



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

REGULAR ADJOURNED MEETING
Monday, December 12, 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 November 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 2011-14
Project Address: 5082 Mission Boulevard and
10844 Fremont Avenue
Project Applicant: Bharat Gala
Project Planner: Michael Diaz, City Planner
Request: Conditional Use Permit for commercial
recycling facility
- b. PUBLIC HEARING - CASE NUMBER 2009-7 'A'
Project Address: 4672 Mission Boulevard
Project Applicant: JKT Investments
Project Planner: Silvia Gutiérrez, Assistant Planner
Request: Conditional Use Permit amendment to
allow the addition of antennas to an
existing wireless telecommunications
facility
- c. Annual Planning Commission reorganization

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 January 9, 2012 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 December 8, 2011.



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 12/12/11

AGENDA ITEM 6.a

Case No.: 2011-14

Application: Conditional Use Permit (CUP) and Precise Plan of Design (PPD) for a commercial recycling operation

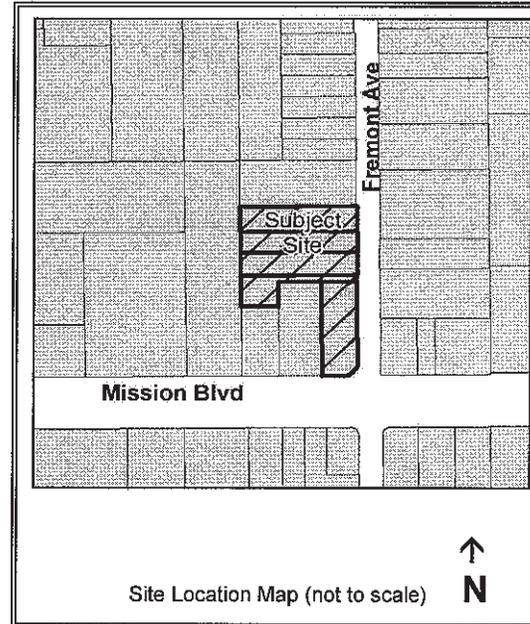
Project Address: 5082 Mission Boulevard and 10844 Fremont Avenue

Property Owner: Bharat Gala for Continental Recycling

General Plan: Business Park and Industrial Park

Zoning: Manufacturing Industrial Park (MIP)

Assessor Parcel Nos: 1011-311-02 to 05



ADJACENT LAND USE DESIGNATIONS AND USES

	General Plan	Zoning	Use of Property
Site	Business Park and Industrial Park	Manufacturing Industrial (MIP)	Existing Recycling Center and vacant land
North	Industrial Park	Manufacturing Industrial (MIP)	Warehouse building
East	Business Park	Manufacturing Industrial (MIP)	Non-conforming residential units
South	General Commercial	General Commercial (C-3)	Vacant commercial retail building and vacant lots across Mission Boulevard
West	Business Park	Manufacturing Industrial (MIP)	Auto repair / body and paint

Report on Item Number 6.a

PUBLIC HEARING - CASE NUMBER 2011-14

APPLICATION TYPE(S)	Conditional Use Permit and Precise Plan of Design
NAME OF APPLICANT	Bharat Gala for Continental Recycling
LOCATION OF PROPERTY	5082 Mission Boulevard and 10844 Fremont Avenue
GENERAL PLAN DESIGNATION	Business Park and Industrial Park
EXISTING ZONE DISTRICT	Manufacturing Industrial Park (MIP)
EXISTING LAND USE	Existing Recycling Collection Center and Vacant Land
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15332)
PROJECT COORDINATOR	Michael Diaz

Project Description

Continental Recycling is requesting approval of a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) for its existing recycling facility located at 5082 Mission Boulevard (NEC Mission Boulevard and Fremont Avenue) and for plans to renovate and expand the facility. The proposed expansion would be to the underutilized properties located adjacent to the north boundary of the existing facility.

The facility was established in 1991 when the site was under the jurisdiction of San Bernardino County. Since there is no record of a CUP being issued by the County, and the owners now wish to improve and expand the facility, a CUP is required.

Basic Operations

Continental Recycling operates Monday thru Friday from 8:00 a.m. to 4:30 p.m., on Saturdays from 8:00 a.m. to 2:00 p.m., and is closed on Sundays. The facility collects California Redemption Value (CRV) glass, aluminum cans, and plastic and other metals such as copper, brass, aluminum frames, stainless steel, and die cast zinc. No electronic/computer waste, wood, batteries, paper, cardboard, or organic (including food) waste is collected at this site. If customers bring other types of material to the facility, they will be directed to take the items to a local landfill or another appropriate recycling facility. Incidental paper, plastic, and cardboard used by customers to bring recyclables to the

facility are collected and are properly recycled or disposed. No glass crushing occurs on site.

The collected items are sorted into categories by material and placed within transportable bins which, when filled, are moved to the baler. The baled materials are then stored until enough material is collected to be sold and picked up by other companies that process materials further at off-site locations. Bales are picked up approximately 2-3 times per week during regular weekday business hours.

Equipment to be used on-site consists of a bobcat, forklifts, and pick-up truck for moving bins. When full improvements are completed, all collected materials and equipment will be within covered structures.

5082 Mission Boulevard – Proposed Improvements

The business operates primarily from this .76-acre site that is developed with a modest 2,400 square-foot office/warehouse building with attached covered wood canopies. The existing wooden canopies are approximately 1,300 square feet in overall area and provide cover for scales and other equipment (e.g., acetylene torches) used by the business.

The changes proposed for this portion of the project are intended to renovate and improve the appearance of the existing development, including the improvements described below:

- Remove all existing unorganized parking on the street side of the wall along Mission Boulevard. The former parking areas would be converted into landscaping, leaving only a drive aisle that would direct vehicles into the site where they can park and unload. When customers are finished, they would then proceed northward to where they could exit the site directly to Fremont Avenue via a gated exit point.
- Add an organized parking area inside the property and behind the existing block walls. The new “inside” parking area would provide 15 angled parking spaces (1 disabled/van accessible space) where customers can unload their recyclables into wire baskets to be weighed and then be paid at the payment windows.
- Remodel of the exterior of the building, including a new parapet that would be added to the front and sides of the building to add visual interest and screening of rooftop equipment. Decorative curved canopies are proposed for the front (south) and east building elevations. The canopy on the east elevation would extend out approximately five feet to cover the payout windows. Both canopies would have a standing seam metal roof. Other architectural improvements would include the addition of new stone veneer at the base of the building and new paint. A sign is shown on the elevation but will be reviewed separately.
- Retain existing attached wood canopies. When the existing scales and other equipment items are moved to new locations, a portion of the area under the canopies will be used for storing the rolling baskets and the forklifts.

- Relocate the existing uncovered baler, storage bins, and outdoor storage areas to the new covered building on the adjacent lot (see below).
- A new freestanding 12-foot high covered structure is proposed to be constructed in the area immediately north of the existing building. The proposed 568 square-foot structure would be used to cover relocated scales used to weigh recyclable materials. The slight curve shape of the roof is intended to tie into the curved shape of the new canopy on the main building.

