



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

REGULAR ADJOURNED MEETING
Monday, March 14, 2011
7:00 p.m.

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

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

4. APPROVAL OF MINUTES

The minutes of the February 14, 2011 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 speaker's card and submit it to the City Planner. Speaker's cards are available at the entrance to the Council Chambers.

6. AGENDA ITEMS

- a. PUBLIC HEARING - CASE NUMBER 2010-25
Project Address: SWC Kingsley Street and Pradera Avenue
Project Applicant: Montclair Redevelopment Agency for
National Community Renaissance of
California
Project Planner: Michael Diaz, City Planner
Request: Precise Plan of Design
- b. CASE NUMBER 2010-14
Project Address: 5334 Holt Boulevard
Project Applicant: Pattie A. Jebbia
Project Planner: Silvia Gutiérrez, Assistant Planner
Request: Request for time extension for Conditional
Use Permit

7. INFORMATION ITEMS

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

8. PUBLIC INSPECTION OF MATERIALS

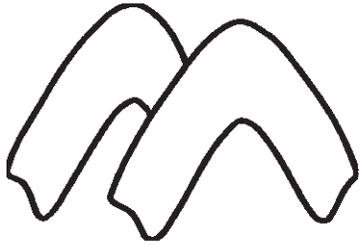
Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of March 28, 2011 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California

CERTIFICATION OF AGENDA POSTING

I, Laura Berke, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda was posted on the bulletin board adjacent to the south door of Montclair City Hall on March 10, 2011.



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 03/14/11

AGENDA ITEM 6.a

Case No. 2010-25

Project Location: Southwest corner Kingsley Street and Pradera Avenue

Assessor's Parcel Number(s): 1009-521-24

Applicant: Montclair Redevelopment Agency for National CORE

Request: Precise Plan of Design for an 18-unit Special Needs Affordable Housing project (apartments) to be constructed on .46 acres. The project also includes a request for a Density Bonus and development incentives pursuant to Chapter 11.85 of the Montclair Municipal Code.

EXISTING GENERAL PLAN AND ZONING LAND USE DESIGNATIONS

Adjacent Land Use Designations and Existing Uses			
	<i>General Plan</i>	<i>Zoning</i>	<i>Existing Use of Property</i>
Site	Medium (8-14 du/ac)	R-3 (24 du/ac) per Holt Boulevard Specific Plan	Vacant
North	Medium (8-14 du/ac)	R-3 (Multi-Family Residential)	Apartments
East	Medium (8-14 du/ac)	R-3 (24 du/ac) per Holt Boulevard Specific Plan	Apartments
South	Medium (8-14 du/ac)	R-3 (24 du/ac) per Holt Boulevard Specific Plan	Apartments
West	Medium (8-14 du/ac)	R-3 (14 du/ac) per Holt Boulevard Specific Plan	Apartments

EXISTING SITE FEATURES/CONDITIONS

City or other public utility easements: None

Trees and/or other significant vegetation: Approximately 5 trees along frontage of the site. None of the trees are species identified as being rare or endangered.

Report on Item Number 6.a

PUBLIC HEARING - CASE NUMBER 2010-25

APPLICATION TYPE(S)	Precise Plan of Design
NAME OF APPLICANT	Montclair Redevelopment Agency for National Community Renaissance of California
LOCATION OF PROPERTY	4115 Kingsley Street (SWC Kingsley Street and Pradera Avenue)
GENERAL PLAN DESIGNATION	R-3 Medium Density Residential
ZONING DESIGNATION	R-3 (24 du/ac) per Holt Boulevard Specific Plan
EXISTING LAND USE	Vacant
ENVIRONMENTAL DETERMINATION	Mitigated Negative Declaration
PROJECT COORDINATOR	Michael Diaz

Project Description

National Community Renaissance of California (National CORE) is proposing to construct and operate an 18-unit affordable apartment development on a vacant, 0.46-acre site at the southwest corner of Kingsley Street and Pradera Avenue. The new 2-story, L-shaped, apartment building is intended for special needs residents with developmental disabilities. The main entry to the site and building would be from Kingsley Street. All living units are proposed to be fully accessible or adaptable. An elevator would provide access to the second floor units.

Each unit would be provided with accessible design features, such as an open layout, user appropriate fixtures and equipment. The proposed mix of units for the project would be as follows:

Montclair Special Needs Project Proposed Unit Mix			
<i>Type</i>	<i>Description</i>	<i>Unit Size</i>	<i>Quantity</i>
A	1 Bedroom / 1 Bath	530 Square Feet	12 Units
B	1 Bedroom / 1 Bath	540 Square Feet	2 Units
C	1 Bedroom / 1 Bath	540 Square Feet	2 Units
D	1 Bedroom / 1 Bath	540 Square Feet	1 Unit
E	2 Bedrooms / 1 Bath - Manager Unit	715 Square Feet	1 Unit
Total Number of Units			18 Units

A 625 square-foot community room for the use of the residents is proposed and would include a kitchen, office, a restroom for visitors, three (3) storage areas, and a laundry room. Common outdoor spaces include a ground floor patio (north side), a courtyard (south side) adjacent to the community room, and a second level roof deck over the community room for passive recreation activities. These areas would be used by both the staff and residents supporting the various needs of physical disabilities of residents. The street side perimeter of the site is proposed to be enclosed by a 48-inch high decorative metal fence with masonry support columns.

Fourteen (14) uncovered parking spaces for residents and visitors would be provided on site, including two (2) accessible (1 van) parking spaces. The project site would share vehicular and pedestrian access with Vista del Cielo, the multifamily project immediately to the west that is owned and operated by National CORE. The parking area would be restricted by a gate that is accessed via an existing driveway to the adjacent residential development. A detached trash enclosure is provided on-site adjacent to the surface parking lot.

Density Bonus and Development Incentives

The project applicant is proposing is that all units be affordable (except for one manager's unit) and restricted to low- and very low-income households for a period of 55 years. Pursuant to state law and Chapter 11.85 (Residential Density Bonus) of the Montclair Municipal Code, the applicant will be requesting City Council approval of a Density Bonus Agreement and approval of development incentives as indicated below:

Proposed Development Incentives for Special Needs Housing		
<i>Standard</i>	<i>Required/Maximum*</i>	<i>Proposed/Existing</i>
Lot Area	3 acres	± ½ acre
Project Density	24 units/acre (± ½ acre = ± 12 allowed)	36 units/acre (18 proposed = ± 50% increase)
Setbacks		
Front (Pradera Avenue)	35 feet for 2-story	18'-6"
Street Side (Kingsley Street)	20 feet	15 feet
Interior Side	15 feet for 2-story	5 feet
Parking Spaces (9' x 20')	39 spaces (36 garage + 3 visitor spaces)	14 spaces 3 compact spaces (9' x 16')
No compact spaces		
Covered Parking	2-car garage per unit	No garages - all uncovered
Minimum Floor Area Per Unit	1 BR = 950 square feet 2 BR = 1,200 square feet	1BR = 530-540 square feet 2BR = 715 square feet
Outdoor Open Space	8,043 square feet (40% of lot area)	6,330 square feet (31%)
Private Patio/Balcony	150 s.f. per unit	None
* Per Chapter 11.22 of Montclair Municipal Code R-3 (24 du/ac) zone		

Final approval of this project will be contingent upon City Council approval of the project design, the requested Density Bonus, and a Disposition and Development Agreement, which includes the proposed development incentives.

