- Since 2009, Planning Division staff has worked on the new Water Efficient and Conservation Landscape Ordinance (No. 10-913) using the model ordinance developed with the IEUA.

Analysis

The intent of the new ordinance is to both comply with state law and to promote water efficient landscaping through the appropriate use of irrigation technology and management, and prescribes reasonable standards, restrictions, and requirements concerning water use in landscaped areas. The proposed Ordinance is based on the

State Model Water Efficient Landscape ordinance but tailored to reflect the City's circumstances and setting. As such, staff believes the proposed Ordinance is consistent with and at least as effective as the State Model Ordinance.

The proposed Ordinance does not affect existing landscapes. Existing landscapes installed before the effective date of this Ordinance would be exempt provided they are maintained in good condition, or that any new landscape improvements do not exceed the applicable threshold levels for compliance. Voluntary upgrades of existing landscaping to meet the General Requirements for all Properties as listed in Chapter 11.60 MMC are strongly encouraged.

Staff believes the likely observable difference coming from this ordinance is a reduction in the amount of turf areas being installed. While turf is not prohibited, it is typically the one plant material that requires the most water. The requirement to prepare a water budget will require that lawn area be smaller and more purposefully placed. As mentioned above, this requirement would not apply to "special landscape areas" such as active parks and playfields as these areas have a direct recreational purpose.

It is likely that the vast majority of projects subject to the new ordinance would be new construction projects, including residential subdivisions, construction of new commercial and industrial buildings, and major building additions or modifications that include landscaping improvements. These types of projects typically require formal City review and approval (e.g., Precise Plan of Design and/or Conditional Use Permit) and usually have landscaping improvements as a component of their proposed work.

The new requirements will require that more attention be paid to the issue of water use, particularly as it relates to landscaping. The requirements are more stringent than previous standards, but do not seem to be too onerous for most projects. Staff believes that in the long run, a more efficient landscape plan will be of major economic benefit to the property owner. Moreover, most projects subject to the review already have professionals involved (i.e., architect and/or engineer) that obtain the services of a landscape architect to guarantee compliance and good design as a critical element in the success of their respective projects.

Synthetic Turf

In recent years, there have been a small number of synthetic turf installations throughout the City, mainly in residential contexts. Some are well done while others are not. Periodically, residents ask whether they can use synthetic turf. Staff expects those requests to increase. Currently, the Municipal Code does not address the issue. Staff believes the ability to utilize synthetic turf as an element could be appropriate in certain contexts. To allow limited use of synthetic turf, the Ordinance proposes a set of criteria for such requests. Synthetic turf is defined in the Ordinance as an artificial product manufactured from synthetic materials that effectively simulates the appearance of live turf, grass, sod, or lawn. The use of indoor or outdoor plastic or nylon carpeting as a replacement of synthetic turf or natural turf would be prohibited. Moreover,

Section 11.60.130 would provide more requirements to ensure the right material is used, installed, and maintained.

Landscape Design

In terms of design and aesthetics, the Ordinance incorporates and builds upon the landscape design objectives of the existing Ordinance in order to achieve attractive landscape plans and improvements to property. Reducing irrigation water consumption with no decline in landscape quality and encouraging the use of landscape plans that reflect good planning and design is highly desired. In addition to the more technical aspects of the Ordinance, Sections 11.60.150 and 11.60.160 contain design guidelines that landscape architects and homeowners are to use in preparing landscape plans for their properties. Creativity is highly encouraged in the preparation of landscape schemes so long as the designs are attractive, easy to maintain, and promote water conservation.

Monitoring and Enforcement

AB 1881 contains provisions that statutorily require local agencies to monitor landscape water use and ensure compliance with the water efficient landscape ordinance. The Planning Division will be responsible for ensuring that landscape plans comply with ordinance requirements during the development review and plan check process. During construction and prior to occupancy, planners will conduct field inspections to verify if improvements have been completed in accordance with approved plans.

Landscape architects and installers will be required to certify via signed affidavits that their designs comply with the requirements of the water efficient landscape ordinance and that installation is per approved plans. By requiring licensed professionals to sign against their license, a high level of compliance is expected to avoid any disciplinary actions through their respective license governing boards.

Post-construction enforcement will fall to the Monte Vista Water District (MVWD) to monitor irrigation water use through monthly billing cycles by comparing a site's actual water use against its approved irrigation water budget. Where a property exceeds its established water budget, MVWD staff will take steps to notify the property owner that corrective action is needed. Lastly, the Ordinance contains language that requires that landscaping be properly maintained at all times.

