



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

REGULAR ADJOURNED MEETING
Monday, July 8, 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 Manny Martinez, Commissioner Sergio Sahagun, and Commissioner Don Vodvarka

4. APPROVAL OF MINUTES

The minutes of the June 10, 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 2013-18**
Project Address: 5541 Arrow Highway, Unit F
Project Applicant: North Montclair, LLC
Project Planner: Silvia Gutiérrez, Assistant Planner
Request: Conditional Use Permit to establish a fitness training gym
CEQA Assessment: Categorically Exempt (Section 15301)

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

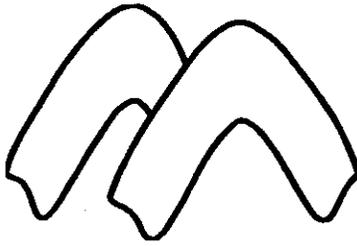
Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of July 22, 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 July 3, 2013.



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 07/08/13

AGENDA ITEM 6.a

Case No. 2013-18

Application: Request for a Conditional Use Permit to establish a fitness training gym in a 2,874 square-foot tenant space within an existing business park

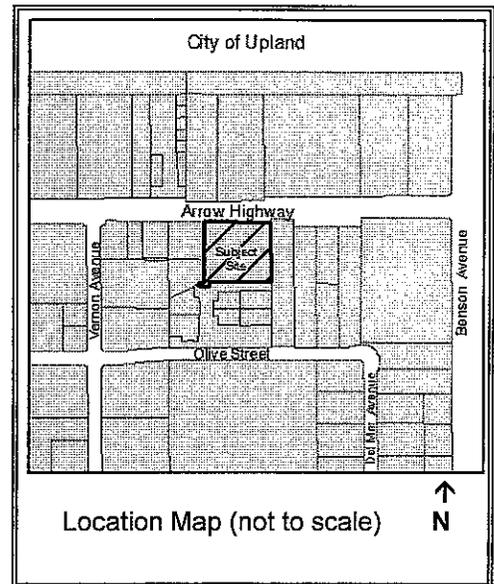
Project Address: 5541 Arrow Highway, Unit F

Property Owner: North Montclair, LLC

General Plan: Industrial Park

Zoning: Manufacturing Industrial Park (MIP)

Assessor Parcel No.: 1008-051-06



EXISTING SITE FEATURES/CONDITIONS

Structures: 5541 Arrow Highway – 11,000 square foot multi-tenant building
5549 Arrow Highway – 13,200 square foot multi-tenant building

Parking: 68 paved parking spaces, including three (3) disabled-accessible stalls on the subject parcel

City or other public utility easements: None

ADJACENT LAND USE DESIGNATIONS AND USES

<i>Direction</i>	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	Industrial Park	Manufacturing Industrial Park (MIP) per NMSP	Commercial Building
North	Business Park	Manufacturing Industrial Park (MIP) per NMSP	Public Storage
South	Industrial Park	Manufacturing Industrial Park (MIP) per NMSP	Business Park
East	Industrial Park	Manufacturing Industrial Park (MIP) per NMSP	Industrial Building
West	Industrial Park	Manufacturing Industrial Park (MIP) per NMSP	Monte Vista Water District reservoir

Report on Item Number 6.a

PUBLIC HEARING – CASE NUMBER 2013-18

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	North Montclair, LLC
LOCATION OF PROPERTY	5541 Arrow Highway, Unit F
GENERAL PLAN DESIGNATION	Industrial Park
ZONING DESIGNATION	"Manufacturing Industrial Park" (MIP) per North Montclair Specific Plan
EXISTING LAND USE	Multi-tenant commercial building
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Silvia Gutiérrez

Project Proposal

The applicant is requesting approval of a Conditional Use Permit (CUP) to operate a personal training gym at the above-referenced location. The name of the gym would be "Xtreme NRG Fitness" which would be relocating from Claremont. The proposed gym would occupy an existing tenant space that is approximately 2,874 square feet in overall area.

The majority of the single tenant space would be used for gym activities, including free weights and open workout areas. The balance of the lease space would consist of offices to accommodate nutrition counseling, personal training and restrooms as depicted on the plans submitted with the application and provided in the Commission packets.