Architectural Design

A contemporary architectural design is proposed for the project that draws some cues from the modern design of the new Vista del Cielo family apartments adjacent to the west. The building design features the use of projecting flat roofs, exterior covered walkways/stairs, plaster walls, brick veneer, and other architectural elements and accent features such as aluminum windows, and metal "eyebrow" features over windows. The massing of the building would be broken up into small elements that are intended to add visual interest and avoid the monolithic look of an older multi-family apartment building.

The selected colors and materials for the building complement the colors of the apartment complex to the west. Stucco wall planes would be colored in a soft Butter Yellow and Sage Green with a dark brick veneer used on the tall wing walls, and a reddish brown brick veneer would be used around the base of the building. Roof trim and metal eyebrow above windows are proposed to be in complementary tones of dark brown.

Included in the commission packets for review and reference are copies of the site plan, floor plans, elevations, conceptual landscape plan, and colored elevations.

Background

- The site is currently vacant but was previously developed with a single-family residence. The property was acquired by the Redevelopment Agency in 2010 and the existing home was subsequently removed to accommodate the proposed project.
- National CORE is a leading nonprofit affordable housing development organization committed to the development of high quality housing, supportive family and senior services, and long-term management. The company owns and manages more than 4,500 multi-family units throughout Southern California and serves more than 10,000 residents. National CORE's track record in Montclair includes the successful completion of three affordable projects: San Antonio Vista, a 75-unit family apartment development; San Marino Apartments, an 85-unit senior citizen residential development; and Vista del Cielo, the aforementioned 50-unit family apartment project abutting the project site.

Planning Division Comments

Overall, staff is supportive of the proposed project and believes it would continue the efforts of the City in encouraging high quality multi-family developments within the San Antonio Gateway area.

Site Plan and Building Orientation

Staff finds the shape and size of the site to be conducive to constructing the proposed multi-family residential project. The building is appropriately sited on the property to take advantage of the corner and to screen the parking area. The common/public side of the project - main entrance, manager's office, community center, outdoor deck, and laundry - is appropriately oriented toward Kingsley Street, while the more private residential wing of the building would be oriented to the east facing Pradera Avenue where there is less traffic and noise. Perimeter walls and decorative metal fencing are designed to complement the architecture of the building and tie in visually with the recently completed multi-family development to the west.

Density Bonus and Development Incentives

Based on the maximum density of 24 units per acre allowed by the underlying zoning district, the .46-acre site would be entitled to a total of 12 dwelling units. The 18 units proposed by the applicant represents a 50 percent density increase. Staff finds the proposed increase in the number of allowable dwelling units (12 to 18) for this project to be appropriate. While the proposed number of dwelling units represents a significant increase in density, the proposed project would provide 17 affordable housing units for persons with various forms of developmental disabilities (such as mental retardation, cerebral palsy, autism, and epilepsy), which is an underserved segment of the population.

Staff believes that the requested setback reductions for the project are appropriate and consistent with the existing development pattern on the adjacent streets. None of the existing, two-story buildings on Pradera Avenue meet the 35-foot front setback requirement, with most observing only a 15- to 20-foot setback from the front property line. Likewise, the proposed 15-foot street side setback along Kingsley Street is consistent with the setback of the building on the southeast corner of the intersection. Given the size of the subject site, the requirement to fully comply with the current code setback requirements would adversely impact the ability of this or any project from being built on the property in an efficient and cost effective manner.

The reduction in minimum floor area for each living unit and open space requirements is also acceptable given the unique nature of the project. Each living unit is designed with an emphasis on accessibility for individuals with developmental disabilities and not on square footage that might be appropriate or suitable for families. As such, the units have been designed with open layouts and user appropriate fixtures and equipment. Although ground level outdoor open space has been reduced to accommodate other

required improvements (e.g. parking, trash enclosure, etc.) the project includes a 1,000 square-foot community outdoor space located on the second level over the community room. The space is connected to laundry facilities and would be a secure, protected place for residents to use.

On-site parking would be at the rear (south) side of the building where it will not be directly visible to the street. Although the number of on-site parking spaces is lower than typically required for similar (non-affordable) developments, the proposed number of spaces is acceptable given the intended population unique of the development. Most, if not all, of the future tenants do not drive because of the nature of their respective physical disabilities. Instead, the majority of residents would rely on nearby public or shared transportation arranged through the developer or on paratransit services. As with the adjacent affordable residential developments to the west operated by the same developer, parking spaces would be managed to ensure there is ample parking for visitors.

Lastly, the project is very well designed and would be professionally managed by National CORE. An on-site manager/tenant would provide direct managerial service for the tenants. Staff also believes that the other incentives outlined in the project description are appropriate, would not cause any negative impacts to neighboring properties, and are necessary to achieve the desired goal of creating affordable housing units for the targeted population. As such, the project would be of great benefit to the community by providing affordable dwelling units and increasing the level of physical improvement to the area in which it will be located.

Architecture

Staff finds the proposed architecture for the project to be well done and visually attractive to the street. The massing and proportions of the building are not overwhelming and are varied so as to create both a visually attractive and functional design. Architectural design and details are extended to all sides of the buildings, and door and window placement appear to be appropriate. Staff believes that the proposed design of the building will stand the test of time and serve to inspire upgrades to existing multi-family development in the areas.

The proposed exterior colors and materials and details are appropriate for the design and appear to be durable. The applicant and architect worked with staff to select a set of exterior colors which were compatible with the proposed architecture and complementary to the colors used on the recently completed Vista del Cielo family apartments to the west.

Landscaping

The proposed landscaping for the project is complementary to the architecture of the building. Plant materials are varied, largely water-saving varieties, and are well distributed around the building and site. However, before building permits can be

issued for the project, the applicant and/or developer will be required to submit a complete Landscape Package for City review and approval as required by Chapter 11.60 of the Montclair Municipal Code. The recently adopted Landscape Water Conservation Ordinance also requires the preparation of a water budget for the project, soil analysis, and the incorporation of specific planting techniques. Moreover, the final landscape plan needs to be coordinated with the approved Water Quality Management Plan (WQMP) for the project to ensure there is consistency between the two documents. Conditions regarding these items have been added to the draft resolution.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on February 18, 2011. Public hearing notices were mailed to property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, no public comments or inquiries have been received by staff regarding this proposal.