Conclusion

Adoption of the proposed Water Efficient Landscape Ordinance is necessary to comply with recent legislation requiring more stringent standards for landscape irrigation. The proposed Ordinance responds to the State's mandate to adopt requirements that are at least as effective as the state model ordinance. Lastly, the proposed Ordinance is easier to interpret and administer than the state model ordinance. Accordingly, staff

recommends that the Planning Commission recommend approval of the proposed text amendments to the City Council.

Public Notice

A notice of public review was advertised in the Inland Valley Daily Bulletin newspaper on April 16, 2010, inviting public comment. Additionally, the Monte Vista Water District and the Chino Basin Water Conservation District were invited to attend the meeting regarding the proposed ordinance. At the time this report was prepared, no comments or inquiries had been received by staff regarding this proposal.

Fiscal Impact

Implementing a new ordinance will have minimal impact on City resources. The City already reviews landscape plans for compliance with existing water efficient landscape requirements. The City also currently inspects projects prior to occupancy for compliance with various standards and codes.

New staff efforts will be limited to providing information to applicants, reviewing a checklist and possibly sending more complicated landscape plans out for detailed review. An additional fee may be required for landscape documentation processing, to be supplemented by the applicant for any outside consultant reviews and additional staff time required for large projects.

Environmental Determination

The Director has concluded that the proposed Water Efficient and Conservation Landscape Ordinance (No. 10-913) is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15307 and 15308 of the State CEQA Guidelines as an action taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment where the regulatory process involves procedures for protection of the environment. Moreover, the ordinance will not have a significant effect on the environment as it does not in itself approve any construction activities, but instead establishes standards, permit requirements, and other measures that regulate the design, installation, and maintenance of new and rehabilitated landscapes more stringently than existing codes.

Findings

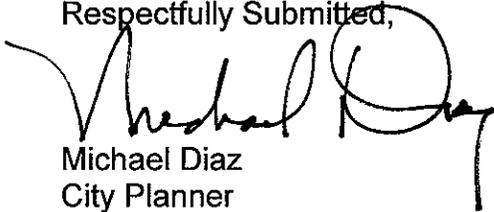
No findings of the Planning Commission or City Council are required for recommending approval of, or approving the proposed Municipal Code amendment.

Planning Division Recommendation

Staff recommends that the Planning Commission take the following actions:

- A. Move that, based upon evidence submitted, the Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent judgment, concurs with the staff's determination of exemption and directs staff to prepare a Notice of Exemption and a DeMinimis finding of no effect on fish and wildlife; and
- B. Recommend that the City Council adopt the proposed Water Efficient and Conservation Landscape Ordinance (No. 10-913) as set forth in the Planning Commission Resolution No. 10-1723.

Respectfully Submitted,



Michael Diaz
City Planner

Attachments: Draft Ordinance No. 10-913
Resolution No. 10-1723 Recommending City Council Approval of Ordinance No. 10-913

c: Justin Scott Coe, Monte Vista Water District
Eunice Ulloa, Chino Basin Water Conservation District
Inland Empire Utilities Agency

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DRAFT

ORDINANCE NO. 10-913

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR REPLACING CHAPTER 11.60 OF THE MONTCLAIR MUNICIPAL CODE (LANDSCAPE WATER CONSERVATION) WITH A NEW ORDINANCE RELATING TO WATER EFFICIENT LANDSCAPING AND CONSERVATION AND RECENT UPDATES TO STATE LAW.

WHEREAS, the State Legislature adopted the "Water Conservation in Landscaping Act of 2006" (AB 1881) requiring the Department of Water Resources (DWR) to update the State Model Water Efficient Landscape Ordinance. The updated model ordinance contains several new landscape and irrigation design requirements aimed at reducing water consumption and waste in landscape irrigation; and

WHEREAS, all local land use agencies are required to adopt the model ordinance, or develop an ordinance that is at least as effective by January 1, 2010. Should no action be taken, by statute the DWR model ordinance would automatically become effective; and

WHEREAS, since 2008, City staff has worked with Inland Empire Utilities Agency (IEUA), representatives from local water agencies and municipalities served by IEUA, and landscape professionals to develop an ordinance tailored to meet the region's needs that is based on, and in some areas exceeds, the requirements of the State Model Water Efficient Landscape Ordinance; and

WHEREAS, the provisions of this ordinance are intended to protect water supplies through the implementation of a comprehensive approach to the design, installation, and maintenance of landscapes, which results in water conserving, climate-appropriate landscapes; and

WHEREAS, the purpose of this Ordinance is to provide standards and requirements for the installation of landscaping for all new and expanded development within the City in order to promote the general welfare of the community, encourage attractive and logical development, and to aid in conserving water by encouraging the use of varieties of plants, trees and shrubs indigenous to arid regions which are characterized by low-water consumption; and