Expansion Area Improvements – 10844 Fremont Avenue

The applicants recently acquired four (4) contiguous parcels located adjacent to the north boundary of the existing property. The acquired land area is currently vacant and will give the facility ample room to expand its operation and comply with State water quality requirements. The applicant proposes to make the following improvements:

- Merge the four adjoining parcels into a single unified lot of approximately 1.73 acres in size and allow development. The wall currently separating this area from the existing facility will be removed to allow full access between the existing and expansion areas of the facility.
- Dedicate to the City three (3) feet of right-of-way along the west side of Fremont Avenue and construct curb and gutter and a public sidewalk. The existing masonry wall, which does not meet the City's setback requirements, would be removed and then reconstructed at the required 25-foot setback line.
- Remove two of three existing structures from the site and retain an existing residence for use by an on-site caretaker. The caretaker will provide after-hours security for the facility.
- Construct a new 16,353 square-foot storage building to accommodate the baler relocated from the existing facility and to store processed bales and roll-off storage bins. The building would be constructed of concrete tilt-up panels (with reveal lines) on three sides (west, north, and south) and an open east side facing the interior of the lot. The height of the tilt-up panels would be 21 feet. A standing seam roof is proposed. The proposed colors for the building are cream for the walls and medium flat gray for the roof and fascia. Building columns would be dark gray.
- Pave the property to provide access and outdoor working areas and add 10 parking spaces (with one (1) disabled/van accessible space) for workers and overflow customer parking. New exterior lights consisting of shielded freestanding and wall mounted fixtures would be installed to illuminate the area.
- Install a landscaped water infiltration basin within the site to meet State Water Quality Management Plan (WQMP) requirements for the project. Storm water

runoff from the expansion property would be directed to this area to allow for the natural filtering ability of the soil to remove pollutants in the runoff.

- Construct a new 10-foot high masonry block screen wall along the Fremont Avenue frontage. Three (3) gates would be incorporated into the wall (15', 40', and 30' in width) to allow pedestrian and truck access to the site. The wall would be set back 25 feet from the new Fremont Avenue property line and constructed of split face block. Climbing vines are proposed for the wall to deter graffiti.
- Provide a new 25-foot deep landscaped setback area on the street side of the new screen wall, which is designed to work with the water infiltration basin described above.
- Restrict parking along the west side of Fremont Avenue for the length of the subject property by means of posted "No Parking Any Time" signs. The purpose for the restriction is to minimize the chances of customers parking outside the facility and walking recyclables in (as they do now) and help to maintain a cleaner street frontage.

Background

- Continental Recycling has been operating at the present location since 1991, when the property was under the jurisdiction of San Bernardino County. In October 2006, the property and surrounding area was annexed to the City as part of Annexation No. 26.
- Recycling facilities involving the collection, sorting or processing of waste materials may be approved in any land use zone subject to the approval of a CUP.
- In 1986, the California Beverage Container Recycling and Litter Reduction Act ("Act") created a statewide beverage container recycling program. The Act establishes minimum refund values on beverage containers, known as California Redemption Value (CRV), and requires a convenient system for consumers to redeem their containers. The broad goals of the Act include reducing litter along with achieving an 80 percent recycling rate for all beverage container types covered under the program.
- CRV is a deposit paid on purchases of certain recyclable beverage containers in California. The consumer pays CRV on the purchase of beverages with aluminum, plastic, and glass containers and can be reimbursed if the containers are brought to a recycling center. The collection of CRV recyclables at the subject site represents approximately 60 percent of the business' activity.
- The area intended for expansion is currently vacant but has been used in the recent past by various contractor/construction companies to store equipment and materials. Most of the site is paved and has three structures, two of which are residential-type construction.

Planning Division Comments

Staff finds the proposed CUP and PPD requests for the recycling collection facility at the subject site to be appropriate and is supportive of their approval. Most importantly, the approval of a CUP for the facility will properly entitle the business to operate and expand pursuant to City standards and regulations. The proposed use of the project site as a recycling collection facility is consistent with the industrial land use designations for the site and the facility has been in operation for over 20 years. The adjoining property where the facility plans to expand has been used for contractor businesses and has been partially developed with pavement and three structures. When combined, these two areas will be of adequate shape and size to easily accommodate both the existing use and the proposed improvements.

The surrounding areas to the north, east, and west of the project site are also largely developed with industrial buildings and/or uses, including outdoor storage. Virtually all of these structures and uses were constructed or initiated when the area was under County control. The residential structures on the east side of Fremont Avenue are non-conforming land uses and the development of the site has been considerably altered from how it was originally developed. While no complaints about noise at the recycling facility have been received by the City from these properties, the proposed project will help to further reduce potential noise impacts by moving some of the noisier equipment (e.g., baler) farther away (approximately 250 feet) to the north and west side of the property. In addition, the activities within the facility will be screened from direct view of passersby by existing and new 10-foot high perimeter walls.

Another major improvement to the existing facility would be the elimination of the current haphazard parking situation at the front of the existing building facing Mission Boulevard. This change is intended to require customers to park and off-load recyclable items within the facility where activities can be better monitored. Staff strongly supports this approach as it will significantly improve current unsightly conditions and reduce potential conflicts with traffic flow and on-street parking such as double-parking and blocking of drive aisles. The City Engineer has determined that the project with the abovementioned changes will improve current conditions and the level of service at the adjacent intersection serving the project. As such, the project is expected to have a beneficial effect on traffic and parking for the surrounding area.

With regard to the expansion portion of the project, staff finds the proposed improvements have been designed in conformance with the City's Zoning Code standards, such as building height, setbacks, and public improvements. At 1.73 acres, the expansion site is of adequate size and dimension to easily allow the improvements that are proposed. The result will be increased operational efficiency for the business and the ability to conform to state water quality requirements. Moreover, the interior portion of the site will be screened by existing and new perimeter block walls.

Architecture and Landscaping

Overall, staff finds the proposed architectural enhancements for the existing buildings and proposed designs for the new canopy structure and large storage building to be well done and appropriate for their intended uses. The new decorative perimeter walls and added landscaping will help to visually tie the two properties together and greatly improve the visual appearance of the entire facility.

The addition of the parapet to the existing main building would give the modest building some architectural interest and be instrumental in screening existing and new rooftop equipment and external conduits. Moreover, it would help the architect better integrate the placement of security cameras into the architecture of the building rather than relying on unsightly roof-mounted poles to suspend cameras as currently occurs at the front of the building. A condition requiring that security cameras be better integrated into the building's design is included.

The use of tilt-up wall construction for the new main storage building would result in a long-lasting, durable building that is appropriate for an industrial area and that will help to screen the functions that occur at the facility. The standing seam metal roofs for these structures are appropriate and also long-lasting. The proposed colors for the building are appropriate although consideration should be given to the painting of the reveal lines in a complementary color for a bit more visual interest.

The proposed light fixtures for the expansion area are appropriate as they will be shielded fixtures. However, the existing lights on the 5082 Mission Boulevard property do not comply with City requirements for shielding. While some of the existing fixtures on-site would be removed to accommodate the project, all remaining light fixtures, both building-mounted and freestanding, must be modified or replaced with fixtures that comply with current City standards and match the design of the new fixtures in appearance. A condition of approval regarding this issue is included in the draft resolution.

The proposed landscaping areas for the site provide both an aesthetic and functional purpose. Aesthetically, the added plant materials at the front (Mission Boulevard) and street side (Fremont Avenue) of the facility would soften the existing and new hardscape elements of the project and streetscape. Functionally, the landscape areas are designed to help improve water quality by serving as storm water collection and treatment basins for the project. On the walls, vines would be added to deter issues with graffiti. These landscape improvements would be consistent with the City's efforts to improve the streetscape along Mission Boulevard.

Caretaker's Unit

As for the request to allow an on-site caretaker's unit, staff believes it is an appropriate use given the unique security needs of the facility. Recyclables, especially in the quantities collected/stored on-site, are often a tempting target for thieves during the hours when the facility is closed. The caretaker's unit will allow a person to be on-site at all times so that

the facility can be better monitored. The existing residential structure is also well situated within the facility to provide an ideal vantage point from which to observe entry points into the property and where the recyclables are stored. So long as the main purpose for the caretaker's unit is to help provide security for the facility, staff does not oppose the proposal. A condition of approval regarding the use of the caretaker's unit and activities allowed on-site is included.