The proposed hours of operation are:

<i>Proposed Hours of Operation</i>		
Monday	9:00 a.m. to 11:00 a.m.	6:00 p.m. to 8:30 p.m.
Tuesday	--	6:00 p.m. to 8:30 p.m.
Wednesday	-	5:30 p.m. to 8:30 p.m.
Thursday	9:00 a.m. to 10:30 a.m.	6:00 p.m. to 9:00 p.m.
Friday	8:15 a.m. to 9:15 a.m.	
Saturday	8:30 a.m. to noon	
Sunday	9:00 a.m. to 10:00 a.m.	

Certified staff trainers would be on duty to assist members with their personal workout regimens. Among its services, the facility proposes to offer "Xtreme NRG" classes, which would involve plyometrics, lunges, squats, calisthenics and kickboxing exercises, jumping jacks and football drills keeping up the pulse-pounding pace with rhythmic Cardio-Latin dance moves interspersed with resistance training. Members would be

charged a per class fee and would most likely be from the local area. The gym would be open to males and females. No tournaments or competitions would occur at the site.

Background

- A Precise Plan of Design was approved by the Planning Commission in 2002 for seven (7) industrial buildings with square footages ranging from 7,480 to 13,200 square feet.
- The 11,000 square-foot building in which the subject lease space is located was completed in 2005.
- Pursuant to the North Montclair Specific Plan, "personal services" uses such as health/athletic clubs and dance/martial arts studios are not allowed within the MIP land use district of the Specific Plan, but are allowed within the C-3 (General Commercial) land use district of the Specific Plan, subject to the approval of a CUP (see discussion below).

Planning Division Comments

When the subject business park was reviewed and approved by the Planning Commission in 2002 (Case No. 2002-37), it was clearly stated in the staff report that Building "A" (the subject 11,000 square-foot building) would be purposely developed with traditional commercial storefronts with the intention of attracting commercial or "flex" uses that would be complementary to the surrounding industrial and business park uses. Accordingly, the required parking ratio used for the subject building is the City's general commercial standard of one parking space for every 250 square feet of floor area.

While the Specific Plan land use designation on the subject 1.85-acre property is MIP, the tenants that have occupied the building in the eight years since it was completed have been decidedly commercial or "flex" in nature as was the original expectation. Further, staff has seen a noticeable increase in the amount of interest to establish "personal services" businesses such as small fitness centers, martial arts and dance studios in spaces that were historically designed as traditional industrial spaces. These types of tenant spaces are appealing to the operators of these types of uses because they are typically less expensive to lease than typical commercial storefronts, which may not be necessary to the success of a particular business. As such, Ordinance No. 13-933, which was reviewed by the Commission on April 22, 2013, and adopted by the City Council on June 17, 2013, allows personal fitness centers greater than 2,000 square feet in floor area in the MIP land use district of the North Montclair Specific Plan, subject to approval of an Administrative CUP. While the ordinance does not become effective until July 17, 2013, the Community Development Director allowed the subject application to be submitted in anticipation of approval of the subject ordinance.

The use, as proposed, is relatively low key and all activities will occur indoors. The number of persons coming to the gym will vary throughout the day although there may be some peak times such as early morning or after work (e.g., 6:00 p.m.) However, the number of members utilizing the gym tends to work itself out in time as most members with flexibility in their schedules adjust their workout times to use the gym when it is less crowded. The proposed hours of operation give members an adequate time frame to participate in various group training sessions with "Xtreme NRG" fitness, Zumba Dance, AZUKAA and BOTKA, which are variations on cardio workouts. The applicant also proposes to offer aerobic group exercise and one-on-one personal training sessions at the establishment.

The property is modest-looking in appearance and landscaping at the center is fairly well maintained. The building was completed in 2005 and is in good condition. The lot is fully developed and includes freestanding exterior lights within the parking area. Existing trash enclosures are located behind the building. With respect to parking, the existing parking area at the front portion of the site provides 68 parking spaces, including two (2) disabled-accessible spaces. Staff recommends that the applicant address the faded parking lot striping by submitting a parking lot striping plan. Over one-quarter of the building would be occupied by the fitness gym while the remainder of the building is currently occupied by a dental office, a digital print and copy store, and an accountant's office, none of which generate high parking demands. As such, staff finds there is sufficient parking to accommodate the proposed fitness gym and other existing uses.

Staff visited the applicant's present location in Claremont, located in a multi-tenant commercial center, to assess the operation midday during the week. Activity at the gym was quiet and had no apparent conflicts with adjacent businesses. The gym staff was courteous and helpful. Staff believes the proposed gym at the subject site would operate in similar fashion with no significant issues. Finally, staff believes the proposed use would be complementary to other uses occurring on the site.