WHEREAS, the new Water Efficient Landscape and Conservation Ordinance ("Proposed Ordinance") will be incorporated into Title 11 of the Montclair Municipal Code (Zoning and Development) and will replace and supersede the existing Landscape Water Conservation Ordinance contained in Chapter 11.60; and

WHEREAS, the City Council finds that the provisions of this ordinance are at least as effective in conserving water as the Model Water Efficient Landscape Ordinance adopted by the California Department of Water Resources pursuant to the Water Conservation in Landscaping Act (Government Code Section 65591 et seq.); and

WHEREAS, the Director of Community Development is directed to submit a copy of this ordinance and evidence in the record supporting the preceding findings to the California Department of Water Resources; and

WHEREAS, the City Council finds that this ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Sections 15307 and 15308 of the State CEQA Guidelines as an action taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment where the regulatory process involves procedures for protection of the environment. Moreover, the ordinance will not have a significant effect on the environment as it does not in itself approve any construction activities, but instead establishes standards, permit requirements, and other measures that regulate the design, installation, and maintenance of new and rehabilitated landscapes more stringently than existing codes; and

WHEREAS, the Director of Community Development is directed to file a Notice of Exemption in accordance with CEQA and the State CEQA Guidelines.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTCLAIR DOES HEREBY ORDAIN AS FOLLOWS:

Section I. Chapter 11.02.010 ("Definitions") of Title 11 ("Zoning and Development") of the Montclair Municipal Code is hereby amended to include the following:

11.02.010 Definitions.

Anti-drain Check Valve - A valve located under a sprinkler head to hold water in the system to prevent drainage from the lower elevation sprinkler heads when the system is off.

Applicant - As it relates to Chapter 11.60 herein, any person required to submit a Landscape Documentation Package. Applicant may include the property owner or an agent of the owner.

Application Rate - The depth of water applied to a given area, usually measured in inches per hour or gallons per hour.

Applied Water - The portion of water supplied by the irrigation system to the landscape area.

Approval - The decision by a public agency which commits the agency to a definite course of action in regard to a project intended to be carried out by any person. Approval occurs when the public agency commits to allow a use and/or issue a permit, grant, license, or other entitlement. The exact date of approval of any project is a matter determined by each public agency according to its rules, regulations, and ordinances.

Automatic Rain Shut-Off Feature - A system capability which detects rainfall and automatically suspends the operation of the irrigation system during rain events.

Backflow Prevention Device - A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

Botanical Gardens and Arboretums - Public or private facilities for the demonstration and observation of the cultivation of flowers, fruits, vegetables, or ornamental plants.

Building Permit - An authorizing document issued by local agencies for new construction or rehabilitated landscape.

California Irrigation Management Information System (CIMIS) - A program in the Office of Water Use Efficiency (OWUE), California Department of Water Resources (DWR) that manages a network of over 120 automated weather stations in the state of California. CIMIS was developed in 1982 by the DWR and the University of California at Davis to assist California's irrigators in managing their water resources efficiently.

Certified Landscape Irrigation Auditor - A person certified to perform landscape irrigation audits by an accredited educational institution or a professional trade organization.

CFS - Cubic feet per second.

Community Development Director - The person responsible for directing the activities of the Community Development Department including the implementation of planning, zoning, and related codes and policies.

Control Valve - A device used to control the flow of water in the irrigation system. It may also mean all of the sprinklers or emitters in a line controlled by the valve.

Controller - An automatic timing device used to control valves or heads to operate an irrigation system. A weather-based controller is a controller that uses evapotranspiration or weather data. A self-adjusting irrigation controller is a controller that uses sensor data (i.e., soil moisture sensor).

Conversion Factor (0.62) - A number that converts the maximum applied water allowance from acre-inches per acre per year, to gallons per square foot per year. The conversion factor is calculated as follows:

$$(325,851 \text{ gallons}/43,560 \text{ SF})/12 \text{ inches} = 0.62$$

Where: 325,851 gallons = one acre foot
43,560 square feet = one acre
12 inches = one foot

To convert gallons per year to 100 CF per year, divide gallons per year by 748 (748 gallons equals 100 CF).

Cultivated Landscape Area - Planted areas that are frequently maintained by mowing, irrigating, pruning, fertilizing, etc.

Design Review - Design review is the local government practice of examining public and private projects for their aesthetic, architectural, or urban design quality and compatibility with nearby development. Design review focuses on the

appearance of new construction, site planning, and such concerns as landscaping, signage, and other aesthetic issues. Design review typically involves reviewing development projects for their consistency with a community's adopted standards or criteria addressing community character and aesthetic quality.