Maintenance

The proper maintenance of the recycling collection facility is an important issue to be addressed. According to the applicant, no collected items would be stored outside without cover, so stockpiling of items is not a great concern. Nevertheless, a condition of approval is included that states outdoor storage of any kind shall not exceed the height of the perimeter fence or walls. Based on discussions and a site visit, the applicant sweeps the site daily and mops when necessary. No washing down of surfaces is allowed in order to comply with stringent NPDES water quality requirements. Moreover, with the new warehouse building, all collected items would be stored under cover. Periodic and random inspections are conducted to ensure compliance with the above requirements and are included as a condition of approval.

Conditional Use Permit Findings

Staff believes the necessary findings to support the proposed CUP request can be made as follows:

- A. The proposed CUP for the existing recycling collection facility and its proposed expansion is essential or desirable to the public convenience and public welfare. The recycling collection facility provides a convenient and necessary location for members of the public to bring their recyclable items for redemption. In addition, approval of the CUP and associated PPD for the recycling collection facility and its proposed improvements will enable the City to comply with the California Beverage Container Recycling and Litter Reduction Act, which requires a convenient system for consumers to redeem their recyclable containers.
- B. Granting this permit will not be materially detrimental to the public welfare and other property in the vicinity. The CUP and associated PPD for the recycling collection facility will allow for significant site and architectural improvements to the existing facility that will improve appearance and operation of the facility and the surrounding area. A major enhancement to the facility will be the elimination of the current haphazard parking situation at the front of the existing building facing Mission Boulevard that will significantly improve current conditions and reduce potential conflicts with traffic flow and on-street parking such as double-parking and blocking of drive aisles. As such, the project will not have a detrimental, but a beneficial, effect on traffic and parking conditions within the surrounding area.
- C. The proposed use conforms to good zoning practices and development standards as the proposed use is located within the Manufacturing Industrial Park (MIP)

zoning district, which conditionally allows the recycling collection center as contemplated by the applicant. The described project area is adequate in both size and shape to accommodate the proposed development and comply with applicable development standards, such as building height, setbacks, parking, screening, street improvements, etc. Moreover, the addition of new landscaping areas and architectural enhancements to the existing buildings will give the facility a much needed facelift that complements the City's efforts to improve the streetscape along Mission Boulevard. As such, approval of the proposed CUP and PPD for the recycling collection facility will result in a significant improvement to the site that will raise the bar for future improvements or new development proposed for the surrounding area.

- D. The proposed use at the subject location is not contrary to the objectives of any part of the adopted General Plan, in that the plan promotes the location of facilities and uses such as the proposed recycling center in order to reduce litter and solid waste, thereby improving the City as a place for quality living.

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 project is consistent with the applicable policies of the General Plan, the City's zoning requirements, is less than five acres in size, and is substantially surrounded by similar industrial/urban uses. The benefits of the remodeled facility and the development of the adjacent property will considerably improve on-site operations without significant impact to traffic, noise, air, and water quality. Moreover, the project site has been continuously used for industrial purposes, and no native habitat exists. As such, there is no substantial evidence the project will pose a potential significant impact to the environment.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on November 29, 2011. Public hearing notices were also mailed to property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, no comments or inquiries had been received by staff regarding the proposal.

Planning Division Recommendation

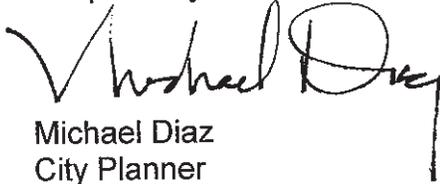
Staff recommends the Planning Commission take the following action(s):

- A. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 32 exemption under State CEQA Guidelines Section 15332.

- B. Move to approve a Conditional Use Permit (Case No. 2011-14) to entitle the existing recycling collection facility at 5082 Mission Boulevard and its expansion to the adjacent property at 10844 Fremont Avenue, within the Manufacturing Industrial Park (MIP) zoning district, as described in the staff report and per the submitted plans, subject to the conditions of approval in attached Resolution 11-1750.

- C. Move to approve Precise Plan of Design (Case No. 2011-14) for the site plan and design improvements proposed for the recycling collection facility at 5082 Mission Boulevard and 10844 Fremont Avenue, within the Manufacturing Industrial Park (MIP) zoning district, as described in the staff report and per the submitted plans, subject to the conditions of approval in attached Resolution 11-1750.

Respectfully Submitted,



Michael Diaz
City Planner

MD/lb

c: Bharat Gala, 10816 Fremont Avenue, Montclair, CA 91762
Colleen River, Plump Engineering Inc., 914 E. Katella Avenue, Anaheim, CA 92805

z:\COMMDEV\MD\CASES\2011-14 PC REPORT1

RESOLUTION NUMBER 11-1750

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT AND PRECISE PLAN OF DESIGN UNDER CASE NUMBER 2011-14 FOR IMPROVEMENTS ASSOCIATED WITH AN EXISTING RECYCLING FACILITY AT 5082 MISSION BOULEVARD AND 10844 FREMONT AVENUE (APNs 1011-311-02 thru 05)

A. Recitals.

WHEREAS, Bharat Gala, owner of Continental Recycling, filed an application for a Conditional Use Permit (CUP) to entitle and allow the expansion of an existing recycling collection facility at 5082 Mission Boulevard, on November 1, 2011; and

WHEREAS, the application applies to the existing recycling collection facility on a .76-acre site at 5082 Mission Boulevard and on an adjacent 1.73 acres of land at 10844 Fremont Avenue, as further defined by the assessor parcel numbers identified above; and

WHEREAS, the existing recycling collection facility at 5082 Mission Boulevard began operations in 1991 while under the jurisdiction of San Bernardino County ("the County"); and

WHEREAS, City records do not indicate that a Conditional Use Permit (CUP) was required or issued by the County for the existing recycling collection facility at 5082 Mission Boulevard, and

WHEREAS, the property identified for expansion (10844 Fremont Avenue) is mostly developed with paving and structures that have been used by various contractor businesses, and

WHEREAS, on October 24, 2006, the existing site and use were annexed to the City of Montclair as part of Annexation No. 26, thereby subjecting the property to City development requirements and standards; and

WHEREAS, the subject project site is located within the Manufacturing Industrial Park (MIP) zoning district; and

WHEREAS, Chapter 11.78.030 of the Montclair Municipal Code allows recycling facilities involving the collection, sorting or processing of recyclable materials in any zone subject to the approval of a CUP; and

WHEREAS, staff has determined the proposal meets the intent and requirements of the Municipal Code for a recycling collection facility land use and the applicable development standards of the MIP zoning district in which the subject site is located; and

WHEREAS, the Planning Commission has reviewed the Planning Division's determination the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines, and based on its own independent judgment, concurs with staff's determination of said exemption and finding of no significant effect on the environment; and

WHEREAS, a Notice of Public Hearing was duly given and posted in the manner and for the time frame prescribed by law; and

WHEREAS, on December 12, 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 CUP were heard, and said CUP request 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 December 12, 2011, 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 (CUP) is for the operation of a recycling collection facility located at 5082 Mission Boulevard and 10844 Fremont Avenue as described in the staff report and depicted on approved plans on file with the Planning Division.
2. The recycling collection facility shall be approved to accept California Redemption Value (CRV) glass, aluminum cans, and plastic, and other metals such as copper, brass, aluminum frames, stainless steel, die cast zinc. No electronic/computer waste, wood, batteries, paper, cardboard,

motor oil, or organic (including food) waste is collected at this site. No glass crushing shall occur on site.

