



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

REGULAR ADJOURNED MEETING
Monday, June 10, 2013
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

Chair Tenice Johnson, Vice Chair Luis Flores, Commissioner Sergio Sahagun, and Commissioner Don Vodvarka

4. APPROVAL OF MINUTES

The minutes of the May 13, 2013 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 2013-11
Project Address: 5119 Bandera Street
Project Applicant: Foremost Healthcare Properties, Inc.
Project Planner: Silvia Gutiérrez, Assistant Planner
Request: Conditional Use Permit to expand a skilled nursing facility
CEQA Assessment: Categorically Exempt (Section 15301)
- b. CASE NUMBER 2013-3
Project Address: 5242 El Morado Street
Project Applicant: RJS Investments
Project Planner: Michael Diaz, City Planner
Request: Precise Plan of Design for a new single-family residence
CEQA Assessment: Categorically Exempt (Section 15303)
- c. CASE NUMBER 2013-12
Project Address: 4628 Holt Boulevard
Project Applicant: Lucky Holt Investment LLC
Project Planner: Michael Diaz, City Planner
Request: Precise Plan of Design for a three-story office building
CEQA Assessment: Adopt a Mitigated Negative Declaration

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

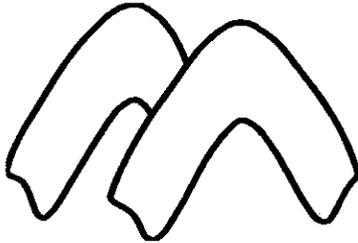
Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of June 24, 2013 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 north door of Montclair City Hall on June 6, 2013.



**CITY OF MONTCLAIR
PLANNING COMMISSION**

MEETING DATE: 06/10/13

AGENDA ITEM 6.a

Case No. 2013-11

Application: Request for a Conditional Use Permit (CUP) for an existing skilled nursing facility (Montclair Manor Care Center) and a Precise Plan of Design (PPD) for a minor building addition of approximately 1,050 square feet.

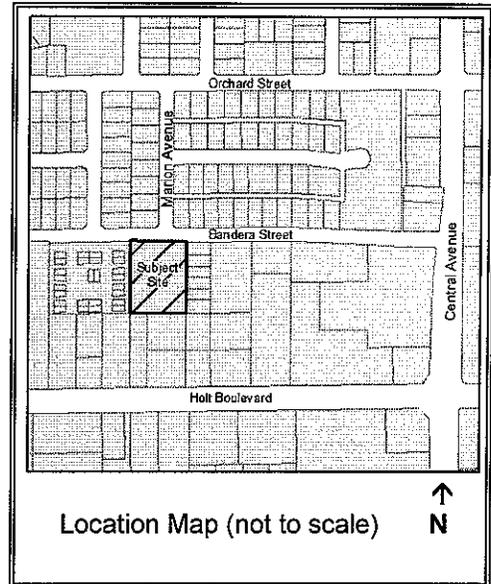
Project Address: 5119 Bandera Street

Property Owner: Foremost Healthcare Properties, Inc.

General Plan: Medium Density Residential
(8-14 dwelling units/acre)

Zoning: R-3 (Multiple Family Residential)

Assessor Parcel No.: 1010-611-01



EXISTING SITE FEATURES/CONDITIONS

Structures: 13,500 square-foot building

Parking: 33 paved parking spaces, including two (2) disabled-accessible stalls

City or other public utility easements: Typical easements

ADJACENT LAND USE DESIGNATIONS AND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	Medium, 8-14 units/acre	R-3 (Multiple Family Residential)	Skilled Nursing Facility
North	Medium, 8-14 units/acre	R-3 (Multiple Family Residential)	Apartments
South	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Commercial building
East	Medium, 8-14 units/acre	R-3 (Multiple Family Residential)	Apartments
West	Medium, 8-14 units/acre	R-3 (Multiple Family Residential)	Apartments

Report on Item Number 6.a

PUBLIC HEARING - CASE NUMBER 2013-11

APPLICATION TYPE(S)	Conditional Use Permit and Precise Plan of Design
NAME OF APPLICANT	Foremost Healthcare Properties, Inc.
LOCATION OF PROPERTY	5119 Bandera Street
GENERAL PLAN DESIGNATION	Medium Density Residential (8-14 dwelling units/acre)
ZONING DESIGNATION	R-3 (Multiple Family Residential)
EXISTING LAND USE	Skilled Nursing Facility
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Silvia Gutiérrez

Applicant's Proposal

The applicant is requesting approval of a Conditional Use Permit (CUP) for an existing skilled nursing facility and a Precise Plan of Design for a building addition. The existing 59-bed facility is known as the Montclair Manor Care Center and is located on a 1.56-acre site on the south side of Bandera Street at Marion Avenue. The existing, single-story U-shaped building is approximately 13,500 square feet in size. The facility has been in operation since the 1960s and provides care services for individuals with chronic illnesses.

The proposed Precise Plan of Design is for a 1,050 square-foot building addition to accommodate a new physical therapy room, disabled-accessible upgrades to the bathroom facilities, a new staff lounge and expansion and remodel of the lobby entry for the benefit of visitors.

Hours of operation for the facility have been and will continue to be 24 hours a day, seven days a week for patient care. The nursing care shifts are 7:00 a.m. to 3:00 p.m., 3:00 p.m. to 11:00 p.m. and 11:00 p.m. to 7:00 a.m.

A complete site plan, floor plan and letter from Montclair Manor administrator are included in the Planning Commission packets for reference.

Background

- The subject property is located on the south side of Bandera Street generally midway between Monte Vista and Central Avenues.
- The site is rectangular in shape and approximately 67,954 square feet (1.56 acres) in size.

- Montclair Manor Care Center was completed in 1965. It houses mostly elderly patients who are chronically ill and provides long-term nursing care, rehabilitation, and other services.
- In 1983, the Alfred E. Alquist Hospital Facilities Seismic Safety Act (HSSA) was passed, amending the California Health and Safety Code (Section 129675) and ultimately preempted local city planning departments for all hospital construction plan review. As a result of the HSSA, Montclair Manor Care Center was brought under the purview of the State of California Office of Statewide Health Planning and Development (OSHPD).

Planning Division Comments

Overall, staff is supportive of the proposed project and request to grant a Conditional Use Permit to an existing skilled nursing facility, which is currently recognized as a legal nonconforming use by virtue of the fact that such a use now requires a CUP. The site is adequate in size and shape and is designed in such a way as to easily accommodate the existing skilled nursing facility. Access to the site is via a driveway from Bandera Street and the design of the existing building is conducive to the proposed use.

As a skilled nursing facility, traffic to and from the site is likely to continue to be moderate, but well within the capacity of the adjacent streets. Surrounding properties are developed with residential uses, generating relatively low volumes of traffic. The proposed minor addition will primarily provide ADA upgrades, will not add beds to the facility and is not expected to cause adverse impacts. Although there are apartment buildings across Bandera Street, the focus of activity at the subject site will be concentrated on the south side of the building where noise and visual issues are screened by the building itself.

With regard to the physical condition of the site, staff is requiring that improvements be made as part of the Precise Plan of Design approval. The key areas for attention are the condition of the surface of the parking lot and outdoor storage areas, the need for re-stripping and repainting of the entire building. Staff recommends the existing street trees adjacent to Bandera Street be properly pruned.

The minimum number of parking spaces required for this site is based on the overall square footage of the existing building and the proposed use. Pursuant to the Montclair Municipal Code, the 59-bed facility requires at least one parking space on the same lot as, or the lot adjacent to, the main building for each two beds in such building, thereby requiring a minimum of 30 spaces on-site. The parking lot currently provides 33 spaces including two disabled-accessible stalls. Staff believes the proposed number of spaces and layout is appropriate. OSHPD has reviewed the proposed minor expansion and is supportive of the proposed ADA upgrades and lobby expansion.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on May 31, 2013. 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 the 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.

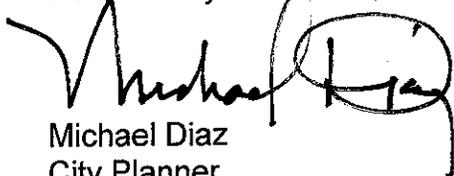
Planning Division Recommendation

Staff finds the proposed use to be consistent with the Montclair Municipal Code and adopted General Plan. Therefore, staff recommends approval of Case No. 2013-11 by taking the following actions:

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.
- B. Move to approve Case No. 2013-11, subject to making the required findings and subject to the conditions in attached Resolution Number 13-1781.

Respectfully Submitted,



Michael Diaz
City Planner

MD/lb

Attachments: Draft Resolution No. 13-1781

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RESOLUTION NO. 13-1781

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT AND A PRECISE PLAN OF DESIGN UNDER CASE NO. 2013-11 TO ALLOW AN EXISTING 59-BED SKILLED NURSING FACILITY IN THE "R-3" (MULTIPLE FAMILY RESIDENTIAL) ZONE AT 5119 BANDERA STREET (APN 1010-611-01).