Developer – A landowner or owner's agent responsible for the development of land. This definition does not include homeowners or landlords of single-family homes.

Development – The uses to which land will be put; the buildings and structures to be constructed on the land, and all alteration of the land and other construction associated with these uses, buildings, and structures.

Ecological Restoration Project – A project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

Emitter – Drip irrigation fittings that deliver water slowly from the irrigation system to the soil.

Established Landscape – The point in which plants in the landscape area have developed roots into the soil adjacent to the root ball. Typically, most plants are established after one (1) or two (2) years of growth.

Establishment Period – The first year after installing plant material in the landscape area, or the first two (2) years if irrigation will be terminated after establishment.

Estimated Annual Applied Water Use - The portion of the estimated annual total water use that is derived from applied water. The estimated annual applied water use shall not exceed the maximum applied water allowance.

Estimated Total Water Use - The annual total amount of water estimated to be needed to keep the plants in the landscaped area healthy. It is based upon such factors as the local evapotranspiration rate, the size of the landscaped area, the types of plants, and the efficiency of the irrigation system.

ET Adjustment Factor – A factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water to be applied to the landscape area. A combined plant mix with a statewide average 0.5 is the basis of the plant factor portion of this calculation. The irrigation efficiency for purposes of the ET adjustment factor is 0.71.

ETo (Reference Evapotranspiration) – A standard measurement of environmental parameters that affect the water use of plants. ETo is given in inches per day, month, or year, and is an estimate of the evapotranspiration of a large field of 4 to 7 inch tall cool-season grass that is well watered.

Evapotranspiration – The quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time. The reference evapotranspiration rates (in inches) for the City of Montclair are as follows:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
2.1	2.9	3.9	4.5	5.7	6.5	7.3	7.1	5.9	4.2	2.6	2.0	54.6

Flow Rate – The rate at which water flows through pipes and valves, usually in GPM or CFS.

GPM – Gallons per minute.

Ground Cover – Plants, other than turf grass, normally reaching an average maximum height of not more than two (2) feet at maturity.

Hardscape or Hardscaping - Non-living and inanimate and/or durable elements of a landscaping plan, including but not limited to pavement, masonry work or woodwork. Decorative hardscape elements include appropriately sized fountains or boulders, river rock, cobbles, crushed rock, gravel, organic mulches, walks, decorative pavers, and artificial turf which complement living plant materials and enhance the appearance of the property and structures built thereon, and serve as an integral part of an overall landscape concept. Pools and other water features are considered part of the landscaped area and not considered hardscapes for purposes of Chapter 11.60 herein.

Homeowner - A homeowner, for purposes of Chapter 11.60 herein, is a person who owns the subject property and occupies the dwelling thereon. This definition excludes speculative homes, which are not owner-occupied dwellings and that are subject to the requirements applicable to developer-installed residential landscape projects. This definition also excludes rental units regardless of number of units on a property.

Homeowner Installed Landscape - Any landscaping either installed by the homeowner or by a contractor, person, or persons hired by the homeowner.

Hydrozone - A portion of the landscape area with plants having similar watering needs and which is served by a valve or set of valves with the same watering schedule.

Impervious Surface - A surface composed of any material which impedes or prevents the natural infiltration of water into the soil. Such surfaces include all concrete, asphalt and gravel surfaces. These include, but are not be limited to, streets and parking areas, sidewalks, patios, and structures which cover the land.

Infiltration Rate - The rate of water entry into the soil, expressed as a depth of water per unit of time (inches per hour).

Invasive Species - Non-indigenous species that adversely affect the habitats they and that can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. "Noxious weeds" means any weed designated by the Weed Control Regulations in the Weed Control Act and identified on a Regional District noxious weed control list. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

IPH - Inches Per Hour

Irrigation Audit - The evaluation of an irrigation system's performance and efficiency as conducted by a Certified Landscape Irrigation Auditor.

Irrigation Efficiency - The measurement of the amount of water beneficially used, divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum irrigation efficiency for purposes of Chapter 11.60 is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems.

Irrigation System - A permanent artificial watering system designed to transport and distribute water to plants.

Landscape Architect - A person licensed to practice landscape architecture in the State of California pursuant to Chapter 3.5 (commencing with Section 5615) of Division 3 of the Business and Professions Code.

Landscape Area - The planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance (MAWA)

calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, artificial turf, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

Landscaping – Any combination of living plant materials (such as trees, shrubs, vines, ground covers, or turf) and nonliving material (such as artificial turf, rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials). Parking, storage areas, or vehicular ways are not considered landscaping.