If customers bring other types of material to the facility, they shall be directed to take the items to a local landfill or another appropriate recycling facility. Incidental paper, plastic, and cardboard used by customers to bring recyclables to the facility shall be collected and properly recycled or disposed.

3. All collected recycled materials shall be covered and stored entirely within the storage building in a manner that minimizes undesirable visual and environmental public health nuisances.
4. Approval of the caretaker unit for the recycling collection facility shall be subject to the following requirements:
 - a. Only one (1) caretaker unit shall be allowed for the facility to be located within the existing residence identified with this proposal and shall not be separately rented, let, or leased to another party other than the caretaker discharging their duties to care for the site.
 - b. The applicant shall record a deed restriction as a condition of project approval, stating that the caretaker unit shall not be rented to persons other than the caretaker.
 - c. The caretaker shall be employed principally for purposes of care and protection of the facility, its buildings and structures, machines and equipment, landscaping, and collected/stored recyclables.
 - d. A minimum of one (1) covered off-street parking space shall be provided for the caretaker unit.
 - e. No outdoor storage of personal or other items (including motor vehicles) which are not directly related to the primary function of the caretaker's responsibility shall be allowed.
 - f. Should the property cease to function as a recyclable collection facility, the caretaker's residence shall be vacated and immediately removed or modified to be in conformance with the zoning ordinance requirements.
5. This CUP approval shall be valid for six months (180 calendar days) from the date of Planning Commission action. Failure to initiate the approved use and/or improvements prior to the end of the six month period shall result in the termination of and automatically void the CUP approval.

6. A copy of the CUP approval letter with all conditions of approval relating to this application shall be kept on file at the subject location and be made available for viewing to any law enforcement officer, fire, building, or code enforcement inspector in the course of conducting an inspection on said premises.
7. The Precise Plan of Design (PPD) approval associated with this CUP approval shall be for the construction of improvements to the site as described in the staff report and depicted on approved plans on file with the Planning Division. The approval of this permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted.
8. 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.
9. Within five days of approval, the applicant shall submit to the Planning Division 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.
10. 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.
11. Approval of this CUP and/or 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.
12. Any modification, intensification, or expansion of the improvements and/or use beyond that which is specifically approved with this approval shall require prior review and approval by the Planning Commission.
13. The business hours of operation for the recycling collection facility shall be Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m.; Saturdays between the hours of 8:00 a.m. and 2:00 p.m.; and closed on Sundays. Minor changes to the hours of operation shall be subject to City Planner review and approval upon written request from the applicant.

14. No outdoor amplified sound systems, pay telephones, or vending machines shall be installed or used on the property in conjunction with this facility.
15. Prior to the installation of any signage, the applicant shall obtain all appropriate permits. Approval of these plans with signage indicated does not imply approval of signage. A sign permit or sign program for the site must be approved by the City prior to installation.
16. Except during construction activities associated with an approved building permit, no outdoor storage areas or use of trailers and/or sea containers or similar containers shall be allowed on the site. Any future proposals for permanent outdoor storage area(s) shall be subject to prior City review and approval.
17. Outdoor storage of personal or other items (including motor vehicles) not directly related to the primary use of the property shall be prohibited.
18. Prior to the issuance of a building permit for the project, the applicant shall prepare a Photometric Plan for the exterior site area of the facility to demonstrate compliance with required illumination levels for City Planner review and approval. The Photometric Plan shall include the location of all exterior light fixtures and the overall illumination levels across the site. All proposed exterior lighting fixtures shall comply with the following standards:
 - a. The facility shall be provided with a minimum maintained illumination level of one (1) foot-candle from dusk until termination of business every business day. During all other hours of darkness, a minimum of one-quarter (.25) foot-candles of illumination shall be maintained at grade.
 - b. All light fixtures shall incorporate 90-degree cut-off style luminaires and flat lenses so as to direct illumination downward to the surface to be illuminated and away from public rights-of-way or adjacent residential properties/uses.
 - c. Freestanding light fixtures and poles shall not exceed a maximum height of 20'-0" as measured from adjacent grade to top of luminaires, including raised concrete bases.
 - d. 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.
 - e. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.

19. Surface mounted exposed conduit or electrical lines are not allowed. Electrical switchgear, meters, etc. must be screened or housed in an enclosure, to the extent allowed by the utilities.
20. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be completely screened from public view in a manner that is incorporated into the architectural design of the building to the satisfaction of the City Planner.
21. All security cameras shall be integrated into the site or design of the buildings to which they are attached to the greatest extent possible. Cameras or sensors that are mounted to support posts, rods, hangers, wires, etc., and designed to hang from or over the roof, parapet, or canopy shall not be permitted.
22. All on-site 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.
23. All Double Check Detector Assemblies (DCDA) shall be adequately screened by landscaping or an architectural screen wall.
24. All on-site electrical and utility connections serving the facility shall be placed underground in accordance with the requirements of the Montclair Municipal Code.
25. At no time shall equipment noise from any source exceed an exterior noise level for nighttime hours as set forth in Table 6-2 of the Montclair General Plan. Any backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekend nights. If any complaints are received and verified by the City regarding noise from equipment or operations associated with the recycling/collection center, the project applicant shall mitigate and/or make any necessary modifications so noise levels comply with City standards.
26. The applicant shall continuously maintain in good repair and appearance all building exteriors, walls, exterior lighting, drainage facilities, driveways, and parking areas, landscaping, etc.
27. The business operator shall ensure that the public right-of-way directly in front of the subject property is kept clean and clear of any type of debris. The applicant shall conduct twice daily inspections of the area during the hours of operation, and upon opening and closing of the business. Any

debris collected shall be placed in appropriate trash receptacles and stored within the facility, and thereafter disposed of in a proper manner.

28. The business operator shall obtain a City of Montclair Business License and comply with regulations and maintain a current City Business License at all times.
29. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code. Temporary banners for the purpose of announcing the grand opening shall require banner permits from the Planning Division prior to installation.
30. No portable flags, pennants, spinners, painted-on signs, off premise signs, trailer-mounted electronic sign/message boards or other similar types of portable signs shall be allowed.
31. Exposed raceways shall be prohibited on all building-mounted and freestanding signs. An architectural sign backing/raceway may be allowed on the commercial building subject to review and approval by the City Planner.
32. The business operator shall provide notice to customers to discourage the use of shopping carts as a means to transport recyclable goods to the recycling center, and/or to abandon shopping carts on the property. If, at a later date, the City determines that a significant problem exists with shopping carts being abandoned on-site, then the operator and property owner shall be required to contract with a commercial shopping cart retrieval service to maintain the site and area free of abandoned shopping carts.
33. All graffiti shall be removed within 24 hours of its appearance. If graffiti is not removed within 24 hours of notification, the City shall remove the graffiti and invoice the applicant for the cost of clean-up.
34. Prior to the issuance of certificates of use and occupancy, applicant shall install said landscaping and irrigation system and shall have a licensed landscape architect or licensed landscape contractor certify that it was installed in accordance with the approved plan.
35. All plantings shall be maintained in a healthy and thriving condition and relatively weed free. All plants that fail to thrive because of disease, damage, accident or other cause shall be immediately replaced with a plant of the same species and size as originally approved. At the discretion of the City Planner, replacement of any plant materials that have been improperly maintained and/or pruned shall be required at a size equal to the size of the plant had it been properly cared for.