Conditional Use Permit Findings

Staff finds the request to operate a personal training gym to be appropriate and believes the necessary findings for granting a CUP can be made as follows:

- A. The proposed personal training gym is a desirable land use that offers greater opportunities to the public for personal health and fitness within a structured and safe environment.
- B. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity, as all activities associated with the gym use would be conducted entirely within an enclosed building and the proposed use will have sufficient on-site parking for its clientele and staff members.
- C. That such use in such location conforms to good zoning practice. While the property is located in the "Manufacturing Industrial Park" (MIP) land use district of

the North Montclair Specific Plan, the subject building was developed to accommodate commercial and "flex" uses because of its visibility to and frontage along Arrow Highway, including traditional commercial storefronts and adherence to the City's standard commercial parking ratio of 1:250. Although the subject use is not currently permitted in the Specific Plan's MIP land use district, it is permitted with a CUP in the C-3 (General Commercial) land use district. Further, Ordinance No. 13-933, which will become effective July 17, 2013, will allow the subject use in the MIP land use district of the North Montclair Specific Plan, subject to approval of an Administrative CUP. Given these factors, the Director of Community Development made a determination that a CUP application for the subject use would be accepted by staff and reviewed by the Planning Commission. Based on this analysis, staff finds the proposed use to be appropriate for the property and that it can be accommodated with little-to-no impact on adjacent businesses and properties.

- D. That such use in the proposed location is not contrary to the objective of any part of the adopted General Plan, in that the proposed use is consistent with the land use designation of the site as analyzed in subsection (C) above. Moreover, the General Plan recognizes the need for a variety of land uses to serve the citizens, including recreational use and services offered by the proposed business.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on June 28, 2013. Public hearing notices were mailed out to property owners within a 300-foot radius of the subject property in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, no comments or inquiries had been received by staff regarding this proposal.

Environmental Assessment

The project qualifies as a Class 1 exemption under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, 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 underlying zoning code. As such, a DeMinimis finding of no impact on fish and wildlife will be prepared.

Planning Division Recommendation

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

1. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301.

2. Move to approve the proposed Conditional Use Permit under Case No. 2013-18, subject to making the required findings and subject to the conditions in attached Resolution Number 13-1782.

Respectfully Submitted,

Michael Diaz
City Planner

MD/lb

Attachments: Draft Resolution of Approval for Case No. 2013-18

RESOLUTION NO. 13-1782

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NUMBER 2013-18 TO ALLOW A PERSONAL TRAINING GYM IN THE "MANUFACTURING INDUSTRIAL PARK" (MIP) LAND USE DISTRICT OF THE NORTH MONTCLAIR SPECIFIC PLAN AT 5541 ARROW HIGHWAY, UNIT F (APN 1008-051-06)

A. Recitals.

WHEREAS, North Montclair, LLC, owner of the subject property, filed an application on June 11, 2013 requesting a Conditional Use Permit (CUP) under Case No. 2013-18 to allow a personal training gym use at the subject location; and

WHEREAS, this CUP application applies to property located at 5541 Arrow Highway, Unit F, an existing 2,874 square-foot tenant space within an 11,000 square-foot, single-story building constructed in 2005; and

WHEREAS, the subject property is located in the "Manufacturing Industrial Park" (MIP) land use district of the North Montclair Specific Plan, adopted in 1999; and

WHEREAS, the North Montclair Specific Plan does not allow "Health/Athletic Clubs" or similar uses in the MIP land use district; and

WHEREAS, the North Montclair Specific Plan does allow "Health/Athletic Clubs" and similar uses in the C-3 (General Commercial) land use district, subject to approval of a CUP; and

WHEREAS, although the subject 11,000 square-foot building is located in the MIP land use district of the Specific Plan, it was developed with the intent to accommodate commercial and "flex" uses because of its visibility to and frontage along Arrow Highway, including traditional commercial storefronts and adherence to the City's standard commercial parking ratio of 1:250; and