Landscape Concept Plan - The portion of a landscape documentation package that includes a design statement for the project, irrigation notes, planting notes, the plant palette, meeting the water conservation goals, design standards, and specifications contained in Chapter 11.60 herein.

Landscape Construction Drawings - The portion of a landscape documentation package that includes the irrigation plan, plant and soils plan, water management plan, and conforms with the requirements of Chapter 11.60 herein.

Landscape Documentation Package - The complete packet of documents required under Section 11.60.120 to be submitted to the local agency. Documentation packages include the landscape concept plan and landscape construction drawings.

Landscape Water Audit - An in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. Audits include, but are not limited to, inspection, system tune-up, system test for distribution uniformity, verification of minimal overspray or run-off that causes overland flow, and preparation of an irrigation schedule.

Local Agency – A local agency is the entity responsible for the approval of a permit, plan check, and design review for a project. The City of Montclair is the local agency responsible for adopting and implementing the requirements in this Title.

Local Water Purveyor - Any entity, including a public agency, city, county, or private water company that provides retail water service.

Low-Head Drainage – Drainage from a sprinkler that is caused by water flowing through an irrigation system from a higher level of elevation.

Maximum Applied Water Allowance (MAWA) – For design purposes, the upper limit of annual applied water for the established landscape area as specified in Section 11.60.150 herein (*Calculation of the Maximum Applied Water Allowance*). The maximum applied water allowance is based upon the reference evapotranspiration, the ET adjustment factor, and the size of the landscape area.

Mulch – Any organic material such as leaves, or bark, or inorganic material such as pebbles, stones, gravel, decorative sand or decomposed granite left loose and applied to the soil surface to reduce evaporation.

Operating Pressure – The pressure at which a system of sprinklers is designed to operate, usually indicated at the base of a sprinkler.

Overspray – Irrigation that is delivered beyond the landscape area, wetting pavement, walkways, structures, or other non-landscaped areas.

Parkway - That area of land located between the back of the street curb and the property line including any sidewalk or landscaping area located therein.

Pervious Surface - Any surface or material that allows the passage of water through the material and into the underlying soil.

Plant Materials - All living plant species consisting of trees, shrubs, annuals, perennials, vines, groundcovers, ornamental and turf grasses that will thrive in the City's climate.

Planting Plan - Plan submitted with the construction drawings indicating a list and quantity of plants.

Potable Water - Water meant for human consumption that is treated to legal standards for human consumption.

Pressure Regulator - A device used in sprinkler systems for radius and high pressure control.

PSI - Pounds per square inch.

Recycled Water - Treated wastewater of a quality suitable for non-potable uses, such as landscape irrigation and water features. Because it is suitable for a direct beneficial use or a controlled use that would not otherwise occur, it is considered a valuable resource. This water is not intended for human consumption.

Regular Maintenance - Regular maintenance shall include, proper pruning, staking, mowing and aerating of lawns, weeding, removal of litter, fertilizing, replacement of plants and mulch when necessary, and watering in accordance with required watering schedule. Also included is the routine inspection, adjustment, and repair of the irrigation system and its components; conducting water audits; prescribing the amount of water applied per landscaped acre; aerating and dethatching turf areas; replenishing mulch; fertilizing; and pruning and weeding in all landscape areas.

Rehabilitated Landscapes - Any re-landscaping associated with a project that requires a building permit and meets the requirements of Section 11.60.030.

Runoff - Water that is not absorbed by the soil or landscape area to which it is applied and flows from the area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate), for an excessive time period, or when there is a steep slope.

SMART Irrigation Controller - Weather-based or soil moisture-based irrigation controller that monitors and uses information about the environmental conditions at a specific location and landscape to automatically adjust water schedules.

Softscape - See "Plant Materials".

Soil Amendments - Any material added to a soil to improve its physical properties, such as water retention, permeability, water infiltration, and drainage.

Soil Management Plan - Plan submitted with the construction drawings indicating results from soil tests and recommended soil amendments.

Soil Test - A test done by a soil test lab that indicates, at a minimum, soil texture, water holding capacity, pH, and soluble salts.

Soil Type - The classification of soil based on the percentage of its composition of sand, silt, and clay.

Special Landscape Area - Landscape areas dedicated to edible plants or irrigated with recycled water, water features filled with recycled water, cemeteries, and areas dedicated to active play such as parks, sports fields, and golf courses.

Sprinkler Head – A device which delivers water through a nozzle.

Static Water Pressure – Water main pressure available from the water purveyor (Monte Vista Water District).

Station – An area served by one valve or by a set of valves that operates simultaneously.