36. Trees shall not be severely pruned, topped or pollarded. Any trees that have been pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Planner, within the timeframe established by the City. All existing and new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
37. 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.
38. This CUP shall be subject to revocation or modification by the Planning Commission or City Council at such time as any of the following conditions are found to exist:
 - a. Conditions of Approval have not been fulfilled;
 - b. The use has resulted in a substantial adverse impact on the health and/or general welfare of users of adjacent or proximate property;
 - c. The use has resulted in a substantial adverse impact on public facilities or services.
39. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

Building

40. Prior to issuance of building permits, the applicant shall:
 - a. Submit five complete sets of plans for the project, including building elevations, colors and materials, electrical, plumbing, mechanical, landscaping, lighting, and accessibility details, plus two sets of soils, structural and Title 24 calculations for review and approval by the Building and Planning Divisions. Contact the Building Division at 909/625-9477 for an appointment to submit plans.
 - b. Submit detailed plans for all walls and fencing associated with the project.

- c. 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%).
 - d. Accessible parking space design shall be 9' x 20' with a loading zone located on the passenger side. The unloading zone shall be 5' x 20' for a standard accessible stall and 8' x 20' for a van accessible stall. The space and unloading zone shall have no more than a 2% slope in any direction. The unloading zone cannot include ramps. The space and unloading zone shall be striped in blue with the applicable design as called out in the 2007 California Building Code, Section 1129B.
 - e. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
41. All concrete and asphalt work shall be of a well fit and durable nature. The proper grading of walks, sidewalks, drives and yards shall be required. A minimum thickness of 3½ inches for flat concrete work and 2½ inches for asphalt paving is required. All exterior flat work shall include breaks for expansion.
42. All trash enclosures shall be constructed of a material consistent with the primary type and color of that used on the building. The construction of such trash enclosure(s) shall conform to City standards and shall have a solid roof complementary to the main building. Black-colored concrete shall be used for the trash enclosure floor and its apron.
43. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standard:
- The numerical address of the building (5082) shall be displayed on the south-facing elevation. Numerals shall be Helvetica font, minimum 10 inches in height, minimum 1½ inches in depth, and in a color that adequately contrasts with the background to which they are attached.
44. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code. Stormwater drainage shall be directed to the street or other approved location. Stormwater runoff shall not drain across another property unless approved by the City Engineer.
45. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact Michael Hudson, City Engineer, at 909/625-9441 for fees.

46. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA). Contact Michael Hudson, City Engineer, at 909/625-9441 for fees.
47. 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.
48. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
49. A Certificate of Occupancy is required prior to occupancy of the new building.
50. Prior to issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Building Division electronic images of all plans and records, which are submitted for the purpose of obtaining a building permit. Electronic images shall meet the City's Electronic Archiving Policy.
 - b. Submit to the Engineering Division electronic images of the Water Quality Management Plan. Electronic images shall comply with the City's Electronic Archiving Policy.

Engineering

51. Construct street improvements on Fremont Avenue (curb, gutter, sidewalk, approaches, etc.) to the satisfaction of the City Engineer. Dedicate additional right-of-way for Fremont Avenue as may be necessary. Wrap sidewalk around back of drive approaches (sidewalk minimum width = 4'-0"). Post west side of Fremont Avenue "No Parking Any Time" from Mission Boulevard to the northerly property line of subject development.
52. Street improvement plans are required for Fremont Avenue improvements. Construction drawings shall be 24"x36" with City standard title block.
53. Drive approach width shall not exceed 40 feet. Top of 'X' shall be no less than five feet from property line projection.
54. Prior to issuance of a Certificate of Occupancy, the applicant shall:

- a. Construct all approved public improvements, including, but not limited to, P.C.C. sidewalk, curb and gutter, and asphaltic concrete paving.
 - b. Install streetlights on the west side of Fremont Avenue at locations to be determined by City Engineer. A streetlight construction drawing shall be prepared to the satisfaction of the City Engineer.
55. Underground all overhead utility lines along the west side of Fremont Avenue for the length of the project limits to the nearest pole not adjacent to the property frontage and remove all abandoned utility poles. All new guy wires required to anchor end poles shall be located beyond the project limits. As an alternative to utility undergrounding, developer may pay an "in lieu" fee as set forth in the Municipal Code.
56. Pay transportation-related development impact fees. Fees shall be assessed at the rate in effect at the time the fees are paid.
57. Depending upon the scope of on-site development, sewer service may need to be extended from Mission Boulevard. If so, the following conditions shall apply:
 - a. Regional Sewerage Capital Outlay fees are required as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.
 - b. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
 - c. On-site sewer laterals shall be designed in accordance with City of Montclair Building Division requirements.
58. A Water Quality Management Plan (WQMP) is required for this project. Approval of the WQMP is required prior to the preparation of grading and/or other improvement plans. Requirements for the WQMP may be obtained from the City NPDES Coordinator Joseph Rosales at 909-625-9470.
59. A grading plan shall be prepared subject to the approval of the Community Development Director and 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"x36" sheets.
60. 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.

61. 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.
62. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at (800) 422-4133.
63. Prior to the start of any wood frame construction or the installation of any combustible material within the project area, an all-weather access shall be provided to each structure. An all-weather access is defined as base-course A.C. paving with a minimum thickness of 2½", and having a minimum width of 26 feet. This 26-foot width shall be maintained free and clear of all construction equipment, materials, and debris at all times during construction.

Environmental

64. All materials/recyclables must be stored on pallets, spill contained, and under cover at all times.
65. Only dry cleaning methods/procedures may be used to clean hardscape areas (i.e. absorbent, sweeping, and mopping).
66. No washing of materials, parts, equipment, or vehicles shall be permitted at anytime.
67. Prior to issuance of a Certificate of Occupancy or finalized building permit(s) from the Building Division, the applicant shall update its State Industrial Stormwater Permit with the Santa Ana Regional Water Quality Control Board (951/321-4582).
68. The applicant shall comply with all requirements of the approved Water Quality Management Plan (WQMP) for this project.
69. The applicant/developer shall be responsible to maintain WQMP post-construction stormwater treatment devices per WQMP requirements for the life of the project. It shall also be the responsibility of the applicant/developer 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 to correct the deficiency and restore the stormwater treatment device(s) to its original working condition.

70. 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. A State General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities shall be obtained prior to construction. Contact Joe Rosales, NPDES Coordinator, at (909) 625-9470.
71. 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. Submit evidence to the NPDES Coordinator that the Water Quality Management Plan has been recorded with the County of San Bernardino.
72. 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.
73. 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.

Fire

74. A 26-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.
75. 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.
76. 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.

77. 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.
78. The proposed commercial 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 of the system in commercial structures. The system shall be so equipped as to provide a signal to a UL-listed monitoring station in the event of water flow or tampering.
79. Certificate of Occupancy issuance by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
80. 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.
81. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
82. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of electrical service.
83. Fire extinguisher location(s) to be determined by the Montclair Fire Department.
84. 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, 8901 Monte Vista Avenue, for those occupancies requiring such a system. Facilities with gated drive approaches shall contact the Fire Marshal's Office for additional key and strobe equipment requirements.
85. Vehicle security gates shall be approved only with the use of hold-open devices to allow for emergency vehicle access. Contact the Fire Marshal's Office for specific requirements.
86. All Montclair Fire Department fees are due prior to any permit issuance.
87. 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.

88. 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.