A. Recitals.

WHEREAS, on March 18, 2013, Foremost Healthcare Properties, Inc. filed an application for a Conditional Use Permit (CUP) for an existing 59-bed skilled nursing facility and a Precise Plan of Design (PPD) for a 1,050 square foot expansion of the facility, hereafter referred to as "the application"; and

WHEREAS, the existing skilled nursing facility, known as the Montclair Manor Care Center, was established in 1965 and provides long-term nursing care, rehabilitation, and other services to mostly elderly patients with chronic illnesses; and

WHEREAS, Section 11.78.030.B.8 of the Montclair Municipal Code requires a CUP to establish a skilled nursing facility; and

WHEREAS, the application applies to the property that encompasses approximately 1.56 acres at 5119 Bandera Street, which is developed with a 13,500 square-foot single-story building; and

WHEREAS, the subject property is located in "R-3" (Multiple Family Residential) zone; and

WHEREAS, staff has determined the application meets the intent and requirements of the Montclair Municipal Code for the proposed use and the applicable development standards of the "R-3" (Multiple Family Residential) zone; 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 June 10, 2013, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a public hearing at which time all persons wishing to testify in connection with said application were heard, and said application was fully studied.

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 June 10, 2013, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:

Conditional Use Permit

- a. The skilled nursing facility use at the subject location is essential or desirable to the public convenience and public welfare, in that the facility has and continues to provide necessary long-term nursing care, rehabilitation, and other services to individuals in the community who suffer with chronic illnesses. As the population ages the need for such facilities will continue to increase.
- b. That granting the Conditional Use Permit for the subject facility will not be materially detrimental to the public welfare and to other property in the vicinity. The facility has operated at the subject location since the 1960s without any known significant problems to adjacent properties. In addition, the site is of adequate size and shape to accommodate the use and its proposed building addition with no significant impact to adjacent properties. Moreover, skilled nursing facilities are generally quiet operations and do not generate significant amounts of traffic greater than surrounding multiple-family developments in the area.
- c. That the skilled nursing facility at the subject location conforms to good zoning practice. The existing facility is modest in size and is designed with a residential scale that fits in with the surrounding multifamily residential neighborhood setting. Required parking for the 59-bed facility is 30 parking spaces, and the facility provides 33 parking spaces, including 2 disabled-accessible parking stalls. Further, conditions of approval for the proposed CUP are designed to ensure the facility is not operated in such a way so as to cause undesired secondary effects that would degrade the condition of the property or neighborhood.
- d. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the General Plan

recognizes the need for a variety of housing types and services for local residents.

Precise Plan of Design

- e. The property is of a size and shape to support the proposed project as designed. At 1.56 acres in area, the site is of sufficient size and shape to accommodate the existing use and the proposed 1,050 square-foot building addition.
 - f. The proposed project will not have an adverse impact on or substantially depreciate property values in the vicinity; or unreasonably interfere with use and enjoyment of property in the vicinity, or endanger the public peace, health, safety, or general welfare. The proposed building addition to the existing facility complies with applicable development standards for the underlying R-3 zoning district. Moreover, the building addition is designed to be consistent with the low-profile residential scale of the existing facility that is compatible with existing multifamily development that characterizes the surrounding area.
3. Planning Division staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies as a Class 1 exemption under State CEQA Guidelines, Section 15301, which exempts projects involving little to no expansion of existing structures or uses. The project does not involve an expansion of the existing structure or a fundamental change in the type of uses permitted by the zoning code. In addition, there is no substantial evidence that the project may have a significant effect on the environment.
 4. Based upon the findings and conclusions set forth in paragraphs 1, 2 and 3 above, this Commission hereby approves the application subject to each and every condition set forth below.

Planning

1. This approval is for the following entitlements:
 - a. A Conditional Use Permit (CUP) for the existing, 59-bed skilled nursing facility within an existing 13,500 square-foot building at 5119 Bandera Street, per the submitted plans; and
 - b. A Precise Plan of Design (PPD) to allow a building addition of 1,050 square feet to accommodate a new physical therapy room, disabled-accessible restrooms and improvements to the visitors' lobby.

2. The floor plan of the 59-bed skilled nursing facility shall substantially conform at all times to the plan submitted as part of this application. Any substantial changes to the operation, increase in floor area of the building, new structures, or change of location shall require prior City review and approval.
3. CUP approval shall be valid for a period of six (6) months from the date of Planning Commission approval unless substantial progress has been made in property improvement or that the store is in operation with City issuance of a Certificate of Occupancy. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date. Suspension of the approved use for a period of six months or more voids this CUP for the specified use.
4. PPD approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
5. Approval of the 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 Office of Statewide Health Planning and Development.
5. Within 90 days of the date of Planning Commission action on this CUP request, the applicant shall provide to the Planning Division a copy of State of California Office of Statewide Health Planning and Development approval for the project.
6. The applicant and/or property owner shall ensure that a copy of the Planning Commission resolution, 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.
7. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
 - a. A check in the amount of \$50, payable to "Clerk of the Board of Supervisors," to cover the County administrative fee for filing a Notice of Exemption as required by the California Environmental Quality Act (CEQA).
 - b. A check, in the amount of \$522.44, payable to the "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a

newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.

8. The business owner shall maintain a valid business license at all times. For more information, contact the City of Montclair Business License Technician at 909/625-9423.
8. Approved hours of operation for the skilled nursing facility are 24 hours a day, seven days per week.
9. No exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be allowed.
10. The facility owner and/or staff shall maintain the area surrounding the business in a clean and orderly manner at all times. Litter and trash receptacles shall be located at convenient locations inside and outside the building, and receptacles shall be emptied on a regular basis.
11. Replace existing "barnlighter" light fixtures from the building (e.g., at the front entrance) and replace with a shielded fixture that complements the appearance of the building.
12. Prior to issuance of a Certificate of Occupancy for the addition, the applicant shall add mulch or groundcover to all planter areas in the parking lot.
13. Changes to the exterior of the building (including paint) or site shall not be made without prior approval from the Planning Division.
14. No exterior signs are approved pursuant to this approval. Prior to the installation of any new business identification signs on the building or site, a sign plan shall be submitted to the Planning Division for review and approval pursuant to the applicable portions of the Montclair Sign Code.
15. The use of temporary promotional banners shall comply with Chapter 11.72 of the Montclair Municipal Code. A permit shall be obtained prior to the display of any temporary promotional banner.
16. A copy of the CUP approval letter with all conditions of approval relating to this application shall be conspicuously posted alongside the establishment's Business License and Certificate of Occupancy, and shall be made available for viewing to any law enforcement officer, fire, building, or code enforcement inspector in the course of conducting an inspection of said premises.
17. Any violations of the conditions of approval may result in the revocation or modification of this permit, including the imposition of fines in the event that the use is determined to be a nuisance to surrounding properties, businesses or the community at large.

18. To ensure compliance with the conditions of the approval, a final inspection is required from the Planning Division upon completion of construction and all improvements. The applicant shall contact the City to schedule an appointment for such an inspection.
19. The applicant shall agree to defend, at his sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or, in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of his obligations under this condition.

Building

20. Separate building permits are required for fencing and/or walls.
21. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
22. All construction work carried out under the review of the Building Division shall be of good quality. The Building Official shall have the authority to enforce the installation of work that is straight, level, plumb, square, etc., as the situation requires. All work shall be well fit and of a durable nature. Paint and stucco in all cases shall not be below standard for the use applied.
23. Provide and clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
24. A new parking striping plan shall be submitted to the Building Division for approval and permit. Disabled-accessible parking shall meet all requirements as described in the 2010 California Building Code. Parking lot striping shall be "hairpin"-style.
25. Obtain an electrical and building permit for any new light fixtures and poles if installed within the parking area. Structural calculations are required for new light standards.

Environmental

- 26. Prior to the issuance of any permits, the applicant shall pay all required fees, including, but not limited to, Regional Sewerage Supplemental Capital Outlay fees as required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA). These fees are determined upon submission of plumbing and site plans to the City of Montclair Building Division. Contact Nicole Greene, Environmental Manager, at (909) 625-9446 for information regarding these fees.

- 27. The discharge of any wastewater into the sanitary sewer system shall conform to the requirements of Chapter 9.20 of the Montclair Municipal Code and Chapter 7 of the California Plumbing Code, as determined by the Environmental Manager and the Building Official. At no time shall any materials not considered to be domestic wastewater be discharged into the City of Montclair sewer system.