Environmental Assessment

An Initial Study was prepared for the project and released for public review and comment on February 18, 2011. Based on the findings of the Initial Study, staff has determined that the project could have a potential significant adverse environmental impact unless reduced to a level of less than significance by the implementation of proposed mitigation measures. Areas identified as subject to potential environmental impacts were Air Quality (short term during site preparation) and Noise (short term during construction). Proposed mitigation measures have been included as conditions of approval for the project. Therefore, a Mitigated Negative Declaration is proposed for the project.

Planning Division Recommendation

Staff recommends that the Planning Commission find the proposal to construct the 18-unit special needs housing project at 4115 Kingsley Street to be consistent with the General Plan, the goals and applicable development standards of Holt Boulevard Specific Plan, and the Montclair Municipal Code. Accordingly, staff recommends that the Commission take the following actions:

- A. Adopt the proposed Mitigation Negative Declaration prepared for the project based upon the Commission's review and consideration of the environmental findings and mitigation measures identified in the Initial Study prepared for the project. The Commission further finds that there will be no significant impact on the environment as a result of the construction of the proposed 18-unit special needs housing project, and that the proposed mitigation measures are adequate to reduce the impacts of the project to a level of less than significant. Lastly, the

Commission directs staff to prepare a DeMinimis finding of no impact on fish and wildlife.

- B. Approve a Precise Plan of Design request under Case No. 2010-25 for the site plan, floor plans, elevations, colors, materials, and conceptual landscape plan associated with the proposed 18-unit special needs residential development at 4115 Kingsley Street and associated on- and off-site improvements per the submitted plans as described in the staff report, subject to the conditions in Planning Commission Resolution No. 11-1739.
- C. Recommend that the City Council approve the proposed Density Bonus Agreement including requested development incentives pursuant to Chapter 11.85 of the Montclair Municipal Code.

Respectfully Submitted,



Michael Diaz
City Planner

MD/lb

Attachments: Draft Resolution of Approval for Case No. 2010-25
Draft Resolution of Recommendation for Density Bonus Agreement.

c: Alfredo Izmajtovich, National CORE, 9065 Haven Avenue, Suite 100, Rancho Cucamonga, CA 91730
Mae Keng L. Chinn, Onyx Architects, 96 N. Sunnyslope Avenue, Pasadena, CA 91107

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RESOLUTION NO. 11- 1739

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A PRECISE PLAN OF DESIGN UNDER CASE NUMBER 2010-25 FOR THE SITE PLAN, FLOOR PLANS, ELEVATIONS, COLORS, MATERIALS, AND CONCEPTUAL LANDSCAPE PLAN FOR A PROPOSED 18-UNIT SPECIAL NEEDS HOUSING DEVELOPMENT AT 4115 KINGSLEY STREET (APN 1009-521-24).

WHEREAS, on December 23, 2010, National Community Renaissance of California (National CORE) filed an application for a Precise Plan of Design (PPD) under Case No. 2010-25, to allow the construction of an 18-unit residential development on the subject site addressed as 4115 Kingsley Street that is currently owned by the City of Montclair Redevelopment Agency; and

WHEREAS, the subject property is .46 acres in size and located within the planning area of Holt Boulevard Specific Plan; and

WHEREAS, the subject site is located within the "R-3 (24 du/ac)" land use district of the Holt Boulevard Specific Plan

WHEREAS, the proposed project is intended to provide affordable housing units designed to meet the special needs of developmentally disabled individuals; and

WHEREAS, the applicant is also requesting approval of a Density Bonus in association with the project pursuant to Chapter 11.85 of the Montclair Municipal Code; and

WHEREAS, when a Density Bonus is requested in association with a development project, the City Council is the final decision-making body for the proposed site development entitlements; and

WHEREAS, the Precise Plan of Design pertains to the overall site plan, floor plans, elevations, colors, materials, and conceptual landscape plan associated with the 18-unit residential development; and

WHEREAS, staff has found that the subject proposal complies with the guidelines and development standards of the Holt Boulevard Specific Plan as amended by the proposed Density Bonus Agreement; and

WHEREAS, 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 finds that no subsequent or supplemental

environmental document is required pursuant to the California Environmental Quality Act (CEQA) in connection with the review and approval of this application based upon the following findings and determinations:

- a. Pursuant to the California Environmental Quality Act (CEQA), the City prepared an Initial Study for the project and released it for public review and comment on February 18, 2011. Based on the findings of the Initial Study, staff has determined that the project could have a potential significant adverse environmental impact unless reduced to a level of less than significance by the implementation of proposed mitigation measures. Areas identified as subject to potential environmental impacts were Air Quality (short term during site preparation) and Noise (short term during construction). Proposed mitigation measures have been included as conditions of approval for the project. Therefore, a Mitigated Negative Declaration is proposed for the project; and
- b. The Planning Commission finds there is no substantial evidence the project may have a significant effect on the environment, and directs staff to prepare a Notice of Determination and a DeMinimis finding of no effect on fish and wildlife; and
- c. Based on these findings and all evidence in the record, the Planning Commission concurs with staff's determination that no additional environmental review is required pursuant to CEQA in connection with the City's consideration of Case No. 2010-25 for the Montclair Special Needs apartment development.

WHEREAS, public notice of this item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on February 18, 2011. Public hearing notices were mailed out to property owners within a 300-foot radius of the project site boundaries in accordance with State law for consideration of this discretionary zoning entitlement; and

WHEREAS, on March 14, 2011, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a public hearing at which time all persons wishing to testify in connection with said application were heard, and said application was fully studied.

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

SECTION 1. Based on the entire record before the Planning Commission, all written and oral evidence presented to the Planning Commission, and the findings set forth in this Resolution, the Planning Commission recommends approval of Precise Plan of Design under Case No. 2010-25 and subject to the conditions of approval attached hereto in Exhibit "A".

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. 2010-25:

- A. The property is of a size and shape to support the proposed project as designed. At .46 acres in area, the site is of sufficient size and shape to accommodate the proposed development and is appropriately connected to existing and fully developed roadways that allow for ease of access by both pedestrians and vehicles including the future tenants and their guests.
- B. The proposed project will not have an adverse impact on or substantially depreciate property values in the vicinity; or unreasonably interfere with use and enjoyment of property in the vicinity; or endanger the public peace, health, safety, or general welfare. The residential development proposed for the site is consistent with the existing multi-family development that characterizes the surrounding area. Moreover, the project will continue recent development that has had a significant positive impact on the appearance of the area that is in keeping with the goals and objectives of the Holt Boulevard Specific Plan in which the site is located.
- C. The project is well designed and promotes orderly development. The site plan is appropriately arranged to make the most of its prominent corner location and to accommodate the proposed building, parking, and other site improvements. The architectural details and materials for the building are of a high quality and appropriate to the proposed architectural style of the project. The proposed landscaping concept is complementary to the architecture, well distributed around the site, and will be designed to conserve water.