Sunset Western Climate Zone System – The climate zone system designed and published by Sunset Magazine for its Western Garden Book. The Sunset System is designed to account for such factors as precipitation, summer heat, and plant performance in assigning zone designations. For the purposes of Chapter 11.60 herein, the City of Montclair is located in Zones 18 and 19.

Synthetic Turf – An artificial product manufactured from synthetic materials that effectively simulate the appearance of live turf, grass, sod, or lawn. The use of indoor or outdoor plastic or nylon carpeting as a replacement of synthetic turf or natural turf shall be prohibited.

Tree Topping - Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the natural canopy and disfigure the tree. Crown reduction by a qualified arborist may be substituted, where appropriate.

Turf – A surface layer of earth containing mowed grass or grass-like plant with its roots, planted as sod, seed, or hydroseed. Common cool-season turfs include annual bluegrass, Kentucky bluegrass, perennial ryegrass, red fescue, and tall fescue. Common warm-season turfs include Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, Carex pansa, and Buffalo grass.

Valve – A device used to control the flow of water in an irrigation system.

Vegetation, Native – Any plant species with a geographic distribution indigenous to all or part of the southern region of the state of California. Plant species that have been introduced by man are not native vegetation.

Water-Conserving Landscape Design - A landscape design developed to conserve water.

Water Efficiency - The planned management of water to prevent waste, overuse, and exploitation of the resource. Water efficiency planning incorporates the analysis of costs and uses of water; specification of water-saving solutions; installation of water-saving measures; and verification of savings to maximize the cost-effective use of water resources. Water efficient irrigation and landscaping measures include use of water-efficient irrigation systems, irrigation control systems, low-flow sprinkler heads, water-efficient scheduling practices, and drought-resistant plant materials.

Water Feature – Any object that utilizes water for non-irrigation, decorative purposes. Fountains, streams, man-made ponds, man-made lakes, and swimming pools are considered water features.

Water Management Plan – A plan submitted with the construction drawings as part of the landscape documentation package.

Water Quality Management Plan (WQMP) – A guideline for project-specific post construction Best Management Practices and to address management of urban runoff quantity and quality to protect receiving waters.

Water Schedules - Schedule of irrigation times through a given year.

WUCOLS – A publication (Water Use Classification of Landscape Species) by the University of California Cooperative Extension, the Department of Water

Resources, and the Bureau of Reclamation (2000). The purpose and intended use is to provide guidance to landscape professionals when selecting plant material and when estimating the amount of water used by plants. It also serves as a guide to assist in developing irrigation schedules for existing landscapes.

Section II. Chapter 11.60 (Landscape Water Conservation) of the Montclair Municipal Code is hereby repealed and deleted in its entirety.

Section III. Chapter 11.60 (Water Efficient Landscape and Conservation Ordinance) is hereby added to Title 11 ("Zoning and Development") of the Montclair Municipal Code to read as follows:

Chapter 11.60

WATER EFFICIENT LANDSCAPING AND CONSERVATION

Sections:

11.60.010	Purpose and Intent
11.60.020	Authority
11.60.030	Applicability
11.60.040	Exemptions
11.60.050	General Landscape Requirements For All Properties
11.60.060	Fences, Walls, and Retaining Walls
11.60.070	Parkway Planter Standards
11.60.080	Review Process
11.60.090	Landscape Architect Required
11.60.100	Plan Readability and Enforceability
11.60.110	Landscaping Documentation Package
11.60.120	Conceptual Landscape Plan Requirements
11.60.130	Synthetic Turf
11.60.140	Development of a Water Budget
11.60.150	Landscape Construction Plans
11.60.160	Irrigation Requirements
11.60.170	Recycled Water
11.60.180	Water Quality Management Plan
11.60.190	Modification or Waiver from Specific Requirements
11.60.200	Coordination with Local Water Agency
11.60.210	Minor Revisions to Approved Landscape Plans
11.60.220	Certificate of Completion
11.60.230	Inspection and Enforcement
11.60.240	Maintenance of Approved Landscapes

11.60.010 Purpose and Intent.

The purpose of the Water Efficient Landscape and Conservation Ordinance is to:

- A. Recognize that landscaping enhances the aesthetic appearance of developments and communities;
- B. Support the beneficial, efficient, and responsible use of water resources for all customers/users within the City of Montclair;

C. Retain the land's natural hydrological role within the Santa Ana Watershed and promote the infiltration of surface water into the groundwater in the Chino Basin;

D. Acknowledge that landscape water use accounts for more than 60 percent of all domestic water use in the City of Montclair and the need to utilize water and other resources as efficiently as possible;

E. Promote the use of low-water-use plants and minimize the use of cool season turf;

F. Preserve existing natural vegetation and the incorporation of native plants, plant communities, and ecosystems into landscape design, where possible;

G. Conserve potable water by maximizing the use of recycled water and other water conserving technology for appropriate applications;

H. Encourage the appropriate design, installation, maintenance, and management of landscapes so that water demand can be decreased, runoff can be retained, and flooding can be reduced without a decline in the quality or quantity of landscapes;

I. Increase public education about water conservation and efficient water management;

J. Reduce or eliminate water waste;

K. Be at least as effective in conserving water as the model ordinance adopted pursuant to Government Code §65595, commonly known as Assembly Bill 1881.

11.60.020 Authority.

The Director of Community Development or his/her designee shall have the duty and authority to administer and enforce the provisions of this Ordinance. For projects requiring Planning Commission or City Council review and approval, additional conditions may be imposed as may be deemed necessary in order to fully carry out the provisions and intent of this ordinance.

No building permits or design approval shall be granted for projects subject to this Ordinance without prior review and approval of the Landscaping Documentation Package as required herein.

11.60.030 Applicability.

After [date of adoption], 2010, the provisions of this Chapter shall apply to all of the following types of landscape projects:

A. New construction and rehabilitated landscape areas associated with all public agency projects; private commercial, industrial, and institutional projects; and developer-initiated single-family subdivisions and multifamily residential projects that require a building permit and/or design review *and* have a net aggregate project landscape area equal to or greater than a total of 2,500 square feet.

B. New construction and rehabilitated residential landscape areas associated with a homeowner-installed project (do-it-yourself or contractor projects) that require a building permit *and* have a total net aggregate project landscape area equal to or greater than 5,000 square feet.

11.60.040 Exemptions.

This ordinance shall not apply to:

- A. Existing landscapes installed before the effective date of this ordinance. Voluntary upgrades of existing landscaping to meet the General Requirements for all Properties as listed in this Chapter are strongly encouraged.
- B. Registered local, state, or federal historical sites;
- C. Ecological restoration projects that do not require a permanent irrigation system;
- D. Mined land reclamation projects that do not require a permanent irrigation system; or
- E. Botanical gardens and arboretums open to the public.

11.60.050 General Landscape Requirements For All Properties.

Landscaping shall be required for all residential, commercial, and industrial properties. It shall be the responsibility of the Planning Division to regulate and control the scope, quantity, and quality of all landscape development within the City, including, but not limited to street trees, open areas, parking lots, City parkways, front and street side yards, residential tract entries, and establish criteria for hardscape elements such as walls and fences.

The following landscape standards and requirements shall be used when preparing new landscape plans development projects within the City including modifications to existing planned development(s):

- A. A landscape design plan shall illustrate a recognizable pattern or theme for the overall improvement of the property and shall incorporate basic design principles of scale, balance, texture, form, and unity. Creativity is encouraged in the preparation of landscape schemes so long as the designs are attractive, easy to maintain, and promote water conservation.
- B. Each landscape plan shall address functional aspects of landscaping, including, but not limited to, the following:
 - 1. Drainage, erosion prevention, and wind barriers;
 - 2. Slope protection. Any disturbed slopes to be re-vegetated with erosion protective plantings and surfacing;
 - 3. Provision for shade, reduction of glare, recreation use, and visual relief;
 - 4. Screen adjacent uses from parking or storage areas, trash enclosures, public utilities, and other similar land uses or elements that could cause a negative impact on adjacent uses based on aesthetics, noise, odors, etc.;
 - 5. Provide landscaping that is compatible with the neighboring uses;
 - 6. Relieve solid, unbroken building elevations and/or to soften the appearance of continuous wall planes;
 - 7. Specify vines or planted wall coverings to deter graffiti of walls and other architectural surfaces.
- C. Landscaping plans shall feature the predominate use of water saving plant materials suitable to the local climate that are grouped together into distinct hydrozones (plants having similar water needs and microclimate growing requirements), and be of a variety that will provide a high degree of visual interest during all seasons.
- D. Concrete and/or asphalt pavement surfaces may not be used within landscape areas, except for required driveways and walkways.
- E. Softscape: Plant materials - including vines, shrubs, perennials, ornamental grasses, turf, and groundcover plants - shall comprise a minimum of 50 percent of the landscape area of the front and street side yard areas. Turf

grasses may not comprise more than 50 percent of the living plant materials used within any required front and street side yard landscape areas.

F. Decorative hardscape elements may not exceed a maximum of 50 percent of a required front and street side yard landscape area. Decorative hardscape elements include appropriately sized fountains or boulders, river rock, cobbles, crushed rock, gravel, organic mulches, walks, decorative pavers, and artificial turf which complement living plant materials, enhances the appearance of the property and structures built thereon, and an integral part of an overall landscape concept.