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

APPROVED AND ADOPTED THIS 12TH DAY OF DECEMBER, 2011.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Sergio Sahagun, Chair

ATTEST: _____
Steve Lustro, Secretary

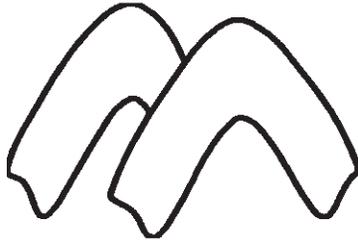
I, Steve Lustro, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 12th day of December, 2011, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MDIAZ\CASES\CONTINENTAL RECYCLING 2011-14 PC RESOLUTION



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 12/12/11

AGENDA ITEM 6.b

Case No.: 2009-7 'A'

Application: CUP Amendment to expand an existing wireless telecommunications facility

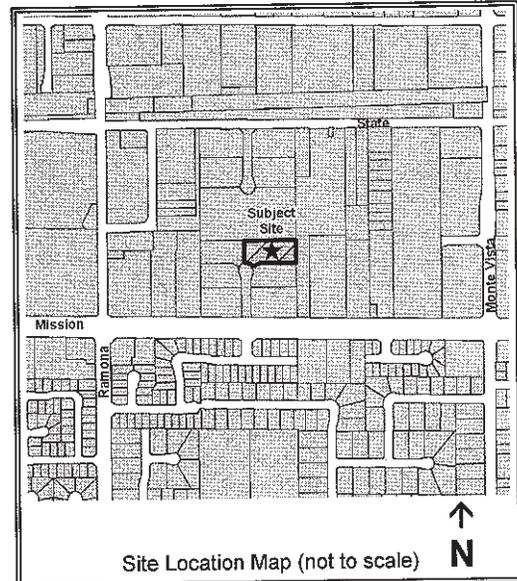
Applicant/Property Owner: AT&T / JKT Investments

General Plan: Industrial Park

Zoning: Manufacturing Industrial Park (MIP)

Project Address: 4672 Mission Boulevard

APN: 1012-131-12



EXISTING SITE FEATURES/CONDITIONS

Structures: One (1) existing industrial park building

Parking: Paved, striped parking

City/Public Utility Easements: None

Trees/Significant Vegetation: Landscaping in parking lot, no significant or heritage trees.

ADJACENT LAND USE DESIGNATIONS AND LAND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	General Commercial	Manufacturing Industrial (MIP)	Business Park
North	Industrial Park	Manufacturing Industrial (MIP)	Topline Business Park
East	Business Park	Manufacturing Industrial (MIP)	Mission Industrial Park
South	Low Density Residential (3-7 du/ac)	Single-Family Residential – Small-Lot Detached Overlay (R-1[SL])	Single-Family Residential
West	General Commercial	Manufacturing Industrial (MIP)	Construction equipment business

Report on Item Number 6.b

PUBLIC HEARING - CASE NUMBER 2009-7 'A'

APPLICATION TYPE(S)	Conditional Use Permit Amendment
LOCATION OF PROPERTY	4672 Mission Boulevard
GENERAL PLAN DESIGNATION	Industrial Park
ZONING DESIGNATION	MIP (Manufacturing Industrial Park)
EXISTING LAND USE	Business Park
ENVIRONMENTAL DETERMINATION	Categorical Exemption - Section 15301 (Existing Facilities)
PROJECT PLANNER	Silvia Gutiérrez

Project Description

The applicant is requesting Planning Commission approval of a Conditional Use Permit (CUP) Amendment to expand a wireless telecommunications facility consisting of a 50-foot high faux "monopalm" antenna structure and equipment area within the business park located at 4672 Mission Boulevard. The proposed antenna upgrades would be attached to the existing structure located in the parking lot on the north side of the existing industrial building, as depicted on the site plan. The area is currently occupied by an existing facility measuring approximately 360 square feet in area with dimensions of 18' x 20' (equivalent to two parking spaces). The applicant is proposing to expand the area by an additional 8' x 20'. The expanded facility is designed to accommodate additional equipment for the AT&T wireless phone network and an additional carrier to be determined at a later date. The entire ground lease area would be enclosed by a finished eight-foot high masonry block wall to screen all ground-mounted equipment and cabinets.

Background

- The existing business park, including the subject building, was completed in 2003 (Case No. 2002-58) and consists of six parcels, each with one building. The subject site is approximately 1.25 acres in size and is developed with an industrial building of approximately 25,000 square feet.
- The existing wireless telecommunications facility ("monopalm" and support equipment) was completed in 2009 (Case No. 2009-7).
- AT&T, through its consultant, has worked with staff over the past several months to study the feasibility of expanding the telecommunications facility at this particular location to enhance its services to wireless users in the southern portion of the City where gaps in coverage result in weak signal strength and dropped calls.

- The Montclair Municipal Code permits wireless telecommunications facilities subject to the approval of a Conditional Use Permit (CUP). Ordinance No. 02-829, adding Chapter 11.73 (Wireless Telecommunications Facilities) to the Montclair Municipal Code, became effective in February 2003. The wireless ordinance provides policies and direction, clarifies existing codes, and sets forth reasonable criteria, development standards and standardized conditions of approval upon which staff is using to evaluate this application.

Planning Division Comments

Overall, staff finds that the proposal meets the intent and requirements of the ordinance regarding wireless telecommunications facilities within the City. At 1.25 acres, the subject property is of sufficient area to accommodate the relatively small footprint of the proposed minor expansion of the existing wireless telecommunications facility shelter. On-site vehicular circulation would not be impacted and the ground area to be used for the facility is surplus parking for the property rather than required parking. No landscaping would be removed to accommodate the facility.

The applicant has been able to address most of staff's concerns regarding the screening of the ground equipment to further enhance the visual appearance of the antenna structure from public view. The existing antenna structure is designed as a faux "palm tree," which is generally consistent with the City's desire for "stealth" designs for such facilities. Staff has added conditions to the project that are intended to ensure the new antenna panels continue to be adequately screened and/or camouflaged. Walls surrounding the facility would be constructed to match existing wall designs and finishes.

At a height of 50 feet, the existing antenna structure meets the height limit of the MIP (Manufacturing Industrial) zoning district. The proposal would not increase the height of the antenna structure. Moreover, the facility's placement at the rear of the existing business park development means that the faux palm is not directly visible to Mission Boulevard, the closest public street. Staff has estimated the distance from Mission Boulevard to the antenna structure to be approximately 500 feet.

In addition, this wireless telecommunications facility is designed to accommodate a future second carrier, which complies with the intent of the wireless telecommunications ordinance. Should a second carrier desire to co-locate on the structure, then that proposal would require an amendment to this CUP and a new PPD to determine if the proposed modification of the facility would be aesthetically acceptable to the City.

Given its location within a fully developed business park, the impact of the wireless telecommunications facility would not pose an adverse impact on any adjacent properties or uses. No residential units are in close proximity to the proposed facility.

Because of its design and location away from the public right-of-way, staff believes this proposal is compatible with the surrounding area.

Conditional Use Permit Findings

Staff finds the request to modify the existing wireless telecommunications facility to be consistent with the Montclair Municipal Code and believes the necessary findings for granting a CUP Amendment can be made as follows:

- A. The proposed wireless telecommunications facility is essential or desirable to the public convenience and public welfare in that such facilities will provide improved communications services to residents, businesses, visitors and commuters traveling through the City. In addition, the proposed wireless facility has the capability to continue to operate and provide communications service in the event of a major power outage that may cause traditional telephone service to be rendered inoperable.
- B. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity in that the facility is located in an industrial area of the City generally behind an existing industrial building and approximately 500 feet north of Mission Boulevard, the nearest public street. Further, the antenna support structure is designed as a faux palm tree, which helps to mitigate its appearance. Additionally, it will not emit any noise, odor or create other adverse environmental impacts to adjacent properties.
- C. That such use in such location conforms to good zoning practice in that wireless facilities are permitted within the MIP zoning district, subject to approval of a CUP, and that the proposed facility conforms to all development standards, including structure height and setbacks, screening, and overall design.
- D. That such use in such location is not contrary to the objectives of any part of the adopted General Plan, which encourage increased emergency preparedness, enhancement of public convenience and communication, and projects that meet community design objectives.