SECTION 3. 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: City Planner, Planning Division, Community Development Department, City of Montclair, 5111 Benito Street, Montclair, California 91763, or by telephone at (909) 625-9477.

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

APPROVED AND ADOPTED THIS 14TH DAY OF MARCH, 2011.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Sergio Sahagun, Chair

ATTEST: _____
Steve Lustro, Secretary

I, Steve Lustro, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 14th day of March, 2011, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MDIAZ\CASES\2010-25\PCRESO

EXHIBIT A
Conditions of Approval
Case No. 2010-25

Planning

1. This approval is for the site plan, floor plans, elevations, colors, materials, and conceptual landscape plan for the proposed 18-unit special needs residential development and associated on-and off-site improvements on a .46-acre site at the southwest corner of Kingsley Street and Pradera Avenue, per approved plans and as described in the staff report on file with the Planning Division. Said approval includes a recommendation of Development Incentives as summarized below:

Recommended Development Incentives for Special Needs Housing		
<i>Standard</i>	<i>Required/Maximum*</i>	<i>Proposed/Recommended</i>
Lot Area	3 acres	± ½ acre
Project Density	24 units/acre (± ½ acre = ± 12 allowed)	36 units/acre (50 percent increase)
<u>Setbacks</u> Front (Pradera Ave) Street Side (Kingsley St) Interior Side	35 feet for 2-story 20 feet minimum 15 feet for 2-story	18.5 feet 15 feet 5 feet
Parking Spaces (9' x 20') No compact spaces	39 spaces (36 garage + 3 visitor spaces)	14 spaces 3 compact spaces (9' x 16')
Covered Parking	2-car garage per unit	Uncovered - No garages
Minimum Floor Area Per Unit	1 BR = 950 square feet 2 BR = 1,200 square feet	1BR = 530-540 square feet 2BR = 715 square feet
Outdoor Open Space	8,043 square feet (40% of lot area)	6,330 square feet (31%)
Private Patio/Balcony	150 s.f. per unit	None
* Per Chapter 11.22 of Montclair Municipal Code R-3 (24 du/ac) zone		

2. This Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval, unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
3. Prior to issuance of any permits for the project, the applicant shall obtain final City Council approval of a Density Bonus Agreement for the proposed density increase and development incentives described in the staff report. If the Density Bonus Agreement is approved by the City Council, all plans submitted for plan

check shall conform to plans approved by the Planning Commission on March 14, 2011, unless modified by Council action.

4. Within five days of City Council approval, the applicant shall submit a check in the amount of \$50 to cover the County administrative fee for filing a Notice of Determination or Exemption as required by the California Environmental Act (CEQA). The check shall be made payable to the Clerk of the Board of Supervisors.
5. 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.
6. No changes to the approved set of plans, including the exterior design and materials/finishes, shall be permitted without prior City review and approval.
7. No public telephones, vending machines shall be permitted on the exterior of the site. Any additional structures or equipment shall be reviewed and approved by the City Planner prior to installation.
8. Approval of this PPD shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances, the San Bernardino County Health Department, or the State of California.
9. Prior to the installation of any signs for the complex, the applicant shall submit an application for a Sign Program to the Planning Division for review and approval.
10. Prior to the installation of any video surveillance cameras, the applicant shall submit a plan showing their location to the Chief of Police.
11. No surface-mounted exposed conduit or electrical lines shall be allowed. Electrical switchgear, meters, etc., shall be screened or housed in an enclosure to the extent allowed by the utilities.
12. Residential antennas and satellite dishes are subject to the provisions contained in the Montclair Municipal Code as amended from time to time, including the requirement that such apparatus be screened from public view to the greatest extent possible. Antennas and satellite dishes shall be for domestic use only with no commercial use permitted. All antennas and satellite dishes shall be maintained in good condition and in accordance with the requirements of applicable city ordinances.
13. All rooftop mechanical equipment, vents, meters, HVAC units, ducts, conduit, etc., shall be fully screened from view in a manner that is compatible with the architectural design of the building to the satisfaction of the City Planner.

Wooden lattice or fence-like screens/covers are not considered an appropriate means of screening.

14. All ground mounted mechanical equipment including, but not limited to, utility meters, air conditioners, condenser units, and repair equipment 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. Electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside the building.
15. Freestanding electrical transformers and Fire Department double detector check assembly equipment shall be screened with masonry walls compatible with the building architecture and/or landscaping to the satisfaction of the City Planner and Fire Marshal. Efforts shall be made to place these elements in locations that are as unobtrusive as possible.
16. Prior to issuance of any grading or building permit for the project, the applicant shall submit a complete Landscape Documentation Package meeting the intent and design criteria of the Montclair Water Efficient Landscaping and Conservation Ordinance (Chapter 11.60 of the Montclair Municipal Code). The Landscape Documentation Package shall include the following items:
 - a. Development Review Application accompanied by the associated fee;
 - b. Landscape Concept Plan consistent with the approved WQMP approved for the project;
 - c. Water Budget;
 - d. Landscape Construction Drawings (including a grading plan, soils report, irrigation plan, and planting plan).

A Landscape Documentation Package shall be approved when the Community Development Director verifies that the proposed Landscape Concept Plan for the project complies with the provisions of Chapter 11.60, other applicable provisions of this code, and when any applicable land use permit or other entitlement requirements have been fulfilled. A copy of the approved plan will be kept on file in order to use at a later date to ensure that the plan was implemented as permitted and maintained as required.

17. The proposed landscape plan for the site shall include the adjacent public parkway specifying the location and type of required public street trees as follows:
 - a. Kingsley Street – Prunus cerasifera 'Krauter Vesuvius' (Flowering Plum), +/- 20 feet on center.

- b. Pradera Avenue – *Cercis canadensis* (Eastern Redbud), to be located between the existing *Washingtonia robusta* (Mexican Fan) Palms.

All street trees shall be a minimum 24-inch box size and double-staked per City standards. If planted in turf areas, trees shall be planted within a 4'-0"-diameter circle in which turf does not encroach. The circle shall be left natural or minimally improved with decomposed granite, a thin layer of wood chips, or similar moisture-retaining material.

- 18. Pursuant to Section 11.60.240 of the Montclair Municipal Code, all landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure the growth and health of plant materials and water use efficiency. A regular maintenance schedule shall be submitted to the City with the Certificate of Completion and a copy shall be kept by the property owner for reference.