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

APPROVED AND ADOPTED THIS 10TH DAY OF JUNE, 2013.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, Chair

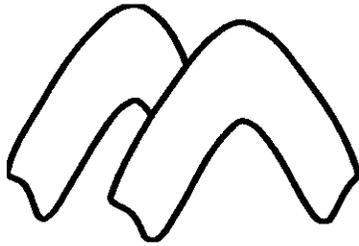
ATTEST: _____
Michael Diaz, Acting Secretary

I, Michael Diaz, Acting 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 10th day of June, 2013, by the following vote, to-wit:

AYES:

NOES:

ABSENT:



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 06/10/13

AGENDA ITEM 6.b

Case No.: 2013-3

Application: A Precise Plan of Design for a new, 2,832 square-foot single-family residence with attached 3-car garage

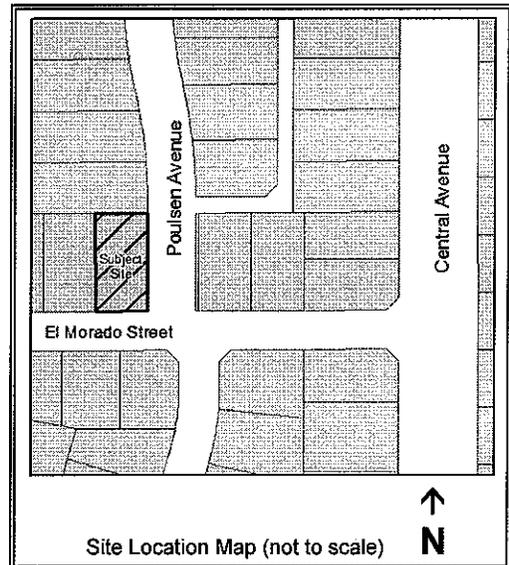
Project Address: 5242 El Morado Street

Property Owner: RJS Investments

General Plan: Low Density Residential (3-7 Units/Acre)

Zoning: R-1 (Single-Family Residential)

Assessor Parcel No.: 1010-292-01



ADJACENT LAND USE DESIGNATIONS AND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Property Use</i>
Site	Low Density Residential (3-7 units/acre)	R-1 (Single-Family Residential)	Single-Family Residential
North	Low Density Residential (3-7 units/acre)	R-1 (Single-Family Residential)	Single-Family Residential
East	Low Density Residential (3-7 units/acre)	R-1 (Single-Family Residential)	Single-Family Residential
South	Low Density Residential (3-7 units/acre)	R-1 (Single-Family Residential)	Single-Family Residential
West	Low Density Residential (3-7 units/acre)	R-1 (Single-Family Residential)	Single-Family Residential

Report on Item Number 6.b

CASE NUMBER 2013-3

APPLICATION TYPE(S)	Precise Plan of Design
NAME OF APPLICANT	RJS Investments LLC
LOCATION OF PROPERTY	5242 El Morado Street
GENERAL PLAN DESIGNATION	Low Density Residential (3-7 units/acre)
ZONING DESIGNATION	R-1 (Single-Family Residential)
EXISTING LAND USE	Vacant Property
ENVIRONMENTAL DETERMINATION	Categorical Exemption - Section 15303, Class 3
PROJECT PLANNER	Michael Diaz

Project Proposal

The applicant is requesting approval of a Precise Plan of Design (PPD) to construct a new single-family residence on a vacant, 8,125 square-foot parcel on the northwest corner of El Morado Street and Poulsen Avenue. The front of the house would be oriented toward El Morado Street. The height of the proposed single-story home would be 15'-2" as measured to the highest point of the tallest hip roof element.

The overall size of the proposed single-story residence would be approximately 2,832 square feet, which includes a 610 square-foot attached 3-car garage with direct access from El Morado Street. The floor plan includes four bedrooms, three bathrooms, a living room, dining room, large family room, kitchen, and laundry room. A small covered porch is proposed at the front door.

The proposed architecture is a low key modern interpretation of the Ranch style and features a hip roof design to be covered with a dimensional asphalt shingle. Other exterior finishes/materials include stucco-clad walls and dimensioned trim around windows and doors. Embossed roll-up garage doors with windows, vinyl windows and doors, and decorative wall lights complete the exterior details. Colors for the new home are charcoal gray for the roof, Swiss Coffee (light tan) for the walls, and white for the fascia, front door and garage door, and door/window trims.

A landscape and irrigation plan for the front and street side yard portions of the property is included. As part of the plan, a decorative wood fence is proposed to enclose the north side of the property behind the home. A block wall exists on the west property line.

Plans for the proposed home are included in the Commission packets for reference.

Background

- The subject parcel is approximately 8,125 square feet in area and located in the R-1 (Single-Family Residential) zoning district.
- The subject property has never been developed and is surrounded by single-family homes constructed between 1953 and 1961.
- In 2007, the Commission approved plans to build a 2,400 square-foot single family residence on the subject site under Case No. 2007-39. In 2008, a one-year time extension was granted for the project, but the home was never built.
- The subject site was sold to the present owner in 2012.

Planning Division Comments

Since the subject property is a corner lot and has never been developed, the proposed project would represent a significant visual change to the neighborhood. As such, staff finds the overall proposal to be appropriately designed and a significant improvement over the home previously approved in 2007 but never built. Staff finds the architecture of the home to not be overdone or a contrived architectural style that would be overwhelming or too much of a departure from the other existing modest homes that surround it. The hip roof for the home eliminates any tall expanses of stucco walls that are associated with other roof designs and would have been visible to the street. Moreover, the proposed exterior materials are appropriate and will be long lasting if installed and finished appropriately.

Staff recognizes that the 3-car garage element at the front of the home is atypical for the neighborhood and explored ways with the architect on how to minimize its appearance. One alternative was to move the garage to the Poulsen Avenue side of the property, but this arrangement, whether for a 2- or 3-car garage, would have had more of an adverse impact on the development potential and usability of the property. Staff believes that with the provided setback (approximately 27') and the use of architectural grade garage doors, the garage would be appropriately mitigated. Staff appreciates the owner's and architect's willingness to modify the overall design of the new home to more closely align with the lower profile modest homes that exist in the surrounding neighborhood.

The project complies with the general development standards applicable to residential development within the R-1 zoning district, including setbacks, building height, and lot coverage. The new home meets the 5'-0" minimum interior side setback (west side) and 27'-2" would be provided at the rear (north side) of the property, which exceeds the minimum 15-foot rear setback requirement for a single-story residence. As for building height, the proposed 15'-2" height of the home is well below the 35-foot height limit, which is more in keeping with the average height of the single-story homes in the

immediate neighborhood. Public improvements such as a sidewalk and street trees will complete the project.

However, it should be noted that lot coverage for the project is calculated to be 34.8 percent (at 2,832 square feet) which is just under the 35 percent maximum allowable lot coverage (2,844 square feet) allowed for the site. By maximizing the size of the house future owners/occupants only have 12 square feet to work with before maximum lot coverage is reached. As such, no further development of the lot will be possible, including the addition of accessory structures or attached covered patios in the rear yard. The applicant has been advised of this issue and a condition of approval has been added to the draft Planning Commission Resolution. Building packets would also be flagged as reminder of the restriction.

Lastly, the conceptual landscape plan is appropriate. The proposed plant materials are generally water friendly and visually interesting for the site. New street trees would also be installed as part of the project.

Public Comment from Adjoining Property Owners

This item does not require an advertised public hearing. As a courtesy, notice of this meeting was sent on May 28, 2013, to property owners adjacent to the subject property. At the time this report was prepared, no comments or inquiries had been received by staff regarding this proposal.

Environmental Assessment

The project is deemed to be Categorical Exempt pursuant to Section 15303(a) of the California Environmental Quality Act (CEQA) Guidelines, which applies to the construction of limited numbers of new structures, including one (1) single-family residence on any legal parcel in a residential zone.

Planning Division Recommendation

Staff recommends the Planning Commission take the following actions to approve the proposed 2,832 square-foot single-family residence at 5242 El Morado Street:

- A. Move that, based upon evidence submitted, the Planning Commission finds the application qualifies as a Class 3 exemption under Section 15303(a).
- B. Move to approve the Precise Plan of Design request under Case No. 2013-3 for the site plan, floor plans, elevations, and colors and materials associated with the proposed 2,832 square-foot single family residence per the submitted plans and as described in the staff report, subject to the conditions contained in Planning Commission Resolution No. 13-1779.

Respectfully Submitted,



Michael Diaz
City Planner

MD/lb

Attachments: Draft Resolution No. 13-1779

c: Raul Rojas, RJS Investments, Property Owner
Doug Andresen, Andresen Architecture Inc., 17087 Orange Way, Fontana, CA 92335

Z:\COMMDEV\MD\CASES\2013-3 NEW SFR AT 5242 EL MORADO STREET\2013-3 PC1RPT

RESOLUTION NUMBER 13-1779

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A PRECISE PLAN OF DESIGN UNDER CASE NUMBER 2013-3 TO CONSTRUCT A 2,832 SQUARE-FOOT SINGLE-FAMILY RESIDENCE AT 5242 EL MORADO STREET (APN 1010-292-01).