WHEREAS, Ordinance No. 13-933, which will become effective July 17, 2013, will allow the subject use in the MIP land use district of the North Montclair Specific Plan, subject to approval of an Administrative CUP. Given these factors, the Director of Community Development has made a determination that a CUP application for the subject use would be accepted by staff and reviewed by the Planning Commission; 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 July 8, 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 July 8, 2013, including written and oral staff reports, together with public testimony, the Commission hereby finds as follows:
 - a. The proposed personal training gym is a desirable land use that offers greater opportunities to the public for personal health and fitness within a structured and safe environment.
 - b. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity, as all activities associated with the gym use would be conducted entirely within an enclosed building and the proposed use will have sufficient on-site parking for its clientele and staff members.
 - c. That such use in such location conforms to good zoning practice. While the property is located in the "Manufacturing Industrial Park" (MIP) land use district of the North Montclair Specific Plan, the subject building was developed to accommodate commercial and "flex" uses because of its visibility to and frontage along Arrow Highway, including traditional commercial storefronts and adherence to the City's standard commercial parking ratio of 1:250. Although the subject use is not currently permitted in the Specific Plan's MIP land use district, it is permitted with a CUP in the C-3 (General Commercial) land use district. Further, Ordinance No. 13-933, which will become effective July 17, 2013, will allow the subject use in the MIP land use district of the North Montclair Specific Plan, subject to approval of an Administrative CUP. Given these factors, the Director of Community Development made a determination that a CUP application for the subject use would be accepted by staff and reviewed by the Planning Commission. Based on this analysis, staff finds the proposed use to be

appropriate for the property and that it can be accommodated with little-to-no impact on adjacent businesses and properties.

- d. That such use in the proposed location is not contrary to the objective of any part of the adopted General Plan, in that the proposed use is consistent with the land use designation of the site as analyzed in subsection (c) above. Moreover, the General Plan recognizes the need for a variety of land uses to serve the citizens, including recreational use and services offered by the proposed business.
3. Planning Division staff has determined 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 Section 15301 of the State CEQA Guidelines, 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 use that is not consistent with those permitted by the applicable zoning regulations. In addition, there is no substantial evidence that the project may have a significant effect on the environment. The Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent judgment, concurs in the staff's determination of exemption and directs staff to prepare a Notice of Exemption; and
- C. Based upon the findings and conclusions set forth in paragraphs 1, 2 and 3 above, the Commission hereby approves the application, subject to each and every condition set forth below.

Planning

1. This CUP approval is for the operation of a personal training gym and related administrative activities in a 2,874 square-foot tenant space at 5541 Arrow Highway, Unit F, as described above in the staff report and depicted on approved plans. Approval of this CUP shall supersede previous conditional use permit approvals for the subject site.
2. 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 \$451.60, 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.
3. This CUP approval shall be valid for six months (180 calendar days) from the date of Planning Commission action. Failure to initiate the approved use and/or improvements prior to the end of the six-month period shall result in the termination of and automatically void the CUP approval. No further notice from the City will be given regarding the project's CUP expiration date.
4. A copy of the signed resolution containing all conditions of approval relating to this application shall be kept within the premises at all times and shall be made immediately available for viewing to any law enforcement officer, fire, building, or code enforcement inspector in the course of conducting an inspection on said premises.
5. The activities of the approved gym shall occur indoors and be limited to those uses generally described in the staff report prepared for this project. The floor plan of the gym shall also substantially conform to the proposed floor plan submitted for this application at all times. Any modification, intensification, new or expanded uses, including an increase in the floor area beyond that which is specifically approved with this Conditional Use Permit shall require review and approval by the Planning Commission.
6. Approved hours of operation shall be 8:00 a.m. to noon and 5:00 p.m. to 10:00 p.m., seven days per week. A facility manager, 21 years of age or older, shall be on duty at all times when the gym is open for use. The facility manager shall be responsible for ensuring rules of the facility and applicable conditions of approval are enforced.
7. The applicant shall comply with all applicable requirements of the City, County, State, and other responsible agencies.
8. The following activities are not approved as a component of the subject use or allowed on the premises:
 - a. Tournaments or competitions;
 - b. Temporary or permanent living quarters;
 - c. Outdoor seating or product display areas for food and/or merchandise;
 - d. Exterior sound systems for music or paging;

- e. Public telephones, vending machines, collection boxes, children's rides or other coin-operated machines located on the exterior of the site or building;
 - f. Indoor coin-operated amusements or video games, pool tables, darts, or other similar devices at any time;
 - g. Outside storage of items of any type, including but not limited to, containers, boxes, and shelving, vehicles, exercise equipment, basketball backboards, etc.;
 - h. Cooking equipment and/or a kitchen area intended for the preparation and sale of food items.
9. No loitering at the site shall be permitted. The property owner shall post "No Loitering" signs within the parking area pursuant to the Montclair Municipal Code.
10. The interior layout of the gym shall not place exercise equipment, storage racks/cabinets, window signs/displays, etc., on or against windows that would obscure visibility into the premises from exterior windows by emergency personnel, subject to the satisfaction of the City Planner.
11. Window signs, graphics or displays, whether opaque or translucent, shall not cover more than 25 percent of each window and shall not be placed in windows in a manner that will obstruct the view of the interior of the building by emergency personnel.
12. Provide a re-striping plan for the parking lot on the north side of the building prior to occupancy of the building.
13. All mechanical equipment, devices and their component parts (e.g., wiring, conduit, meters, etc.) for such items as air conditioners, evaporative coolers, exhaust fans, vents, transformers, utility meters, or similar equipment, whether located on the ground, building walls, or on the roof of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building to the satisfaction of the City Planner.
14. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner incorporated into the architectural design of the building to the satisfaction of the Planning Division.

15. Prior to the installation of any signs on the property, the applicant shall submit plans prepared by a licensed sign contractor for review and approval by the Planning and Building Divisions. Signs shall conform to an approved sign program for the center. Cabinet signs with translucent backgrounds and vinyl graphics shall not be permitted. Exposed raceways for building-mounted signs shall also be prohibited.
16. The applicant and/or property owner shall be responsible for maintaining the condition of the property, including building/structures, parking areas and drive aisles, signs, exterior lighting, landscaping, and all improvements in good working order at all times. Any accumulation of trash, weeds, or debris on the property shall be removed immediately so as not to present a public nuisance. Graffiti on the building or associated improvements shall be removed immediately by the applicant/property owner upon notification by the City.
17. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including, but not limited to, the following:
 - a. Temporary banners for the purpose of announcing the grand opening or advertising promotions shall require banner permits from the Planning Division prior to installation.
 - b. Portable signs, including A-frames, inflatable, animated, human signs, air puppets, etc., shall not be permitted on the property.
 - c. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
 - d. Portable flags, pennants, spinners, painted-on signs or the like shall be prohibited.
 - e. No trailer-mounted electronic sign/message boards or other similar types of portable signs shall be permitted on the property at any time.
18. 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.
19. The City shall have the right of entry to inspect the premises to verify compliance with the Conditions of Approval and the Montclair Municipal Code.

20. This CUP shall be subject to revocation or modification by the Planning Commission or City Council at such time as any of the following conditions are found to exist:
 - a. Conditions of Approval have not been fulfilled;
 - b. The use has resulted in a substantial adverse impact on the health and/or general welfare of users of adjacent or proximate property.
 - c. The use has resulted in a substantial adverse impact on public facilities or services.
21. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

Building

22. Maximum occupancy load shall be 49.
23. No interior tenant improvements are proposed or approved in conjunction with this entitlement. In the event that future interior tenant improvements are proposed, the applicant shall comply with Conditions 24 through 31 below.
24. Submit four complete sets of plans to the Building Division that include the following:
 - a. Site/Plot Plan;
 - b. Floor Plan;
 - c. Reflected Ceiling Plan;
 - d. Electrical Plans, including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
 - e. Plumbing Plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning;

- f. An existing plan of the building, including all walls to be demolished; and
 - g. A Waste Recycling Plan, recycling 50% of all construction debris.
25. Submit two sets of structural calculations, if required, and two sets of energy conservation calculations.
 26. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
 27. 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. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the case number (Case No. 2013-18).
 28. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
 29. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
 30. 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.
 31. 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. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn everyday.
 - b. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.

- c. 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. Provide a parking lot re-striping plan. 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%).
32. A Certificate of Occupancy is required prior to the occupancy of the building. Issuance of the Certificate of Occupancy shall be contingent upon Fire Department inspection and final approvals from other departments and/or agencies.
33. Prior to the issuance of a Certificate of Occupancy, the applicant shall:
- a. Submit to the Building Division electronic images of all plans and records which were submitted for the purpose of obtaining a building permit. Electronic images shall comply with the City's Electronic Archiving Policy.
 - b. Re-stripe the parking lot.
34. Pay all additional sewerage fees for additional sewer fixtures to the City of Montclair, if applicable.

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

APPROVED AND ADOPTED THIS 8TH DAY OF JULY, 2013.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, Chair

ATTEST: _____
Steve Lustro, Secretary

I, Steve Lustro, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 8th day of July, 2013, by the following vote, to-wit:

AYES:

NOES:

ABSENT: