

MONTCLAIR PLANNING COMMISSION MEETING – DECEMBER 14, 2020

NOTICE

**THIS MEETING WILL BE CONDUCTED VIA WEBINAR/TELECONFERENCE.
THE COUNCIL CHAMBERS WILL NOT BE OPEN TO THE PUBLIC.**

Pursuant to Sec. 3 of Executive Order N–29–20 issued by Governor Newsom on March 17, 2020, this meeting will be conducted remotely via the ZOOM virtual meeting platform. In compliance with the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID–19 virus, there will be no in-person meeting location at which the public may appear.

**ALL PARTICIPANTS WILL BE MUTED AUTOMATICALLY UPON ENTERING THE MEETING.
THE COMMISSION SECRETARY WILL UNMUTE THOSE WHO WISH TO SPEAK AT THE
APPROPRIATE TIME. PLEASE KEEP YOURSELF ON MUTE WHEN NOT SPEAKING.**

LISTEN TO THE MEETING LIVE VIA ZOOM

Members of the public may participate in this meeting by joining the ZOOM conference via PC, Mac, iPad, iPhone, or Android device using the URL: <https://zoom.us/j/92418739681>

If you do not wish for your name to appear on the screen, you may "rename" yourself to be anonymous.

VERBAL PARTICIPATION USING ZOOM

Please use the "Raise Hand" button to request to speak.

If you want to speak and are using a computer or laptop without a microphone or speakers, you will also need to call in for audio using the information below, dialing your Participant ID when prompted.

LISTEN TO THE MEETING LIVE VIA TELEPHONE

The public may participate via phone by dialing the below numbers:

Teleconference Number: 1–669–900–6833

Meeting ID: 924 1873 9681

PLEASE DO NOT PUT YOUR PHONE ON "SPEAKER MODE" DURING THE MEETING

If you are not going to be requesting to speak and do not want your phone number to appear on the screen, dial *67 before the Teleconference Number.

VERBAL PARTICIPATION OVER THE PHONE

Please dial *6 to mute and unmute yourself and *9 to "raise your hand" to request to speak.

Raised hands will only be acknowledged during the Public Hearing and Public Comment sections of the agenda, and when the Meeting's Chair requests comments from the public.

VIRTUAL SPEAKER CARDS

To provide verbal comments during the meeting, please visit www.cityofmontclair.org/pc-comment to fill out a Virtual Speaker Card to request to speak in advance. Members of the public on the call who did not fill out the Virtual Speaker Card will be given an opportunity to speak after those who requested to speak in advance. Please do not call into the meeting anonymously (renaming yourself in ZOOM or using *67) if you submitted a Virtual Speaker Card so the Planning Commission Secretary can identify you on the call and unmute you at the appropriate time.

You may also call the Office of the Planning Commission Secretary at (909) 625–9435 to fill out the Virtual Speaker Card over the phone or e–mail your name, phone number if calling in during the meeting, and subject of comment or agenda item to pcclerk@cityofmontclair.org with the subject line "[Meeting Date] Virtual Speaker Card".

Written comments may be submitted using the Virtual Speaker Card or via e–mail or mail, and will be read aloud during the meeting by the Planning Commission Secretary at the appropriate time (250 word limit). Please submit all Virtual Speaker Cards or written comments at least one hour prior to the meeting's start time.

CITY OF MONTCLAIR
PLANNING COMMISSION AGENDA
REGULAR ADJOURNED MEETING
DECEMBER 14, 2020
7:00 p.m.

*As a courtesy, please place yourself on mute while the meeting is in session, unless speaking (Dial *6 on the phone to toggle mute).*

*Persons wishing to make a public comment or speak on an agenda item, including public hearing and closed session items, are requested to complete a Virtual Speaker Card (VSC) at pcclerk@cityofmontclair.org. The Chair will recognize those who have submitted a VSC at the time of the item's consideration and invite those individuals to provide comments on the item at that time. Those who did not fill out a VSC will have an opportunity to speak after those who did by using the "raise hand" function on the ZOOM meeting platform or over the phone by dialing *9.*

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Chair Barry Rowley, Vice Chair Manny Martinez, Commissioner Sergio Sahagun, Commissioner Ginger Eaton, and Commissioner Jaso Sanchez

4. APPROVAL OF MINUTES

The minutes from the October 26, 2020 Planning Commission Meeting 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 Virtual Speaker Card as described above.

6. AGENDA ITEMS

a. PUBLIC HEARING – CASE NUMBER 2019-24

Project Address: 9451 – 9477 Central Avenue
Project Applicant: Montclair Center, Ltd.
Project Planner: Yvonne Nemeth, Associate Planner
Request: Time Extension Request for Conditional Use Permit and Precise Plan of Design

b. PUBLIC HEARING – CASE NUMBER 2020-27

Project Address: 5479 Palo Verde Street
Project Applicant: Kumar Swaminathan and Prema Kothandarama
Project Planner: Silvia Gutierrez, Associate Planner
Request: Precise Plan of Design to construct a single family home with an attached two-car garage and also includes an attached junior accessory dwelling unit and a detached one-story accessory dwelling unit

- c. PUBLIC HEARING – CASE NUMBER 2020-28
Project Address: 5477 Palo Verde Street
Project Applicant: JJ Properties & Investments
Project Planner: Silvia Gutierrez, Associate Planner
Request: Precise Plan of Design to construct a single family home with an attached two-car garage and also includes an attached junior accessory dwelling unit and a detached one-story accessory dwelling unit.

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.

- a. Tuesday, January 19th, 2021: City Attorney presentation to City Council regarding the Brown Act via a ZOOM meeting from 5:30 to 6:30 PM. Planning Commissioners are invited to listen to the presentation via a ZOOM link to be emailed to each Commissioner prior to the meeting.
- b. The regularly scheduled Planning Commission Meeting for December 28, 2020 will be cancelled due to the closure of City Hall for the 2020 Season

8. PUBLIC INSPECTION OF MATERIALS

Reports, backup materials, and additional materials related to this project item can be viewed at <https://www.cityofmontclair.org/agendas> by clicking on the agenda for December 14, 2020.

9. ADJOURNMENT

The City of Montclair Planning Commission meeting is adjourned to the regularly scheduled meeting of December 28, 2020 at 7:00 p.m. pursuant to Executive Order N-29-20 members of the public will not be permitted to be physically present during this meeting.

CERTIFICATION OF AGENDA POSTING

I, Laura Embree, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda has been posted on the bulletin board adjacent to the south door of Montclair City Hall on December 10, 2020.

PUBLIC HEARING – CASE NUMBER 2019-24

APPLICATION TYPE(S)	Time Extension Request for Conditional Use Permit and Precise Plan of Design
NAME OF APPLICANT	Montclair Center, Ltd
LOCATION OF PROPERTY	9451 - 9477 Central Avenue
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	"C-2" (Restricted)
EXISTING LAND USE	Multi-tenant Commercial Center
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Yvonne Nemeth

Project Description

On September 16, 2019, the Planning Commission approved Case 2019-24, a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) to allow an outdoor dining patio, a new master sign program, and the exterior remodel of the existing building and site. Although the applicant has been diligent in submitting plans for plan check that was completed in December of 2019, the applicant still needed additional time. On June 22, 2020, the Planning Commission approved the first time extension to December 19, 2020.

On November 9, 2020, the applicant contacted staff expressing the continued negative impacts on the retail real estate market due largely to the COVID-19 pandemic, affecting their ability to fund the project. As such, the applicant is requesting a second time extension for the above entitlements to December 19, 2021. The additional time, will allow them to reassess financing and coordinate construction scheduling to complete the project. The applicant has not requested changes to the approved plans or conditions of approval.

Planning Division Comments

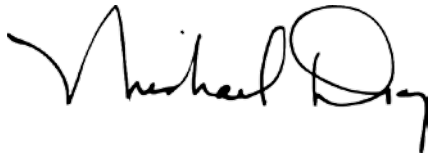
Given the unusual and prolonged circumstances surrounding the Covid-19 pandemic, and in an effort to help keep the project on track towards completion, staff believes the second time extension request to be valid and reasonable. The applicant strongly expressed their full commitment to complete the project but needs additional time. Staff continues to support the project and believes that the update to the existing commercial

center is important to both the applicant/property owner and the City. The 90 conditions identified in Resolution No. 19-1933 would continue to be valid and in effect for the project.

Planning Division Recommendation

Staff recommends approval of the requested time extension by taking the following action:

1. Move to approve a time extension for the Precise Plan of Design and Conditional Use Permit approved under Case No. 2019-24, to December 19, 2021, subject to the original 90 conditions of approval in Resolution No. 19-1933.



Michael Diaz
Director of Community Development

c: Montclair Center Ltd., c/o Affinity Property Management, 1442 East Lincoln Avenue, #358, Orange, CA 92865
Richard Dayton, Dayton Associates-Architects, Inc., 2900 Silver Lane, Newport Beach, CA 92660
R. Dale Hadfield, Landscape Architect, 28311 Lakewood Drive, Laguna Niguel, CA 92677

Atch: Time Extension Request Letter

Montclair Center LTD
PO Box 3647
Costa Mesa, CA 92628
Telephone 949-650-9505 Fax 949-650-9509
sam@helion.us

Mr. Mike Diaz
City of Montclair
5111 Benito Street
Montclair, CA 91763

November 5, 2020

Dear Mr. Diaz:

Re: Montclair Center
9451-477 Central Avenue

Both the PPD and CUP expires on December 19, 2020. We herewith would like to request, from the Planning Commission, an extension to December 19, 2021, due to the limited financing available on the depressed retail real estate market. Retail business performance, in general, has decreased drastically.

Your understanding and cooperation with this request will be greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Watson", with a long horizontal line extending to the right.

Sam Watson
Managing Partner
Montclair Center LTD



CITY OF MONTCLAIR
PLANNING COMMISSION

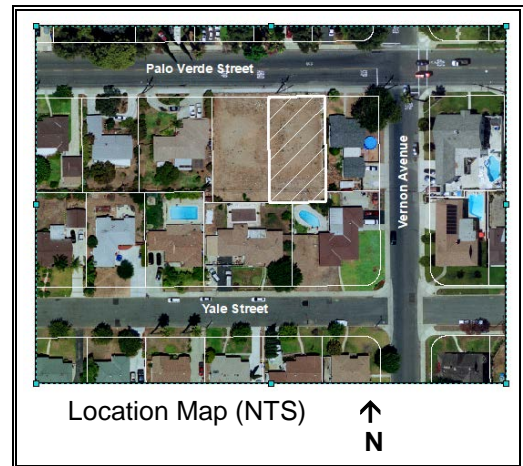
MEETING DATE: 12/14/2020

AGENDA ITEM 6.b

Case No. 2020-27

Application: A request for approval of a Precise Plan of Design (PPD) to construct of a 2,015 square-foot one-story single-family home (including an attached 300 square-foot Junior Accessory Dwelling unit and attached 414 square-foot two-car garage), and a detached, one-story 698 square-foot accessory dwelling unit.

Project Location: 5479 Palo Verde Street (southside of Palo Verde Street, west of Vernon Avenue). Parcel 1 of Parcel Map No. 16465.



Applicant/Property Owners: Kumar Swaminathan and Prema Kothandarama

General Plan: Low Density Residential (3-7 dwelling units/acre)

Zoning: R-1 (Single Family Residential)

Assessor Parcel No.: 1008-601-69-0000

Adjacent Land Use Designations and Existing Uses			
	<i>General Plan</i>	<i>Zoning</i>	<i>Existing Use of Property</i>
Site	Low Density Residential (3-7 du/acre)	R-1 Single Family Residential	Vacant
North	Low Density Residential (3-7 du/acre)	R-1 Single Family Residential	Single Family Residential
South	Low Density Residential (3-7 du/acre)	R-1 Single Family Residential	Single Family Residential
East	Low Density Residential (3-7 du/acre)	R-1 Single Family Residential	Single Family Residential
West	Low Density Residential (3-7 du/acre)	R-1 Single Family Residential	Single Family Residential

Report on Item Number 6.b

CASE NUMBER 2020-27

APPLICATION TYPE	Precise Plan of Design
APPLICANT/OWNER	Kumar Swaminathan and Prema Kothandarama
LOCATION OF PROPERTY	5479 Palo Verde Street (southside of Palo Verde Street, between Central and Vernon Avenues). Parcel 1 of Parcel Map No 16465.
GENERAL PLAN DESIGNATION	Low Density Residential
ZONING DESIGNATION	R-1 (Single-Family Residential)
EXISTING LAND USE	Vacant
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15332)
PROJECT PLANNER	Silvia Gutiérrez

Project Description

Kumar Swaminathan and Prema Kothandarama are requesting approval of a Precise Plan of Design (PPD) to develop an 8,442-square foot vacant lot located on the south side of Palo Verde Avenue, approximately 131 feet west of Vernon Avenue. The subject site is one of two vacant parcels created by Parcel Map No. 16465 approved in 2004.

To prepare the project site for development and drainage requirements of the building code, the lot will require regrading. As part of the new grading, block retaining/perimeter walls are necessary on the east, south, and west property lines. The height of these new walls will vary in height depending on the grade levels of the adjacent properties and installation of a six-foot high perimeter wall to enclose the site. Access to the site and garage will be via a new 15-foot wide enhanced/scored concrete driveway on the east side of the new house. As is typical with this type of infill project, the developer will be required to complete construction of various public improvements, including new curbs, gutters, sidewalks and relocated ADA accessible driveways and streetlights along the Palo Verde Avenue frontage of the project site.

The new main dwelling for the site will have an overall size of approximately 2,015 square feet in area, as further described as follows:

- Main House - 1,301 square feet
- Attached Junior Accessory Dwelling Unit (JADU) - 300 square feet
- Attached Garage - 414 square-feet in area to accommodate two cars, located at the rear of the main dwelling.

The floor plan for the main house includes three bedrooms, two bathrooms, a living room, dining room, kitchen, and laundry room. A six-foot deep covered front porch is proposed for the main house. The Junior ADU (JADU) includes a bathroom and independent kitchen facilities. Although attached to the main residence, the JADU will have separate exterior access.

The project also includes a separate 698 square-foot detached single-story accessory dwelling unit (ADU) proposed at the rear of the property. The ADU includes two bedrooms, a kitchen, a full bath, and laundry facilities. The ADU shares the architectural characteristics of the primary house. One open parking space is proposed adjacent to the unit.

Setbacks for the new main house are 25 feet from the front (Palo Verde Street frontage) property line, 15 feet from the east property line, and five feet from the west property line. Proposed rear setback is 42 feet for the main house, and six feet for the proposed detached Accessory Dwelling Unit (ADU).

Building Design - Elevations

The proposed design for the main house and detached ADU is Contemporary Craftsman. The architectural details include the following design elements:

- Exposed Rafter Tails and Knee Braces (White)
- Gable Ends are enhanced with HardiBoard Shake Shingles (Dark Gary)
- Proposed Asphalt Composition Roof Shingles (Charcoal Blend)
- Horizontal Shiplap Siding (Boothbay Blue)
- Front porches for the main house and detached ADU with tapered square 12-inch wood columns. The columns shall have a 48-inch base that is accented with red brick.
- Picket railing at front porch (White)
- Craftsman Style door
- Craftsman Style Wall Lights

Landscaping Concept

The conceptual landscape plan for the site depicts an appropriate distribution of plant materials across the site and the identified plant species appear to be suitable to the local climate. The proposed tree and shrub palettes feature a variety of plant materials, the majority of which are drought tolerant. Two African Sumac trees are proposed for the front yard and one 24-inch box size Crape Myrtle tree will be required for the street tree planted within a parkway to be consistent with the street tree pattern in the neighborhood.

Colored elevations of the proposed residences and project plans will be available for viewing at the Planning Commission meeting.

Background

- The subject site is Parcel 1 of Parcel Map No. 16465 approved by the City in 2004 that subdivided an existing 16,884 square foot parcel into two lots to construct two new single-family residences. Each lot is 8,442 square feet in size. No homes were constructed.
- The proposal includes a Junior Accessory Dwelling Unit (Junior ADU) and a new detached Accessory Dwelling Unit (ADU). Although per State law both JADU and ADU are permitted without a hearing, they are included in this review because they are part of the overall development of the site with a new single-family main residence. A main residence on the site is a prerequisite for approving ADUs.

Planning Division Comments

Staff has worked with the property owner since 2018 in reviewing various design proposals to develop the site in a manner that best reflected the general size, scale, and massing of the surrounding single-family neighborhood. Staff appreciates the owners and their architect's willingness to modify the overall design of the new home to more closely align with the lower height profile of homes that exist in the surrounding neighborhood.

Staff was also successful in persuading the applicant and the developer of the adjacent vacant parcel to jointly work and resolve grading and design issues common with both sites. Subsequently, both property owners were able to utilize the services of the same architect. The proposed single story Craftsman style home and ADU for the subject site (and adjacent property) is the result of those efforts.

Since the subject property has vacant since 2001, the proposed project represents a significant visual change to the neighborhood. Staff believes the proposed style of the main house and ADU is complementary to the surrounding neighborhood and similar to an existing home on the same block. The design includes appropriate detailing and the use of quality materials to appeal to prospective buyers and enhance the adjacent neighborhood. Although some adjustment to the placement of trees in the front yard will be necessary to include a street tree, the proposed drought tolerant landscaping materials in the front and side yards are appropriate and will complete the project. A condition of approval will require the applicant to work with staff to fine-tune the landscape plan.

The project complies with the general development standards applicable to residential development within the R-1 zoning district, including setbacks, building height, and lot coverage. The placement of the home at 15 feet from the east property line allows for greater privacy between the new home and the existing house at the corner of Vernon Avenue and Palo Verde Street. Further, the location of the driveway allows for proper function and eliminates the design impacts of driveways that are directly adjacent to each other. In an effort to address the ongoing challenges of limited off-street parking in residential areas throughout the City of Montclair, an open parking space was included

between the ADU and the house and with coordination; additional vehicles can park along the driveway.

As for building height, the proposed 16-foot height of the home is well below the 35-foot height limit, which is more in keeping with the average height of the single-story homes in the immediate neighborhood. However, it should be noted that lot coverage for the project is calculated to be 35 percent (at 3,003 square feet) which is maximum limit for the site. As such, no further development of the lot will be possible. The applicant has been advised of this issue and a condition of approval has been added to the draft Planning Commission Resolution. Building packets would also be flagged as reminder of the restriction.

Lastly, staff finds the inclusion of ADUs with this proposal to be a good example of how to meet state mandates with a project that reflects proper planning and design to be an asset to the community.

Public Notice

A Precise Plan of Design review does not require public notification. However, on December 3, 2020, a courtesy written notice describing the proposed residential development was mailed to owners of properties abutting the exterior boundaries of the project site and directly across Palo Verde Street. At the time this report was prepared, no comments regarding the project had been received.

Environmental Assessment

The Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines, which covers infill projects in significantly developed areas. The proposed project is consistent with the applicable policies of the General Plan, the City's zoning requirements, is less than five acres in area, has utilities present in the area to serve the development, and is substantially surrounded by similar developed properties. The subject site contains no rare or endangered plants or species. As such, there is no substantial evidence the project will pose a potential significant impact to the environment.

Precise Plan of Design Findings

- A. The proposed development of a 2,015 square-foot one-story single-family home (including an attached 300 square-foot Junior Accessory Dwelling Unit and attached 414 square-foot two-car garage), and a detached, one-story 698 square-foot Accessory Dwelling Unit would be consistent with the "R-1" – Single-Family Residential zoning designation for the subject site. Further, the inclusion of ADUs on the site is consistent with the provisions of State law regarding their development and use.


- B. The proposed development the site with a new one-story single-family residence and Junior ADU, and a detached ADU is designed in a manner that will complement and contribute to the positive improvement of the street and surrounding neighborhood. This proposed development also serves to address the need for more housing opportunities within the City. The proposed site plan is also generally consistent with the development pattern of the area, does not overcrowd the site in accordance with goals and objectives of the General Plan.
- C. The project promotes orderly development within the community. Overall, the project is well designed and consistent with the design standards of the R-1 zoning district. The architectural style proposed for the homes are appropriate and the details and materials are of high quality. Proposed landscaping is complementary to the architecture, well distributed around the site, and designed to conserve water.

Planning Division Recommendation

Staff finds that the proposal is consistent with the development standards of the R-1 zone, and the Low Density General Plan land use designation for the subject site, will be compatible with surrounding land uses, and will result in the addition of high quality housing stock to the City. Accordingly, staff recommends approval of Case No. 2020-27 by taking the following actions:

- A. Move that, based on the evidence submitted, the Planning Commission has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines, which covers infill projects in significantly developed areas. The proposed small infill single-family residential development is consistent with the applicable policies of the General Plan, the City's zoning requirements, is less than five acres in area, has utilities present in the area to serve the development, and is substantially surrounded by similar residentially developed properties. Moreover, the vacant property is approximately .19 acres (8,442 square feet) in size, and has no rare or endangered plants or species. As such, there is no substantial evidence the project will pose a potential significant impact to the environment.
- B. Move to approve the Precise Plan of Design request under Case No. 2020-27 for the site plan, floor plans, elevations, colors and materials associated with the proposed residential development consisting of a 2,015 square-foot one-story single-family home (including an attached 300 square-foot Junior Accessory Dwelling Unit and an attached 414 square-foot two-car garage), one detached, one-story 698 square-foot Accessory Dwelling Unit, and associated on- and off-site improvements per the submitted plans and as described in the staff report, subject to the conditions of approval contained in Resolution No. 20-1945.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Diaz". The signature is fluid and cursive, with a large, prominent "D" at the end.

Michael Diaz
Community Development Director

MD/SG

Attachments: Draft Resolution of Approval No. 20-1945
 Exhibit "A" Letter of Approval for Parcel Map No. 16465

cc: Kumar Swaminathan and Prema Kothandarama, 5812 Alessandro Avenue, Temple City, CA 91780
 Marvin Barriga, MBGA Drafting Inc., 24568 Oneida Street, Moreno Valley, CA 92553

Z:\COMMDEV\SG\CASES\2020-28\REIDENTIAL DEVELOPMENT\5477 PALO VERDE \SOUTHSIDE OF PALO VERDE BETWEEN CENTRAL AND VERNON AVENUES

RESOLUTION NO. 20-1945

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A PRECISE PLAN OF DESIGN UNDER CASE NUMBER 2020-27 FOR THE SITE PLAN, FLOOR PLANS, ELEVATIONS, COLORS, MATERIALS, AND CONCEPTUAL LANDSCAPE PLAN TO CONSTRUCT A 2,015 SQUARE-FOOT ONE-STORY SINGLE-FAMILY HOME (INCLUDING AN ATTACHED 300 SQUARE-FOOT JUNIOR ACCESSORY DWELLING UNIT , AN ATTACHED 414 SQUARE-FOOT TWO-CAR GARAGE), AND A DETACHED, ONE-STORY 698 SQUARE-FOOT ACCESSORY DWELLING UNIT ON A VACANT 8,442 SQUARE FOOT LOT, ON THE SOUTHSIDE OF PALO VERDE STREET BETWEEN CENTRAL AVENUE AND VERNON AVENUE IN THE R-1 (SINGLE-FAMILY RESIDENTIAL) ZONE (ASSESSOR PARCEL NUMBER: 1008-601-69-0000)

A. Recitals.

WHEREAS, on Novemeber 10, 2020, Kumar Swaminathan and Prema Kothandarama, owners of the subject site, filed an application for a Precise Plan of Design (PPD) under Case No. 2020-27, to develop a one-story single-family residence, an attached Junior Accessory Dwelling Unit (JADU), and a detached one-story Accessory Dwelling Unit (ADU) on the subject site; and

WHEREAS, the application applies to an existing undeveloped parcel identified as Parcel 1 of Tentative Parcel Map No. 16465; and

WHEREAS, Tentative Parcel Map No. 16465 created two separate 8,442 square-foot lots and was recorded in 2004; and

WHEREAS, the subject parcels are zoned R-1 (Single-Family Residential) Zone, hereafter "R-1"; and

WHEREAS, the R-1 zone is intended for the development of one-story single-family residences consistent with the General Plan's Low Density Residential (3-7 dwelling units per acre) land use designation; and

WHEREAS, Chapter 11.18 of the Montclair Municipal Code provides development standards for the R-1 zone, including minimum setbacks, building height, minimum dwelling size, etc.; and

WHEREAS, the pursuant to Chapter 11.80 the Precise Plan of Design pertains to the overall site plan, floor plan, elevation, color, materials, and conceptual landscape plan for proposed development of a single family home; and

WHEREAS, Planning Staff recognizes that inclusive of prior laws on the subject as of January 1, 2020 State Law requires that all local cities allow and approve Accessory Dwelling Units and Junior Accessory Dwelling Units through a ministerial process. Said unit were included in the staff report because they were submitted simulataneously with the single family residence being proposed on the vacant parcel; and

WHEREAS, the Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines, which covers infill projects in significantly developed areas. The proposed development of one single-family home, a Junior Accessory Dwelling Unit, and an attached Accessory Dwelling Unit is consistent with the applicable policies of the General Plan, the City's zoning requirements, is less than five acres in overall size, has utilities present in the area to serve the development, and is substantially surrounded by similar single-family residential uses. As such, there is no substantial evidence the project will pose a potential significant impact to the environment; and

WHEREAS, courtesy notices were mailed out to owners of properties abutting the subject site and those directly across the street on December 3, 2020; and

WHEREAS, in compliance with the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, a non-person remote meeting was conducted on December 14, 2020, at which time all persons wishing to testify in connection with said application were heard, and said application was fully considered.

B. Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Montclair does hereby find and determine as follows:

SECTION 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.

SECTION 2. Based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows with respect to the recommendation of approval of a Precise Plan of Design under Case No. 2020-27:

Precise Plan of Design Findings

- A. The proposed development of a 2,015 square-foot one-story single-family home (including an attached 300 square-foot Junior Accessory Dwelling Unit (JADU) and attached 414 square-foot two-car garage), and a detached, one-story 698 square-foot Accessory Dwelling Unit (ADU) would be consistent with the “R-1” – Single-Family Residential zoning designation for the subject site. Further, the inclusion of ADUs on the site is consistent with the provisions of State law regarding their development and use.

- B. The proposed development the site with a new one-story single family residence and Junior ADU, and a detached ADU is designed in a manner that will complement and contribute to the positive improvement of the street and surrounding neighborhood. This proposed development also serves to address the need for more housing opportunities within the City. The proposed site plan is also generally consistent with the development pattern of the area, does not overcrowd the site in accordance with goals and objectives of the General Plan.

- C. The project promotes orderly development within the community. Overall, the project is well designed and consistent with the design standards of the R-1 zoning district. The architectural style proposed for the homes are appropriate and the details and materials are of high quality. Proposed landscaping is complementary to the architecture, well distributed around the site, and designed to conserve water.

SECTION 4. Pursuant to Section 66412.3 of the Government Code, based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission finds the improvements proposed help the City of Montclair to meet its regional housing needs by increasing the supply of homes within the City.

SECTION 5. Based upon the facts and information contained in the application, together with all written and oral reports included for the environmental assessment for the application, the Planning Commission concurs with staff's determination that project is exempt from additional environmental review pursuant to CEQA in connection with the City's consideration of Case No. 2020-27 the subsequent development of nine single-family homes on nine lots previously subdivided by Parcel Map No. 16465. Further, the Planning Commission directs staff to prepare a Notice of Exemption.

SECTION 6. The location and custodian of the documents and any other material that constitute the record of proceedings upon which the Planning Commission based its decision is as follows: Community Development Director, Planning Division, Community Development Department, City of Montclair, 5111 Benito Street, Montclair, California 91763, or by telephone at (909) 625-9477.

Conditions of Approval.

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 Division

1. This approval is for a Precise Plan of Design (PPD) for the site plan, floor plans, elevations, colors and materials, and conceptual landscape plan associated with the construction of a 2,015 square-foot one-story single-family home (including an attached 300 square-foot Junior Accessory Dwelling Unit , an attached 414 square-foot two-car garage), and a detached, one-story 698 square-foot Accessory Dwelling Unit as described in the staff report and depicted on conceptual plans dated November 10, 2020 on file with the Planning Division. The maps, plans, and elevations are approved as submitted and modified or conditioned herein and shall not be further modified, amended, or altered.
2. All applicable conditions of approval associated with Parcel Map No. 16-465 described in Case No. 2004-5 shall continue apply as depicted in Letter of Approval for Case No. 2004-5 (Refer to Exhibit "A").
3. The applicant shall at all times comply with any and all laws, ordinances and regulations of the City of Montclair, the County of San Bernardino and the State of California, including but not limited to Title 11 of the Montclair Municipal Code. Approval of this PDD shall not waive compliance with any such requirements.
4. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval, unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
5. In the event that exhibits and written conditions are inconsistent, the written conditions shall prevail.

6. No changes to the approved set of plans for the new homes, including the exterior design and materials/finishes, shall be permitted without prior City review and written approval. Any modification, intensification, or expansion of the use and design plan beyond that which is specifically approved with this PPD shall require review and approval by the Planning Commission.
7. Within five (5) days of approval by the Planning Commission, the applicant shall submit to the Planning Division a check in the amount of \$50.00, payable to "Clerk of the Board of Supervisors," for filing a Notice of Exemption (NOE) as required by the California Environmental Quality Act (CEQA).
8. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 15 days of receipt of the Planning Commission Resolution.
9. Maximum lot coverage of 35 percent for the subject site has been reached with this project. No further development of the site that exceeds lot coverage shall be permitted.
10. The applicant and/or property owner shall ensure that a copy of this Resolution is 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:
The architectural details shall include the following design elements:
 - a. Exposed Rafter Tails and Knee Braces (White)
 - b. Gable Ends are enhanced with HardiBoard Shake Shingles (Dark Gary)
 - c. Proposed Asphalt Composition Roof Shingles (Charcoal Blend)
 - d. Horizontal Shiplap Siding (BoothBay Blue)
 - e. Front porches for the main house and detached ADU with tapered square 12-inch wood columns. The columns shall have a 48-inch base that is accented with red brick.
 - f. Picket railing at front porch (White)
 - g. Craftsman Style door
 - h. Craftsman Style Wall Lights
11. Exposed gutters and downspouts shall be located in appropriate locations and shall not interrupt architectural design features. Any exposed gutters and

downspouts shall be constructed of high-quality, commercial grade metal and finished to match the balance color of the residential dwellings.

12. Prior to issuance of building permits, the applicant shall provide the following information or exhibit on plans submitted for plan check for City Planner review and approval:
 - a. Fence and wall details for the project. Masonry walls shall be split face, colored with cap to complement the architecture of the building (no gray precision block), or stuccoed.
 - b. Wood or Vinyl fences shall be limited to interior locations between properties and not utilized as perimeter walls of the subject subdivision. White vinyl fences shall not be allowed as perimeter walls.
 - c. Before installation of a mail box for the property, the applicant shall ascertain and comply with United States Postal Service (USPS) and City of Montclair requirements. Placement within the public right-of-way will require the approval of an Encroachment Permit from the City Engineer. Contact Steve Stanton ssanton@cityofmontclair.org for further information.
 - d. Revise landscape plan to include at least one – *Lagerstroemia indica* 'Rubra' (Crape Myrtle) street tree. Tree shall be a minimum 24-inch box size and double-staked per City standards. (* minimum 30 feet on center.)
13. Maintenance of landscape areas in front yard and street side yard shall be the responsibility of the property owners.
14. The applicant shall incorporate sufficient sound attenuation measures (i.e. dual-paned glazing, upgraded insulation, etc.) in each residence to meet maximum interior noise level of 45 dBA.
15. All large mechanical devices, such as air conditioning condensers, shall be located on the ground within interior yard areas not visible to the public right-of-way. All wall- and roof-mounted exhausts and vents shall be designed to be compatible and blend with the architectural design of each residence.
16. Any new fences or walls within front yard or street setbacks shall not exceed 48-inches in height. Chain-link is expressly prohibited for property fencing.
17. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been

completed. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.

18. Prior to issuance of a Certificate of Occupancy for each residence, the property owner shall install landscaping materials and irrigation for the front yard (and applicable street side yard areas) for each lot per approved plan and subject to the satisfaction of the City Planner or his designee. The following standards shall apply:
 - a. All shrubs shall be minimum five-gallon container size.
 - b. All trees shall be minimum 24-inch box size and double-staked.
 - c. A minimum of three inches (3") of bark mulch (shredded or chips) shall be provided in all planted areas.
 - d. All front yard landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
19. Any plant material that does not survive or which is removed or destroyed shall be replaced upon its demise or removal with plant material of like type and size as that which was originally approved and installed.
 - a. Plant material shall not be severely pruned such that the natural growth pattern or characteristic form is significantly altered. Trees shall be pruned to ISA (International Society of Arboriculture) standards and only as necessary to promote healthy growth and for aesthetic purposes (i.e., to enhance the natural form of the tree). Improperly or severely pruned trees, including topping as defined by the Water Conservation Ordinance, which results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with trees of similar size and maturity as that which was removed or, as required by the Community Development Director.
 - b. Modifications to and/or removal of existing landscaping shall require prior approval by the Planning Division.
20. All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency.
21. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner that is in keeping with the architectural design of the new homes to the satisfaction of the City Planner.

22. All mechanical equipment including, but not limited to, utility meters, air conditioners, vents, etc., shall be located within the building or screened in a manner that is compatible with the architectural design of the building to the satisfaction of the City Planner.
23. Surface-mounted exposed conduit or electrical lines shall not be allowed. Electrical switchgear, meters, etc., shall be screened or housed in an enclosure to the extent allowed by the utilities.
24. No exterior surface-mounted exposed ducts, conduit or electrical lines shall be allowed on walls, awnings, or other exterior faces of the building. In addition, all electrical switchgear, meters, etc., shall be screened or housed in an enclosure to the extent allowed by the utilities.
25. Ground-mounted mechanical equipment shall be fully screened from view from streets or surrounding residential or commercial uses by a combination of decorative walls and an evergreen hedge equal to or exceeding the height of the equipment.
26. The finish quality of all exterior design elements and materials for the project, including but not limited to, building façade colors and finishes, the quality or condition of materials, the application of wood or metal decorative trim, and landscaping shall be subject to approval of the City Planner prior to issuance of Certificate of Occupancy for each residence.
27. To ensure compliance with the conditions of approval, a final inspection is required from the Planning Division upon completion of construction and all improvements for each unit. The applicant shall contact the City by calling 909-625-9477 to schedule an appointment for such inspections.
28. 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 Division

29. Submit four complete sets of plans including the following:
 - a. Site/Plot Plan;

- b. Floor Plan;
 - c. Reflected Ceiling Plan;
 - d. Electrical Plans, including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
 - e. Plumbing Plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning;
 - f. Waste recycling plan, recycling 65% of all construction debris.
 - g. Soils Report
30. 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.
31. A building, structure, sewage system, utility line, eave or projection of a structure, or similar shall not cross over a property line so as to encroach on another property.
32. Submit two sets of structural calculations, if required and two sets energy conservation calculations.
33. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
34. The site address shall be 5475 Palo Verde St. The address shall be displayed on the North side of the building in 6" numerals. The Junior ADU shall have the address 5475A Palo Verde St. The Detached ADU shall have the address 5475B Palo Verde St. It shall be placed in a position to be visible from the street fronting the property. The font shall be acceptable to the Planning Division.
35. The address of each new residence shall be displayed in minimum four-inch (4") tall numerals on a contrasting background and backlit with a low-voltage illumination source. Said identification shall be installed in a consistent location on each residence.
36. All construction work carried out under the review of the Building Division shall be of good quality. The Building Official shall have the authority to enforce the installation of work that is straight, level, plumb, square, etc., as the situation requires. All work shall be well fit and of a durable nature. Paint and stucco in all cases shall not be below standard for the use applied.

37. Decorative foam trim shall not be used in areas subject to damage such as entry doors, garage doors, etc. Use of decorative foam shall not be allowed to be used below the second story.
38. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner incorporated into the architectural design of the building to the satisfaction of the Planning Division.
39. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357.
40. No soil shall be imported or exported to or from the project site from an adjacent building site or from other sources for construction purposes without first obtaining approval from the City Engineer. A plan satisfactory to the City Engineer shall be prepared showing the proposed haul route within the City. Subject plan shall include provisions for street sweeping and cleanup. Applicant/contractor shall comply with all NPDES requirements.
41. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
42. All off-site and on-site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
43. 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.
44. Prior to issuance of a Certificate of Occupancy, the person or corporation responsible for the preparation of the Water Quality Management Plan shall certify, in writing, to the Building Official that all conditions and requirements of the Water Quality Management Plan have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the Building Official that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the Water Quality Management Plan.
45. Prior to the issuance of the Certificate of Occupancy a Final Grade Certificate shall be provided to the Building Official issued from the Registered Civil Engineer of Record that all on-site improvements have been constructed in accordance with all City Standards, Specifications, Conditions of Approval and approved plans.
46. Temporary construction and storage trailers placed on the property shall first obtain approval from the Planning and Building Divisions. Before any trailer is

set in its location, obtain all permits from the building division. Plans and structural calculations will be required for the development.

47. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
48. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.

Engineering Division

49. Developer shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code. The applicant shall process any right-of-way dedications, easements or grant deeds required for the development.
50. Construction drawings shall be 24" by 36" with City standard title block.
51. All streets public and private shall have sidewalks conforming to Americans with Disabilities Act. Public and private streets shall have sidewalks on each side. Widths and scoring patterns shall conform to City Standard 114.
52. Streetlights shall be provided on all public and private streets. The minimum lighting level for all streets shall be to the satisfaction of the City Engineer. Plans shall include point by point foot-candle values arranged in a grid verifying a minimum lighting level of 2 foot-candles throughout every intersection.
53. All pavement damaged by excavation will be replaced with permanent pavement per the City Standard for paving and trench repair STD No. 301.
54. Developer shall replace all existing lifted or cracked curb gutter, damaged utility pull box lids, and sidewalk adjacent to the property. Additionally remove sidewalk that show signs of ponding or is pitting, scaling or spalling.
55. Developer shall remove existing driveway and replaced with ADA complaint driveway.
56. All Utilities in the public right of way portion of each street frontage adjacent to the site shall be placed underground. This requirement applies to electrical services (facilities operated at nominal voltages in excess of 20,000 volts not included), transformers and switches, and where technology exists, telephone and cable television facilities as well.
57. The developer shall make payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency
58. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.

59. Sewers intended to be maintained by the City of Montclair shall be designed and constructed per Public Works Department standards, and shall be located in public streets or easements dedicated to the City for sanitary sewer purposes. Sewers not constructed per Public Works Department standards shall be constructed per California Building Code and City of Montclair Building Division requirements and shall be privately maintained.
60. Sewer improvement plans are required for all sewers, public or private, and shall include both plan and profile views on 24" by 36" construction drawings.
61. Approval of the Noncategorical WQMP is required prior to the preparation of grading and/or other improvement plans. Requirements for the Noncategorical WQMP may be obtained from the City NPDES Coordinator Steve Stanton at 909-625-9444. If significant modifications are required, a resubmittal to the Planning Commission and City Council may be required.
62. A grading plan shall be prepared subject to the approval of the City Engineer. An erosion control plan is to be included and considered an integral part of the grading plan. Grading plans shall be designed in accordance with City standards and guidelines, and shall be on 24" by 36" sheets.
63. No soil may be imported or exported to or from the project site from any adjacent building site or from other sources for construction purposes without first obtaining approval from the City Engineer. The plan shall include provisions for street sweeping and cleanup. Contractor(s) shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements.
64. All drainage facilities shall comply with requirements of the approved Noncategorical WQMP.
65. All off site and on site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
66. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at 800-422-4133.

Environmental Manager

67. Connection to the City of Montclair Sanitary Sewer System is required. No lift or pump stations shall be permitted.
68. Discharge of wastewater into the City of Montclair sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
69. City of Montclair sewer connection fees are required in accordance with Section 9.20.260 of the Montclair Municipal Code.

70. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA).

NPDES

71. The developer shall perform an infiltration test and submit a non-categorical WQMP including implementation of Low Impact Designs (LID's) for review. The WQMP shall incorporate preventative measures that includes infiltration and Best Management Practices. Following approval of the WQMP, the approved measures shall be incorporated within the Grading Plans. City standards for the infiltration tests and WQMP documents can be found at <https://www.cityofmontclair.org/city-government/public-works/engineering-division/npdes-program/wqmp>.

Fire Marshal

72. The project shall comply with all applicable requirements set forth in the 2019 California Fire Code (CFC).
73. Prior to construction a temporary address sign shall be posted and clearly visible from the street.
74. The permanent building address shall be provided and either internally or externally lighted during hours of darkness. The address shall be clearly visible from the street fronting the property and comply with California Fire Code Section 505.1 for size and color.
75. All buildings shall be provided with an automatic fire sprinkler system in accordance with CFC 903.2.8 and NFPA 13D. Construction plans shall be submitted for review and approval to the City of Montclair prior to installation.
76. All required fire hydrants shall be readily visible and immediately accessible. A clear space of not less than 3-feet shall be maintained at all times.

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

APPROVED AND ADOPTED THIS 14th DAY OF DECEMBER, 2020.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____

Barry Rowley , Chair

ATTEST: _____

Michael Diaz, Secretary

I, Michael Diaz, 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 14th day of December 2020, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SGUTIERREZ\CASES\2020-27 PC RESO

WB
City Clerk's Office
City of Montclair

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF TENTATIVE
PARCEL MAP NO. 16465 FOR A TWO-LOT
RESIDENTIAL SUBDIVISION AT 5477 PALO
VERDE STREET

DATE: November 1, 2004

SECTION: PUBLIC HEARINGS

ITEM NO.: A

BUSINESS

PLAN: N/A

FILE I.D.: LDU350

DEPT.: COMMUNITY DEV.

REASON FOR CONSIDERATION: Tentative maps require public hearing review and approval by the City Council.

BACKGROUND: The tentative parcel map, which has been recommended by the Planning Commission, was initiated by Michael Esparza, who desires to subdivide an existing 16,884 square-foot parcel into two 8,442 square-foot lots on the south side of Palo Verde Street just west of Vernon Avenue for the purpose of constructing two single-family residences. The subject parcel was previously occupied by a single-family dwelling that was heavily damaged by fire in 2001 and later demolished.

The applicant intends to construct the project pursuant to the City's R-1 standards outlined in Chapter 11.18 of the Montclair Municipal Code. The Planning Commission conducted a public hearing on the request on April 12, 2004. Other than the applicant, no members of the public spoke at the public hearing.

At its April 12 meeting, the Planning Commission also approved a Precise Plan of Design for the homes to be constructed on each lot. The proposed two-story residences on each lot will be 2,679 square feet with five bedrooms and three baths. Since the building envelope and floor plans of each residence are mirror images of one another, the Planning Commission concurred with staff's inclusion of conditions of approval requiring the applicant to differentiate the exteriors of the dwellings through the use of colors, materials, and architectural details.

FISCAL IMPACT: None at this time.

RECOMMENDATION: The Planning Commission and staff recommend that the City Council approve Tentative Parcel Map No. 16465 for a two-lot residential subdivision at 5477 Palo Verde Street, subject to the following conditions of approval:

Prepared by: *[Signature]*
Reviewed by: *[Signature]*
Approved by: *[Signature]*

Approved: _____
Denied: _____
Continued to: _____
Amended: _____

1. This approval is for Tentative Parcel Map No. 16465, subdividing an existing 0.39-acre parcel at 5477 Palo Verde Street into two lots of 8,442 square feet each.
2. The tentative parcel map shall expire three years from the date of the Planning Commission resolution unless extended under Government Code Section 66452.6. The final map shall be filed with the City Engineer and shall comply with the Subdivision Map Act of the State of California and all applicable ordinances, requirements, and resolutions of the City of Montclair.
3. Prior to filing the original signed final map with the City Engineer, the applicant shall submit to the City the following documents, requiring approval of the City Engineer, at least 60 days before the filing of the original signed final map, in order to permit review pursuant to Government Code §66456.2:
 - a. A preliminary soils report, addressing the geology, stability of the site, and grading requirements.
 - b. A comprehensive grading and drainage plan prepared by a registered civil engineer in conformance with the Appendix to Chapter 33 of the Uniform Building Code and the requirements of the City. Cross-lot drainage shall be permitted to the extent that the volume and velocity of flows shall not exceed those historically permitted on the site. Prior to the commencement of grading or any clearing of the site, a grading permit shall be obtained from the Building Division. No grading permit shall be issued until proof of map recordation has been filed with the City of Montclair.
 - c. A letter of non-interference from any utility company that may have rights of easement within the property boundaries.
 - d. "Will-serve" letters from all utilities serving the site. The subdivider/developer will be required to coordinate with the various public utilities for the necessary improvements for said utilities to service the site.
4. The applicant and/or property owner shall ensure that a copy of the Planning Commission approval letter, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
5. The street addresses of the new residences shall be as follows:
 - a. Parcel 1 – 5479 Palo Verde Street
 - b. Parcel 2 – 5475 Palo Verde Street

6. No construction within the public right-of-way shall commence until a public works permit is obtained from the City's Public Works Department and all applicable fees paid. All utility lines installed to serve the new development shall be placed underground from the nearest existing power pole. The sewer connection improvements may be shown on either the street improvement or grading improvement plans.
7. Construction permits shall be required for all work, including new drive approaches and curb cuts, within the public right-of-way.
8. Payment of all sewer connection fees shall be required. Contact Clay Jarvinen, Environmental Control Specialist, at 909/625-9446 to ascertain applicable fees.
9. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
10. No soil shall be imported or exported without first obtaining approval from the City Engineer. A plan satisfactory to the City Engineer shall be prepared showing the proposed haul route within the City. Subject plan shall include provisions for street sweeping and cleanup.
11. All utility services to the new residence shall be installed underground.
12. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
13. All off-site and on-site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
14. Prior to issuance of building permits, the applicant shall:
 - a. Obtain all necessary approvals of Tentative Parcel Map No. 16465 from the City and have the final map recorded with the County of San Bernardino.
 - b. Submit to the Planning Division for review and approval revised, detailed elevations of each proposed residence clearly illustrating how they will differ from one another. Variations shall include the following elements:
 - i. House colors (body, trim and accent).
 - ii. Wainscot material, such as river rock, brick, cut stone, etc.
 - iii. Window surrounds and accents.
 - iv. Window style variations, such as full grids, marginal grids, divided-lights over single-lights, etc.

- v. Roofing materials and/or colors.
 - vi. Exposed rafter tails and/or beams.
 - vii. Addition of raised, horizontal belt course on side elevations to break up tall, flat wall plane.
- c. Submit five complete sets of architectural plans for the project, including building elevations, colors and materials, electrical, plumbing, mechanical, landscaping, lighting, and accessibility details, plus two sets of soils, structural and Title 24 calculations for review and approval by the Building and Planning Divisions. Contact Rudy Gomez, Senior Building Inspector, at 909/625-9437 for an appointment to submit plans.
 - d. Prepare and submit plans for erosion control and storm water pollution prevention to the satisfaction of the City Engineer. A National Pollution Discharge Elimination System (NPDES) permit may be required. Contact Steve Stanton, NPDES Coordinator, at 909/625-9470 for requirements.
 - e. Submit four complete sets of plans for an approved, automatic fire sprinkler system for each residence directly to the Fire Marshal's office for review and approval, including two sets to be microfilmed/digitally imaged. The system shall conform to national standards.
 - f. Pay all required Montclair Fire Department fees.
 - g. Pay adopted parkland development fee of \$1,679 per dwelling unit.
 - h. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
15. Wainscot on each residence shall extend the full width of the front elevation and wrap to the side elevations for a minimum distance of 3'-0".
 16. Any new air conditioning condenser units shall be located on the ground in the rear yard of the residences. All rooftop exhaust vents shall be painted to match as closely as possible the color of the roofing material on the residences.
 17. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357.
 18. The applicant/developer is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.

19. Fences and walls within front yard setbacks shall not exceed 48 inches in height. Chain-link is expressly prohibited in front yards and as interior side yard fencing.
20. The front yard landscaping of each new residence shall include sod or hydroseed turf, a variety of shrubs and at least one, 15-gallon container size accent tree. All landscape areas shall have 100 percent irrigation coverage by an automatic irrigation system.
21. Maintenance of landscape area in front yard shall be the responsibility of the developer until the residence becomes occupied, at which time the responsibility for maintenance shall transfer to the property owner.
22. A Certificate of Occupancy is required for the dwelling prior to occupancy. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
23. Prior to issuance of a Certificate of Occupancy for each residence, the applicant shall:
 - a. Submit to the Building Division electronic images of all plans and records for the purpose of obtaining a building permit. Electronic images shall comply with the City's Electronic Archiving Policy.
 - b. Install all approved landscaping and permanent, automatic irrigation system within the front yard of each residence, including two (2) *Lagerstroemia indica* (Crape Myrtle) street trees, minimum 30 feet on center, on the street frontage of each parcel. Each tree shall be 24-inch box size, double-staked per City standards, and installed in root barriers to minimize damage to adjacent hardscape areas.
 - c. Install the numerical address of each residence on the north-facing elevations of the dwellings in numerals measuring at least four inches (4") in height and in a color contrasting with the surface to which they are attached.
 - d. Remove and replace all substandard P.C.C. sidewalk, curb and gutter along the Palo Verde Street frontage of the site for the length of the project limits.
24. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
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 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.

VII. PUBLIC HEARINGS

A. Approval of Tentative Tract Map No. 16465 for a Two-Lot Residential Subdivision at 5477 Palo Verde Street

Mayor Eaton declared it the time and place set for public hearing to consider Tentative Tract Map No. 16465 for a two-lot residential subdivision at 5477 Palo Verde Street and invited comments from the public.

Mr. Allen Redfield identified himself as the owner of the property directly behind the subject site and objected to the proposed residential subdivision for privacy reasons.

Director of Community Development Clark advised that the subject site is a deeper lot with a longer than typical rear yard setback.

Discussion centered on the Planning Commission's approval of site plans and a Precise Plan of Design for the subdivision.

Mayor Eaton asked that **Mr. Redfield** leave contact information with Director of Community Development Clark so he can contact **Mr. Redfield** about the proposed project.

There being no one else in the audience wishing to speak, Mayor Eaton closed the public hearing and returned the matter to the City Council for its consideration.

Council Member Ruh suggested the item be continued until after **Mr. Redfield's** issues have been resolved.

Mayor Pro Tem Dutrey stated he feels comfortable moving forward with staff's recommendation, noting the homes would be situated 15 feet from the rear property line.

Council Member Paulitz asked if all setback requirements have been met.

Director of Community Development Clark answered, "Yes, there are no variances in the project."

Council Member Paulitz indicated that a 15-foot setback is standard and concurred with Mayor Pro Tem Dutrey's comment to move forward with this item.

Moved by Council Member Paulitz and seconded by Mayor Pro Tem Dutrey to approve Tentative Tract Map No. 16465 for a two-lot residential subdivision at 5477 Palo Verde Street.*

Mayor Eaton concurred that the subject parcel has an extra deep rear-yard setback.

Council Member Ruh advised he would oppose this item because he sees no reason why it cannot be continued to allow **Mr. Redfield's** concerns to be resolved.

*Motion carried as follows:

AYES: Raft, Dutrey, Paulitz, Eaton

NOES: Ruh

ABSTAIN: None

ABSENT: None



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 12/14/2020

AGENDA ITEM 6.c

Case No. 2020-28

Application: A request for approval of a Precise Plan of Design (PPD) to construct a 2,015 square-foot one-story single-family home (including an attached 412 square-foot Junior Accessory Dwelling Unit (JADU) and attached 414 square-foot two-car garage), and a detached, one-story 698 square-foot Accessory Dwelling Unit (ADU).

Project Location: 5477 Palo Verde Street (southside of Palo Verde Street, west of Vernon Avenue). Parcel 2 of Parcel Map No. 16465.

Applicant/Property Owners: JJ Properties & Investments

General Plan: Low Density Residential (3-7 dwelling units/acre)

Zoning: R-1 (Single Family Residential)

Assessor Parcel Nos.: 1008-601-70-0000



Adjacent Land Use Designations and Existing Uses			
	<i>General Plan</i>	<i>Zoning</i>	<i>Existing Use of Property</i>
Site	Low Density Residential (3-7 du/acre)	R-1 Single Family Residential	Vacant
North	Low Density Residential (3-7 du/acre)	R-1 Single Family Residential	Single Family Residential
South	Low Density Residential (3-7 du/acre)	R-1 Single Family Residential	Single Family Residential
East	Low Density Residential (3-7 du/acre)	R-1 Single Family Residential	Single Family Residential
West	Low Density Residential (3-7 du/acre)	R-1 Single Family Residential	Single Family Residential

Report on Item Number 6.c

CASE NUMBER 2020-28

APPLICATION TYPE	Precise Plan of Design
APPLICANT/OWNER	JJ Properties and Investments.
LOCATION OF PROPERTY	5477 Palo Verde Street (southside of Palo Verde Street, between Central Avenue and Vernon Avenues). Parcel 2 of Parcel Map No. 16465.
GENERAL PLAN DESIGNATION	Low Density Residential
ZONING DESIGNATION	R-1 (Single-Family Residential)
EXISTING LAND USE	Vacant
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15332)
PROJECT PLANNER	Silvia Gutiérrez

Project Description

JJ Properties and Investments, is requesting approval of a Precise Plan of Design (PPD) to develop 8,442 square-foot vacant lot located on the southside of Palo Verde Street, approximately 198 feet west of Vernon Avenue. The subject site is Parcel 2 of Parcel Map No. 16465 approved in 2004.

To prepare the project site for development and drainage requirements of the building code, will require regrading. As part of the new grading, block retaining/perimeter walls are necessary on the east, south and west property lines. The height of these new walls will vary in height depending on the grade levels of the adjacent properties and installation of a six-foot high perimeter wall to enclose the site. Access to the site and garage will be via a new 15-foot wide enhanced/scored concrete driveway on the east side of the new house. As is typical with this type of infill project, the developer will be required to complete construction of various public improvements, including new curbs, gutters, sidewalks and relocated ADA accessible driveways and streetlights along the Palo Verde Avenue frontage of the project site.

The new main dwelling for the site will have an overall size of approximately 2,015 square feet in area, as further described as follows:

- Main House - 1,189 square feet
- Attached Junior Accessory Dwelling Unit (JADU) - 412 square feet
- Attached Garage - 414 square-feet in area to accommodate two cars, located at the rear of the main dwelling.

The floor plan for the main house includes three bedrooms, two bathrooms, a living room, dining room, kitchen, and laundry room. A six-foot deep covered front porch is proposed for the main house. The Junior ADU (JADU) includes a bathroom and independent kitchen facilities. Although attached to the main residence, the JADU will have separate exterior access.

The project also includes a separate 698 square-foot detached one-story Accessory Dwelling Unit (ADU) proposed at the rear of the property. The ADU includes two bedrooms, a kitchen, a full bath, and laundry facilities. The ADU shares the architectural characteristics of the primary house. One open parking space for the ADU is proposed.

Setbacks for the new main house are 25 feet from the front (Palo Verde Street frontage) property line, 15 feet from the east property line, and 5 feet from the west property line. Proposed rear setback is 42 feet for the main house, and six feet for the proposed detached Accessory Dwelling Unit (ADU).

Building Design - Elevations

The proposed design for the main house and detached ADU is Contemporary Craftsman. The architectural details include the following design elements:

- Exposed Rafter Tails and Knee Braces (White)
- Gable Ends are enhanced with HardiBoard Shake Shingles (Dark Gary)
- Proposed Asphalt Composition Roof Shingles (Charcoal Blend)
- Horizontal Shiplap Siding (Sandstone Beige)
- Front porches for the main house and detached ADU with tapered square 12-inch wood Columns. The columns shall have a 48-inch base that is accented with natural river rock (Grey)
- Picket railing at front porch (White)
- Craftsman Style door
- Craftsman Style Wall Lights

Landscaping Concept

The applicant has submitted conceptual landscape plans for the project site. The plan depicts an appropriate distribution of plant materials across the site and the identified plant species appear to be suitable to the local climate. The proposed tree and shrub palettes feature a variety of plant materials, the majority of which are drought tolerant. On the proposed tree list are Cape Chestnut, Strawberry Tree, California Redbud, and Desert Willow, and a condition has been added to require the installation of a 24-inch box size Grape Myrtle street tree for Palo Verde Street.

Colored elevations of the proposed residences and project plans will be available for viewing at the Planning Commission meeting.

Background

- The subject site is Parcel 2 of Parcel Map No. 16465 approved by the City in 2004 that subdivided an existing 16,884 square foot parcel into two lots to construct two new single-family residences. Each lot is 8,442 square feet in size. No homes were constructed.
- The proposal also includes a Junior Accessory Dwelling Unit (Junior ADU) and a new detached Accessory Dwelling Unit (ADU). Although per State law JADUs and ADUs may be permitted without a hearing, they are included in this review because they are part of the overall development of the site with a new single-family main residence. A main residence on the site is a prerequisite for approving ADUs.

Planning Division Comments

Staff appreciates the owners and their architect's willingness to modify the overall design of the new home to more closely align with the lower height profile of homes that exist in the surrounding neighborhood. Because the applicant worked with the owners of the adjacent vacant parcel, they were able to jointly work and resolve grading and design issues common with both sites. Subsequently, both property owners were able to utilize the services of the same architect. The proposed single story Craftsman style home and ADU for the subject site (and adjacent property) and is similar to their neighbor's design.

Since the subject property has been vacant since 2001, the proposed project represents a significant visual change to the neighborhood. Staff believes the proposed style of the main house and ADU is complementary to the surrounding neighborhood and similar to an existing home on the same block. The design includes appropriate detailing and the use of quality materials to appeal to prospective buyers and enhance the adjacent neighborhood. Although some adjustment to the placement of trees in the front yard will be necessary to include a street tree, the proposed drought tolerant landscaping materials in the front and side yards are appropriate and will complete the project. A condition of approval will require the applicant to work with staff to fine-tune the landscape plan.

The project complies with the general development standards applicable to residential development within the R-1 zoning district, including setbacks, building height, and lot coverage. The placement of the home at 15 feet from the east property line allows for greater privacy between both proposed homes. Further, the location of the driveway allows for proper function and eliminates the design impacts of driveways that are directly adjacent to each other. In an effort to address the ongoing challenges of limited off-street parking in residential areas throughout the City of Montclair, an open parking space was included between the ADU and the house and with coordination; additional vehicles can park along the driveway.

As for building height, the proposed 16-foot height of the home is well below the 35-foot height limit, which is more in keeping with the average height of the single-story homes in the immediate neighborhood. However, it should be noted that lot coverage for the project is calculated to be 35 percent (at 3,003 square feet) which is maximum limit for the site. As such, no further development of the lot will be possible. The applicant has been advised of this issue and a condition of approval has been added to the draft Planning Commission Resolution. Building packets would also be flagged as reminder of the restriction.

Lastly, staff finds the inclusion of ADUs with this proposal to be a good example of how to meet state mandates with a project that reflect proper planning and design to be an asset to the community.

Public Notice

A Precise Plan of Design review does not require public notification. However, on December 3, 2020, a courtesy written notice describing the proposed residential development was mailed to owners of properties abutting the exterior boundaries of the project site and directly across Palo Verde Street. At the time this report was prepared, no comments regarding the project had been received.

Environmental Assessment

The Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines, which covers infill projects in significantly developed areas. The proposed project is consistent with the applicable policies of the General Plan, the City's zoning requirements, is less than five acres in area, has utilities present in the area to serve the development, and is substantially surrounded by similar developed properties. The subject site contains no rare or endangered plants or species. As such, there is no substantial evidence the project will pose a potential significant impact to the environment.

Precise Plan of Design Findings

- A. The proposed development project of a 2,015 square-foot one-story single-family home (including an attached 412 square-foot Junior Accessory Dwelling Unit (ADU), an attached 414 square-foot two-car garage), and a detached, one-story 698 square-foot Accessory Dwelling Unit (ADU) would be consistent with the "R-1" – Single-Family Residential zoning designation for the subject site. Further, the inclusion of ADUs on the site is consistent with the provisions of State law regarding their development and use.

- B. The proposed development the site with a new one story single-family residence and Junior ADU, and a detached ADU is designed in a manner that will complement and contribute to the positive improvement of the street and surrounding neighborhood. This proposed development also serves to address the need for more housing opportunities within the City. The proposed site plan is also generally consistent with the development pattern of the area, does not overcrowd the site in accordance with goals and objectives of the General Plan.
- C. The project promotes orderly development within the community. Overall, the project is well designed and consistent with the design standards of the R-1 zoning district. The architectural style proposed for the homes are appropriate and the details and materials are of high quality. Proposed landscaping is complementary to the architecture, well distributed around the site, and designed to conserve water.

Planning Division Recommendation

Staff finds that the proposal is consistent with the development standards of the R-1 zone, and the Low Density General Plan land use designation for the subject site, will be compatible with surrounding land uses, and will result in the addition of high quality housing stock to the City. Accordingly, staff recommends approval of Case No. 2020-28 by taking the following actions:

- A. Move that, based on the evidence submitted, the Planning Commission has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines, which covers infill projects in significantly developed areas. The proposed small infill single-family residential development is consistent with the applicable policies of the General Plan, the City's zoning requirements, is less than five acres in area, has utilities present in the area to serve the development, and is substantially surrounded by similar residentially developed properties. The property is approximately .19 acres (8,442 square feet) in area and has no rare or endangered plants or species. As such, there is no substantial evidence the project will pose a potential significant impact to the environment.
- B. Move to approve the Precise Plan of Design request under Case No. 2020-28 for the site plan, floor plans, elevations, colors and materials associated with the proposed residential development consisting of a 2,015 square-foot one-story single-family home (including an attached 412 square-foot Junior Accessory Dwelling Unit, an attached 414 square-foot two-car garage), and a detached, one-story 698 square-foot Accessory Dwelling Unit, and associated on- and off-site improvements per the submitted plans and as described in the staff report, subject to the conditions of approval contained in Resolution No. 20-1946.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Diaz". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "Diaz".

Michael Diaz
Community Development Director

MD/SG

Attachments: Draft Resolution of Approval No. 20-1946
Exhibit "A" Letter of Approval for Parcel Map No. 16465

c: JJ Properties and Investments, LLC., P.O Box 3552, San Dimas, CA 91773
Marvin Barriga, MBGA Drafting Inc., 24568 Oneida Street, Moreno Valley, CA 92553

Z:\COMMDEV\SG\CASES\2020-28\REDENTIAL DEVELOPMENT\5477 PALO VERDE \SOUTHSIDE OF PALO VERDE BETWEEN CENTRAL AND VERNON AVENUES

RESOLUTION NO. 20-1946

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A PRECISE PLAN OF DESIGN UNDER CASE NUMBER 2020-28 FOR THE SITE PLAN, FLOOR PLANS, ELEVATIONS, COLORS, MATERIALS, TO CONSTRUCT A 2,015 SQUARE-FOOT ONE-STORY SINGLE-FAMILY HOME (INCLUDING AN ATTACHED 412 SQUARE-FOOT JUNIOR ACCESSORY DWELLING UNIT AND ATTACHED 414 SQUARE-FOOT TWO-CAR GARAGE), AND A DETACHED, ONE-STORY 698 SQUARE-FOOT ACCESSORY DWELLING UNIT ON A VACANT 8,442 SQUARE FOOT LOT, LOCATED ON THE SOUTHSIDE OF PALO VERDE STREET BETWEEN CENTRAL AVENUE AND VERNON AVENUE IN THE R-1 (SINGLE-FAMILY RESIDENTIAL) ZONE. (ASSESSOR PARCEL NUMBERS 1008-601-70-0000)

A. Recitals.

WHEREAS, on November 10, 2020, JJ Properties and Investment, filed an application for a Precise Plan of Design (PPD) under Case No. 2020-28, to develop a new single family single-family residence, an attached Junior Accessory Dwelling Unit (JADU), and a detached one-story Accessory Dwelling Unit (ADU) on the subject site; and

WHEREAS, the application applies to an existing undeveloped parcel identified as Parcel 2 of Tentative Parcel Map No. 16465; and

WHEREAS, Tentative Parcel Map No. 16465 was recorded in October of 2004, thereby creating two separate 8, 442 square-foot lots; and

WHEREAS, the subject parcels are zoned R-1 (Single-Family Residential) Zone, hereinafter "R-1"; and

WHEREAS, the R-1 zone is intended for the development of single-family residential residences consistent with the General Plan's Low Density Residential (3-7 dwelling units per acre) land use designation; and

WHEREAS, Chapter 11.18 of the Montclair Municipal Code provides development standards for the R-1 zone, including minimum setbacks, building height, minimum dwelling size, etc.; and

WHEREAS, the pursuant to Chapter 11.80 the Precise Plan of Design pertains to the overall site plan, floor plan, elevation, color, materials, and conceptual landscape plan for proposed development of a single family home; and

WHEREAS, Planning Staff recognizes that inclusive of prior laws on the subject as of January 1, 2020 State Law requires that all local cities allow and approve ADUs and JADUs through a ministerial process. Said unit were included in the staff report because they were submitted simulateneously with the single family residence being proposed on the vacant parcel.

WHEREAS, the Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines, which covers infill projects in significantly developed areas. The proposed development of one single-family home, a junior accessory dwelling unit, and an attached accessory dwelling unit is consistent with the applicable policies of the General Plan, the City's zoning requirements, is less than five acres in overall size, has utilities present in the area to serve the development, and is substantially surrounded by similar single-family residential uses. As such, there is no substantial evidence the project will pose a potential significant impact to the environment; and

WHEREAS, courtesy notices were mailed out to owners of properties abutting the subject site and those directly across the street on December 3, 2020; and

WHEREAS, in compliance with the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, a non-person remote meeting was conducted on December 14, 2020, at which time all persons wishing to testify in connection with said application were heard, and said application was fully considered.

B. Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Montclair does hereby find and determine as follows:

SECTION 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.

SECTION 2. Based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows with respect to the recommendation of approval of a Precise Plan of Design under Case No. 2020-28:

Precise Plan of Design Findings

- A. The proposed development project of a 2,015 square-foot one-story single –family home (including an attached 412 square-foot Junior Accessory Dwelling Unit, an attached 414 square-foot two-car garage), and a detached, one-story 698 square-foot Accessory Dwelling Unit would be consistent with the “R-1” – Single-Family Residential zoning designation for the subject site. Further, the inclusion of ADUs on the site is consistent with the provisions of State law regarding their development and use.

- B. The proposed development the site with a new one story single-family residence and Junior ADU, and a detached ADU is designed in a manner that will complement and contribute to the positive improvement of the street and surrounding neighborhood. This proposed development also serves to address the need for more housing opportunities within the City. The proposed site plan is also generally consistent with the development pattern of the area, does not overcrowd the site in accordance with goals and objectives of the General Plan.

- C. The project promotes orderly development within the community. Overall, the project is well designed and consistent with the design standards of the R-1 zoning district. The architectural style proposed for the homes are appropriate and the details and materials are of high quality. Proposed landscaping is complementary to the architecture, well distributed around the site, and designed to conserve water.

SECTION 4. Pursuant to Section 66412.3 of the Government Code, based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission finds the improvements proposed help the City of Montclair to meet its regional housing needs by increasing the supply of homes within the City.

SECTION 5. Based upon the facts and information contained in the application, together with all written and oral reports included for the environmental assessment for the application, the Planning Commission concurs with staff's determination that project is exempt from additional environmental review pursuant to CEQA in connection with the City's consideration of Case No. 2020-28 the subsequent development of nine single-family homes on nine lots previously subdivided by Parcel Map No. 16465. Further, the Planning Commission directs staff to prepare a Notice of Exemption.

SECTION 6. The location and custodian of the documents and any other material that constitute the record of proceedings upon which the Planning Commission based its decision is as follows: Community Development Director, Planning Division, Community Development Department, City of Montclair, 5111 Benito Street, Montclair, California 91763, or by telephone at (909) 625-9477.

Conditions of Approval.

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 Division

1. This approval is for a Precise Plan of Design (PPD) for the site plan, floor plans, elevations, colors and materials, and conceptual landscape plan associated with the construction of a 2,015 square-foot one-story single –family home (including an attached 412 square-foot Junior Accessory Dwelling Unit, an attached 414 square-foot two-car garage), and a detached, one-story 698 square-foot Accessory Dwelling Unit as described in the staff report and depicted on approved conceptual plans dated November 10, 2020 on file with the Planning Division. The maps, plans, and elevations are approved as submitted and modified or conditioned herein and shall not be further modified, amended, or altered.
2. All applicable conditions of approval associated with Parcel Map No. 16-465 and Case No. 2004-5 shall continue apply as depicted in Letter of Approval for Case No. 2004-5 (Refer to Exhibit “A”)
3. The applicant shall at all times comply with any and all laws, ordinances and regulations of the City of Montclair, the County of San Bernardino and the State of California, including but not limited to Title 11 of the Montclair Municipal Code. Approval of this PDD shall not waive compliance with any such requirements.
4. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval, unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
5. In the event that exhibits and written conditions are inconsistent, the written conditions shall prevail.

6. No changes to the approved set of plans, including the exterior design and materials/finishes, shall be permitted without prior City review and written approval. Any modification, intensification, or expansion of the use and design plan beyond that which is specifically approved with this PPD shall require review and approval by the Planning Commission.
7. Within five (5) days of approval by the Planning Commission, the applicant shall submit to the Planning Division a check in the amount of \$50.00, payable to "Clerk of the Board of Supervisors," for filing a Notice of Exemption (NOE) as required by the California Environmental Quality Act (CEQA).
8. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 15 days of receipt of the Planning Commission Resolution.
9. Maximum lot coverage of 35 percent for the subject site has been reached with this project. No further development of the site that exceeds lot coverage limit shall be permitted.
10. The applicant and/or property owner shall ensure that a copy of this Resolution is 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.

The architectural details shall include the following design elements:

- a. Exposed Rafter Tails and Knee Braces (White)
- b. Gable Ends are enhanced with HardiBoard Shake Shingles (Dark Gary)
- c. Proposed Asphalt Composition Roof Shingles (Charcoal Blend)
- d. Horizontal Shiplap Siding (Sandstone Beige)
- e. Front porches for the main house and detached ADU with tapered square 12-inch wood columns. The columns shall have a 48-inch base that is accented with red brick.
- f. Picket railing at front porch (White)
- g. Craftsman Style door
- h. Craftsman Style Wall Lights

11. Exposed gutters and downspouts shall be located in appropriate locations and shall not interrupt architectural design features. Any exposed gutters and downspouts shall be constructed of high-quality, commercial grade metal and finished to match the balance color of the residential dwellings.
12. Prior to issuance of building permits, the applicant shall provide the following information or exhibit on plans submitted for plan check for City Planner review and approval:
 - a. Fence and wall details for the project. Masonry walls shall be split face, colored with cap to complement the architecture of the building (no gray precision block), or stuccoed.
 - b. Wood or Vinyl fences shall be limited to interior locations between properties and not utilized as perimeter walls of the subject subdivision. White vinyl fences shall not be allowed as perimeter walls.
 - c. Before submission of Mailing Boxes to the City for review and approval, the applicant shall first obtain approval of the design style and siting from the United States Postal Service. Placement within the public right of way will require the approval of Encroachment Permit from the City Engineer. Contact Steve Stanton ssanton@cityofmontclair.org
 - d. Revise landscape plan to include at least one – Lagerstroemia indica 'Rubra' (Crape Myrtle) street tree. Tree shall be a minimum 24-inch box size and double-staked per City standards. (* minimum 30 feet on center.)
13. Maintenance of landscape areas in front yard and street side yard shall be the responsibility of the property owners.
14. The applicant shall incorporate sufficient sound attenuation measures (i.e. dual-paned glazing, upgraded insulation, etc.) in each residence to meet maximum interior noise level of 45 dBA.
15. All large mechanical devices, such as air conditioning condensers, shall be located on the ground within interior yard areas not visible to the public right-of-way. All wall- and roof-mounted exhausts and vents shall be designed to be compatible and blend with the architectural design of each residence.
16. Any new fences or walls within front yard or street setbacks shall not exceed 48- inches in height. Chain-link is expressly prohibited for property fencing.

17. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
18. Prior to issuance of a Certificate of Occupancy for each residence, the property owner shall install landscaping materials and irrigation for the front yard (and applicable street side yard areas) for each lot per approved plan and subject to the satisfaction of the CCommunity Development Director or his designee. The following standards shall apply:
 - a. All shrubs shall be minimum five-gallon container size.
 - b. All trees shall be minimum 24-inch box size and double-staked.
 - c. A minimum of three inches (3") of bark mulch (shredded or chips) shall be provided in all planted areas.
 - d. All front yard landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
19. Any plant material that does not survive or which is removed or destroyed shall be replaced upon its demise or removal with plant material of like type and size as that which was originally approved and installed.
 - a. Plant material shall not be severely pruned such that the natural growth pattern or characteristic form is significantly altered. Trees shall be pruned to ISA (International Society of Arboriculture) standards and only as necessary to promote healthy growth and for aesthetic purposes (i.e., to enhance the natural form of the tree). Improperly or severely pruned trees, including topping as defined by the Water Conservation Ordinance, which results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with trees of similar size and maturity as that which was removed or, as required by the Community Development Director.
 - b. Modifications to and/or removal of existing landscaping shall require prior approval by the Planning Division.
20. All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency.
21. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner that is in keeping with the architectural design of the new homes to the satisfaction of the City Planner.

22. All mechanical equipment including, but not limited to, utility meters, air conditioners, vents, etc., shall be located within the building or screened in a manner that is compatible with the architectural design of the building to the satisfaction of the City Planner.
23. Surface-mounted exposed conduit or electrical lines shall not be allowed. Electrical switchgear, meters, etc., shall be screened or housed in an enclosure to the extent allowed by the utilities.
24. No exterior surface-mounted exposed ducts, conduit or electrical lines shall be allowed on walls, awnings, or other exterior faces of the building. In addition, all electrical switchgear, meters, etc., shall be screened or housed in an enclosure to the extent allowed by the utilities.
25. Ground-mounted mechanical equipment shall be fully screened from view from streets or surrounding residential or commercial uses by a combination of decorative walls and an evergreen hedge equal to or exceeding the height of the equipment.
26. The finish quality of all exterior design elements and materials for the project, including but not limited to, building façade colors and finishes, the quality or condition of materials, the application of wood or metal decorative trim, and landscaping shall be subject to approval of the City Planner prior to issuance of Certificate of Occupancy for each residence.
27. To ensure compliance with the conditions of approval, a final inspection is required from the Planning Division upon completion of construction and all improvements for each unit. The applicant shall contact the City by calling 909-625-9477 to schedule an appointment for such inspections.
28. 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 Division

29. Submit four complete sets of plans including the following:
 - a. Site/Plot Plan;
 - b. Floor Plan;

- c. Reflected Ceiling Plan;
 - d. Electrical Plans, including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
 - e. Plumbing Plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning;
 - f. Waste recycling plan, recycling 65% of all construction debris.
 - g. Soils Report
30. 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.
 31. A building, structure, sewage system, utility line, eave or projection of a structure, or similar shall not cross over a property line so as to encroach on another property.
 32. Submit two sets of structural calculations, if required and two sets energy conservation calculations.
 33. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
 34. The site address shall be 5479 Palo Verde St. The address shall be displayed on the North side of the building in 6" numerals. The Junior ADU shall have the address 5479A Palo Verde St. The Detached ADU shall have the address 5479B Palo Verde St. It shall be placed in a position to be visible from the street fronting the property. The font shall be acceptable to the Planning Division.
 35. The address of each new residence shall be displayed in minimum four-inch (4") tall numerals on a contrasting background and backlit with a low-voltage illumination source. Said identification shall be installed in a consistent location on each residence.
 36. All construction work carried out under the review of the Building Division shall be of good quality. The Building Official shall have the authority to enforce the installation of work that is straight, level, plumb, square, etc., as the situation requires. All work shall be well fit and of a durable nature. Paint and stucco in all cases shall not be below standard for the use applied.

37. Decorative foam trim shall not be used in areas subject to damage such as entry doors, garage doors, etc. Use of decorative foam shall not be allowed to be used below the second story.
38. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner incorporated into the architectural design of the building to the satisfaction of the Planning Division.
39. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357.
40. No soil shall be imported or exported to or from the project site from an adjacent building site or from other sources for construction purposes without first obtaining approval from the City Engineer. A plan satisfactory to the City Engineer shall be prepared showing the proposed haul route within the City. Subject plan shall include provisions for street sweeping and cleanup. Applicant/contractor shall comply with all NPDES requirements.
41. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
42. All off-site and on-site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
43. 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.
44. Prior to issuance of a Certificate of Occupancy, the person or corporation responsible for the preparation of the Water Quality Management Plan shall certify, in writing, to the Building Official that all conditions and requirements of the Water Quality Management Plan have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the Building Official that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the Water Quality Management Plan.
45. Prior to the issuance of the Certificate of Occupancy a Final Grade Certificate shall be provided to the Building Official issued from the Registered Civil Engineer of Record that all on-site improvements have been constructed in accordance with all City Standards, Specifications, Conditions of Approval and approved plans.

46. Temporary construction and storage trailers placed on the property shall first obtain approval from the Planning and Building Divisions. Before any trailer is set in its location, obtain all permits from the building division. Plans and structural calculations will be required for the development.
47. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
48. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.

Engineering Division

49. Developer shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code. The applicant shall process any right-of-way dedications, easements or grant deeds required for the development.
50. Construction drawings shall be 24" by 36" with City standard title block.
51. All streets public and private shall have sidewalks conforming to Americans with Disabilities Act. Public and private streets shall have sidewalks on each side. Widths and scoring patterns shall conform to City Standard 114.
52. Streetlights shall be provided on all public and private streets. The minimum lighting level for all streets shall be to the satisfaction of the City Engineer. Plans shall include point by point foot-candle values arranged in a grid verifying a minimum lighting level of 2 foot-candles throughout every intersection.
53. All pavement damaged by excavation will be replaced with permanent pavement per the City Standard for paving and trench repair STD No. 301.
54. Developer shall replace all existing lifted or cracked curb gutter, damaged utility pull box lids, and sidewalk adjacent to the property. Additionally remove sidewalk that show signs of ponding or is pitting, scaling or spalling.
55. Developer shall remove existing driveway and replaced with ADA complaint driveway.
56. All Utilities in the public right of way portion of each street frontage adjacent to the site shall be placed underground. This requirement applies to electrical services (facilities operated at nominal voltages in excess of 20,000 volts not included), transformers and switches, and where technology exists, telephone and cable television facilities as well.
57. The developer shall make payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency

58. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
59. Sewers intended to be maintained by the City of Montclair shall be designed and constructed per Public Works Department standards, and shall be located in public streets or easements dedicated to the City for sanitary sewer purposes. Sewers not constructed per Public Works Department standards shall be constructed per California Building Code and City of Montclair Building Division requirements and shall be privately maintained.
60. Sewer improvement plans are required for all sewers, public or private, and shall include both plan and profile views on 24" by 36" construction drawings.
61. Approval of the Noncategorical WQMP is required prior to the preparation of grading and/or other improvement plans. Requirements for the Noncategorical WQMP may be obtained from the City NPDES Coordinator Steve Stanton at 909-625-9444. If significant modifications are required, a resubmittal to the Planning Commission and City Council may be required.
62. A grading plan shall be prepared subject to the approval of the City Engineer. An erosion control plan is to be included and considered an integral part of the grading plan. Grading plans shall be designed in accordance with City standards and guidelines, and shall be on 24" by 36" sheets.
63. No soil may be imported or exported to or from the project site from any adjacent building site or from other sources for construction purposes without first obtaining approval from the City Engineer. The plan shall include provisions for street sweeping and cleanup. Contractor(s) shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements.
64. All drainage facilities shall comply with requirements of the approved Noncategorical WQMP.
65. All off site and on site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
66. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at 800-422-4133.

Environmental Manager

67. Connection to the City of Montclair Sanitary Sewer System is required. No lift or pump stations shall be permitted.
68. Discharge of wastewater into the City of Montclair sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.

69. City of Montclair sewer connection fees are required in accordance with Section 9.20.260 of the Montclair Municipal Code.
70. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA).

NPDES

71. The developer shall perform an infiltration test and submit a non-categorical WQMP including implementation of Low Impact Designs (LID's) for review. The WQMP shall incorporate preventative measures that includes infiltration and Best Management Practices. Following approval of the WQMP, the approved measures shall be incorporated within the Grading Plans. City standards for the infiltration tests and WQMP documents can be found at <https://www.cityofmontclair.org/city-government/public-works/engineering-division/npdes-program/wqmp>

Fire Marshal

72. The project shall comply with all applicable requirements set forth in the 2019 California Fire Code (CFC).
73. Prior to construction a temporary address sign shall be posted and clearly visible from the street.
74. The permanent building address shall be provided and either internally or externally lighted during hours of darkness. The address shall be clearly visible from the street fronting the property and comply with California Fire Code Section 505.1 for size and color.
75. All buildings shall be provided with an automatic fire sprinkler system in accordance with CFC 903.2.8 and NFPA 13D. Construction plans shall be submitted for review and approval to the City of Montclair prior to installation.
76. All required fire hydrants shall be readily visible and immediately accessible. A clear space of not less than 3-feet shall be maintained at all times.

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

APPROVED AND ADOPTED THIS 14th DAY OF DECEMBER, 2020.
PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____

Barry Rowley , Chair

ATTEST: _____

Michael Diaz, Secretary

I, Michael Diaz, 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 14th day of December 2020, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SGUTIERREZ\CASES\2020-28 PC RESO

WB
City Clerk's Office
City of Montclair

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF TENTATIVE
PARCEL MAP NO. 16465 FOR A TWO-LOT
RESIDENTIAL SUBDIVISION AT 5477 PALO
VERDE STREET

DATE: November 1, 2004

SECTION: PUBLIC HEARINGS

ITEM NO.: A

BUSINESS

PLAN: N/A

FILE I.D.: LDU350

DEPT.: COMMUNITY DEV.

REASON FOR CONSIDERATION: Tentative maps require public hearing review and approval by the City Council.

BACKGROUND: The tentative parcel map, which has been recommended by the Planning Commission, was initiated by Michael Esparza, who desires to subdivide an existing 16,884 square-foot parcel into two 8,442 square-foot lots on the south side of Palo Verde Street just west of Vernon Avenue for the purpose of constructing two single-family residences. The subject parcel was previously occupied by a single-family dwelling that was heavily damaged by fire in 2001 and later demolished.

The applicant intends to construct the project pursuant to the City's R-1 standards outlined in Chapter 11.18 of the Montclair Municipal Code. The Planning Commission conducted a public hearing on the request on April 12, 2004. Other than the applicant, no members of the public spoke at the public hearing.

At its April 12 meeting, the Planning Commission also approved a Precise Plan of Design for the homes to be constructed on each lot. The proposed two-story residences on each lot will be 2,679 square feet with five bedrooms and three baths. Since the building envelope and floor plans of each residence are mirror images of one another, the Planning Commission concurred with staff's inclusion of conditions of approval requiring the applicant to differentiate the exteriors of the dwellings through the use of colors, materials, and architectural details.

FISCAL IMPACT: None at this time.

RECOMMENDATION: The Planning Commission and staff recommend that the City Council approve Tentative Parcel Map No. 16465 for a two-lot residential subdivision at 5477 Palo Verde Street, subject to the following conditions of approval:

Prepared by: *[Signature]*
Reviewed by: *[Signature]*
Approved by: *[Signature]*

Approved: _____
Denied: _____
Continued to: _____
Amended: _____

1. This approval is for Tentative Parcel Map No. 16465, subdividing an existing 0.39-acre parcel at 5477 Palo Verde Street into two lots of 8,442 square feet each.
2. The tentative parcel map shall expire three years from the date of the Planning Commission resolution unless extended under Government Code Section 66452.6. The final map shall be filed with the City Engineer and shall comply with the Subdivision Map Act of the State of California and all applicable ordinances, requirements, and resolutions of the City of Montclair.
3. Prior to filing the original signed final map with the City Engineer, the applicant shall submit to the City the following documents, requiring approval of the City Engineer, at least 60 days before the filing of the original signed final map, in order to permit review pursuant to Government Code §66456.2:
 - a. A preliminary soils report, addressing the geology, stability of the site, and grading requirements.
 - b. A comprehensive grading and drainage plan prepared by a registered civil engineer in conformance with the Appendix to Chapter 33 of the Uniform Building Code and the requirements of the City. Cross-lot drainage shall be permitted to the extent that the volume and velocity of flows shall not exceed those historically permitted on the site. Prior to the commencement of grading or any clearing of the site, a grading permit shall be obtained from the Building Division. No grading permit shall be issued until proof of map recordation has been filed with the City of Montclair.
 - c. A letter of non-interference from any utility company that may have rights of easement within the property boundaries.
 - d. "Will-serve" letters from all utilities serving the site. The subdivider/developer will be required to coordinate with the various public utilities for the necessary improvements for said utilities to service the site.
4. The applicant and/or property owner shall ensure that a copy of the Planning Commission approval letter, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
5. The street addresses of the new residences shall be as follows:
 - a. Parcel 1 – 5479 Palo Verde Street
 - b. Parcel 2 – 5475 Palo Verde Street

6. No construction within the public right-of-way shall commence until a public works permit is obtained from the City's Public Works Department and all applicable fees paid. All utility lines installed to serve the new development shall be placed underground from the nearest existing power pole. The sewer connection improvements may be shown on either the street improvement or grading improvement plans.
7. Construction permits shall be required for all work, including new drive approaches and curb cuts, within the public right-of-way.
8. Payment of all sewer connection fees shall be required. Contact Clay Jarvinen, Environmental Control Specialist, at 909/625-9446 to ascertain applicable fees.
9. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
10. No soil shall be imported or exported without first obtaining approval from the City Engineer. A plan satisfactory to the City Engineer shall be prepared showing the proposed haul route within the City. Subject plan shall include provisions for street sweeping and cleanup.
11. All utility services to the new residence shall be installed underground.
12. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
13. All off-site and on-site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
14. Prior to issuance of building permits, the applicant shall:
 - a. Obtain all necessary approvals of Tentative Parcel Map No. 16465 from the City and have the final map recorded with the County of San Bernardino.
 - b. Submit to the Planning Division for review and approval revised, detailed elevations of each proposed residence clearly illustrating how they will differ from one another. Variations shall include the following elements:
 - i. House colors (body, trim and accent).
 - ii. Wainscot material, such as river rock, brick, cut stone, etc.
 - iii. Window surrounds and accents.
 - iv. Window style variations, such as full grids, marginal grids, divided-lights over single-lights, etc.

- v. Roofing materials and/or colors.
 - vi. Exposed rafter tails and/or beams.
 - vii. Addition of raised, horizontal belt course on side elevations to break up tall, flat wall plane.
- c. Submit five complete sets of architectural plans for the project, including building elevations, colors and materials, electrical, plumbing, mechanical, landscaping, lighting, and accessibility details, plus two sets of soils, structural and Title 24 calculations for review and approval by the Building and Planning Divisions. Contact Rudy Gomez, Senior Building Inspector, at 909/625-9437 for an appointment to submit plans.
 - d. Prepare and submit plans for erosion control and storm water pollution prevention to the satisfaction of the City Engineer. A National Pollution Discharge Elimination System (NPDES) permit may be required. Contact Steve Stanton, NPDES Coordinator, at 909/625-9470 for requirements.
 - e. Submit four complete sets of plans for an approved, automatic fire sprinkler system for each residence directly to the Fire Marshal's office for review and approval, including two sets to be microfilmed/digitally imaged. The system shall conform to national standards.
 - f. Pay all required Montclair Fire Department fees.
 - g. Pay adopted parkland development fee of \$1,679 per dwelling unit.
 - h. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
15. Wainscot on each residence shall extend the full width of the front elevation and wrap to the side elevations for a minimum distance of 3'-0".
 16. Any new air conditioning condenser units shall be located on the ground in the rear yard of the residences. All rooftop exhaust vents shall be painted to match as closely as possible the color of the roofing material on the residences.
 17. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357.
 18. The applicant/developer is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.

19. Fences and walls within front yard setbacks shall not exceed 48 inches in height. Chain-link is expressly prohibited in front yards and as interior side yard fencing.
20. The front yard landscaping of each new residence shall include sod or hydroseed turf, a variety of shrubs and at least one, 15-gallon container size accent tree. All landscape areas shall have 100 percent irrigation coverage by an automatic irrigation system.
21. Maintenance of landscape area in front yard shall be the responsibility of the developer until the residence becomes occupied, at which time the responsibility for maintenance shall transfer to the property owner.
22. A Certificate of Occupancy is required for the dwelling prior to occupancy. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
23. Prior to issuance of a Certificate of Occupancy for each residence, the applicant shall:
 - a. Submit to the Building Division electronic images of all plans and records for the purpose of obtaining a building permit. Electronic images shall comply with the City's Electronic Archiving Policy.
 - b. Install all approved landscaping and permanent, automatic irrigation system within the front yard of each residence, including two (2) *Lagerstroemia indica* (Crape Myrtle) street trees, minimum 30 feet on center, on the street frontage of each parcel. Each tree shall be 24-inch box size, double-staked per City standards, and installed in root barriers to minimize damage to adjacent hardscape areas.
 - c. Install the numerical address of each residence on the north-facing elevations of the dwellings in numerals measuring at least four inches (4") in height and in a color contrasting with the surface to which they are attached.
 - d. Remove and replace all substandard P.C.C. sidewalk, curb and gutter along the Palo Verde Street frontage of the site for the length of the project limits.
24. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
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 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.

VII. PUBLIC HEARINGS

A. Approval of Tentative Tract Map No. 16465 for a Two-Lot Residential Subdivision at 5477 Palo Verde Street

Mayor Eaton declared it the time and place set for public hearing to consider Tentative Tract Map No. 16465 for a two-lot residential subdivision at 5477 Palo Verde Street and invited comments from the public.

Mr. Allen Redfield identified himself as the owner of the property directly behind the subject site and objected to the proposed residential subdivision for privacy reasons.

Director of Community Development Clark advised that the subject site is a deeper lot with a longer than typical rear yard setback.

Discussion centered on the Planning Commission's approval of site plans and a Precise Plan of Design for the subdivision.

Mayor Eaton asked that **Mr. Redfield** leave contact information with Director of Community Development Clark so he can contact **Mr. Redfield** about the proposed project.

There being no one else in the audience wishing to speak, Mayor Eaton closed the public hearing and returned the matter to the City Council for its consideration.

Council Member Ruh suggested the item be continued until after **Mr. Redfield's** issues have been resolved.

Mayor Pro Tem Dutrey stated he feels comfortable moving forward with staff's recommendation, noting the homes would be situated 15 feet from the rear property line.

Council Member Paulitz asked if all setback requirements have been met.

Director of Community Development Clark answered, "Yes, there are no variances in the project."

Council Member Paulitz indicated that a 15-foot setback is standard and concurred with Mayor Pro Tem Dutrey's comment to move forward with this item.

Moved by Council Member Paulitz and seconded by Mayor Pro Tem Dutrey to approve Tentative Tract Map No. 16465 for a two-lot residential subdivision at 5477 Palo Verde Street.*

Mayor Eaton concurred that the subject parcel has an extra deep rear-yard setback.

Council Member Ruh advised he would oppose this item because he sees no reason why it cannot be continued to allow **Mr. Redfield's** concerns to be resolved.

*Motion carried as follows:

AYES: Raft, Dutrey, Paulitz, Eaton

NOES: Ruh

ABSTAIN: None

ABSENT: None