- a. Any plant material that does not survive or which was 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.

- b. 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.

- c. Modifications to and/or removal of existing landscaping shall require prior approval by the Planning Division.

- 19. Prior to the issuance of building permits, the applicant shall provide an exterior lighting and photometric plan for the entire site. The plans shall indicate the location of all exterior light fixtures (area, building, parking lot, etc.) and the overall illumination levels across the site. All proposed exterior lighting shall comply with the following standards:

- a. Provide a minimum maintained illumination level of one (1) foot-candle across the site. After hours a minimum of one-quarter (.25) foot-candles of illumination shall be maintained at grade.

- b. All lighting fixtures shall be vandal resistant and of a design that complements the architecture of the building.

- c. All parking lot and other freestanding light fixtures shall incorporate 90-degree cut-off style luminaires and flat lenses so as to direct illumination downward to the surface to be illuminated and away from public rights-of-way or adjacent residential properties/uses.
 - d. Freestanding light fixtures and poles shall not exceed a maximum height of 20'-0" as measured from adjacent grade to top of luminaries.
 - e. The use of wall packs, barn lighters, other similar unshielded luminaires, and/or decorative lighting installed solely for the purpose of illuminating the roof shall be prohibited.
 - f. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.
 - g. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be enhanced or "wrapped" with a decorative building material or texture consistent with those used on the main building.
20. The required trash enclosure shall be constructed pursuant to City Standard #106 and be finished in a manner that is consistent with the primary type and color(s) used on the building.
 21. The applicant and/or property owner shall be responsible for maintaining the site, building, and associated improvement such as but not limited to, signs, light fixtures, landscaping and irrigation, etc., in good condition and/or working order at all times. Any accumulation of trash, weeds, or debris on the property shall be removed immediately so as not to present a public nuisance.
 22. Graffiti or etching of glass areas on the building or associated improvements shall be removed/replaced immediately by the applicant/property owner upon notification by the City.
 23. To ensure compliance with the conditions of approval, a final inspection is required from the Building and Planning Divisions upon completion of construction and all improvements. The applicant shall contact the City to schedule an appointment for such inspections.
 24. The applicant shall defend, indemnify, and hold harmless, the City of Montclair, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul any approval of the City, whether by its City Council, Planning Commission, or other authorized board or officer of this subdivision. Pursuant to California Government Code Section 66474.9, the subdivider and applicant also agrees to defend, indemnify, and hold harmless, the City of Montclair, its agents, officers, and employees from any claim, action, or proceeding against the City or its

agents, officers, or employees to attack, set aside, void, or annul any map approval of the City, whether by its City Council, Planning Commission, or other authorized board or officer of this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. The City shall promptly notify the subdivider and applicant of any such claim, action, or proceeding; and the City shall cooperate fully in the defense.

Environmental – Mitigation Measures

25. Air Quality (Mitigation Measure A)

- a. All construction equipment shall be maintained in good operating condition so as to reduce operational emissions. The contractor shall ensure that all construction equipment is being properly serviced and maintained as per manufacturers' specifications. Maintenance records shall be available at the construction site for City verification.
- b. Prior to the issuance of any grading permits, the developer shall submit construction plans to City denoting the proposed schedule and projected equipment use. Construction contractors shall provide evidence that low-emission mobile construction equipment will be utilized, or that their use was investigated and found to be infeasible for the project. The contractors shall also conform to any construction measures imposed by the South Coast Air Quality Management District (SCAQMD) as well as City Planning staff.
- c. All paints and coatings shall meet or exceed performance standards noted in SCAQMD Rule 1113. Paints and coatings shall be applied either by hand or high volume, low-pressure spray, or by using precoated/natural-colored building materials, water-based or low volatile organic compound (VOC) coating, and coating transfer or spray equipment with high transfer efficiency.
- d. All asphalt shall meet or exceed performance standards noted in SCAQMD Rule 1108.
- e. All construction equipment shall comply with SCAQMD Rules 402 and 403. Additionally, contractors shall include the following provisions:
 - Water active sites at least twice daily (locations where grading is to occur will be thoroughly watered prior to earthmoving).
 - Revegetate disturbed areas as quickly as possible.
 - Pave construction access roads at least 100 feet onto the site from the main road.

- Pave, water, or chemically stabilize all on-site roads as soon as feasible.
 - Install wheel washers where vehicles enter and exit unpaved roads on to paved roads, or wash trucks and any equipment leaving the site.
 - Reduce traffic speeds on all unpaved roads to 15 mph or less.
 - Cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least two feet of freeboard (vertical space between the top of the load and top of the trailer) in accordance with the requirements of the California Vehicle Code (CVC) Section 23114.
 - Phase grading to prevent the susceptibility of large areas to erosion over extended periods of time.
 - Schedule activities to minimize the amounts of exposed excavated soil during and after the end of work periods.
 - Dispose of surplus excavated material in accordance with local ordinances and use sound engineering practices.
 - Sweep all streets once per day if visible soil materials are carried to adjacent streets (recommended water sweepers using reclaimed water).
 - Suspend excavation and grading operations during high winds (i.e., wind speeds exceeding 25 mph) in accordance with Rule 403 requirements.
 - Maintain a minimum 24-inch freeboard ratio on soils haul trucks or cover payloads using tarps or other suitable means.
 - Minimize at all times the area disturbed by clearing, grading, earthmoving, or excavation operations.
- f. The site shall be treated with water or other soil-stabilizing agent (approved by SCAQMD and Regional Water Quality Control Board [RWQCB]) daily to reduce PM10 emissions, in accordance with SCAQMD Rule 403.
- g. Chemical soil-stabilizers (approved by SCAQMD and RWQCB) shall be applied to all inactive construction areas that remain inactive for 96 hours or more to reduce PM10 emissions.
- h. The construction contractor shall select the construction equipment used on-site based on low-emission factors and high energy efficiency. The construction contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specification.

- i. The construction contractor shall utilize electric or clean alternative fuel-powered equipment in lieu of gasoline-or-diesel-powered engines where feasible.
- j. The construction contractor shall ensure that construction grading plans include a statement that work crews will shut off equipment when not in use. During smog season (May through October), the overall length of the construction period will be extended, thereby decreasing the size of the area prepared each day, to minimize vehicles and equipment operating at the same time.
- k. The construction contractor shall time the construction activities so as to not interfere with peak-hour traffic and minimize obstruction of through lanes adjacent to the site; if necessary, a flag person shall be retained to maintain safety adjacent to existing roadways.
- l. The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.
- m. Long term, the following mitigation measures shall be implemented:
 - i. All residential and commercial structures shall be required to incorporate high-efficiency/low-polluting heating, air conditioning, appliances, and water heaters.
 - ii. All residential and commercial structures shall be required to incorporate thermal pane windows and weather stripping.

26. Noise (Mitigation Measure B)

- a. The project contractor shall properly maintain and tune all construction equipment to minimize emissions.
- b. The contractor shall fit all equipment with properly operating mufflers, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.
- c. The contractor shall locate all stationary noise sources (e.g., generators, compressors, staging areas) as far from any noise sensitive receptors as feasible.
- d. Materials delivery, soil haul trucks, and equipment servicing shall also be restricted to the hours set forth in the City of Montclair Municipal Code. The Municipal Code limits grading and construction associated with the improvement of real property to take place only between the hours of 7 a.m. and 8 p.m. daily.

- e. Contractor shall complete the perimeter wall on the south side of the property during the first phase of the project following fine grading of the site.

Building

27. 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 50% of all construction debris.
28. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
29. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
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. The applicable codes shall be indicated on the first page of submitted plans.
31. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
32. Separate permits are required for fencing and/or walls.
33. All utility services to the project shall be installed underground.
34. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number. **The building address shall be 4115 Kingsley Street.** Please incorporate into all plans and correspondence for future document.

35. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
36. Prior to issuance of building permits for a new commercial or industrial development project or major addition, the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to, Parkland Development (Quimby Act) fee, Transportation Development Impact fee, Permit and Plan Check fees, and School fees.
37. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District. Applicant shall provide a copy of the school fees receipt to the Building Division prior to permit issuance.
38. Provide and clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
39. Construction drawings submitted to the building division for plan review shall comply with the Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. Install a numerical address on the north building elevation. Numerals shall be in Helvetica font, a minimum of ten inches in height, a minimum of 1½ inches in depth, and be in a color that adequately contrasts with the background to which they are attached.
 - b. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn everyday.
 - c. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.
40. A Certificate of Occupancy is required prior to the occupancy of the building. Issuance of the Certificate of Occupancy shall be contingent upon the Fire Department inspection and final approvals from other departments and/or agencies.
41. Prior to the issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Building Division electronic images of all plans and records which were submitted for the purpose of obtaining a building permit. Electronic images shall comply with the City's Electronic Imaging Policy.
 - b. Complete all on- and off-site improvements.

- c. Install all disabled-accessible parking stalls and parking lot signage.

Water Quality Management Plan

42. Prior to the issuance of any grading or building permit, the applicant shall obtain an approved WQMP from the City of Montclair per the requirements of Federal, State, and local regulations.
43. Comply with all requirements of the approved Water Quality Management Plan (WQMP) for this project.
44. The applicant/developer/homeowners association shall be responsible to contract with a qualified firm to inspect and maintain any and all manufactured stormwater treatment devices specified by the approved WQMP, following all manufacturers' recommendations. It shall also be the responsibility of the applicant/developer/ homeowners association to maintain inspection reports and have them readily available for review by City staff upon request. In the event that any stormwater treatment device fails due to lack of, or insufficient maintenance and/or inspection, or some other unforeseen circumstance, it shall be the responsibility of the applicant/developer/homeowners association to correct the deficiency and restore the stormwater treatment device(s) to its original working condition.
45. Prepare and submit plans for erosion and sediment control. Plans shall include all phases of the construction project, including rough grading, utility and road installation, and vertical construction to the satisfaction of the City Engineer. Contact Joe Rosales, Environmental Compliance Inspector, at (909) 625-9470.
46. Prior to issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Engineering Division an electronic copy of the approved WQMP in PDF format.
 - b. Record the WQMP Maintenance Agreement with the County of San Bernardino and provide evidence of said recording to the Environmental Compliance Inspector.
47. Prior to release of occupancy for any of the dwelling units in the subdivision, the person or corporation responsible for the preparation of the WQMP shall certify in writing to the Building Official that all conditions and requirements of the WQMP 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 WQMP.

48. The applicant shall ensure that all requirements of the approved WQMP for the project are incorporated and consistent with the approved landscape and irrigation plans for the project. All required Best Management Practices (BMPs) shall be duly noted and shown on the landscape plans per the approved WQMP.

Engineering

49. Developer shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code if any lot line adjustment or parcel merger is required.
50. A Parkland Development (Quimby Act) fee shall be paid to the City. This fee is payable prior to issuance of any Certificate of Occupancy.
51. Payment of transportation-related development impact fees. Fees shall be assessed at the rate in effect at the time the fees are paid.
52. Any cracked, raised, or broken sidewalks within the frontage of the property on Pradera Avenue or Kingsley Street shall be removed and reconstructed. Remove any drive approaches and curb cuts no longer required for the property and replace with standard curb, gutter, and sidewalk.
53. Install concrete standard streetlights at the corner of Pradera Avenue and Kingsley Street, at the southerly limit of the property on Pradera Avenue, and at the westerly limit of the property on Kingsley Street to the satisfaction of the City Engineer.
54. All existing overhead utilities within project boundaries and within street frontages adjacent to project shall be placed underground. All new guy wires required to anchor end poles shall be located beyond the project limits. No poles or guy wires shall be permitted to remain with property frontage.
55. All utilities serving the development shall be underground. This requirement applies to electrical services, transformers and switches, and where technology exists, telephone and cable television facilities as well.
56. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments, shall be required.
57. Regional Sewerage Capital Outlay fees are required 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. 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.

60. All drainage facilities shall comply with requirements of the approved WQMP.
61. 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. A plan acceptable to the City Engineer shall be prepared showing proposed haul routes within the City. The plan shall include provisions for street sweeping and cleanup. Contractor(s) shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements.
62. All on- and off-site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
63. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at 8-1-1.

Fire

64. A 20-foot wide base asphalt or concrete roadway capable of supporting firefighting apparatus within 150 feet of all structures is required prior to the framing stage of construction. This access is required to be maintained unobstructed throughout construction. Roadway is subject to Fire Department approval prior to construction.
65. The developer/general contractor is to be responsible for reasonable periodic clean up of the construction site to avoid hazardous accumulation of combustible trash and debris.
66. Planter areas in the center of drive aisles and adjacent to entrances should be low profile type, not to exceed eight feet in height when mature.
67. The inside turning radius for an access road shall be 32 feet or greater. The outside turning radius for an access road shall be 45 feet or greater.
68. All Fire Department access and fire lanes shall be posted as "No Parking, Fire Lane." Signs shall be designed and mounted in accordance with Montclair Fire Department standards.
69. The proposed residential structure(s) shall require an approved automatic fire sprinkler system. The system shall conform to all local and national standards. Three (3) complete sets of the sprinkler system plans shall be submitted directly to the Fire Marshal's Office for approval prior to installation.

70. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
71. Commercial occupancies with cooking areas require an approved, fixed fire extinguishing system for protection of the hood and duct system and overall cooking areas. This system shall be equipped with an automatic fuel shutoff to all equipment protected by this system. Three (3) complete sets of drawings of this system shall be submitted to the Fire Marshal's Office prior to issuance of a permit.
72. A fire hydrant system shall be required to provide the necessary water flow to the proposed structure(s). Exact number, location, and design of hydrants shall be determined by the Fire Marshal's Office when building plans are received. Hydrants shall be active prior to the framing stage of construction.
73. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
74. An approved emergency-keyed access system shall be required to facilitate access to buildings or gates by Fire Department personnel in the event of an emergency during non-business hours. Forms are available at the Montclair Fire Department Headquarters for those occupancies requiring such a system. Facilities with gated drive approaches shall contact the Fire Marshal's Office for additional key and strobe requirements.
75. Vehicle security gates shall be approved only with the use of hold-open devices to allow for emergency vehicles access. Contact Fire Marshal's office for specific requirements.
76. All Montclair Fire Department fees are due prior to any permit issuance.
77. Covered trash enclosures shall have fire sprinklers installed should any one of the following conditions exist; the trash enclosure has a combustible roof covering; the trash enclosure contains two or more individual trash containers; or the trash enclosure is under or within five (5) feet of combustible construction.
78. Fire extinguisher location(s) to be determined by the Montclair Fire Department.
79. Contact the Fire Marshal's Office for further requirements.
80. All Double Check Detector Assemblies (DCDA) shall be painted and maintained by the property owner with the following paint color specifications: Rust-Oleum Satin Interior/Exterior Acrylic Latex Paint – Hunt Club Green No. 7944502 (quart). This condition is subject to Fire Department inspection and approval when work is completed.

Z:\COMMDEV\MD\IAZ\CASES\2010-25 PC RESOLUTION



MEMORANDUM

MONTCLAIR

To: Montclair Planning Commission
From: Silvia Gutierrez, Assistant Planner
Date: March 14, 2011
Subject: Request for time extension for Case No. 2010-14, 5334 Holt Boulevard

Applicant's Request

Pattie Jebbia, the property owner of 5334 Holt Boulevard, is requesting a time extension of the Conditional Use Permit (CUP) granted for the operation of a used auto sales lot (Case Number 2010-14). The applicant's Conditional Use Permit expired on March 13, 2011. She submitted the time extension request prior to the expiration date; however, the item was not scheduled until tonight because of the cancellation of the February 28 Planning Commission meeting. The applicant indicates that the original business owner was unable to pursue the auto sales business due to financial limitations. She indicates she has two prospective business owners who are interested in operating a used auto sales dealership in this location. The applicant needs an additional six-month extension to find an operator who could operate a used car sales lot and make the necessary site improvements.

A copy of the correspondence from the applicant/property owner requesting the time extension is enclosed in the Commission packets for reference.

Planning Division Comments

Staff is supportive of the time extension request and believes that the required findings for the CUP are still valid and that the project layout and design continue to be in compliance with the Municipal Code and the General Plan. The 28 conditions identified in Resolution No. 10-1730 would continue to be valid and in effect for the project. Staff finds the proposed time extension for the CUP approval reasonable and consistent with the Montclair Municipal Code and the adopted General Plan.

Planning Division Recommendation

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

Move to approve a six-month time extension (until September 13, 2011) for a Conditional Use Permit approval under Case No. 2010-14 for the site plan associated with the establishment and operation a used sales dealership at 5334 Holt Boulevard, subject to the original 28 conditions of approval.

February 3, 2011

Regarding Case Number 2010-14

Dear Mr. Lustro,

On March 16, 2011 my CUP Permit will expire. The party that was interested in the property at the beginning lost his partner and due to the trying times which are going on right now he was unable to come up with the money on his own.

During the past couple of weeks there have been two different people who seem to be very interested in leasing the property. I do need more time to see if I definitely can lease out the used car lot and that the people do get the city's approval of their business.

Thank you for extending the permit for me.

Pattie Jebbia
5334 Holt Blvd.
Montclair, California 91763

CITY OF MONTCLAIR

FEB 03 2011

COMMUNITY DEVELOPMENT
DEPARTMENT

RESOLUTION NUMBER 10-1730

COPY

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NUMBER 2010-14 TO RE-ESTABLISH A USED AUTO SALES BUSINESS IN THE "AUTO MALL" LAND USE DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN, 5334 HOLT BOULEVARD (APN 1010-601-09).

A. Recitals.

WHEREAS, on August 9, 2010, Pattie A. Jebbia (property owner) filed an application on behalf of Andy Guevera for a Conditional Use Permit (CUP) to re-establish a used auto sales business at 5334 Holt Boulevard; and

WHEREAS, the subject site is located within the "Auto Mall" land use district of the Holt Boulevard Specific Plan; and

WHEREAS, the Holt Boulevard Specific Plan requires a CUP for auto sales uses with outdoor display upon review of development standards and land use compatibility with surrounding properties; and

WHEREAS, the previous auto sales use at the subject site ceased operations in late 2009; and

WHEREAS, Chapter 11.78.100.C.4 of the Montclair Municipal Code requires a new CUP to re-establish a use that has been discontinued for a period of six continuous months or longer; and

WHEREAS, staff has determined that the proposal meets the intent and requirements of the Municipal Code to re-establish used auto sales business and the applicable development standards of the "Auto Mall" land use district of the Holt Boulevard Specific Plan; and

WHEREAS, the improvements proposed for this location include associated parking lot changes to accommodate the subject improvement; and

WHEREAS, staff finds and determined that the proposed used auto sales business is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the State CEQA Guidelines and has prepared a Notice of Exemption and a DeMinimis finding of no effect on fish and wildlife; and

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

COPY

WHEREAS, on September 13, 2010, commencing at 7 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a meeting at which time all persons wishing to testify in connection with said project were heard and said proposal was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced hearing on September 13, 2010, including written and oral staff reports, together with public testimony, this Commission hereby finds the proposal to be consistent with the overall objectives of the City of Montclair General Plan, Montclair Municipal Code, and good planning principles, and approves the application subject to each and every condition set forth below.

Planning

1. This Conditional Use Permit approval shall be for one (1) retail auto sales business at 5334 Holt Boulevard. This approval shall permit the sale of autos and light trucks only. No recreational vehicles, trailers, buses, commercial trucks/equipment, or similar vehicles may be stored and/or offered for sale on the premises.
2. All applicable conditions of Case Number 79-24 shall continue to apply to the subject property and approved uses.
3. Conditional Use Permit (CUP) approval shall be valid for a period of six (6) months from the date of Planning Commission approval. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date. Suspension of the approved use for a period of six months or more shall void the CUP approval for the specified use.
4. All vehicles offered for sale and displayed on the property shall be maintained in a sound and presentable condition at all times. The parking and/or storage of any inoperable or damaged vehicles (offered for sale or not) shall not be permitted on any portion of the auto sales area at the front of the property at any time.

COPY

5. The approved used auto sales business shall operate from two office spaces totaling 204 square feet within the existing 1,200 square-foot office building located at the front (south) side the property. No expansion or relocation to another area of the building or site shall be permitted without an approved amendment to this CUP.
6. Any modification, intensification, or expansion of the use beyond that which is specifically approved with this Conditional Use Permit shall require review and approval by the Planning Commission.
7. The maximum number of used cars offered for sale with this CUP approval shall be limited to no more than 20 vehicles at any time. The vehicles shall be parked and displayed in an orderly manner and on an appropriately developed parking surface located at the southernmost portion of the property as generally depicted on the approved site plan.
8. Prior to the commencement of business activities authorized by this approval, the applicant shall submit for City Planner review and approval, a scaled site plan for the front of the property indicating the following improvements for implementation:
 - a. An organized auto display area for no more than 20 vehicles offered for sale.
 - b. A customer parking area for a minimum of six (6) spaces, including one (1) disabled-accessible/van-accessible parking space. The required parking spaces shall be continuously available for customers and employees parking only.
 - c. The dimensions of each parking space shall be 9' x 20' and the spaces shall be accessible from a drive aisle which provides required back-up distances.
9. Within 30 days of this approval the applicant shall complete the following modifications to existing non-conforming exterior lighting and signage, to the satisfaction of the City Planner:
 - a. Remove all unshielded light fixtures (e.g., barn lights and spotlights) attached to the south walls of the existing office building and auto repair shop building directly visible to Holt Boulevard.
 - b. Remove all unpermitted wall sign faces on the south and east elevations of the office building.
 - c. Submit sign plans for all business identification signs. All signs shall comply with the provisions of the Montclair Sign Code, including the requirement to obtain review and approval from the Planning and Building Divisions prior to installation.

- d. Price displays for vehicles for sale shall be restricted to signage placed on the windshield only.
10. No outdoor pay telephones or vending machines shall be installed or used on the property in conjunction with this approval.
11. No shade structures or tents shall be used as accessory structures with said business.
12. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including, but not limited to the following:
 - a. Temporary banners for the purpose of announcing the grand opening or advertising promotions shall require banner permits from the Planning Division prior to installation.
 - b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
 - c. All vertical or "snow cone" style auto dealership promotional banners shall require review and approval by the Planning Division and issuance of a sign permit prior to installation.
 - d. Portable flags, pennants, spinners, painted-on signs or the like shall be prohibited.
 - e. No trailer-mounted electronic sign/message boards or other similar types of portable signs shall be permitted on the property at any time.
13. The applicant shall maintain the property, including all landscape planters, free of trash and debris and abandoned vehicles or auto parts. Dead, missing, or dying plant materials shall be replaced and maintained in healthy living conditions at all times.
14. All graffiti and other forms of vandalism and damage to the subject improvements shall be promptly removed and/or repaired within 72 hours of notice by the City.
15. 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.
16. Approval of this CUP shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances, the San Bernardino County Health Department, or the State of California.

17. Within five days of approval, the applicant shall submit a check in the amount of \$50 to cover the County administrative fee for filing a Notice of Exemption as required the California Environmental Act (CEQA). The check shall be made payable to the Clerk of the Board of Supervisors.
18. The property owner and applicant shall routinely inspect and maintain in good condition the property (e.g., structures, equipment, fences/walls, landscaping, hardscape, and pavement) in a clean and presentable manner at all times.
19. The subject business shall be subject to periodic City inspection to confirm compliance with the conditions of this approval. Failure to operate the used auto sales business in conformance with the conditions of this approval may result in the Conditional Use Permit being returned to the Planning Commission for consideration and possible revocation of the permit to operate.
20. 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.

Environmental

21. No maintenance or repair (including oil changes and washing) of vehicles shall be permitted at the front portion of the site at any time. Rinsing of vehicles shall only be permitted with the use of a de-ionized (DI) water system or service as approved by the City's Environmental Manager.

Building

22. Prior to the commencement of business operations associated with this approval, the applicant shall comply with the following items:

- a. Provide and clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
 - b. Stripe a minimum of two (2) disabled-accessible parking spaces equally spaced between the front and rear parking lots and provide unobstructed travel to the building. The path of travel shall be located as close as possible to the building and shall not exceed 2% cross slope. All sharp obstructions shall be removed from the required path-of-travel.
 - c. Signage for disabled-accessible parking shall be placed at each parking space and at the main entrance to the parking lot.
 - d. A symbol of accessibility shall be placed at the main entrance to the business.
23. Submit four complete sets of plans, including the following:
- a. Site/Plot Plan;
 - b. Floor Plan;
24. Construction drawings submitted to the Building Division for plan review shall comply with the Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
- a. Install a numerical address on the south-facing office building elevation. Address numerals shall be in Helvetica font, a minimum of ten inches (10") in height, a minimum of 1½ inches in depth, and be in a color that adequately contrasts to the background to which they are attached.
 - b. Provide solid core 1¾" wood doors or equivalent metal doors to separate suites from lobby area.
25. Prior to the issuance of a Certificate of Occupancy, the applicant shall:
- a. Submit to the Building Division electronic images of all plans and records that were submitted for the purpose of obtaining a building permit. Electronic images shall comply with the City's Electronic Archiving Policy.

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- b. Install all disabled-accessible parking stalls and parking lot signage.
- c. A Certificate of Occupancy is required prior to the occupancy of the building. Issuance of the Certificate of Occupancy shall be contingent upon the Fire Department inspection and the final approvals from other departments and/or agencies.

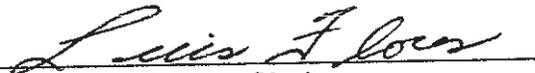
Fire

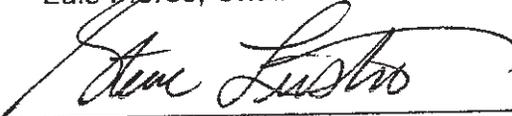
- 26. Maintain a 20-foot wide access drive aisle to the rear of the property.
- 27. Maintain the fire alarm in good working order.
- 28. Provide fire extinguishers per Fire Inspector requirements.

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

APPROVED AND ADOPTED THIS 13TH DAY OF SEPTEMBER, 2010.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: 
Luis Flores, Chair

ATTEST: 
Steve Lustro, Secretary

I, Steve Lustro, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 13th day of September, 2010, by the following vote, to-wit:

AYES: Chairman Flores, Vice Chairman Sahagun, Commissioners Johnson, Lenhart and Vodvarka

NOES: None

ABSENT: None

Z:\COMMDEV\SG\CASES\2010-14 PC RESOLUTION

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