A. Recitals.

WHEREAS, on February 20, 2013, an application for a Precise Plan of Design (PPD) was submitted by RJS Investments, property owner, to construct a new single-family residence at 5242 El Morado Street (northwest corner of El Morado Street and Poulsen Avenue); and

WHEREAS, the subject property is approximately 8,125 square feet (0.19 acres) in area; and

WHEREAS, the proposed project involves the construction of a new single-story residence, approximately 2,832 square feet in overall size, including a 610 square-foot attached 3-car garage with direct access to El Morado Street; and

WHEREAS, on March 4, 2013, the proposed project was deemed to be incomplete and in need of modification to comply with development and design standards and to address related staff comments; and

WHEREAS, on May 23, 2013, revised plans were submitted to the Planning Division, and the project was found to be complete and to be in compliance with the development standards of the R-1 zoning district including setbacks, building height, and lot coverage; and

WHEREAS, the amount of development proposed on the subject site is approximately 12 square feet less than the maximum 35 percent lot coverage allowed in the underlying R-1 single-family zoning district, which will prohibit any further development of the site with ground level building additions and/or accessory structures by the property owner(s); and

WHEREAS, the Planning Commission has reviewed the Planning Division's determination that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303(a) 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, on June 10, 2013, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a meeting at which time all persons wishing to testify in connection with said project were heard and said proposal was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced hearing on June 10, 2013, 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 Precise Plan of Design (PPD) approval is for the construction of a new, 2,832 square-foot single-family residence with attached 3-car garage on property located at 5242 El Morado Street, as described in the staff report and depicted on approved plans.
2. 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 and building permits to allow eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
3. No changes to the approved set of plans, including the exterior design and materials/finishes, shall be permitted without prior City review and approval. Any modification, intensification, or expansion of the use and design plan beyond that which is specifically approved with this PPD shall require review and approval by the Planning Commission.
4. Approval of this PPD shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances, the San Bernardino County Health Department, or the State of California.

5. Within five (5) days of approval by the Planning Commission, the applicant shall submit a check to the Montclair Planning Division in the amount of \$50, made payable to the "Clerk of the Board of Supervisors," to cover the County administrative fee for filing a Notice of Exemption (NOE) as required by the California Environmental Quality Act (CEQA).
6. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
7. Maximum lot coverage for the property has been essentially achieved with this project. No further building additions, attached patio covers, or major accessory structures shall be allowed. Only minor accessory structures may be allowed pursuant to the limitation contained in Section 11.19 of Montclair Municipal Code. A minor accessory structure means a building or structure with a footprint of 120 square feet or less and which is eight feet or less in height. Minor accessory buildings or structures shall not be connected to utilities without Planning Division approval and shall require a building permit.
8. Prior to the issuance of a Certificate of Occupancy, landscaping materials (including required street trees) and irrigation shall be installed per approved plans on file with the Planning Division. The following modifications shall be made to the landscape plan prior to submittal of plans for Building Division plan check:
 - a. Street tree on the El Morado Street frontage shall be a minimum 24-inch box size and double-staked per City standards.
 - b. Two (2) Crape Myrtle (*Lagerstroemia indica*) street trees on the Poulsen Avenue frontage shall be minimum 24-inch box size and double-staked per City standards.
 - c. The applicant shall contact the Public Works Superintendent at 909/625-9467 prior to the installation of required street trees to arrange an inspection to verify the variety and condition of the trees and to determine final field placement.
9. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
10. Upon completion of the installation of landscaping and irrigation systems, a licensed landscape architect or contractor, or other licensed or certified professional in a related field, shall conduct a final field inspection and shall prepare a certificate of completion, which shall be filed with the Community Development Director. The certificate of completion shall specifically indicate that plants were installed as specified by the landscape design plan,

that the irrigation system was installed as specified by the irrigation design plan, and that an irrigation audit has been performed.

11. All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency.
12. Any fences, walls, or other structures within the front and street side yard setbacks shall not exceed 48 inches in height. Chain-link fencing shall be expressly prohibited.
13. All fences and walls shall be constructed with quality materials and workmanship. Fences and walls shall be built plumb and comply with adopted building codes.
14. The face or finished side of any fence or wall on the property shall be directed toward the street or where it is directly visible to the street or the front yard of the adjacent property to the north of the site. All posts and stringers used to support the fence shall be placed on the inside facing the subject property.
15. The applicant and/or property owner shall ensure that a copy of the Planning Commission Resolution, 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.
16. No exterior surface-mounted or exposed conduit, electrical lines, or plumbing pipe(s) shall be allowed. Electrical switchgear, meters, etc. shall be screened or housed in an enclosure, to the extent allowed by the utilities.
17. All decorative or security exterior lighting shall be of a design that incorporates illumination sources of an appropriate wattage so as to not create any nuisance glare to adjacent residences or the public right-of-way.
18. All roof-mounted equipment, satellite dish antennas greater than one meter (approximately 39 inches) in diameter, 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.
19. 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.

20. The applicant and/or property owner shall continuously maintain in good repair and appearance all building exteriors, walls, exterior lighting, drainage facilities, driveways, and parking areas, landscaping, etc.
21. 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.
22. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

Building

23. Prior to issuance of building permits, the applicant shall submit four complete sets of plans including the following:
 - a. Site/Plot Plan;
 - b. Floor Plan;
 - c. Reflected Ceiling Plan;
 - d. Electrical Plans, including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
 - e. Plumbing Plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning; and
 - f. Waste recycling plan, recycling 50% of all construction debris.
24. Submit detailed plans for all walls and fencing associated with the project.
25. Pay required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
26. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.

27. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
28. The applicant shall comply with the latest adopted California Building Code, and other applicable codes, ordinances and regulations in effect at the time of permit application. These applicable codes shall be indicated on the first page of submitted plans.
29. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
30. Separate permits are required for fencing and/or walls.
31. All utility services to the project shall be installed underground.
32. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number.
33. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
34. 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, including a minimum thickness of 3½ inches for flat concrete work and 2½ inches for asphalt paving.
35. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357, including, but not limited to, installing the numerical address of the residence on the south-facing elevation in minimum four-inch (4") tall numerals in a font that is easily discernible, on a contrasting background, and backlit with a low-voltage illumination source.
36. A Certificate of Occupancy is required prior to occupancy of the subject building. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
37. 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, and concrete standard streetlights in a quantity and spacing satisfactory to the City Engineer.

Engineering

38. A parkland development fee shall be paid to the City. Fee shall be assessed at the rate in effect at the time the fees are paid. This fee is payable prior to issuance of any Certificate of Occupancy.
39. Payment of transportation-related development impact fees. Fees shall be assessed at the rate in effect at the time the fees are paid.
40. Construct sidewalk throughout Poulsen Avenue and El Morado Street frontages of property, including drive approach and disabled-accessible ramp at corner.
41. Dedicate additional right-of-way for sidewalk improvements to the satisfaction of the Public Works Director.
42. All utilities serving development shall be placed underground. This requirement applies to electrical services, transformers and switches, and where technology exists, telephone and cable television facilities as well.
43. Payment of all outstanding sewer reimbursement fees or assessments as imposed by a district or reimbursement agreement, if any.
44. Payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.
45. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
46. A grading plan shall be prepared subject to the approval of the City Engineer. An erosion control plan is to be included and considered an integral part of the grading plan. Grading plans shall be designed in accordance with City standards and guidelines, and shall be on 24" X 36" sheets. Sidewalk and drive approach improvements may be shown on the grading plan. A separate improvement plan is not required.
47. 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.

48. 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.
49. All drainage facilities shall comply with requirements of the approved WQMP.
50. All on- and off-site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
51. Underground Service Alert shall be notified at least 48 hours prior to any on or off site excavation. Contact Underground Service Alert at 800/422-4133.

Fire

52. 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.
53. The proposed residential structure(s) shall require an approved automatic fire sprinkler system. The system shall conform to all local and national standards. Three (3) complete sets of the sprinkler system plans shall be submitted directly to the Fire Marshal's Office for approval prior to installation of the system in commercial structures.
54. All Montclair Fire Department fees are due prior to any permit issuance.

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

APPROVED AND ADOPTED THIS 10TH DAY OF JUNE, 2013.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, Chair

ATTEST: _____
Michael Diaz, Acting Secretary

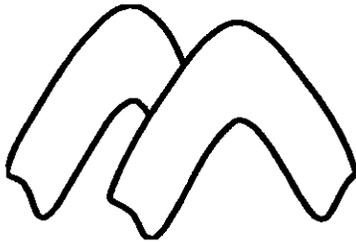
I, Michael Diaz, Acting Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 10th day of June, 2013, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MDIAZ\CASES\2013-3 PC RESOLUTION



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 06/10/13

AGENDA ITEM 6.c

Case No. 2013-12

Application: Precise Plan of Design

Project Address: 4628 Holt Boulevard

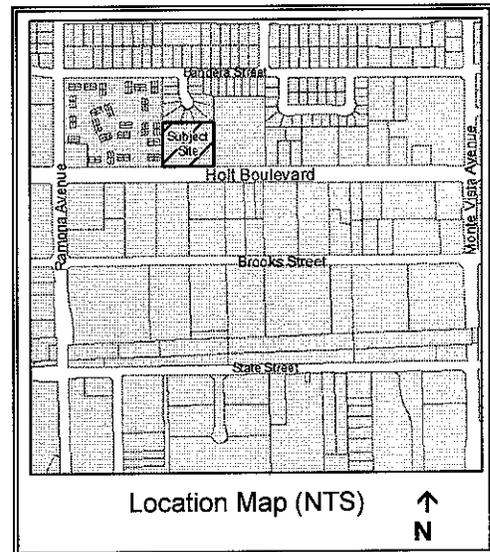
Property Owner: Lucky Holt Investment LLC

General Plan: General Commercial

Zoning: "Commercial" per Holt Boulevard Specific Plan

Assessor Parcel No.: 1009-471-06

City/Public Utility Easements: None



Adjacent Land Use Designations and Existing Uses			
	<i>General Plan</i>	<i>Zoning</i>	<i>Existing Use of Property</i>
Site	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Vacant
North	Low Density Residential (3-7 du/ac)	R-1 (Single-Family Residential – 7 du/ac) per Holt Boulevard Specific Plan	Single-family homes
East	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Bowling and recreation center
South	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Commercial buildings and light industrial development
West	Medium Density Residential (8-14 du/ac)	R-3 (Multiple Family Residential)	Multifamily development (condominiums)

Report on Item Number 6.c

CASE NUMBER 2013-12

APPLICATION TYPE(S)	Precise Plan of Design
NAME OF APPLICANT	Lucky Holt Investment LLC
LOCATION OF PROPERTY	4628 Holt Boulevard
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	"Commercial" per Holt Boulevard Specific Plan
EXISTING LAND USE	Vacant property
ENVIRONMENTAL DETERMINATION	Mitigated Negative Declaration
PROJECT PLANNER	Michael Diaz

Project Proposal

The applicant is requesting approval of a Precise Plan of Design (PPD) to construct a three-story office building on a vacant, 2.11-acre site on the north side of Holt Boulevard between Ramona and Monte Vista Avenues. The new building would be approximately 40,134 square feet in size, located generally at the center of the site, and surrounded with parking for 163 vehicles and approximately 20,248 square feet of landscaping. Direct access to the site would be from two new driveways along the Holt Boulevard frontage of the property. The rear portion of the site behind the building would be enclosed by decorative iron fencing and gates to secure the site and building after regular business hours.

The proposed three-story building would be 49'-8" in height (45' for the majority of the building), which is well below the maximum building height of 75 feet allowed by the Holt Boulevard Specific Plan (HBSP). The floor plan for the new building indicates a central entry point, a modest lobby on the first level, restrooms, storage area, and an elevator to serve the upper levels. Each level is served with a common corridor, electrical and storage rooms, and men's and women's restrooms.

The proposed building is rectangular in shape and the architecture is modern in style. A main feature of the building design would be a full height projecting building mass that emphasizes the center and focal point of the building. The central portion of the building is proposed to be further accentuated at its base by a canopy (and tie-back rods) over the main entry and walls clad in green slate tile. A horizontal belt course, window sills, and a decorative coping at the top of the wall are the other exterior details proposed for the building. Windows would be non-operable, vertically proportioned and aligned on the building to ensure a coherent and organized appearance. The windows would be slightly recessed into the wall plane to add depth. At the top of the window "opening" is a "lintel" element that would be finished in slightly darker toned stucco.

Doors and windows would be commercial storefront quality and materials. Exterior walls would be clad in stucco.

Proposed colors for the new building are neutral tones of warm gray and tans with green color for the slate tile and stucco belt course. The horizontal belt course, coping and ground floor wall planes would be in contrasting colors to highlight their presence against the main color of the building. Moreover, signing for the building would be limited only to the name of the building – Holt Professional Center – and the address.

A landscape and irrigation plan for the site is included. The plan was prepared to comply with the City's water conservation ordinance and is comprised of water saving plant materials. A 25-foot landscape setback is provided along the Holt Boulevard frontage, which also serves as a primary element of the required Water Quality Management Plan (WQMP). The landscape plan includes numerous trees around the building, parking area, and across the front of the property abutting Holt Boulevard. The existing Palms on the site would be removed the site and replaced with eight (8) required street trees – *Brachychiton populneus* (Bottle Tree).

Plans for the proposed project are included in the Commission packets for reference.

Background

- The subject site is located in the "Commercial" land use district of the Holt Boulevard Specific Plan, adopted in 1991.
- The property is located on a fully developed street and surrounded by urban development that includes single- and multi-family residential developments and commercial uses.
- The project site was formerly developed in 1958 as a restaurant with surface parking. The original buildings were demolished in the late 1990s leaving only a deteriorated parking surface, weeds, and some ornamental landscaping (Junipers, Palms, and Liquidambar) at the very front of the property and along the westerly boundary of the site.
- The present owner acquired the subject site in 2012.

Planning Division Comments

Staff finds the proposed project to be well designed and the building appropriately situated on the site. Since the late 1990s, the subject site has been a constant problem with respect to weeds and occasional dumping. With this project, this nuisance condition would be eliminated and the streetscape significantly improved.

Site Plan

The property is of a size and shape to support the proposed project as designed with minimal disruption to the adjacent uses, including the residential uses abutting the site on the north and west. At 2.11 acres in area, the site has sufficient width and depth to easily accommodate the proposed development and associated improvements such as parking, landscaping, and required elements of the approved Water Quality Management Plan (WQMP). Moreover, the site has direct frontage on the existing and fully developed Holt Boulevard roadway and the project provides easy direct access for pedestrians and vehicles.

The project is in compliance with the applicable development standards of the Holt Boulevard Specific Plan (HBSP) including setbacks, building height, and parking as generally described above. With regard to setbacks, the building is located near the center of the site and is set back 90 feet from the west property line and 80 feet (88 feet for the upper levels) from the north property line, which abut residential developments. Building height for the project is well under the 75-foot height limit. On-site parking is properly distributed around the site and at 163 spaces, has a surplus of three spaces required for the office-type uses proposed for the building.

To enhance security of the site, the project would include gates on both sides of the building to restrict vehicular and pedestrian access to the rear of the site and minimize unauthorized activity after hours. Although both entry points to the site will be gated, the Montclair Fire and Police Departments would have access override for the facility in the event of an emergency. Staff has included two (2) conditions of approval addressing this issue in the draft resolution of approval.

Consistent with City policy and to avoid confusion with past development on the property that was identified by the address of 4620 Holt Boulevard, a new street address of 4628 Holt Boulevard would be assigned to the project.

Building Design and Landscaping

Staff is pleased with the overall design of the building and commends the applicant for diligently working with staff. The modern design for the building is not overdone or based on design gimmicks that quickly become dated. The architectural details and materials proposed are of a high quality and appropriate to the architectural style. The design also incorporates a raised parapet that is tall enough to provide appropriate screening of all rooftop equipment. Staff also appreciates and strongly supports the limitation of building-mounted signs to only the name of the building and the address. By restricting the number of signs placed on the building, its architectural integrity is maintained as a professional place of business.

The proposed exterior materials and color palette for the building are proper, durable and would be compatible or better than surrounding development. In fact, staff believes the new building not only fills in a gap on the street but would help to give some visual balance to the 55-year-old Bowlum, abutting the property to the east.

Staff finds the proposed landscaping plan to be well done and with sufficient types and quantities of plant materials to finish and showcase the project. All the selected plant materials and the proposed irrigation system are designed to be water efficient. The planter areas at the front the property and around the building are large enough to allow trees and shrubs that will soften its appearance.

Future Business

As proposed, an office building of this type and size is non-existent on Holt Boulevard or within the surrounding area. With this project, the applicant hopes to fill a gap it believes exists in the market. With respect to land use considerations, office developments are typically considered a good transitional type of development between retail commercial uses and/or busy streets and adjacent residential uses. Since the building was not designed to allow retail users, the typical associated issues of outdoor displays/activities, excessive signage, early and frequent deliveries, etc., are virtually eliminated. Most occupants of an office building are looking for a quiet and orderly environment to conduct their business. In this regard, staff believes an office building for the site is appropriate and that it would serve as a visual and physical buffer between Holt Boulevard noise and activities and the existing residential uses on the north and west sides of the subject property.

All future businesses and uses within the building are subject to the land use provisions contained in Section IV.B of the Holt Boulevard Specific Plan and/or the Montclair Municipal Code. In addition, each business would be required to obtain and maintain valid business licenses. As part of the routine review process for each new business, the property and subject lease spaces would be inspected to ensure compliance with all applicable codes, including adequate on-site parking. Most office-type uses would be rather simple to review and approve, but others may require additional tenant improvements before business licenses could be approved. However, some businesses, such as medical and dental offices, require more parking than regular office uses and thus, would utilize a greater allocation of available parking. Eventually, there may not be enough parking remaining on the site to allow other businesses that require more parking than a general office use. The applicant has been advised of this issue and is aware of the potential limits. A condition of approval related to this issue has been included in the draft resolution of approval for future reference.

Conclusion

Staff believes the proposed project would have a positive impact on the surrounding area. The project is well designed and promotes a professional and orderly development to the street. Moreover, the project would continue recent development that has had a significant positive impact on the appearance of the area that is in keeping with the goals and objectives of the Holt Boulevard Specific Plan, in which the site is located.

Public Comment from Adjoining Property Owners

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on May 20, 2013. Public hearing notices were mailed to property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law. At the time this report was prepared, no comments or inquiries had been received by staff regarding the proposal.

Environmental Assessment

An Initial Study was prepared for the project and released for public review and comment on May 20, 2013. Based on the findings of the Initial Study, staff has determined that the project could have a potential significant adverse environmental impact unless reduced to a level of less than significance by the implementation of proposed mitigation measures. Areas identified as subject to potential environmental impacts requiring mitigation were Air Quality (short term during site preparation), Cultural Resources, and Noise. Proposed mitigation measures have been included as conditions of approval for the project. Therefore, a Mitigated Negative Declaration is proposed for the project.

Planning Division Recommendation

Staff recommends that the Planning Commission find the proposal to construct a three-story office building on property located at 4620 Holt Boulevard to be well designed and compatible with surrounding land uses. Accordingly, staff recommends approval of Case No. 2013-12 by taking the following actions:

- A. For environmental review, take the following actions as responsible agency:
 1. Certify that the Commission has reviewed and considered the environmental assessment based upon the findings and proposed mitigation measures in the Initial Study prepared for the project, and that there will be no significant impact on the environment as a result of the proposed construction of the proposed three-story office building; and
 2. Adopt the proposed Mitigated Negative Declaration and finding that there will be a DeMinimis impact on fish and wildlife; and
 3. Direct staff to file a Notice of Determination (NOD) and the applicant to pay appropriate fees within five (5) days of this action.

- B. Approve the Precise Plan of Design request for the site plan, elevations, conceptual landscape plan, colors and materials associated with the proposed three-story office building on 2.11 acres of property at 4628 Holt Boulevard (new address) per the submitted plans and as described in the staff report, subject to conditions of approval contained in Planning Commission Resolution No. 13-1780.

Respectfully Submitted,

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

Michael Diaz
City Planner

MD/lb

Attachments: Draft Resolution No. 13-1780

c: Lucky Holt Investment LLC, 2631 Fullercreek Road, Chino Hills, CA 91709

Z:\COMMDEV\MD\CASES\2013-12 HOLT OFFICE BUILDING\2013-12_PC1RPT

RESOLUTION NO. 13-1780

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A PRECISE PLAN OF DESIGN UNDER CASE NO. 2013-12 FOR THE SITE PLAN, FLOOR PLANS, ELEVATIONS, COLORS, MATERIALS AND CONCEPTUAL LANDSCAPE PLAN FOR A THREE-STORY OFFICE BUILDING AT 4628 HOLT BOULEVARD (APN 1009-471-06).

WHEREAS, on April 23, 2013, Lucky Holt Investment, LLC, property owner, filed an application for a Precise Plan of Design (PPD) under Case No. 2013-12, to construct a three-story, 40,134 square-foot office building at 4628 Holt Boulevard; and

WHEREAS, the subject 2.11-acre property is currently vacant having been previously developed with a restaurant and associated surface parking. The former structures were demolished in the late 1990s, leaving only remnants of the original asphalt parking area, concrete curbs, and a few trees and shrubs; and

WHEREAS, the Precise Plan of Design pertains to the overall site plan, floor plans, elevations, colors, materials, and conceptual landscape plan associated with the proposed office building; and

WHEREAS, the new building would be located near the center of the property surrounded with on-site parking for 163 vehicles, and approximately 20,248 square feet of landscaping. Direct access to the site would be from two new driveways along the Holt Boulevard frontage of the property; and

WHEREAS, the project site is located within the planning area of the Holt Boulevard Specific Plan (HBSP) and is zoned "Commercial"; and

WHEREAS, staff has found that the subject proposal complies with the guidelines and applicable development standards of the Holt Boulevard Specific Plan; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the City prepared an Initial Study for the project and released it for public review and comment on May 20, 2013. Based on the findings of the Initial Study, staff has determined that the project could have a potential significant adverse environmental impact unless reduced to a level of less than significance by the implementation of proposed mitigation measures. Areas identified as subject to potential environmental impacts were Air Quality (short term during site preparation), Cultural Resources, and Noise (short term during construction). Four (4) mitigation measures have been proposed and are included as conditions of approval for the project. Therefore, a Mitigated Negative Declaration is proposed for the project; and

WHEREAS, based upon the facts and information contained in the application, together with all written and oral reports included for the environmental assessment for the application, the Planning Commission finds that no subsequent or supplemental environmental document is required pursuant to the California Environmental Quality Act (CEQA) in connection with the review and approval of this application based upon the following findings and determinations; and

WHEREAS, the Planning Commission finds there is no substantial evidence the project may have a significant effect on the environment, and directs staff to prepare a Notice of Determination and a DeMinimis finding of no effect on fish and wildlife; and

WHEREAS, public notice of this item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on May 20, 2013. Public hearing notices were mailed out to property owners within a 300-foot radius of the project site boundaries in accordance with State law; and

WHEREAS, on June 10, 2013, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a public hearing at which time all persons wishing to testify in connection with said application were heard, and said application was fully studied.

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 June 10, 2013, 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, Holt Boulevard Specific Plan and good planning principles, and approves the application subject to each and every condition set forth below.

Planning

1. This Precise Plan of Design (PPD) approval is for the construction of a new, three-story, 40,134 square-foot office building and associated parking and landscaping improvements on property located at 4628 Holt Boulevard, as described in the staff report and depicted on approved plans.

2. 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 and building permits to allow eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
3. No changes to the approved set of plans, including the exterior design and materials/finishes, shall be permitted without prior City review and approval. Any modification, intensification, or expansion of the use and design plan beyond that which is specifically approved with this PPD shall require review and approval by the Planning Commission.
4. Approval of this PPD shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances, the San Bernardino County Health Department, or the State of California.
5. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
 - a. A check in the amount of \$2,206.25, payable to "Clerk of the Board of Supervisors," to cover the California Department of Fish and Wildlife (CDFW) fee for filing a Notice of Determination for the proposed Mitigated Negative Declaration as required by the California Environmental Quality Act (CEQA).
 - b. A check in the amount of \$670.28, payable to the "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.
6. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
7. The applicant and/or property owner shall ensure that a copy of the Planning Commission Resolution, 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.
8. The rear portion of the building and site shall be secured by means of decorative iron fencing and operable gate after regular business hours

and at other times when the building is not typically open. The fencing and gates shall meet the following criteria:

- a. The design of the fencing and gates shall be complementary to overall appearance of the new building. The fencing and gates shall be painted or powder coated black.
 - b. The maximum height of the fence shall not exceed eight feet (8'-0") in height along any side property line up to the front of the main building. From that point forward toward Holt Boulevard, any fence or wall shall be reduced in height to the satisfaction of the City Planner. No less than a six-foot high fence or wall along the west property line adjacent to existing residences shall be provided at all times.
 - c. Gates shall be made accessible to emergency personnel (Police and Fire) during times when they are closed. Contact the Montclair Deputy Fire Marshal for further information and requirements.
9. All future businesses are subject to the land use provisions contained in Section IV.B of the Holt Boulevard Specific Plan and/or the Montclair Municipal Code. In addition, each business shall be required to obtain and maintain valid business licenses and comply with all applicable City regulations at all times. As part of the routine review process for each new business, the property and subject lease spaces will be inspected to ensure compliance with all applicable codes, including the provision of adequate on-site parking.
10. Prior to the issuance of a Certificate of Occupancy, landscaping materials (including required street trees) and irrigation shall be installed per approved plans on file with the Planning Division.
- a. Eight (8) Brachychiton populneus (Bottle Tree) tree along the Holt Boulevard frontage. Each tree shall be a minimum 24-inch box size and double-staked per City standards.
 - b. The applicant shall contact the Public Works Superintendent at (909) 625-9467 prior to the installation of required street trees to arrange an inspection to verify the variety and condition of the trees and to determine final field placement.
11. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
12. Upon completion of the installation of landscaping and irrigation systems, a licensed landscape architect or contractor, or other licensed or certified

professional in a related field, shall conduct a final field inspection and shall prepare a certificate of completion, which shall be filed with the Community Development Director. The certificate of completion shall specifically indicate that plants were installed as specified by the landscape design plan, that the irrigation system was installed as specified by the irrigation design plan, and that an irrigation audit has been performed.

13. All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency.
 - a. Any plant material that does not survive or which was removed or destroyed, shall be replaced upon its demise or removal, with plant material of like type and size as that which was originally approved and installed.
 - b. Plant material shall not be severely pruned such that it stunts or deforms its natural growth pattern or characteristic feature(s). Trees shall be pruned to ISA (International Society of Arboriculture) standards and only as necessary to promote healthy growth and for aesthetic purposes (i.e., to enhance the natural form of the tree). Improperly or severely pruned trees, including topping as defined by the Water Conservation Ordinance, which results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with trees of similar size and maturity as that which was removed or, as required by the Community Development Director.
 - c. Significant modifications to and/or removal of existing landscaping shall require prior approval by the Planning Division.
14. Submit a final detailed fence and/or wall plan for City review and approval show the location and details for the fence to secure the rear of the building. Fences and/or walls shall be designed complement the design of the building and constructed with quality materials and workmanship. The face or finished side of any fence or wall on the property shall be directed toward the street or where it is directly visible to the street or the front yard of the adjacent property to the north of the site. All posts and stringers used to support the fence shall be placed on the inside facing the subject property.
15. Prior to the issuance of building permits, the applicant shall provide a detailed exterior lighting and photometric plan for the entire site. The plans shall indicate the location of all exterior light fixtures (area, building, parking lot, etc.) and the overall illumination levels across the site. All proposed exterior lighting shall comply with the following standards:

- a. Provide a minimum maintained illumination level of one (1) foot-candle across the site. After hours a minimum of one-quarter (.25) foot-candles of illumination shall be maintained at grade.
 - b. All lighting fixtures shall be vandal resistant and of a design that complements the architecture of the building.
 - c. All parking lot and other freestanding light fixtures shall incorporate 90-degree cut-off style luminaires and flat lenses so as to direct illumination downward to the surface to be illuminated and away from public rights-of-way or adjacent residential properties/uses located to the north and west side of the subject site.
 - d. Freestanding light fixtures and poles shall not exceed a maximum height of 20'-0" as measured from adjacent grade to top of luminaires.
 - e. The use of wall packs, barn lighters, other similar unshielded luminaires, and/or decorative lighting installed solely for the purpose of illuminating the roof shall be prohibited.
 - f. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.
 - g. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be enhanced or "wrapped" with a decorative building material or texture consistent with those used on the main building.
16. Modify the size and design details for the required trash enclosures on the site to incorporate recycling bins with regular trash bins. The trash enclosure shall comply with minimum City standards and also be designed to complement the appearance of the main building on the site.
 17. No outdoor pay telephones or vending machines shall be installed or used on the property.
 18. Signage for placement on the exterior walls of the approved office building shall be limited to only the name of the building and numerical address as depicted on approved building elevations. A Sign Permit Application shall be submitted by the property owner (or licensed sign contractor) for the abovementioned sign to the Planning and Building Divisions for review, approval, and issuance of all necessary permits prior to installation of any sign(s).

19. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code. Temporary banners for the purpose of announcing a grand opening or promotional event shall require a banner permit from the Planning Division prior to installation. The subject property shall only be entitled to a cumulative 45 days per calendar year for grand opening banners and a cumulative 90 days per calendar year for promotional banners.
20. 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.
21. On-site directory signs or directional signs shall be submitted for review and approval of the City Planner.
22. No surface-mounted exposed conduit or electrical lines shall be allowed. Electrical switchgear, meters, etc., shall be screened or housed in an enclosure to the extent allowed by the utilities.
23. All rooftop mechanical equipment, vents, meters, HVAC units, ducts, conduit, satellite dishes, etc., shall be fully screened from view in a manner that is compatible with the architectural design of the building to the satisfaction of the City Planner. Wooden lattice or fence-like screens/covers are not considered appropriate materials used for screening.
24. 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 on the exterior of the building only when necessary and screened in a manner that is compatible with the architectural design of the building subject to the satisfaction of the City Planner.
25. Freestanding electrical transformers and Fire Department double detector check assembly equipment shall be screened with masonry walls compatible with the building architecture and/or landscaping to the satisfaction of the City Planner and Fire Marshal. Efforts shall be made to place these elements in locations that are as unobtrusive as possible.
26. The applicant and/or property owner shall continuously maintain in good repair and appearance all building exteriors, walls, exterior lighting, drainage facilities, driveways, and parking areas, landscaping, etc.
27. Graffiti or etching of glass areas on the building or on other site improvements shall be removed/replaced immediately by the applicant/property owner upon notification by the City.

28. 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.
29. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

Environmental – Initial Study Mitigation Measures

30. Air Quality (Mitigation Measure A)
 - a. All construction equipment shall be maintained in good operating condition so as to reduce operational emissions. The contractor shall ensure that all construction equipment is being properly serviced and maintained as per manufacturers' specifications. Maintenance records shall be available at the construction site for City verification.
 - b. Prior to the issuance of any grading permits, the developer shall submit construction plans to City denoting the proposed schedule and projected equipment use. Construction contractors shall provide evidence that low-emission mobile construction equipment will be utilized, or that their use was investigated and found to be infeasible for the project. The contractors shall also conform to any construction measures imposed by the South Coast Air Quality Management District (SCAQMD) as well as City Planning staff.
 - c. All paints and coatings shall meet or exceed performance standards noted in SCAQMD Rule 1113. Paints and coatings shall be applied either by hand or high volume, low-pressure spray, or by using pre-coated/natural-colored building materials, water-based or low volatile organic compound (VOC) coating, and coating transfer or spray equipment with high transfer efficiency.
 - d. All asphalt shall meet or exceed performance standards noted in SCAQMD Rule 1108.

- e. All construction equipment shall comply with SCAQMD Rules 402 and 403. Additionally, contractors shall include the following provisions:
- Water active sites at least twice daily (locations where grading is to occur will be thoroughly watered prior to earthmoving).
 - Revegetate disturbed areas as quickly as possible.
 - Pave construction access roads at least 100 feet onto the site from the main road.
 - Pave, water, or chemically stabilize all on-site roads as soon as feasible.
 - Install wheel washers where vehicles enter and exit unpaved roads on to paved roads, or wash trucks and any equipment leaving the site.
 - Reduce traffic speeds on all unpaved roads to 15 mph or less.
 - Cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least two feet of freeboard (vertical space between the top of the load and top of the trailer) in accordance with the requirements of the California Vehicle Code (CVC) Section 23114.
 - Phase grading to prevent the susceptibility of large areas to erosion over extended periods of time.
 - Schedule activities to minimize the amounts of exposed excavated soil during and after the end of work periods.
 - Dispose of surplus excavated material in accordance with local ordinances and use sound engineering practices.
 - Sweep all streets once per day if visible soil materials are carried to adjacent streets (recommended water sweepers using reclaimed water).
 - Suspend excavation and grading operations during high winds (i.e., wind speeds exceeding 25 mph) in accordance with Rule 403 requirements.
 - Maintain a minimum 24-inch freeboard ratio on soils haul trucks or cover payloads using tarps or other suitable means.
 - Minimize at all times the area disturbed by clearing, grading, earthmoving, or excavation operations.
- f. The site shall be treated with water or other soil-stabilizing agent (approved by SCAQMD and Regional Water Quality Control Board [RWQCB]) daily to reduce PM₁₀ emissions, in accordance with SCAQMD Rule 403.

- g. Chemical soil-stabilizers (approved by SCAQMD and RWQCB) shall be applied to all inactive construction areas that remain inactive for 96 hours or more to reduce PM₁₀ emissions.
- h. The construction contractor shall select the construction equipment used on-site based on low-emission factors and high energy efficiency. The construction contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specification.
- i. The construction contractor shall utilize electric or clean alternative fuel-powered equipment in lieu of gasoline-or-diesel-powered engines where feasible.
- j. The construction contractor shall ensure that construction grading plans include a statement that work crews will shut off equipment when not in use. During smog season (May through October), the overall length of the construction period will be extended, thereby decreasing the size of the area prepared each day, to minimize vehicles and equipment operating at the same time.
- k. The construction contractor shall time the construction activities so as to not interfere with peak-hour traffic and minimize obstruction of through lanes adjacent to the site; if necessary, a flag person shall be retained to maintain safety adjacent to existing roadways.
- l. The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.
- m. Long term, the following mitigation measures shall be implemented:
 - i. All residential and commercial structures shall be required to incorporate high-efficiency/low-polluting heating, air conditioning, appliances, and water heaters.
 - ii. All residential and commercial structures shall be required to incorporate thermal pane windows and weather stripping.

31. Cultural Resources (Mitigation Measures B and C)

- a. If any prehistoric archaeological resources are encountered before or during grading, the developer will retain a qualified archaeologist to monitor construction activities, to take appropriate measures to

protect or preserve them for study. With the assistance of the archaeologist, the City of Montclair will:

- Enact interim measures to protect undesignated sites from demolition or significant modification without an opportunity for the City to establish its archaeological value.
 - Propose mitigation measures and recommend conditions of approval to eliminate adverse project effects on significant, important, and unique prehistoric resources, following appropriate CEQA guidelines.
 - Prepare a technical resources management report, documenting the inventory, evaluation, and proposed mitigation of resources within the project area. Submit one copy of the completed report with original illustrations, to the City of Montclair, which will then determine the location for permanent archiving.
- b. If any paleontological resource (i.e. plant or animal fossils) are encountered before or during grading, the developer will retain a qualified paleontologist to monitor construction activities, to take appropriate measures to protect or preserve them for study. The paleontologist shall submit a report of findings that will also provide specific recommendations regarding further mitigation measures (i.e., paleontological monitoring) that may be appropriate. Where mitigation monitoring is appropriate, the program must include, but not be limited to, the following measures:
- Assign a paleontological monitor, trained and equipped to allow the rapid removal of fossils with minimal construction delay, to the site full-time during the interval of earth-disturbing activities.
 - Should fossils be found within an area being cleared or graded, divert earth-disturbing activities elsewhere until the monitor has completed salvage. If construction personnel make the discovery, the grading contractor should immediately divert construction and notify the monitor of the find.
 - Prepare, identify, and curate all recovered fossils for documentation in the summary report and transfer to an appropriate depository (i.e., San Bernardino County Museum).
 - Submit summary report to City of Montclair.

32. Noise (Mitigation Measure D)

The project contractor shall properly maintain and tune all construction equipment to minimize emissions as follows:

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

33. Utilities and Services Systems (Mitigation Measure E)

The site plan for the project and trash enclosure details shall be revised to incorporate accommodation for an additional 3-yard trash bin within each trash enclosure located on either side of the proposed building. The trash enclosure shall be designed to comply with City standards and include a pedestrian side access point.

Building

34. Submit four complete sets of plans including the following:
 - a. Site/Plot Plan;
 - b. Floor Plan;
 - c. Reflected Ceiling Plan;
 - d. Electrical Plans including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
 - e. Plumbing Plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning; and
 - f. Waste recycling plan, recycling 50% of all construction debris.
35. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.

36. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
37. The applicant shall comply with the latest adopted California Building Code, and other applicable codes, ordinances and regulations in effect at the time of permit application. These applicable codes shall be indicated on the first page of submitted plans.
38. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
39. Separate permits are required for fencing and/or walls.
40. All utility services to the project shall be installed underground.
41. Electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside the building.
42. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number. **The building address shall be 4628 Holt Boulevard.** Please incorporate this address into all plans and correspondence for future documentation.
43. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
44. Prior to issuance of building permits for a new commercial or industrial development project or major addition, the applicant shall pay development fees at the established rate. Such fees may include but are not limited to: Transportation Development Fee, Permit and Plan Check Fees, and School Fees. All required school fees shall be paid directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District. Applicant shall provide a copy of the school fees receipt to the Building Division prior to permit issuance.
45. All construction work carried out under the review of the Building Division shall be of good quality and workmanship. The Building Official shall have the authority to enforce the installation of work that is straight, level, plumb, square, etc., as the situation requires. All work shall be well-fit and of a durable nature. Paint and stucco in all cases shall not be below standard for the use applied.
46. Provide and clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code,

Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).

47. Construction drawings submitted to the building division for plan review shall comply with the Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. Install a numerical address on the south building elevation. Address numerals shall be in a font acceptable to the Planning Division, a minimum of ten inches in height, a minimum of 1½ inches in depth, and be in a color that adequately contrasts to the background to which they are attached.
 - b. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn everyday.
 - c. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.
48. A Certificate of Occupancy is required prior to the occupancy of the building. Issuance of the Certificate of Occupancy shall be contingent upon the Fire Department inspection and the final approvals from other departments and/or agencies.
49. Prior to the issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Building Division electronic images of all plans and records which were submitted for the purpose of obtaining a building permit. Electronic images shall comply to the City's Electronic Archiving Policy.
 - b. Complete all on- and off-site improvements.
 - c. Install all disabled-accessible parking stalls and parking lot signage.
50. Striping of the parking lot shall be of the "hairpin" style.

Water Quality Management Plan

51. The property owner shall be responsible to contract with a qualified firm to inspect and maintain any and all manufactured stormwater treatment devices specified by the approved WQMP, following all manufacturers' recommendations. It shall also be the responsibility of the property owner 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 property owner to correct the deficiency and restore the stormwater treatment device(s) to its original working condition.

52. Prepare and submit plans for erosion and sediment control. Plans shall include all phases of the construction project, including rough grading, utility and road installation, and vertical construction to the satisfaction of the City Engineer. Contact Joe Rosales, Environmental Compliance Inspector, at (909) 625-9470.
53. 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 to the Engineering Division as built drawings as it relates to the WQMP.
 - c. Record the WQMP Maintenance Agreement with the County of San Bernardino and provide evidence of said recording to the Environmental Compliance Inspector.
54. Prior to release of the certificate of occupancy for the building, the person or corporation responsible for the preparation of the WQMP shall certify in writing to the Building Official that all conditions and requirements of the WQMP have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the Building Official that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the WQMP.
55. The applicant shall ensure that all requirements of the approved WQMP for the project are incorporated and consistent with the approved landscape and irrigation plans for the project. All required Best Management Practices (BMPs) shall be duly noted and shown on the landscape plans per the approved WQMP.

Engineering

56. Pay transportation-related development impact fees. Fees shall be assessed at the rate in effect at the time the fees are paid.
57. Dedicate sufficient right-of-way, if required, and construct sidewalks behind proposed drive approaches in order to provide ADA-compliant accessibility through approaches.

58. Relocate existing streetlights if locations interfere with proposed drive approaches.
59. All utilities within development boundaries shall be placed underground. This requirement applies to electrical services, transformers and switches, and where technology exists, telephone and cable television facilities as well. The applicant shall coordinate with Southern California Edison, Verizon and/or Time Warner Cable to remove the existing utility pole at the northeast corner of the property and underground all overhead conveyances to the existing utility pole(s) at the northwest corner of the adjacent property at 4666 Holt Boulevard. Said work shall be completed prior to issuance of a Certificate of Occupancy.
60. Payment of all outstanding sewer reimbursement fees or assessments as imposed by a district or reimbursement agreement, if any.
61. Payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.
62. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
63. 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. Requirements of the WQMP may require significant modifications to the approved tentative map. If significant modifications are required, a resubmittal to the Planning Commission and City Council may be required.
64. A grading plan shall be prepared subject to the approval of the City Engineer. An erosion control plan is to be included and considered an integral part of the grading plan. Grading plans shall be designed in accordance with City standards and guidelines, and shall be on 24" by 36" sheets.
65. 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.

66. All drainage facilities shall comply with requirements of the approved WQMP.
67. All on- and off-site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
68. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at (800) 422-4133.
69. Prior to commencing framing or delivery of lumber within the project limits, an all-weather access shall be provided to each lot or building. 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, debris, and potholes at all times during construction. Failure to maintain access to and within project limits shall be cause for issuance of a Notice of Correction. Continued failure to maintain access will result in an Administrative Citation and Stop Work Order.

Fire

70. A 20-foot wide base asphalt or concrete roadway capable of supporting firefighting apparatus within 150 feet of all structures is required prior to the framing stage of construction. This access is required to be maintained unobstructed throughout construction. Roadway is subject to Fire Department approval prior to construction.
71. 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.
72. Planter areas in the center of drives and adjacent to entrances should be of low profile type, not to exceed eight feet in height when mature.
73. 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.
74. 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.
75. The proposed commercial structure(s) shall require an approved fire alarm and automatic fire-sprinkler system. The system shall conform to all local and national standards. Three complete sets of the sprinkler system plans shall be submitted directly to the Fire Marshal's Office for

approval prior to installation of the system in commercial structures. The system shall be so equipped as to provide a signal to a UL listed monitoring station in the event of water flow or tampering.

76. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
77. 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.
78. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of normal lighting.
79. An approved emergency keyed access system shall be required to facilitate access to buildings or gates by Fire Department personnel in the event of an emergency during non-business hours. Forms are available at the Montclair Fire Department Headquarters for those occupancies requiring such a system. Facilities with gated drive approaches shall contact Fire Marshal's Office for additional key and strobe requirement.
80. Vehicle security gates shall be approved only with the use of hold-open devices to allow for emergency vehicles access. Contact Fire Marshals office for specific requirements.
81. All Montclair Fire Department fees are due prior to any permit issuance.
82. 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 5 feet of combustible construction.
83. Fire extinguisher location(s) to be determined by the Montclair Fire Department.
84. 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. 794452 (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 10TH DAY OF JUNE, 2013.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, Chair

ATTEST: _____
Michael Diaz, Acting Secretary

I, Michael Diaz, Acting 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 10th day of June, 2013, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

z:\COMMDEV\MDIAZ\CASES\2013-3 PC RESOLUTION