G. Clear Vision Triangle: On all corner lots, in zones with a required front yard, this triangle is defined as an area bounded by the front and side property lines and a line connecting them at two (2) points thirty feet (30') back from their intersection. Within this triangle, no plant material or structure may exceed three feet (3') in height, measured from top of the adjacent curb.

H. Painted surfaces or use of artificial plants, except synthetic turf as allowed by this Ordinance, shall not be permitted under any circumstances.

I. Existing healthy and mature trees shall be preserved or relocated elsewhere on the site, wherever feasible.

J. Landscaping shall be compatible with the character of landscaping on adjacent property, provided that the quality of the adjacent landscape meets the standards of this Chapter. It is not the intent of this section to require the use of identical plant materials or landscape designs.

K. All landscaped areas shall be supported by an automatic irrigation system and a backflow prevention assembly according to standard details adopted by the City. All irrigation systems and landscaped areas shall be designed, constructed, and maintained so as to promote water conservation, avoid overspray onto walls and structures, and to prevent water overflow or seepage onto the street, sidewalk, parking areas, or other nonpervious areas to the maximum extent feasible.

L. All above-ground irrigation devices, such as timers, Fire Department connections (FDC), double detector check valves (DDC), backflow devices, etc., shall be incorporated into planting areas and located out of public view or screened to minimize the aesthetic impacts to the greatest extent possible. For FDC and DDC devices, the applicant shall consult with the local water purveyor and/or Fire Department to verify technical requirements and to find the least prominent location(s) possible.

M. Each landscape plan shall demonstrate a concern for solar access, including exposure and shading of window areas.

N. Property owners shall be responsible for regularly maintaining all landscaping in a healthy and vigorous living condition at all times. This requirement shall include proper pruning, mowing of lawns, weeding, removal of litter and debris, fertilizing, and the regular watering of all plants. Dead vegetation shall be promptly replaced with healthy, living plants in accordance with standard seasonal planting practices.

O. In addition to conforming to this Chapter, all landscaping shall also conform to the specific landscape requirements contained in all other applicable Code sections. If a discrepancy arises between any landscape requirements, the section requiring the most landscaping and stricter design criteria shall apply.

11.60.060 Fences, Walls, and Retaining Walls

Fence, wall, and retaining wall materials, height, and placement are regulated by the provisions of Title 11 herein and require a building permit. Scaled construction plans and details - including dimensions, materials, and finishes - shall be provided for fences and walls, including a site plan which shows the location, height, and length of each fence, wall, retaining wall. No permits shall be issued if this information is not provided or if the information provided is incomplete.

11.60.070 Parkway Standards.

Property owners shall properly landscape, irrigate and maintain City parkways adjacent to and/or fronting their properties. All work within City parkways shall be reviewed and approved by the City and, depending on the scope of work occurring within the parkway, an Encroachment Permit or Construction Permit may be required.

The following minimum guidelines shall apply to landscaping and improvements within parkway planters:

A. Use of a parkway shall be limited to landscaping. At least 75 percent of a curb-adjacent parkway shall be devoted to plant materials and appropriate organic mulching materials. For non-curb adjacent parkways, landscaping shall be provided and incorporated into the landscaping scheme of the adjoining front or street yard area.

B. New plant materials installed within the parkway shall be water efficient plants that grow to a maximum height of 18 inches or less. The replacement of turf in the parkway with new water conserving plant materials is greatly encouraged.

C. No structures shall be allowed in parkways, except for mailboxes when required by the US Postal Service (USPS), or other utility structures as approved by the City Engineer.

1. Mail boxes shall be subject to USPS standards, and of a size that is limited to the smallest size necessary to safely secure the mail box and not obstruct visibility. Mail boxes shall not protrude beyond back of curb.

2. Mail box structures shall be designed to be compatible with the design of the main structure it serves.

D. Parkway improvements shall not interfere with above- or below-ground public or private utilities. Any changes or damages to any public or private utility due to the installation shall be repaired at the sole expense of the property owner.

E. Only street trees listed on the official City Street Tree List shall be planted within the parkway. City street trees shall not be pruned, removed or damaged in any way. Removed or damaged trees shall be replaced with trees of similar size and maturity as that which was removed or as otherwise required by the Community Development Director.

F. No cacti, thorny plants, or other hazardous plant species shall be allowed.

G. The growing of crops, fruit-bearing trees, or vegetables shall not be permitted.

H. All rock/stones, bark and mulch shall be no higher than the plane established by the top of the adjacent curb and the sidewalk. Grouted rock or stonework shall be subject to review and approval of the City Engineer.