Wireless Telecommunications Facility Findings

Staff further finds the proposed wireless telecommunications facility to be consistent with Chapter 11.73 of the Montclair Municipal Code, and believes the necessary findings for allowing the establishment of such a facility can be made as follows:

- A. There is adequate space on the property for the wireless telecommunications facility without conflicting with existing buildings or other improvements on the property, reducing required parking or landscaping, or otherwise compromising applicable development standards. The subject site is approximately 1.25 acres

in size and developed in a manner that will easily accommodate the project without significant impact. The proposed wireless telecommunications facility and its support facilities would occupy approximately three parking spaces on the site, upon which there are a similar number of surplus spaces. No landscaping would be removed and no alterations to the existing building would be required to accommodate the facility.

- B. The design and placement of the wireless telecommunications facility will not adversely impact the use of the property, buildings and structures located on the property or the surrounding area or neighborhood. The proposed wireless telecommunications facility is located within a fully developed business park, will not knowingly pose an adverse situation for other uses in the business park, and is not adjacent to any residential uses.
- C. The wireless telecommunications facility, as proposed, is consistent with the provisions of Chapter 11.73 and complies with all other applicable requirements of Title 11 of the Montclair Municipal Code. The proposed wireless telecommunications facility meets required height limits, is planned to accommodate a future second carrier, and is of a design that will not adversely affect the appearance of the surrounding area.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on November 25, 2011. Public hearing notices were also mailed to property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, no comments or inquiries had been received by staff regarding the proposal.

Environmental Assessment

The project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301, which exempts projects involving little to no expansion of existing structures or uses. As such, a DeMinimis finding of no impact on fish and wildlife will be prepared.

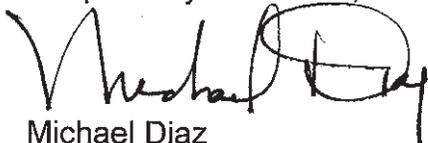
Planning Division Recommendation

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

- A. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301, which covers infill projects in significantly developed areas.

- B. Move to approve a Conditional Use Permit Amendment under Case No. 2009-7 'A', subject to making the required findings and the conditions as described in attached Resolution Number 11-1751.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Diaz". The signature is stylized with a large, looped initial "M" and a cursive "Diaz".

Michael Diaz
City Planner

MD/lb

Attachments: Draft Resolution of Approval for Case No. 2009-7 'A'

RESOLUTION NUMBER 11-1751

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT AMENDMENT UNDER CASE NO. 2009-7 'A' TO ALLOW THE EXPANSION OF AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY IN THE MANUFACTURING INDUSTRIAL PARK (MIP) ZONING DISTRICT AT 4672 MISSION BOULEVARD (APN 1012-131-12)

A. Recitals.

WHEREAS, on October 17, 2011, JKT Investments, LLC, initiated an application for a Conditional Use Permit (CUP) to allow the expansion of the equipment shelter of an existing wireless telecommunications facility, consisting of a 50-foot high "monopalm" structure and support equipment at 4672 Mission Boulevard; and

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

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

WHEREAS, AT&T, the wireless carrier desiring to construct the facility on the subject property, has identified the site as a practical location in south Montclair to construct a wireless telecommunications facility to provide enhanced services to its customers by increasing signal strength and minimizing dropped calls; and

WHEREAS, staff has determined that the proposal meets the intent and requirements of the ordinance for co-location by multiple carriers and the applicable development standards of the Manufacturing Industrial Park (MIP) zoning district; and

WHEREAS, Planning Division staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301 (Existing Facilities) because the proposal is located on a fully developed industrial property and does not involve an expansion of existing structures or uses on the property other than to utilize surplus parking spaces for installation of the antenna structure and support equipment. In addition, there is no substantial evidence that the project may have a significant effect on the environment. The Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent judgment, concurs with staff's

determination of exemption and directs staff to prepare a Notice of Exemption and a DeMinimis finding of no effect on fish and wildlife; and

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

WHEREAS, on December 12, 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 CUP Amendment were heard, and said CUP Amendment was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on December 12, 2011, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:

Conditional Use Permit Findings

- A. The proposed wireless telecommunications facility is essential or desirable to the public convenience and public welfare, in that such facilities will provide improved communications services to residents, businesses, visitors and commuters traveling through the City. In addition, the proposed wireless facility has the capability to continue to operate and provide communications service in the event of a major power outage that may cause traditional telephone service to be rendered inoperable.
- B. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity, in that the facility is located in an industrial area of the City, is located generally behind an existing industrial building and approximately 500 feet north of Mission Boulevard, the nearest public street. Further, the existing antenna support structure is designed as a faux palm tree and the additional equipment cabinets will be constructed within a masonry block wall enclosure, which helps to mitigate its appearance and screen them from view. Additionally, it will not emit any noise, odor or create other adverse environmental impacts to adjacent properties.

- C. That such use in such location conforms to good zoning practice, in that wireless facilities are permitted within the MIP zoning district, subject to approval of a CUP, and that the proposed facility conforms to all development standards, including structure height and setbacks, screening, and overall design.
- D. That such use in such location is not contrary to the objectives of any part of the adopted General Plan which encourage the increased emergency preparedness, enhancement of public convenience and communication, and projects which meet community design objectives.

Wireless Telecommunications Facility Findings

- A. There is adequate space on the property for the wireless telecommunications facility without conflicting with existing buildings or other improvements on the property, reducing required parking or landscaping, or otherwise compromising applicable development standards. The subject site is approximately 1.25 acres in size and developed in a manner that will easily accommodate the project without significant impact. The proposed wireless telecommunications facility and its support facilities would occupy approximately three parking spaces on the site, upon which there are a similar number of surplus spaces. No landscaping would be removed and no alterations to the existing building would be required to accommodate the facility.
 - B. The design and placement of the wireless telecommunications facility will not adversely impact the use of the property, buildings and structures located on the property or the surrounding area or neighborhood. The proposed wireless telecommunications facility is located within a fully developed business park, will not knowingly pose an adverse situation for other uses in the business park, and is not adjacent to any residential uses.
 - C. The wireless telecommunications facility, as proposed, is consistent with the provisions of Chapter 11.73 and complies with all other applicable requirements of Title 11 of the Montclair Municipal Code. The proposed wireless telecommunications facility meets required height limits, is planned to accommodate a future second carrier, and is of a design that will not adversely affect the appearance of the surrounding area.
3. Based upon the findings and conclusions set forth in the paragraphs above, this Commission hereby approves the application subject to each and every condition set forth below.

