



MONTCLAIR

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

REGULAR ADJOURNED MEETING  
Monday, July 22, 2013  
7:00 p.m.

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

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**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 July 8, 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 2013-14  
Project Address: 5388 Arrow Highway  
Project Applicant: OMP Montclair LLC  
Project Planner: Michael Diaz, City Planner  
Request: PPD for a 98,465 square-foot  
industrial/warehouse building  
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 August 12, 2013 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California.

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### **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 18, 2013.



## Report on Item Number 6.a

### CASE NUMBER 2013-14

APPLICATION TYPE(S)	Precise Plan of Design
NAME OF APPLICANT	OMP Montclair LLC
LOCATION OF PROPERTY	5388 Arrow Highway
GENERAL PLAN DESIGNATION	Business Park
ZONING DESIGNATION	"Manufacturing Industrial Park" (MIP) per the North Montclair Specific Plan (NMSP)
EXISTING LAND USE	Vacant property
ENVIRONMENTAL DETERMINATION	Mitigated Negative Declaration (MND)
PROJECT PLANNER	Michael Diaz

#### Project Proposal

The proposed project involves the development of a 98,465 square-foot industrial/warehouse building on a vacant 4.88-acre site on the north side of Arrow Highway just east of Central Avenue. The rectangular shaped building would have 16 raised truck docks on the west side. On-site parking for 172 vehicles (including six disabled-accessible stalls) would flank the building on the east and west sides (no parking on the north side of the building). At this point, no user for the building has been identified.

Direct access to the site would be from two new driveways along the Arrow Highway frontage of the property. Primary access to the building office and truck docks would be from the west side of the property. A retractable gate is proposed on the west side of the building, set back approximately 88 feet from the front edge of the building (approximately 144 feet from the front property line) to secure the rear and side areas of the site. The fence/gate would be constructed of decorative metal.

An office area of approximately 3,000 square feet with an overhead mezzanine space of equal size is proposed for the southwest corner of the building. The office area is proposed to consist of a modest lobby, kitchen/breakroom, conference room, restrooms, and stairways. The second level mezzanine directly above is unplanned.

The building would be constructed of concrete tilt-up panels. The proposed panels are designed with offsets, varied heights, and horizontal and vertical reveals to add depth and architectural interest. Required fire exit door/stairs are also shown as part of the overall building design. The proposed building height is 42 feet as measured to the tallest wall planes of the structure.

Fixed commercial grade clerestory windows are proposed on the north, east and south building elevations to allow natural light into the building (the west elevation is dominated by truck dock doors). A canopy and additional windows would be provided at the southwest corner of the building to identify the main entry. Proposed colors for the new building are neutral tones of gray and tans. Windows would be gray-toned tint.

The landscape and irrigation plan was prepared to comply with the City's Water Conservation Ordinance and is comprised of water-saving plant materials. A 50-foot landscape setback is provided along the Arrow Highway frontage, which also serves as a primary element (i.e., bio-retention basin) of the required Water Quality Management Plan (WQMP). The landscape plan includes numerous trees and shrubs around the perimeter of the site, parking area, and across the front of the property including eight (8) required street trees – Coast Live Oak (*Quercus agrifolia*).

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

### **Background**

- The subject site is located in the "Manufacturing Industrial Park" (MIP) land use district of the North Montclair Specific Plan, adopted in 1998.
- The property is located on a fully developed street and surrounded by urban development that includes other industrial and commercial developments/uses.
- The project site previously contained a modest single-family home that was demolished in 1986. Except for an existing curb cut there is no readily observable evidence of the former home.
- The present owner acquired the subject site in 2012.

### **Planning Division Comments**

#### **Site Plan**

Staff finds the proposed project to be well designed and the building appropriately situated on the site. At nearly five acres in size, the property is of an adequate size and shape to support the proposed project as designed with required site improvements such as access, parking, landscaping, and required elements of the approved Water Quality Management Plan (WQMP). Moreover, the site has direct frontage and convenient access to the existing and fully developed Arrow Highway roadway.

The project is in compliance with the applicable development standards of the North Montclair Specific Plan (NMSP) 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 50 feet from the front property line, which exceeds the minimum 35-foot setback requirement. The 42-foot building height for the project is well within the maximum 50-foot height limit. On-site parking is properly distributed around

the site and at 172 spaces, meets the minimum required number of spaces for an industrial/warehouse and office elements of the building of this size.

The plans indicate a gated entry on the west side of the building but none shown on the east side. In keeping with recent City policy, each new commercial or industrial project is required to secure the rear or side areas of the site to prevent unauthorized vehicular and pedestrian access during non-business hours. As part of this project, the applicant will be required to do the same. In a related issue, staff notes that the northern boundary of the site also needs to be secured. No details for the fence or wall have been submitted, but staff is requiring that this boundary be secured by means of a wrought iron or decorative metal fence supported by evenly spaced masonry columns. The purpose for the "open" fence is to prevent the further proliferation of graffiti on walls along the Metrolink corridor. 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, a new street address of 5388 Arrow Highway would be assigned to the project if approved.

#### Building Design and Landscaping

The proposed building is one of the largest structures built in the City in recent years, and staff is generally pleased with its overall design. The use of tilt-up panels is common for constructing a building of this type and size and the level of detail elements incorporated into the panel design appears to be appropriate. The use of reveals (horizontal and vertical), wall offsets, and varied heights works well on all sides of the building and provides visual interest. The Arrow Highway street elevation is the most detailed and yet does not look overdone. The raised parapet is tall enough to provide appropriate screening of all rooftop equipment.

Overall, staff finds the proposed color palette of neutral grays and tans for the building to be appropriate. However, staff has one minor concern regarding the "bluish" tint color for the windows suggested by the applicant's color board. If not carefully selected the blue tint could appear trendy and/or limit future color choices for the exterior of the building. Staff believes that a gray-tone tint should be used and recommends that the applicant continue to work with staff to find a final window tint color.

In regard to landscaping, the selected plant materials are evenly distributed around the site and the proposed irrigation system is designed to be water efficient. The planter area at the front the property is ample to allow for trees and shrubs that will soften the building's appearance. The inclusion of street trees will also improve the Arrow Highway streetscape.

Finally, all future business(s) and use(s) within the building would be subject to the land use provisions contained in the North Montclair Specific Plan and/or the Montclair Municipal Code. Further, each business would be required to obtain and maintain a valid business license. As part of the routine review process for a new business, the

property would be inspected to ensure compliance with all applicable codes, including property maintenance and the provision of adequate on-site parking.

### **Environmental Assessment**

An Initial Study was prepared for the project and released for public review and comment on June 28, 2013. At the time this report was prepared, no comments or inquiries had been received by staff regarding the Initial Study or the development proposal. 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 new, 98,465 square-foot industrial/warehouse building and associated parking and landscaping improvements at 5388 Arrow Highway to be well designed and compatible with surrounding land uses. Accordingly, staff recommends approval of Case No. 2013-14 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 98,465 square-foot industrial/warehouse building and associated parking and landscaping improvements; 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 98,465 square-foot industrial/warehouse building and associated parking and landscaping improvements at 5388 Arrow Highway (new address) per the submitted plans and as described in the staff report, subject to conditions of approval contained in Planning Commission Resolution No. 13-1783.

Respectfully Submitted,



Michael Diaz  
City Planner

MD/lb

Attachments: Draft Resolution No. 13-1783

c: Michael Johnson, OMP Montclair LLC, 19300 S. Hamilton Avenue #200, Gardena, CA 90248  
Ronald Ikejiri, 1700 West 162nd Street, Gardena, CA 90247-3732  
Jimmy Hoang, 16728 Gale Avenue, Industry, CA 91745-1803

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## RESOLUTION NO. 13-1783

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A PRECISE PLAN OF DESIGN UNDER CASE NO. 2013-14 FOR THE SITE PLAN, FLOOR PLANS, ELEVATIONS, COLORS, MATERIALS, AND CONCEPTUAL LANDSCAPE PLAN FOR A 98,465 SQUARE-FOOT INDUSTRIAL/WAREHOUSE BUILDING AT 5388 ARROW HIGHWAY (APN 1007-661-06).

**WHEREAS**, on May 7, 2013, OMP Montclair LLC, property owner, filed an application for a Precise Plan of Design (PPD) under Case No. 2013-14, to construct a single story 98,465 square foot industrial/warehouse building at 5388 Arrow Highway; and

**WHEREAS**, the subject property is approximately 4.88 acres in size and is currently vacant and undeveloped; 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 industrial/warehouse building; and

**WHEREAS**, the new industrial/warehouse building would be located generally in the center of the property with on-site parking for 172 vehicles. Direct access to the site would be from two new driveways along the Arrow Highway frontage of the property; and

**WHEREAS**, the project site is located within the planning area of the North Montclair Specific Plan (NMSP) and is zoned "Manufacturing Industrial Park"; and

**WHEREAS**, staff has found that the subject proposal complies with the guidelines and applicable development standards of the NMSP; 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 June 28, 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), and Utilities and Service Systems. Five (5) 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 Mitigated Negative Declaration and a DeMinimis finding of no effect on fish and wildlife; and

**WHEREAS**, notice of the availability of the Initial Study and Planning Commission review of this item was mailed out to property owners within a 300-foot radius of the project site boundaries; and

**WHEREAS**, on July 22, 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 July 22, 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, North Montclair 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, 98,465 square-foot industrial/warehouse building and associated parking and landscaping improvements at 5388 Arrow Highway (new address), 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 Planning Division in the amount of \$2,206.25. The check shall be made 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).
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. Any future business(es) occupying the completed building 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.
9. Prior to issuance of a Certificate of Occupancy, the applicant shall install eight (8) Coast Live Oak (*Quercus agrifolia*) street trees along the Arrow Highway frontage of the property. Each tree shall be a minimum 24-inch

box size and double-staked per City standards. The applicant shall contact the Public Works Superintendent at (909) 625-9467 prior to the installation of required street trees to arrange for an inspection to verify the variety and condition of the trees and to determine final field placement.

10. All shrubs shall be minimum five-gallon container size (except herbaceous perennials and woody spreading shrubs on slopes).
11. All trees (except required street trees) shall be minimum 15-gallon container size and double staked. A minimum of 2 inches of bark mulch (shredded or chips) shall be provided on all planted areas.
12. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
13. 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.
14. All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency.
15. Any plant material that does not survive or is removed or destroyed shall be replaced upon its demise or removal with plant material of a like type and size as that originally approved and installed.
16. 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, that results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with a tree of similar size and maturity as that which was removed or, as required by the Community Development Director.

17. Significant modifications to and/or removal of existing landscaping shall require prior approval by the Planning Division.
18. The site shall be fenced and gated to secure the rear of the property from unauthorized access during non-business hours. A fence/gate matching that on the west side of the building shall be added to secure the east side of the site.
19. Prior to the issuance of building permits, the applicant shall provide the following of plans submitted for plan check:
  - a. Fencing/wall/gate plan for the entire site. The design of the decorative metal fence and gates shall be complementary to overall appearance of the new building and constructed of durable and easily maintained materials.
    - i. Fencing shall have a durable finish (e.g., powder coat) in a color that complements the building or black subject to the approval of the City Planner.
    - ii. 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 adjacent properties. Any posts and stringers used to support a fence shall be placed on the inside facing the subject property.
    - iii. The maximum height of the fence shall not exceed eight feet (8'-0") in height along any side or rear property line as adjusted for existing grade conditions and subject to the satisfaction of the City Planner.
    - iv. Gates shall be made accessible to emergency personnel (Police and Fire) during times when they are closed. Contact the Montclair Fire Department for further information and requirements.
  - b. An exterior lighting and photometric plan for the entire site. The plans shall indicate the location of all exterior light fixtures (area, building, parking lot, etc.) and the overall illumination levels across the site. All proposed exterior lighting shall comply with the following standards:
    - i. 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.

- ii. All lighting fixtures shall be vandal-resistant and of a design that complements the architecture of the building.
  - iii. 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.
  - iv. Freestanding light fixtures and poles shall not exceed a maximum height of 20'-0" as measured from adjacent grade to top of luminaires.
  - v. 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.
  - vi. 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.
  - vii. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.
20. All automobile parking spaces shall be clearly delineated with double-line (e.g. "hairpin") striping.
  21. No outdoor pay telephones or vending machines shall be installed or used on the property.
  22. The outdoor storage of personal or other items (including motor vehicles) not directly related to the primary use of the property shall not be allowed.
  23. Signage on the building shall be limited to the name of the business only and numerical address. A monument sign may be installed subject to City review and approval. A Sign Permit Application shall be submitted by the property owner (or licensed sign contractor) for the abovementioned sign(s) to the Planning and Building Divisions for review, approval, and issuance of all necessary permits prior to installation of any sign(s).
  24. 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.

25. 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.
26. On-site directory signs or directional signs shall be submitted for review and approval of the City Planner.
27. No exterior 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.
28. All rooftop mechanical equipment, vents, meters, HVAC units, ducts, conduit, satellite dishes, etc., shall be fully screened from view by a raised parapet wall or roof screen in a manner that is compatible with the architectural design of the building to the satisfaction of the City Planner. Wooden lattice or fencelike screens/covers are not considered appropriate materials used for screening.
29. Access to the roof of the building shall be from within the structure and not be means of roof access ladders mounted to the exterior of the building.
30. 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.
31. Freestanding electrical transformers and Fire Department double check detector assembly (DCDA) 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.
32. 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.
33. 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.

34. 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.
35. 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

36. 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 PM<sub>10</sub> 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 PM<sub>10</sub> 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.

37. 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.

38. 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.

Building

39. 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 5388 Arrow Highway.** Please incorporate this address into all plans and correspondence for future documentation.
40. 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
41. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
42. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.

43. 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.
44. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
45. Separate permits are required for fencing and/or walls. Double wall conditions that have been created by an adjacent property line wall shall not be allowed.
46. All utility services to the project shall be installed underground.
47. Plans shall be submitted for plan check and approved prior to construction.
48. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
49. Temporary construction and storage trailers placed on the property shall first obtain approval from the Planning and Building Divisions. If any trailers will include uses for public access, disabled-accessibility requirements shall apply.
50. 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 adopted rate. Such fees may include, but are not limited to, Transportation Development Impact 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. The applicant shall provide a copy of the school fees receipt to the Building Division prior to permit issuance.
51. Construct trash enclosure(s) per City Standard (available at the Building Division's public counter).
52. Electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside the building.
53. 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.

54. 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%).
55. 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 (10") in height, a minimum of 1½ inches in depth, and be in a color that adequately contrasts with the background to which they are attached.
  - b. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn everyday.
  - c. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.
56. A Certificate of Occupancy is required prior to the occupancy of the building. Issuance of the Certificate of Occupancy shall be contingent upon the Fire Department inspection and final approvals from all other departments and/or agencies.
57. 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 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.

Water Quality Management Plan

58. 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

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.

59. 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 Public Works Director. Contact Joe Rosales, NPDES Coordinator, at (909) 625-9470.
60. 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 they relate 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.
61. Prior to issuance of a Certificate of Occupancy, 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.
62. 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

63. Pay adopted Transportation Development Impact fees. Fees shall be assessed at the rate in effect at the time the fees are paid.
64. Remove existing drive approach and construct standard curb and gutter.

65. Construct two new drive approaches. Maintain ADA sidewalk accessibility through or around new approaches. Dedicate additional right-of-way for sidewalk as necessary.
66. Drive approaches and sidewalk work may be shown on grading plan. No street improvement plan is necessary for this work.
67. Streetlights shall be installed at intervals satisfactory to the Public Works Director. Streetlights will be owned and maintained by Southern California Edison.
68. All existing overhead utilities within project boundaries and along street frontage adjacent to project shall be placed underground. All existing or new guy wires required to anchor end poles shall be located beyond the project limits. No poles or guy wires shall be permitted to remain with property frontage.
69. 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.
70. Pay all outstanding sewer reimbursement fees or assessments as imposed by a district or reimbursement agreement, if any.
71. Pay Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.
72. Sewers necessary to serve this development shall be privately owned and maintained. Sewers shall be designed and constructed in accordance with City of Montclair Building Division requirements.
73. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
74. 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 NPDES Coordinator Joe Rosales at (909) 625-9470.
75. A grading plan shall be prepared subject to the approval of the Public Works Director/City Engineer. An erosion and sediment control plan shall 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.

76. 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 Public Works Director/City Engineer. A plan acceptable to the Public Works Director/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.
77. All drainage facilities shall comply with requirements of the approved WQMP.
78. 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.
79. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at (800) 422-4133.

Fire

80. 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.
81. 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.
82. 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.
83. 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.
84. The proposed commercial structure 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.

85. 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.
86. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
87. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of normal lighting.
88. 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 Montclair Fire Department Headquarters, 8901 Monte Vista Avenue, for those occupancies requiring such a system. Facilities with gated drive approaches shall contact Fire Marshal's Office for additional key and strobe requirement.
89. Vehicle security gates shall be approved only with the use of hold-open devices to allow for emergency vehicle access. Contact the Fire Marshal's office for specific requirements.
90. All Montclair Fire Department fees are due prior to any permit issuance.
91. Covered trash enclosures shall have fire sprinklers installed should any one of the following conditions exist: the trash enclosure has a combustible roof covering; the trash enclosure contains two or more individual trash containers; or the trash enclosure is under or within five (5) feet of combustible construction.
92. Fire extinguisher location(s) to be determined by the Montclair Fire Department.
93. 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 22ND 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 22nd day of July, 2013, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\WDIAZ\CASES\2013-14 PC RESOLUTION