Planning

1. This approval is for a Conditional Use Permit (CUP) Amendment to expand a wireless telecommunications facility consisting of a 50-foot high faux "monopalm" antenna structure and equipment area within an existing business park located at 4672 Mission Boulevard. The new/modified antennas on the existing structure and the expanded equipment shelter shall be located in the parking lot on the north side of the existing industrial building as depicted on the approved site plan. The total area to be occupied by the facility shall not exceed 520 square feet with dimensions of 26' x 20' (or three parking spaces).
2. Conditional Use Permit (CUP) Amendment approval shall be valid for six months from the date of Planning Commission action. If no construction drawings have been submitted to the City for plan review within this time frame or a time extension for such CUP Amendment granted, then the approval shall automatically expire without further City action.
3. The applicant and/or property owner shall ensure that a copy of the Planning Commission approval letter, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
4. The existing "monopalm" and ground-mounted ancillary equipment cabinets and wiring within the new enclosure shall be utilized by AT&T as the wireless communications provider. AT&T Wireless is considered the primary lessee with a ground lease of a certain portion of the property and certain rights for access to the facility for the purpose of constructing and performing regular and emergency maintenance of the wireless facilities. However, the landlord shall be held responsible for the overall upkeep and appearance of the monopalm, all support facilities, fences, trees and other landscaping on the property.
5. The wireless telecommunications facility shall be expanded in substantial compliance with plans reviewed and approved by the Planning Commission.
6. All future changes and modifications to the approved facility, such as the addition of a second carrier, new panels, whip, microwave dish, omnidirectional antenna, GPS or test antennas, shall require prior review and approval by the City.
7. The addition of a second carrier to the wireless telecommunication facility shall require an amendment to this CUP to determine if the proposed modification of the facility would be aesthetically acceptable to the City.

8. The ground lease area shall be entirely enclosed within a maximum eight-foot high decorative CMU wall to match existing trash enclosures. Chain-link fence and razor wire shall not be permitted. Prior to issuance of a building permit, the applicant shall submit the following:
 - a. Detailed shop drawings and/or plans for the expanded equipment shelter and new antennas to replace existing antennas on the monopalm for final design review and approval by the City Planner. Drawings/plans shall incorporate or address the following elements:
 - i. The existing monopalm shall continue to provide full density coverage of the antennas with limited open spacing between palm fronds. Fronds shall be of sufficient quantity and length(s) to adequately screen antennas and achieve a natural appearance to the greatest extent possible.
 - ii. Submit color samples of palm fronds and trunk color for staff approval prior to fabrication.
 - iii. All antennas shall be covered with "antenna socks" that match the approved foliage color.
 - iv. All "stand-off-mounts" and support pipe mounts shall be concealed behind antennas and painted a darker shade of green with a "flat" paint finish to reduce reflection and visibility of the mounting.
 - b. Written documentation from the property owner and any other entities, including utility companies having easement rights over the subject portion of the property, certifying that the proposed expanded 26' x 20' ground lease area shall not interfere with future usage of such area.
 - c. A complete set of plans to the Montclair Police Department to determine the compatibility of the proposal with the City's public safety radio frequencies and services. Building permits shall not be issued unless it is determined that the proposal will not impact the City's radio communications systems.
 - d. Detailed plans for all exterior building-mounted and pole lighting, if any, for review and approval by the Planning and Building Divisions. All lighting shall incorporate 90-degree cut-off style luminaires and flat lenses. Submitted plans shall include a photometric analysis of all exterior lighting. "Wall pack" wide area lighting shall be prohibited.

- e. Remit to the City a deposit or post a bond in an amount to be determined by the Community Development Director for the purpose of removing the subject facility and all associated support equipment in the event the facility becomes abandoned, the CUP is revoked by the Director, or the applicant does not or is unable to remove the facility.
 - f. A copy of the lease with the property owner and/or the primary lessee. If the lease is extended or terminated, notice and evidence thereof shall be provided to the Director. Upon termination or expiration of the lease, this CUP amendment for the AT&T facility shall become null and void and the facility shall be completely removed within 90 days.
9. The applicant shall submit to the City certification of continued use of the approved facility on an annual basis at the time of business license renewal for as long as the facility remains in operation. The certification shall indicate that the facility is operating as approved and that the facility complies with the most current FCC safety standards. Facilities that are no longer in operation shall be completely removed within 90 days after the date of cessation of operation.
10. If no annual certification is provided, the CUP for the facility may be revoked by the Director of Community Development. Prior to revoking a permit, the Director shall provide the owners of record written notice of their failure to provide the annual certification and an opportunity for a hearing.
11. The applicant and/or property owner shall be responsible for maintaining the monopalm structure, antennas and artificial foliage and branches, building, ground equipment, fencing, lighting, landscaping, and all improvements in good working order at all times. Any accumulation of trash, weeds, or debris on the property shall be removed immediately so as not to present a public nuisance. Graffiti on the screen walls, or adjacent buildings or structures shall be removed immediately by the applicant/property owner upon notification by the City.
12. No advertising, signs or lighting shall be incorporated or attached to the antenna array or support facilities, except as required by the City's Building Division or federal regulations.
13. All electrical and utility connections serving the facility shall be placed underground in accordance with the requirements of the Montclair Municipal Code.
14. All mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, vents, transformers, or

similar equipment, whether located on the ground or on the roof of the equipment shelter, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building and to the satisfaction of the City Planner.

15. Notice of change of ownership of the wireless communications facility shall be provided in writing to the Director within 30 days of said change.
16. Within 90 days of commencement of operations, applicant shall provide a preliminary report and field report prepared by a qualified engineer that shows the operation of the facility to be in conformance with the standards established by ANSI and IEEE for safe human exposure to electromagnetic fields (EMF) and radio frequency radiation (RFR).
17. If, as a result of the operation of the subject facility, existing or future residential, commercial or industrial properties near the site experience interference difficulties with electronic equipment (such as radios, televisions, telephones, home computers, etc.), or if public safety personnel experience interference with communications systems, the applicant shall be solely and fully responsible to correct any and all problems upon proof of such interference. It is recommended that the Montclair Police and Fire Departments be contacted prior to the operation of this wireless facility to ensure that no such interference exists.
18. The permit may be modified or revoked for failure to abide by the conditions contained herein, or in the event the use is determined to be a nuisance to surrounding properties, businesses, or community at-large.
19. Applicant/vendor agrees to provide, at no cost to the City or its agents, access rights to, and installation space on, the monopalm structure for the installation and maintenance of repeaters, transmitters, and radio (RF), microwave, infrared, satellite and other electromagnetic wave frequency antennas or devices for the purpose of supporting City-operated communications and wireless network systems. The City shall coordinate such installations and maintenance services with the applicant/vendor to ensure that there is no conflict or interference among the networks permitted to operate at the location.
20. 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 inspection.
21. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or, in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or

employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

Building

24. Prior to the issuance of building permits, the applicant shall:
 - a. Submit four complete sets of plans for the project, including building elevations, colors and materials, electrical, mechanical and landscaping, lighting, and accessibility details, and structural drawings for review and approval by the Building and Planning Divisions.
 - b. Submit detailed plans and obtain permits for all walls and fencing associated with the project.
25. All concrete and asphalt work shall be of a durable nature. The proper grading of walks, sidewalks, drives and yards shall be required. A minimum thickness of 3½ inches for flat concrete work and 2½ inches for asphalt paving is required. All exterior flat work shall include breaks for expansion.
26. Security gates to the rear of the building shall be equipped with Medeco locks or other acceptable devices to allow access by emergency personnel and utility providers at all times.
27. Any landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
28. A Certificate of Occupancy is required prior to use of the subject project. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
29. Prior to issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Building Division electronic images of all plans and records, which are submitted for the purpose of obtaining a building permit, to the Building Division. Electronic images shall meet the City's Electronic Archiving Policy.
 - b. Construct all approved public improvements, including, but not limited to, P.C.C. sidewalk, curb and gutter, asphaltic concrete paving for all damaged areas.

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

APPROVED AND ADOPTED THIS 12TH DAY OF DECEMBER, 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 No. 11-1751 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 12th day of December, 2011, by the following vote, to-wit:

AYES:

NOES:

ABSENT: