



MONTCLAIR

CITY OF MONTCLAIR  
PLANNING COMMISSION AGENDA  
CITY COUNCIL CHAMBERS

5111 Benito Street, Montclair, California 91763

REGULAR ADJOURNED MEETING

Monday, August 12, 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 22, 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 2013-19  
Project Address: 5205 San Bernardino Street  
Project Applicant: Montclair Senior Apartments LLC  
Project Planner: Michael Diaz, City Planner  
Request: Variance to allow a portion of a proposed metal perimeter fence at the front property line of the subject site  
CEQA Assessment: Categorically Exempt (Section 15303)
- b. PUBLIC HEARING - CASE NUMBER 2013-17  
Project Address: 9399 Autoplex Drive  
Project Applicant: Montclair Dealership Group Properties LLC  
Project Planner: Michael Diaz, City Planner  
Request: Conditional Use Permit Amendment and Precise Plan of Design for a 23,129 square-foot addition to an existing auto dealership  
CEQA Assessment: Mitigated Negative Declaration
- c. PUBLIC HEARING - CASE NUMBER 2013-5  
Project Address: Citywide  
Project Applicant: City of Montclair  
Project Planner: Steve Lustro, AICP, Community Development Director  
Request: General Plan and Zoning Code Amendments  
CEQA Assessment: Negative Declaration
- d. CASE NUMBER 2013-16  
Project Address: 10374 Marion Avenue  
Project Applicant: Susan Fung  
Project Planner: Silvia Gutiérrez, Associate Planner  
Request: Precise Plan of Design for a duplex  
CEQA Assessment: Categorically Exempt (Section 15303)

## 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.

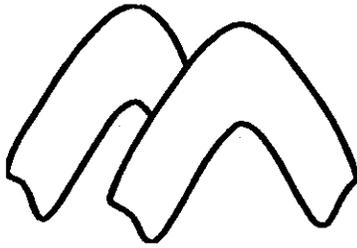
**9. ADJOURNMENT**

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of August 26, 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 August 8, 2013.



# CITY OF MONTCLAIR PLANNING COMMISSION

**MEETING DATE: 08/12/13**

**AGENDA ITEM 6.a**

## Case No.: 2013-19

**Application:** Variance request to allow a portion of a proposed metal perimeter fence at the front property line

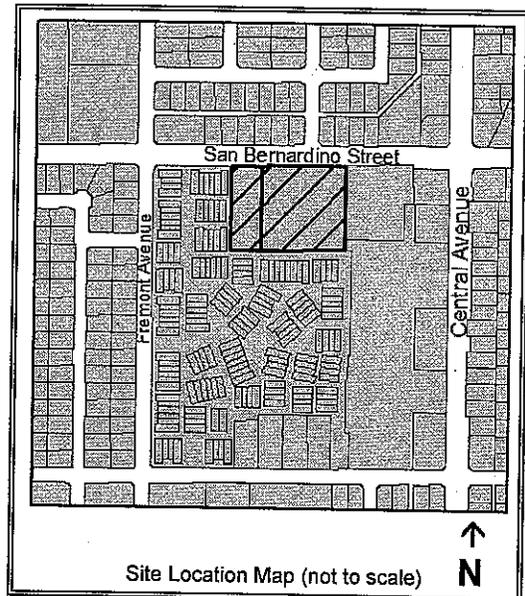
**Project Address:** 5205 San Bernardino Street

**Property Owner:** Montclair Senior Apartments LLC

**General Plan:** Senior Housing

**Zoning:** R-3 (Multiple Family Residential)

**Assessor Parcel No.:** 1010-041-73



### ADJACENT LAND USE DESIGNATIONS AND USES

	<b>General Plan</b>	<b>Zoning</b>	<b>Use of Property</b>
<b>Site</b>	Senior Housing	R-3 (Multiple Family Residential)	Senior Apartments
<b>North</b>	Low and Medium Density Residential	R-3 (Multiple-Family Residential)	Single Family Residences and Apartments
<b>East</b>	General Commercial	C-3 (General Commercial)	Vedic Temple and Montclair Town Center
<b>South</b>	Medium Density Residential	R-3 (Multiple Family Residential)	Montclair Town Center Condominiums
<b>West</b>	Medium Density Residential	R-3 (Multiple Family Residential)	Montclair Town Center Condominiums

## Report on Item Number 6.a

### PUBLIC HEARING - CASE NUMBER 2013-19

APPLICATION TYPE(S)	Variance (Setback)
NAME OF APPLICANT	Montclair Senior Apartments LLC
LOCATION OF PROPERTY	5205 San Bernardino Street
GENERAL PLAN DESIGNATION	Senior Housing
ZONING DESIGNATION	R-3 (Multiple Family Residential)
EXISTING LAND USE	Senior Apartments
ENVIRONMENTAL DETERMINATION	Categorically Exempt, Section 15305 of CEQA Guidelines
PROJECT PLANNER	Michael Diaz

#### Project Proposal

The applicant is requesting a setback variance to allow a portion of a new, six-foot high decorative metal fence to be located within the required 25-foot front setback of the subject property on the south side of San Bernardino Street between Central and Fremont Avenues. The proposed fence is intended to secure the property and its residents from unauthorized access into the complex. Currently, the property is an open campus with no fence of any kind across the front.

The proposed variance would apply to the following portions of the proposed six-foot high fence:

1. A segment of the fence, approximately 127 feet in length, located on the north property line between the west end of the "Welcome Center" and the west side of Building A; and
2. A 65-foot segment set back 22'-6" from the north property line to allow a gate at the north end of the west parking lot/driveway.

The San Bernardino Street property line is located 12 feet back of curb face (or seven feet behind the inside edge of the existing public sidewalk). The remaining portions of the proposed fence/gates across the front of the site would comply with required setbacks.

An automatic gate would be provided at each existing driveway leading to the parking areas for the complex. Four (4) self-closing pedestrian gates are also proposed to be incorporated into the fence design to facilitate exiting. The existing Welcome Center building and visitor parking area would remain unfenced/gated and open for daily use by guests and prospective tenants.

The proposed six-foot high fence would be black in color and consists of metal posts and 3/4-inch square pickets squared off with a smooth top railing. Approximately four existing trees would be removed to accommodate the fence installation. New landscape materials (non-turf) are proposed between the fence and the public sidewalk. A site plan and drawing detail of the fence are included in the Commission packets for reference.

### **Background**

- The subject property is located within the R-3 (Multiple Family Residential) zone. The minimum front setback for the R-3 zone is 25 feet for buildings and structures.
- The rectangular shaped project site is approximately 3.8 acres in overall area. The frontage of the property on San Bernardino Street is approximately 486 feet long.
- The existing senior apartment development was approved in 1986 and consists of eight (8) two-story buildings with 144 units. The complex also has community building/manager, a pool, and 112 on-site parking spaces.
- Heritage Park is an age-restricted complex with a minimum age of 55 years for its residents.

### **Planning Division Comments**

The purpose for installing the six-foot high fence is to secure the senior apartment complex from unauthorized access to the site, units and parking areas. The campus is currently open to the street, which allows for unrestricted access that has resulted in unauthorized parking by non-residents, trespassing, peddling, auto thefts, vandalism, and a general lack of security. The complex has an on-site manager and maintenance staff but has limited means to monitor what happens on-site. The proposed fence would help on-site management in providing greater security to the site and its residents. Staff contacted representatives from the Montclair Police Department who concurred with the need for a fence to better secure the site and provide a safer living environment for its residents.

Although the zoning for the subject site is R-3, Heritage Park is unique in that it is one of only four (4) sites within the City with a General Plan land use designation of "Senior Housing." According to the Montclair General Plan, senior housing fills a "... special need in the community for active seniors to have an opportunity to interact with other peers and enjoy a safe and productive and meaningful lifestyle in their later years in a safe environment." The proposed fence and associated variance request would facilitate the securing of the site as envisioned by the language of the General Plan related to the Senior Housing land use designation. The properties to the east and northeast are commercially developed, and the other multi-family residential zoned properties to the south and west are not the same as the subject site and are not designed to exclusively accommodate a senior residential population.

The City encourages the implementation of the concept of Crime Prevention through Environmental Design (CPTED) guidelines where feasible, including the use of plants and/or fencing to restrict where people should enter, restricting the number of entry points into a development, and securing areas behind buildings by use of limited fences that allow views into the development while restricting access. The proposed installation of the fence for the complex would better secure the complex and help to direct visitors toward the Manager's Office/Unit for improved observation and monitoring. As such, the reduced setback for a portion of the proposed fence would be consistent with CPTED principles and not detract from the appearance of the property.

Fences and walls, like buildings, are considered structures and are subject to the applicable setback standards within the underlying zoning district. In this case, a 25-foot setback is required from the street, which all the existing buildings meet, except for the western corner of Building B. If a fence were to be placed at the required 25-foot setback, the fences could only be placed between the buildings leaving the fronts of Buildings A and B (and their front facing windows) outside the fence and exposed to the street. Further, a significant portion of the existing pedestrian paths at the front of the property would end up on the outside of the fence and inhibit their use. Other potential alternatives to meet the required setback or other placement within the setback area were explored by staff and the applicant, including the use of a code compliant 48-inch high metal fence across the entire frontage of the site. The alternatives were found to be ineffective or would have resulted in a visually odd and undesirable alignment of the fence around existing site conditions and trees that would have called more attention to its presence than the simple and straight fence alignment that is proposed with this variance request. Given the existing conditions, staff believes the strict application of the required 25-foot setback for a six-foot high metal fence would hinder the ability to effectively secure the site.

At approximately 127 feet in length, the closest portion of the fence subject to this variance request is slightly more than one quarter (1/4) of the overall 486-foot long property frontage and not expected to pose a significant impact. The portion of the fence at 22'-6" from the property line appears to be more in line with the existing buildings and does not pose a visually significant change as viewed from the street. The design and color of the proposed metal fence is simple and complementary to the existing development and would not significantly affect the open feel of and visibility into the well-maintained complex. Further, the new landscaping in front of the fence would serve to further mitigate its placement near the public sidewalk and street.

### **Public Notice**

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on August 2, 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 5 exemption under Section 15305 of the California Environmental Quality Act (CEQA) Guidelines, which exempts projects that involve minor alterations in land use limitations that do not create a new parcel, change a land use, nor increases the allowable density of the project. The setback variance requested is limited in scope and does not create new parcels, affect land use, or increase density.

## **Variance Findings**

Staff believes the necessary findings for the proposed variance from the required street side yard setback standard can be made as follows:

- A. That because of special circumstances applicable to the subject property, including its size, depth, location and surroundings, the strict application of the provisions of the Montclair Municipal Code is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications. The strict application of 25-foot setback requirement for the portion of the fence is not a practical solution given the placement and orientation of the existing buildings on the site, particularly Building B. The application of the 25-foot setback would result in a fence of limited effectiveness, as the fence could only be placed between the buildings leaving the fronts of the buildings exposed to the street. Moreover, alternative solutions explored for the placement of the fence within the setback area would have resulted in a visually odd and undesirable alignment of the fence around existing site conditions and trees that would have called more attention to its presence than the simple and straight fence alignment that is proposed with this variance request. Given the fixed development of the property, the proposed setback and placement of the fence at the north property line, located seven feet behind the existing sidewalk, is appropriate.
- B. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners in the vicinity and under identical zoning classifications. Although the zoning for the subject site is R-3, Heritage Park is unique in that it is one of only four (4) sites within the City with a General Plan land use designation of "Senior Housing." According to the Montclair General Plan, senior housing fills a "... special need in the community for active seniors to have an opportunity to interact with other peers and enjoy a safe and productive and meaningful lifestyle in their later years in a safe environment." The proposed fence and associated variance request would facilitate the securing of the site as envisioned by the language of the General Plan related to the Senior Housing land use designation. The properties to the east and northeast are commercially developed, and the other multi-family residential zoned properties to the south and west are not the

same as the subject site and are not designed to exclusively accommodate a senior residential population.

- C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity and zone in which the subject property is located. At approximately 127 feet in length, the proposed variance for the portion of the fence closest to the street would be slightly more than one quarter (1/4) of the overall 486-foot long property frontage and is not expected to pose a visual significant impact. Moreover, the shorter 65-foot length of the fence set back 22'-6" from the front property line is necessary to enclose the existing parking area and, likewise, would have no significant visual impact to the streetscape. The placement, design, and color of the proposed fence, including the portions of the fence affected by this variance request, are appropriate and complementary to the modest design of the existing facility. The proposed installation of the fence for the complex would better secure the complex and help to direct visitors towards the Manager's Office/Unit for improved observation and monitoring. As such, the reduced setback for the portion of the proposed fence would be consistent with CPTED principles without detracting from the appearance of the property. Lastly, new landscaping in front of the fence would serve to further mitigate its placement near the public sidewalk and street.
- D. The granting of such variance will not be contrary to the objectives of any part of the adopted General Plan. The General Plan designates the property as Senior Housing and the property is developed accordingly. The proposed variance would allow the owners of the property to take measures to adequately secure the property for its residents in an orderly and efficient manner.

### **Planning Division Recommendation**

Staff recommends that the Planning Commission find the proposed front yard setback variance for portions of a proposed six-foot high decorative metal fence along the San Bernardino Street frontage of the subject site to be appropriate and to take the following actions:

- A. Move that, based upon evidence submitted, the Planning Commission finds the current application for the proposed variance qualifies as a Class 5 exemption under Section 15305 of the California Environmental Quality Act (CEQA) Guidelines, which exempts projects that involve minor alterations in land use limitations that do not create a new parcel, change a land use, nor increases the allowable density of the project. The setback variance requested is limited in scope and does not create new parcels, affect land use, or increase density.
- B. Recommend the Planning Commission approve a Variance request under Case No. 2013-19 to allow a 127-foot long portion of a proposed six-foot high perimeter fence to be installed at the front property line and a second portion of

the fence to be set back 22'-6" rather than at the required 25-foot front yard setback line, for the senior apartment complex located at 5205 San Bernardino Street, as described in the staff report and depicted in approved plans subject to the findings and conditions in Planning Commission Resolution No. 13-1784.

Respectfully Submitted,

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

Michael Diaz  
City Planner

MD/lb

Attachments: Draft Resolution of Approval for Case No. 2013-19

c: Whitt Family Trust, Montclair I MGP Partners LLC  
Linda Steele, Heritage Park Montclair Senior Community, 5205 San Bernardino Street, Montclair,  
CA 91763

Z:\COMMDEV\MD\CASES\2013-19 HERITAGE PARK FENCE VARIANCE\2013-19 PC RPT

**RESOLUTION NO. 13-1784**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING APPROVAL OF A VARIANCE UNDER CASE NO. 2013-19 TO ALLOW A SEGMENT OF A SIX-FOOT HIGH DECORATIVE METAL FENCE WITHIN THE REQUIRED 25-FOOT FRONT YARD SETBACK AT 5205 SAN BERNARDINO STREET (APN 1010-041-73)**

A. Recitals.

**WHEREAS**, on June 25, 2013, Montclair Senior Apartments LLC, property owner of the subject site, filed an application requesting a variance from the required 25-foot front yard setback to allow a six-foot high decorative metal fence and gates along the property's San Bernardino Street frontage; and

**WHEREAS**, the subject site is approximately 3.8 acres in size and developed as a senior housing apartment complex built in 1986, with 144 units and 112 on-site parking spaces; and

**WHEREAS**, the General Plan land use designation for the subject site is Senior Housing; and

**WHEREAS**, the zoning of the subject site is R-3 (Multiple Family Residential); and

**WHEREAS**, the minimum front yard setback of the R-3 zone is 25 feet for buildings and structures; and

**WHEREAS**, the maximum height for fences and walls within a required front yard setback is 48 inches; and

**WHEREAS**, the proposed setback variance request applies only to the following segments of the proposed six-foot-high decorative metal fence as depicted on the submitted plans:

1. A segment of the fence, approximately 127 feet in length, located on the north property line between the west end of the "Welcome Center" and the west side of Building A; and
2. A 65-foot segment set back 22'-6" from the north property line to allow a gate at the north end of the west parking lot/driveway; 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 the proposed setback variance request

is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15305 of the CEQA Guidelines, which applies to minor alterations in land use limitations that do not create a new parcel, change a land use, nor increases the allowable density of the project. The setback variance requested for the subject property is limited in scope and does not create new parcels, affect land use, or increase density; and

**WHEREAS**, on August 2, 2013, this variance request was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper. 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; and

**WHEREAS**, on August 12, 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 substantial evidence presented to this Commission during the above-referenced public hearing on August 12, 2013, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:
  - a. That because of special circumstances applicable to the subject property, including its size, depth, location and surroundings, the strict application of the provisions of the Montclair Municipal Code is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications. The strict application of 25-foot setback requirement for the portion of the fence is not a practical solution given the placement and orientation of the existing buildings on the site, particularly Building B. The application of the 25-foot setback would result in a fence of limited effectiveness, as the fence could only be placed between the buildings leaving the fronts of the buildings exposed to the street. Moreover, alternative solutions explored for the placement of the fence within the setback area would have resulted in a visually odd and undesirable alignment of

the fence around existing site conditions and trees that would have called more attention to its presence than the simple and straight fence alignment that is proposed with this variance request. Given the fixed development of the property, the proposed setback and placement of the fence at the north property line, located seven feet behind the existing sidewalk, is appropriate.

- b. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners in the vicinity and under identical zoning classifications. Although the zoning for the subject site is R-3, Heritage Park is unique in that it is one of only four (4) sites within the City with a General Plan land use designation of "Senior Housing." According to the Montclair General Plan senior housing fills a "...special need in the community for active seniors to have an opportunity to interact with other peers and enjoy a safe and productive and meaningful lifestyle in their later years in a safe environment." The proposed fence and associated variance request would facilitate the securing of the site as envisioned by the language of the General Plan related to the Senior Housing land use designation. The properties to the east and northeast are commercially developed, and the other multi-family residential zoned properties to the south and west are not the same as the subject site and are not designed to exclusively accommodate a senior residential population.
- c. That the granting of such variance will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity and zone in which the subject property is located. At approximately 127 feet in length, the proposed variance for the portion of the fence closet to the street would be slightly more than one quarter (1/4) of the overall 486-foot long property frontage and is not expected to pose a visual significant impact. Moreover, the shorter 65-foot length of the fence set back 22'-6" from the front property line is necessary to enclose the existing parking area and, likewise, would have no significant visual impact to the streetscape. The placement, design, and color of the proposed fence, including the portions of the fence affected by this variance request, are appropriate and complementary to the modest design of the existing facility. The proposed installation of the fence for the complex would better secure the complex and help to direct visitors towards the Manager's Office/Unit for improved observation and monitoring. As such, the reduced setback for the portion of the proposed fence would be consistent with CPTED principles without detracting from the appearance of the property. Lastly, new

landscaping in front of the fence would serve to further mitigate its placement near the public sidewalk and street.

- d. The granting of such variance will not be contrary to the objectives of any part of the adopted General Plan. The General Plan designates the property as Senior Housing and the property is developed accordingly. The proposed variance would allow the owners of the property to take measures to adequately secure the property for its residents in an orderly and efficient manner.

C. Conditions of Approval.

Based upon the findings and conclusions set forth in the paragraphs above, this Commission hereby approves the application subject to each and every condition set forth below.

Planning

1. The approved variance shall allow the following exceptions to the required setback standard as depicted on approved plans on file with the Planning Division:
  - a. A segment of the fence, approximately 127 feet in length, located on the north property line between the west end of the "Welcome Center" and the west side of Building A; and
  - b. A 65-foot segment set back 22'-6" from the north property line to allow a gate at the north end of the west parking lot/driveway.
2. The maximum height of the fence shall not exceed six feet (6'-0") in height as measured from the adjacent public sidewalk. All other buildings or structures (including remaining portions of the subject fence) shall comply with required setbacks of the R-3 zoning district.
3. 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 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. Checks shall be made payable to the "City of Montclair."

4. This variance approval shall be valid for six months from the date of Planning Commission action. If no construction drawings have been submitted to the City for plan review within this time frame, and no subsequent building permits are issued, then the approval shall automatically expire without further City action.
5. The approved fence shall remain open to allow views into the property by Police and Code Enforcement personnel. No panels (wood, metal, mesh, etc.) or barbed/concertina wire shall be attached to the fence at any point. Landscape material adjacent to the fence shall be maintained so that it does not exceed two-thirds the height of the fence, or four feet in height.
6. Prior to the issuance of a building permit to install the fence, the applicant shall work with the City Planner to finalize a selection of plant materials to be placed in the planter area in front of the fence.
7. The applicant and/or property owner shall be responsible for maintaining the property in good condition at all times, including the condition of the decorative metal fence authorized by this approval.

#### Building

8. Submit three (3) Site/Plot Plans to the Building Division for review.
9. A building permit is required for the construction of the fence.
10. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project address number. The applicant shall comply with the latest adopted California Codes, and all other applicable codes, ordinances, and regulations in effect at the time of permit application.
11. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
12. 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 finishes of all types shall not be below standard for the use applied.
13. 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%). Accessible parking shall be made available to the public as well as the residences.
14. 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 every day.
  - b. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.
  - c. Proper access shall be provided to the Fire Department for emergency service access.
15. Prior approval of the Fire Department is required before a final inspection can be made by the Building Division.
16. Prior to the final inspection, 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 parking stalls and parking lot signage.

Fire

17. 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.
18. 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.
19. Minimum driveway width shall be 27 feet.

20. 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.

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

APPROVED AND ADOPTED THIS 12TH DAY OF AUGUST, 2013.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: \_\_\_\_\_  
Tenice Johnson, Chair

ATTEST: \_\_\_\_\_  
Steve Lustro, Secretary

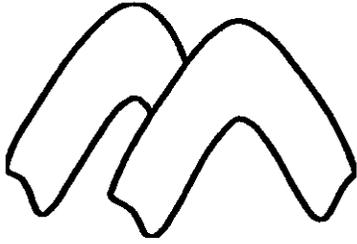
I, Steve Lustro, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 12th day of August, 2013, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MD\CASES\2013-19\VARIANCE SETBACK RESO



# CITY OF MONTCLAIR PLANNING COMMISSION

**MEETING DATE: 08/12/13**

**AGENDA ITEM 6.b**

**Case No. 2013-17**

**Application:** Amendment to an existing Conditional Use Permit (Case No. 2007-12) and a new Precise Plan of Design (PPD) to allow for the building expansion and remodel of the Metro Honda auto sales and service facility

**Project Address:** 9399 Autoplex Drive

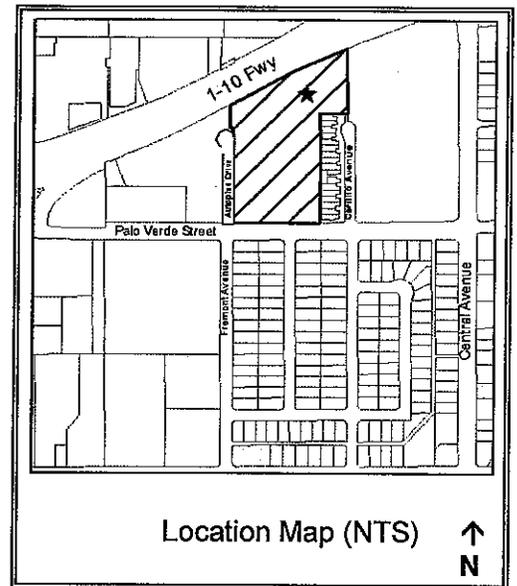
**Property Owner:** Montclair Dealership Group Prop LLC

**General Plan:** General Commercial

**Zoning:** C-3 (General Commercial) per the *North Montclair Specific Plan*

**Assessor Parcel No.:** 1008-352-34

**City/Public Utility Easements:** None



Adjacent Land Use Designations and Existing Uses			
	<b>General Plan</b>	<b>Zoning</b>	<b>Existing Use</b>
<b>Site</b>	General Commercial	C-3 (General Commercial) per North Montclair Specific Plan	Metro Honda and Metro Acura auto dealerships
<b>North</b>	Regional Commercial	C-3 (General Commercial) per North Montclair Specific Plan	Montclair Plaza
<b>East</b>	General Commercial	R-3 (Multi-Family Residential and C-3 (General Commercial) per North Montclair Specific Plan	Condominiums and Costco
<b>South</b>	Residential – Low (3-7 Units/Acre)	R-1 (Single Family Residential)	Single Family Residences
<b>West</b>	General Commercial	C-3 (General Commercial) per North Montclair Specific Plan	Metro Nissan and Infiniti of Montclair auto dealerships

## Report on Item Number 6.b

### PUBLIC HEARING – CASE NUMBER 2013-17

APPLICATION TYPE(S)	Conditional Use Permit Amendment and Precise Plan of Design
NAME OF APPLICANT	Montclair Dealership Group Prop LLC
LOCATION OF PROPERTY	9399 Autoplex Drive
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	"C-3" (General Commercial) per the <i>North Montclair Specific Plan (NMSP)</i>
EXISTING LAND USE	Metro Honda and Metro Acura auto dealerships (new and used car sales)
ENVIRONMENTAL DETERMINATION	Mitigated Negative Declaration (MND)
PROJECT PLANNER	Michael Diaz

#### Introduction

On April 23, 2007, the Planning Commission approved a CUP amendment request under Case No. 2007-12 to expand the existing Metro Honda vehicle sales and service facility and allow the construction of a freestanding, car wash/quick service facility at 9399 Autoplex Drive. The vehicle sales expansion portion of the approved project was never initiated but the car wash/quick service facility was completed in 2009. The address for the car wash/quick service facility is 5148 Palo Verde Street.

With this project, the owners of the property and the Metro Honda dealership desire to revive their efforts to expand and remodel the existing auto sales and service building.

#### Project Proposal

The proposed project involves an addition of approximately 23,129 square feet to the existing Metro Honda auto dealership building to expand and improve its service, sales and service reception areas. The added square footage would increase the overall building size from 38,079 square feet to 61,208 square feet. Construction activities for the project would consist of site preparation, grading, building construction, paving, and landscaping.

#### Site Plan Changes

To accommodate the proposed improvements described below, two (2) of the four (4) drive approaches on the Autoplex Drive frontage of the site would be changed. The most significant change would be the one that is planned to align with the proposed service reception canopy addition to be constructed on the south side of the Metro Honda building. The other driveway would be moved southerly to create a larger car

display area adjacent to the street. Each relocated drive approach would be at least 30 feet in width. A new pedestrian path-of-travel would also be added to the property adjacent to the existing north driveway.

Required on-site parking for visitors and staff is 185 spaces for the combined operation of all uses on the site, which includes 123 spaces for Metro Honda alone. On-site visitor parking spaces are identified on the site plan and will be marked as such. The parking spaces remaining on the site are for new and used car inventory for both Honda and Acura, and staff/employees.

Finally, new plant materials would be added to the planter areas around the building expansion and along the Autoplex Drive frontage. The landscape plan includes new trees (Queen Palms and Ficus), shrubs, and groundcovers.

### Building Additions & Exterior Design

The proposed building additions are more specifically described as follows:

<b><i>Metro Honda Building Expansion</i></b>	
<b><i>Area of Work/Location</i></b>	<b><i>Size</i></b>
Administration	4,364 square feet
Sales Floor Area	10,238 square feet
Service Bay	4,176 square feet
Service Reception Canopy	4,351 square feet
<b><i>Total</i></b>	<b><i>23,129 square feet</i></b>

Nearly all of the added square footage would be located on the south side of the existing building. The increased sales floor area would essentially square off the south side of the "L" shaped building to allow for additional showroom area, an information center, a customer lounge, new offices, and a new conference room. The improvements to the service area would include a new exterior service reception canopy that is proposed to be relocated from its current location in the middle of the building and expanded to provide for improved visibility and adjacency to dealership functions and to provide an increase in automobile queue lanes to improve overall efficiency. The current "open/pass thru" vehicle service reception area at the center of the existing building would be enclosed. Lastly, a glass enclosed "stack display" building element is proposed to "square off" the northwest corner (adjacent to the freeway) of the building. The main building height is 28'-8" and approximately 35 feet to the highest portion of the building that would serve as the central entry "cylinder" focal point of the building that would face west and to the freeway.

The new exterior design, materials, and finishes are part of the Honda America corporate branding image. The walls of the showroom addition would be a combination of storefront windows and stucco that include vertical and horizontal reveals to create a pattern and add visual interest. A blue "wave" canopy element is proposed to project out slightly from the wall and ties in with the new main entry "cylinder" feature that

incorporates glass storefront, the company logo, and clad metal panels painted Honda blue.

### Interim Construction Period

During the estimated 12-month long construction process, the main business activities of the dealership would be temporarily shifted to the existing used car building at the south end of the property - 9475 Autoplex Drive. In addition, three modular units (2 - 60' x 12' and 1 - 24' x 60') are proposed to be utilized to house a customer waiting room, sales offices and other administrative functions. Access to the trailers would be provided via the existing drive immediately north of the used car sales building and quick service/car wash building.

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

### Background

- The project site is located within the planning area of the North Montclair Specific Plan (NMSP) and is zoned C-3 (General Commercial), which allows auto sales with a CUP.
- The property is located on a fully developed street and surrounded by urban development that includes residential, office, and other large commercial developments/uses.
- The auto center was established in the late 1980s and has steadily expanded and improved over the years. The auto center is approximately 18.5 acres in size and is generally divided into two halves – Metro Honda and Metro Acura on the east side of Autoplex Drive and the Metro Nissan and Infiniti of Montclair dealerships on the west.
- In 2006, a lot merger was approved (Parcel Merger 2006-2) to consolidate the multiple properties into the subject 10.02-acre site.
- On April 23, 2007, the Planning Commission approved a CUP amendment request under Case No. 2007-12 to expand the existing Metro Honda vehicle sales and service facility and allow the construction of a freestanding, car wash/quick service facility. A setback variance from Palo Verde Street was also part of the 2007 approval which allowed for the development of the existing car wash/quick service building at 32 feet from the south property line.

### Planning Division Comments

Overall, staff finds the proposed project to expand and remodel the existing Metro Honda building to be appropriate and a welcomed improvement. The proposed site plan changes are modest in nature and would work to improve the operation of the auto dealership and its related auto service functions. The proposed changes are in

compliance with the applicable development standards of C-3 land use district of the North Montclair Specific Plan (NMSP), including setbacks, building height, and required parking. The proposed building additions are located on the south side of the building and do not conflict with any required setbacks. The highest point of the proposed building measures approximately 35'-0", which is below the maximum 50-foot height limit of the NMSP. Further, no zone changes or variances are required to implement the project.

Staff finds the driveway relocation to be sensible and essential for providing a straight path to the new service reception area on the south side of the building where it will be directly visible to customers on Autoplex Drive. In addition, the new pedestrian path-of-travel at the front of the property to the remodeled showroom and display area is a necessary improvement for the site.

To complete the improvement of the site, staff is recommending that the property owner coordinate with the architect of the project and work with staff to change the color of the existing freestanding light fixtures on the site. The existing color of the light standards/fixtures is a greenish/brown tone which does not appear to be complementary with the new color scheme of the main building. Further, some of the fixtures are showing signs of rust and discoloration that should be addressed as well. A dark bronze or black color would be an appropriate choice and would be complementary to the new building as well as the other existing (and new) improvements on or proposed for the site.

### Parking

Sufficient on-site parking for the dealership was one of the issues of concern raised during the environmental review of the project. The Metro Honda expansion project requires a minimum of 123 spaces for its employees/staff, visitors, and customers of the service area. An additional 62 spaces is required for the other uses on the property, including the Acura dealership, used car offices, and the quick service/car wash building at the south end of the site for an overall total of 185 spaces. According to the North Montclair Specific Plan, "required spaces may not be used for vehicle sales, service, storage, rental, or repair."

The current situation consists of vehicles displayed and stored all around the buildings in a semi-organized fashion. The west and center portions of the site are utilized for display of new and used vehicles and inventory, while the eastern side of the property is used for employee and staff parking. On a number of field visits, staff observed that a number of employees regularly park off-site on both sides of Palo Verde Street and on the east side of Carrillo Avenue (north of Palo Verde Street). It appears that employees who park off-site are doing so to be closer to where they work, such as at the used car building and/or the car wash/quick service facility.

In general, the property is of sufficient size to accommodate the proposed project, particularly since the changes are intended to improve the efficiency of the current operations of the auto dealership, not to create more demand for parking like a new

auto dealership would do. As such, the new site changes associated with this project are welcomed because they include a reorganization of on-site parking to display and store vehicles and identify visitor and employee parking areas. Staff believes the addition of clearly identified employee and visitor parking areas is key to keeping parking under control in the area, particularly during weekends and national sales events when more customers are on the site. Conditions addressing this issue have been included in the proposed resolution of approval.

### Building Remodel & Landscaping

The proposed changes to the existing building are appropriate and a welcomed improvement for the auto center overall. The new Honda corporate look is clean and simple and updates the appearance of the auto dealership. The centerpiece of the proposed project is an enhanced building appearance and the creation of a larger and more functional showroom for the dealership than currently exists with the "L"-shaped building. The new expanded showroom would provide more room to showcase new car models, while the new display tower on the north side of the building would provide enhanced freeway exposure for the dealership. Staff welcomes the Metro Honda remodel and expansion project because it brings improvements to a major land use within the City and introduces noticeable changes adjacent to the freeway, much like the new Ashley Furniture did earlier this year and as will the upcoming LA Fitness remodel.

Staff finds the proposed exterior materials and colors to be appropriate and in keeping with exterior changes made to Honda dealerships across the region. All new signs will require separate review and approval but conceptually appear to be in keeping with City standards.

The proposed landscaping is appropriate for the relatively small landscape planters that exist. The selected plant materials are fairly standard, but tidy and easy to care for, which is appropriate for the setting.

### Conditional Use Permit Findings

Staff finds that the request to amend the existing conditional use permit for the Metro Honda auto sales and service facility to be appropriate and believes the necessary findings for granting a CUP amendment can be made as follows:

- A. The request to amend the existing Conditional Use Permit for the Metro Honda auto sales and service facility is essential or desirable to the public convenience and public welfare, in that the amendment allows for a reasonable expansion of the existing facility to operate more efficiently and to continue offering services to members of the public who purchase or have their vehicles serviced by the dealership.
- B. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity. The existing Metro Honda dealership is located within the larger auto center area that was established in the late 1980s

and has steadily expanded and improved over the years. Except for the display of autos and inventory, the vast majority of administrative and auto servicing functions occur within an enclosed building and/or structures. Moreover, all hazardous waste materials (e.g., motor oil, transmission oil, grease, brake fluid, tires, filters, batteries, soiled rags) generated by the automotive maintenance/repair portion of the business are regulated by the State. Metro Honda currently complies with and will continue to abide with the requirements of several local, state and Federal laws and programs including, but not limited to, the Clean Water Act, California Oil Recycling Enhancement Act, Integrated Waste Management Act, and the Beverage Container Recycling and Litter Reduction Act.

- C. The existing Metro Honda auto sales and service use at the subject location conforms to good zoning practice. The existing auto sales use is located within the proper zoning district – "C-3" per the North Montclair Specific Plan (NMSP) - and has been properly established with a Conditional Use Permit (CUP). The proposed CUP amendment would allow for the proposed expansion and remodel of the existing facility, which has been found to be in compliance with the development standards contained in NMSP.
- D. That such use in such location is not contrary to the objective of any part of the adopted General Plan. The General Plan encourages the development of efficient, attractive and safe commercial areas within the City. The expanded and remodeled Metro Honda auto sales and service facility would provide a convenient, well-designed location for the public to shop for a new or used vehicle or obtain services.

### **Public Notice**

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on July 19, 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 July 19, 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), Land Use, Cultural Resources, Land Use, and Noise. Proposed mitigation measures have been included

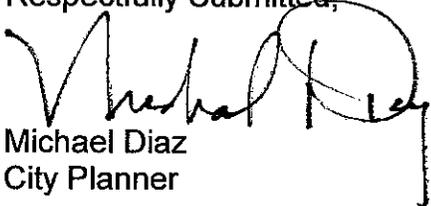
as conditions of approval for the project. Therefore, a Mitigated Negative Declaration is proposed for the project.

### **Planning Division Recommendation**

Staff recommends that the Planning Commission find the proposal to expand and remodel the existing Metro Honda auto dealership and associated site changes to be well designed and compatible with surrounding land uses. Accordingly, staff recommends approval of Case No. 2013-17 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 expansion and exterior remodel of the existing Metro Honda auto dealership and associated site 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, colors and materials associated with the proposed expansion and exterior remodel of the existing Metro Honda auto dealership at 9399 Autoplex Drive per the submitted plans and as described in the staff report, subject to conditions of approval contained in Planning Commission Resolution No. 13-1787.

Respectfully Submitted,



Michael Diaz  
City Planner

MD/lb

Attachments: Draft Resolution No. 13-1787

c: John Hawkins, Montclair Dealership Group LLC, Metro Honda, 9399 Autoplex Drive,  
Montclair, CA 91763  
Walt Wagner, Wagner Architecture Group, Inc., 815 Civic Center Drive, Suite 101,  
Oceanside, CA 92054

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## RESOLUTION NO. 13-1787

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT AMENDMENT AND PRECISE PLAN OF DESIGN UNDER CASE NO. 2013-17 FOR THE SITE PLAN, FLOOR PLANS, ELEVATIONS, COLORS, MATERIALS, AND CONCEPTUAL LANDSCAPE PLAN FOR THE EXPANSION AND REMODEL OF THE METRO HONDA AUTO SALES AND SERVICE FACILITY AT 9399 AUTOPLEX DRIVE (APN 1008-352-34).

**WHEREAS**, on May 30, 2013, Montclair Dealership Group Prop LLC, property owner, filed an application for a Conditional Use Permit Amendment and Precise Plan of Design (PPD) under Case No. 2013-17, to expand and remodel the existing Honda facility at 9399 Autoplex Drive; and

**WHEREAS**, the subject property is approximately 10.02 acres in size and is currently developed with the Metro Honda sales and service facility, the Metro Acura auto sales and service facility, a used car sales office, and a quick service/car wash facility; 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 Honda facility expansion and remodel; and

**WHEREAS**, the proposed project involves an addition of approximately 23,129 square feet to the existing Metro Honda auto dealership building to expand and improve its service, sales and service reception areas. The added square footage would increase the overall building size from 38,079 square feet to 61,208 square feet; and

**WHEREAS**, the project site is zoned "C-3" (General Commercial) per the North Montclair Specific Plan (NMSP); 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 July 19, 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, Land

Use, and Noise (short term during construction). 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 with the implementation of mitigation measures, 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 August 12, 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 August 12, 2013, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:
  - a. The request to amend the existing Conditional Use Permit for the Metro Honda auto sales and service facility is essential or desirable to the public convenience and public welfare, in that the amendment allows for a reasonable expansion of the existing facility to operate more efficiently and to continue offering services to members of the public who purchase or have their vehicles serviced by the dealership.
  - b. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity. The existing Metro Honda

dealership is located within the larger auto center area that was established in the late 1980s and has steadily expanded and improved over the years. Except for the display of autos and inventory, the vast majority of administrative and auto servicing functions occur within an enclosed building and/or structures. Moreover, all hazardous waste materials (e.g., motor oil, transmission oil, grease, brake fluid, tires, filters, batteries, soiled rags) generated by the automotive maintenance/repair portion of the business are regulated by the State. Metro Honda currently complies with and will continue to abide with the requirements of several local, state and Federal laws and programs including but not limited to the Clean Water Act, California Oil Recycling Enhancement Act, Integrated Waste Management Act, and the Beverage Container Recycling and Litter Reduction Act.

- c. The existing Metro Honda auto sales and service use at the subject location conforms to good zoning practice. The existing auto sales use is located within the proper zoning district – "C-3" per the North Montclair Specific Plan (NMSP) - and has been properly established with a Conditional Use Permit (CUP). The proposed CUP amendment would allow for the proposed expansion and remodel of the existing facility which has been found to be in compliance with the development standards contained in NMSP.
  - d. That such use in such location is not contrary to the objective of any part of the adopted General Plan. The General Plan encourages the development of efficient, attractive and safe commercial areas within the City. The expanded and remodeled Metro Honda auto sales and service facility would provide a convenient, well-designed location for the public to shop for a new or used vehicle or obtain services.
3. Based upon the substantial evidence presented to this Commission during the above-referenced hearing on August 12, 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 approval is for the following:
  - a. A Conditional Use Permit amendment to allow the expansion of the existing Metro Honda sales and service facility at 9399 Autoplex Drive as depicted on the submitted plans and as described in the staff report.

- b. A Precise Plan of Design for the site plan, floor plans, elevations, colors, materials, and landscaping associated with the expansion and remodel of the existing Metro Honda sales and service facility at 9399 Autoplex Drive as depicted on the submitted plans and as described in the staff report.
2. The approval of this CUP Amendment shall supersede the CUP approval for the subject site previously issued under Case No. 2007-12.
3. Conditional Use Permit (CUP) approval shall be valid for a period of six (6) months from the 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 CUP expiration date.
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 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.
5. 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.
6. 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.
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 **\$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 **\$479.32**, 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 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.
9. 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.
10. The applicant shall establish and maintain required parking areas as identified on plans approved by the Planning Commission and on file with the Planning Division (Mitigation Measure D). Prior to the issuance of building permits for the project, the applicant shall indicate on plans submitted for plan check the following elements:
  - a. All required parking spaces shall be identified on plans as parking for employees/staff and visitor/customers.
  - b. Indicate or provide details on how required parking spaces will be marked in the field (e.g., ground stenciling, directional signs, etc.). The number of directional signs should be limited in number and placed in locations where they are the most effective and unobtrusive.
  - c. All automobile parking spaces shall be clearly delineated with double-line (e.g. "hairpin") striping. Parking stalls for employees/staff and visitors/customers shall be a minimum of 9'-0" in width as measured to the center of the "hairpin," and a minimum of 20'-0" in length, with a maximum allowed overhang of 2'-0" into landscape areas or pedestrian paths that are a minimum of 6'-0" in width.
  - d. Install necessary directional signs to direct customers to on-site parking as needed, subject to approval by the City Planner. The size of such signs shall be limited to the minimal size necessary to clearly convey the required information and in no case shall exceed four (4) square feet.
11. Maintain all parking lot striping and markings per approved plans at all times.

12. All inventory vehicles shall be kept only in the approved storage area in an orderly manner and shall not be allowed on landscape planter areas or in identified visitor and/or employee parking areas.
13. 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.
14. No new outdoor loudspeakers shall be allowed. The applicant is encouraged to abandon the existing public address system in favor of personal mobile devices to permanently eliminate disturbances to the adjacent residential neighborhoods.
15. All unenclosed materials, equipment and/or supplies of any kind shall be stored indoors and/or maintained within the approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure.
16. Prior to the issuance of building permits, the applicant shall indicate how the condition and paint color of the existing freestanding light fixtures will be addressed. Acceptable paint colors for the light fixtures and poles shall be dark bronze or black.
17. Any new or replacement exterior fixtures affixed to building mounted or installed on the site, shall be reviewed and approved by the Planning and Building Divisions. All exterior lighting shall comply with the following standards:
  - a. All fixtures shall match existing or a new design that complements the architecture of the building.
  - b. 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 east of the subject site.
  - c. 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.
  - d. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.
18. No outdoor pay telephones or vending machines shall be installed or used on the property.
19. Permanent signage for the dealership shall require separate City review and approval of a sign program. The sign program shall address all

permanent signs including but not limited to freestanding, wall mounted, and directional signs associated with this project and as conceptually depicted on plans submitted for PPD review and approval. Sign Permit applications shall be submitted by a licensed sign contractor to the Planning and Building Divisions for review, approval, and issuance of all necessary permits prior to installation of any sign(s).

20. Exposed raceways or conduit shall be prohibited on all building-mounted and/or freestanding signs.
21. Temporary promotional signs shall comply with provisions contained in Chapter 11.72 of the Montclair Municipal Code pertaining to signs for automobile dealerships. Trailer- or vehicle-mounted electronic message reader boards shall not be placed in a location where they are intended to be visible from a public right-of-way, including Interstate 10.
22. 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.
23. 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 fence-like screens/covers are not considered appropriate materials used for screening.
24. 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.
25. 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.
26. 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.
27. 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.

28. 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.
29. All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency.
30. 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.
31. 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.
32. 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.
33. 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

34. Air Quality (Mitigation Measure A)
  - a. All construction equipment shall be maintained in good operating condition so as to reduce operational emissions. The contractor shall ensure that all construction equipment is being properly serviced and maintained as per manufacturers' specifications.

Maintenance records shall be available at the construction site for City verification.

- b. Prior to the issuance of any grading permits, the developer shall submit construction plans to City denoting the proposed schedule and projected equipment use. Construction contractors shall provide evidence that low-emission mobile construction equipment will be utilized, or that their use was investigated and found to be infeasible for the project. The contractors shall also conform to any construction measures imposed by the South Coast Air Quality Management District (SCAQMD) as well as City Planning staff.
- c. All paints and coatings shall meet or exceed performance standards noted in SCAQMD Rule 1113. Paints and coatings shall be applied either by hand or high volume, low-pressure spray, or by using precoated/natural-colored building materials, water-based or low volatile organic compound (VOC) coating, and coating transfer or spray equipment with high transfer efficiency.
- d. All asphalt shall meet or exceed performance standards noted in SCAQMD Rule 1108.
- e. All construction equipment shall comply with SCAQMD Rules 402 and 403. Additionally, contractors shall include the following provisions:
  - Water active sites at least twice daily (locations where grading is to occur will be thoroughly watered prior to earthmoving).
  - Revegetate disturbed areas as quickly as possible.
  - Pave construction access roads at least 100 feet onto the site from the main road.
  - Pave, water, or chemically stabilize all on-site roads as soon as feasible.
  - Install wheel washers where vehicles enter and exit unpaved roads on to paved roads, or wash trucks and any equipment leaving the site.
  - Reduce traffic speeds on all unpaved roads to 15 mph or less.
  - Cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least two feet of freeboard (vertical space between the top of the load and top of the trailer) in accordance with the requirements of the California Vehicle Code (CVC) Section 23114.

- Phase grading to prevent the susceptibility of large areas to erosion over extended periods of time.
  - Schedule activities to minimize the amounts of exposed excavated soil during and after the end of work periods.
  - Dispose of surplus excavated material in accordance with local ordinances and use sound engineering practices.
  - Sweep all streets once per day if visible soil materials are carried to adjacent streets (recommended water sweepers using reclaimed water).
  - Suspend excavation and grading operations during high winds (i.e., wind speeds exceeding 25 mph) in accordance with Rule 403 requirements.
  - Maintain a minimum 24-inch freeboard ratio on soils haul trucks or cover payloads using tarps or other suitable means.
  - Minimize at all times the area disturbed by clearing, grading, earthmoving, or excavation operations.
- f. The site shall be treated with water or other soil-stabilizing agent (approved by SCAQMD and Regional Water Quality Control Board [RWQCB]) daily to reduce 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.

35. 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.

36. Land Use (Mitigation Measure D)

The applicant shall establish and maintain required parking areas as identified on plans approved by the Planning Commission and on file with the Planning Division. Prior to the issuance of building permits for the project, the applicant shall indicate on plans submitted for plan check the following elements:

- a. All required parking spaces shall be identified on plans as parking for employees/staff and visitor/customers.
- b. Indicate or provide details on how required parking spaces will be marked in the field (e.g., ground stenciling, directional signs, etc.). The number of directional signs should be limited in number and placed in locations where they are the most effective and unobtrusive.

37. Noise (Mitigation Measure E)

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

38. Submit four complete sets of plans including the following:
  - a. Site/Plot Plan;
  - b. Floor Plan;
  - c. Reflected Ceiling Plan;
  - d. Electrical Plans, including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
  - e. Plumbing Plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning.
  - f. An existing plan of the building, including all walls to be demolished.
  - g. Waste recycling plan, recycling 50% of all construction debris
39. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
40. Submit two sets of geotechnical soils reports. Grading plans shall be submitted to the Building Division for plan review and permits.
41. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
42. 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.
43. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
44. Separate permits are required for fencing and/or walls.

45. All utility services to the project shall be installed underground.
46. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file, address and Assessor's Parcel Number.
47. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
48. 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 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. Applicant shall provide a copy of the school fees receipt to the Building Division prior to permit issuance.
49. 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.
50. 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%).
51. 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 west building elevation. Address numerals shall be in Helvetica font, a minimum of ten inches in height, a minimum of 1½ inches in depth, and be in a color that adequately contrasts with the background to which they are attached.
  - b. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn everyday.

- c. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.
- 52. 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.
- 53. 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.
- 54. All electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside the building.
- 55. Before any construction trailer or temporary modular units are set in their location(s), obtain all permits from the Building Division. Plans and structural calculations will be required for the tie-down devices.
- 56. Trailers intended for public use are required to be disabled-accessible. The trailer(s) will require access to the facility by way of ramps that comply with the current California Building Code (CBC) Edition, Chapter 11B, in addition to access to each feature of the trailer. Trailers intended for public use (and not used for construction only) shall provide an access way to public transportation that complies with CBC Chapter 11B.

Water Quality Management Plan

- 57. 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.

58. 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.
59. 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.
60. 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 ongoing maintenance responsibilities with respect to the requirements of the WQMP.
61. 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.

#### Environmental Compliance

62. All washing of vehicles, parts, and equipment must be done in an area where all wash water flows to a drain connected to the existing approved clarifier/sand-oil interceptor. No washing of vehicles, parts, or equipment is permitted outside these approved areas.
63. All raw and waste fluids must be stored properly, spill contained, indoors, or in a secondary containment pallet or structure. All waste hauling records must be retained on-site for a minimum of three years for non-hazardous materials, and a minimum of seven years for hazardous materials. Records must be available for inspection at all times.

64. All discharges to the Montclair Sanitary Sewer System must be in accordance with the provisions of Chapter 9.20 of the Montclair Municipal Code.
65. All stormwater discharges must be in accordance with the provisions of Chapter 9.24 of the Montclair Municipal Code.

Engineering

66. Prior to issuance of a Certificate of Occupancy, the applicant shall pay transportation-related development impact fees. Fees shall be assessed at the rate in effect at the time the fees are paid.
67. A disabled-accessible path of travel shall be provided from the nearest public street to the proposed building. The path shall be delineated on the grading plan.
68. Conditions of development previously issued on June 13, 2007, included a condition to underground the Southern California Edison distribution lines throughout the frontage of the property. This undergrounding work has not been completed as of yet, but is still a condition of the improvements approved in 2007. That condition is hereby modified to allow the undergrounding work to be deferred until such time as additional improvements to the property are proposed by the property owner or developer. Such additional improvements include, but are not limited to, the construction of another dealership, parking structure, showroom, maintenance facility, or storage facility.
69. Install "ONE WAY" directional signs in Palo Verde Street median opposite each drive approach to the satisfaction of the Public Works Director.
70. 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.
71. Prior to issuance of any sewer-related construction permits, the applicant shall:
  - a. Pay all outstanding sewer reimbursement fees or assessments as imposed by a district or reimbursement agreement, if any.
  - b. Pay Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.
72. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.

73. A Water Quality Management Plan (WQMP) has been developed and approved by the City for this project. All requirements of the approved WQMP shall be implemented.
74. 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.
75. 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.
76. All drainage facilities shall comply with requirements of the approved WQMP.
77. 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.
78. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at (800) 422-4133.

Fire

79. 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.
80. 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.
81. 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.
82. 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.

83. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval prior installation.
84. 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.
85. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
86. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of normal lighting.
87. 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.
88. All Montclair Fire Department fees are due prior to any permit issuance.
89. 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.
90. Fire extinguisher location(s) to be determined by the Montclair Fire Department.
91. Three (3) sets of plans must be submitted to the Montclair Fire Department for approval prior to the relocation or addition of sprinklers for tenant improvements.
92. Three (3) sets of plans must be submitted to the Montclair Fire Department for approval prior to the upgrade of a fire alarm system for a tenant improvement.
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 12TH DAY OF AUGUST, 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 12th day of August, 2013, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MDIAZ\CASES\2013-17 PC RESOLUTION

## Report on Item Number 6.c

### PUBLIC HEARING - CASE NUMBER 2013-5

APPLICATION TYPE(S)	General Plan Amendment (Land Use Element) and Zoning Code Amendment (Chapters 11.22, 11.78 and 11.90 MMC)
NAME OF APPLICANT	City of Montclair
LOCATION OF PROPERTY	Citywide
ENVIRONMENTAL DETERMINATION	Negative Declaration
PROJECT PLANNER	Steve Lustro

### Project Proposal and Background

On September 19, 2011, the City Council adopted Resolution No. 11-2922 approving a General Plan Amendment adopting the 2006-2014 Housing Element Update. The "Policy Program" chapter of the adopted Housing Element sets forth 25 Policy Actions that are required to be undertaken by the City to successfully implement the adopted Housing Element. The Policy Actions being addressed by this agenda item include the following:

Policy Action 3.7 requires staff to "examine the existing (minimum) unit size requirements and amend the City's Zoning Code, as appropriate, to ensure unit size thresholds do not constrain the provision of affordable housing;"

Policy Action 3.9 states, "To ensure the City's parking requirements are not a constraint to residential development, especially new housing units affordable to lower and moderate income households, the City shall review the existing parking requirements, particularly the two-space 'garage' multi-family requirement, and revise the requirements, as appropriate;" and

Policy Action 4.2 requires that "the City shall investigate increasing the maximum permitted density on parcels where the lot configuration, size, and adjacent zoning is such that the parcel is suitable for development at a higher density than currently permitted. Based on its findings, the City shall amend the density and other development standards as appropriate."

The Land Use Element of the General Plan, adopted in 1999, identifies the following four residential land use types:

"Residential—Very Low Density Single-Family (0-2 units per acre)"

"Residential—Low Density Single-Family (3-7 units per acre)"

"Residential—Medium Density (8-14 units per acre)"

"Senior Housing"

In order to achieve consistency between the General Plan and Zoning Code, staff proposes to add a fifth housing category to the Land Use Element of the General Plan: "Residential—High Density (15-30 units per acre)."

Pursuant to Government Code Section 65860, the City's Zoning Code is required to be consistent with the adopted General Plan in order to implement its goals and policies. Accordingly, staff is also proposing to amend Chapters 11.22, 11.78 and 11.90 of the Montclair Municipal Code to achieve this required consistency.

Staff notes that this is the first of several General Plan and/or Municipal Code amendments related to implementation of the Policy Actions contained in the adopted Housing Element that are intended to be submitted to the Planning Commission and City Council for consideration, including the following:

- Define and address siting for single-room occupancy units (SROs)
- Develop and adopt procedures to provide reasonable accommodations for persons with disabilities
- Revise Chapter 11.85 MMC ("Residential Density Bonus") to reflect changes in state law
- Define "Residential Care Facilities" and craft development standards and conditions for their establishment and operation
- Amend the Zoning Code to allow manufactured housing as a single-family residential use
- Provide adequate sites and develop standards and regulatory provisions for emergency shelters and transitional housing

As the Commission is aware, staff is currently working with RBF Consulting on the 2014-2021 Housing Element Update. In order for the latest update to be considered for certification by the State's Department of Housing and Community Development (HCD), the City must have completed or be in the process of implementing the Policy Actions from the previous Housing Element Update cycle.

Proposed City Council Resolution No. 13-2996, related to the General Plan Amendment, and proposed Ordinance No. 13-935, amending Chapters 11.22, 11.78 and 11.90 of the Montclair Municipal Code, are attached to this report for reference.

### **Analysis**

The addition of a fifth residential land use type – "Residential—High Density (15-30 units per acre)" – would allow for potential re-designation of blocks of land in the future that could accommodate such densities. Resolution No. 13-2996 does not the change land use designation of any properties in Montclair; rather, it adds a residential land use category to facilitate changes in the future. This action, together with the Zoning Code amendment discussed below, would satisfy Policy Action 4.2 of the adopted Housing Element.

The salient changes to development standards in Chapters 11.22 and 11.90 of the Montclair Municipal Code with respect to the R-3 zoning district and multiple-family Planned Residential Developments (PRD) are summarized in the table below. A more detailed analysis of selected changes follows.

<b>Development Standard</b>	<b>Current Requirement</b>	<b>Proposed Requirement</b>
Minimum Lot Area	3 acres	10,000 square feet (R-3) 1 acre (PRD)
Lot Dimensions	100 feet x 100 feet <sup>1</sup>	70 feet x 120 feet <sup>2</sup>
Maximum Density	14 dwelling units/acre	25 dwelling units/acre <sup>3</sup>
Building Height	35 feet	50 feet (38 feet within 200' of R-1 zone)
Outdoor Open Space	40%	35%
Minimum Floor Area	1-bedroom units – 950 SF 2-bedroom units – 1,200 SF 3-bedroom units – 1,400 SF 4-bedroom units – 1,450 SF	Studios/1-bedroom units – 700 SF 2-bedroom units – 900 SF 3-bedroom units – 1,100 SF 4-bedroom units – 1,400 SF
Project Amenities	None required in R-3; Two (2) required in PRDs <sup>4</sup>	10 units or less – two (2) required <sup>5</sup> 11-30 units – two (2) required <sup>5</sup> plus at least one (1) additional <sup>6</sup> 31-100 units – one of each of the five amenities in <sup>5&amp;6</sup> >100 units - one of each of the five amenities in <sup>5&amp;6</sup> plus at least two (2) additional <sup>7</sup>
Resident Parking	2 covered spaces in an enclosed garage	Studio – 1 covered space <sup>8</sup> 1 & 2 bedrooms – 2 covered spaces <sup>8</sup> ≥3 bedrooms – 3 covered spaces <sup>8</sup>
Tandem Parking	Prohibited	Allowed when both spaces serve the same residential unit
Guest Parking	1 space per 3 units	1 space per 3 units or fraction thereof
Operational/Management Standards	None	≤30 units – manager required to live on-site >30 units – permanent rental office to be maintained on-site and staffed daily; professional property management company required for property maintenance

<sup>1</sup> 100 feet x 130 feet when fronting on a major or secondary street

<sup>2</sup> 70 feet x 140 feet when fronting on a major or secondary street

<sup>3</sup> Developments providing at least 50% of the units as affordable shall be allowed up to 30 dwelling units per acre

<sup>4</sup> Swimming pool; sports court; putting green; playground equipment; outdoor cooking facilities; etc.

<sup>5</sup> Swimming pool; barbecue facilities; playground/tot lot

<sup>6</sup> Sports court; community building with one full kitchen and a minimum of two meeting/activity rooms

<sup>7</sup> Open turf area, min. 100' x 100', for recreational activities; fitness parcourse min. ¼ mile in length; media screening room with a minimum capacity of 20 persons

<sup>8</sup> "Covered space" may be in an enclosed garage or carport

Policy Actions 3.7 and 3.9 are proposed to be addressed through comprehensive revamping of Chapters 11.22 ("R-3 – Residential Medium-High Density") and 11.90 ("Residential Developments – Planned") of the Montclair Municipal Code. Sections 11.22.050(H) and 11.90.180 of the Municipal Code currently set forth the following minimum floor areas for multifamily dwelling units:

- One-bedroom units – 950 square feet
- Two-bedroom units – 1,200 square feet
- Three-bedroom units – 1,400 square feet
- Four-bedroom units – 1,450 square feet

To address Policy Action 3.7, staff is recommending the following modifications for minimum floor areas:

- Studio or one-bedroom units – 700 square feet
- Two-bedroom units – 900 square feet
- Three-bedroom units – 1,100 square feet
- Four-bedroom units – 1,400 square feet

Existing Sections 11.22.050(Q) and 11.90.220 MMC address parking requirements for multifamily and planned developments. New developments are currently required to provide two covered parking spaces per dwelling unit, irrespective of unit size, in an enclosed garage and one guest parking space for each three dwelling units. The proposed code amendment seeks to modify the resident parking requirement as follows:

- Studio units – 1 covered parking space
- 1-2 bedroom units – 2 covered parking spaces
- 3 or more bedroom units – 3 covered parking spaces

Currently, "covered parking" is required to be in an enclosed garage. However, enclosed garages in multifamily developments have been problematic from a Planning and Code Enforcement perspective. Many residents use enclosed garages exclusively for storage, leaving no room to park a vehicle; thus, neighboring streets become overly congested with parked cars. Further, there have been numerous occasions where staff has discovered the illegal conversion of enclosed garages into living space, which also creates serious health and safety concerns. In the proposed ordinance, developers have the option of providing covered parking in an enclosed garage or open carport.

For further comparison, virtually all of the multifamily units constructed in the City in the 1960s, irrespective of unit size and bedroom count, were developed with one parking space per unit. Additionally, no on-site guest parking was incorporated into many of these older multifamily properties. Staff believes these minimal parking standards and a general lack of professional management and oversight throughout many of the City's multifamily neighborhoods have been the chief contributors to the long-running parking problems experienced in these neighborhoods. The proposed ordinance would only reduce the resident parking requirement for studio units – from two spaces to one. Two parking spaces would continue to be required for one- and two-bedroom units; three parking spaces would be required for units with three or more bedrooms.

An additional proposed change would be the allowance of tandem parking within enclosed garages, which is currently prohibited. However, tandem parking would only be allowed when both parking spaces serve the same dwelling unit.

No changes are proposed to the existing guest parking requirement, except that clarification has been added to require an additional guest parking space for any fraction of three units in a development. For example, if a project has eight units, three guest spaces would be required (two for the first six units plus one additional for the fractional portion of the next three units).

Policy Action 3.13 states in part, "To ensure the City's permitting requirements are not a constraint to residential development, especially new housing units affordable to low- and moderate-income households, the City shall amend the Zoning (Code) to remove the conditional use permit requirement for development in the R-3 zone that is three or more acres in size, two or more stories in height, or senior housing..." These constraints were removed through the adoption of Ordinance No. 13-933 by the City Council on June 17, 2013, so no further action is required as part of this agenda item.

As previously stated, Policy Action 4.2 requires investigating allowing higher densities in the R-3 zone where suitable, based on lot size, configuration and adjacent zoning. To allow this flexibility, staff is proposing a maximum density of 25 units per acre for market-rate units, and up to 30 units per acre where at least 50 percent of the units are reserved and deed restricted as affordable for very low-, low- and/or moderate-income individuals or families. Thirty (30) units per acre is the minimum threshold required by the State of California to qualify as a credit toward meeting the City's Regional Housing Needs Allocation (RHNA) goal as it relates to affordable housing. While the proposed maximum density of 25 units per acre represents an 80 percent increase over the current base maximum density of 14 units per acre, the actual density of a project will be driven by the ability to meet all of the other development standards contained in the revised Chapter 11.22 MMC, including setbacks, landscaping, parking, open space and required amenities. Staff believes that the changes to Chapter 11.22 guarantee that any new projects built pursuant to the revised standards would be far superior to those currently existing in the City.

Finally, concerns have been expressed for a number of years about how a lack of professional management at the majority of the City's multifamily developments have resulted in poor property maintenance, an excessive amount of Code Enforcement issues and/or crime problems. To address this issue, staff has included a subsection entitled "Operational Standards" in Chapters 11.22 and 11.90. These subsections require all new multifamily developments constructed after July 1, 2013 to comply with certain minimum property management standards.

## **Public Notice and Comment from the Public**

A notice of public review was advertised in the Inland Valley Daily Bulletin newspaper on June 28, 2013, inviting public comment. At the time this report was prepared, no comments or inquiries had been received by staff regarding this proposal.

## **Fiscal Impact**

The cost to publish the public notice in the Inland Valley Daily Bulletin was \$328.40. The cost to file a Notice of Determination for the Negative Declaration with the Clerk of the Board of Supervisors as required by the California Environmental Quality Act (CEQA) is \$2,206.25. Implementing a new ordinance would have minimal impact on City resources.

## **Environmental Determination**

An Initial Study was prepared for the proposed amendments to the General Plan Land Use Element and Zoning Code and released for public review and comment on June 24, 2013. Based on the findings of the Initial Study, staff has determined that the project will not have any significant adverse impacts on the environment. Therefore, a Negative Declaration is proposed for the project.

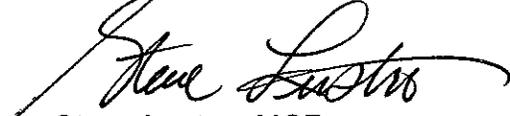
## **Planning Division Recommendation**

Staff finds the proposed General Plan and Zoning Code Amendments to be consistent with City policy and the Policy Actions in the adopted Housing Element. Accordingly, staff recommends approval of Case No. 2013-5 by taking the following actions:

- A. For the 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 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 amendments to the General Plan Land Use Element and Montclair Municipal Code; and
  - 2. Adopt the proposed Negative Declaration and a finding that there will be a DeMinimis impact on fish and wildlife; and
  - 3. Direct staff to file a Notice of Determination (NOD) and pay appropriate fees within five (5) days of this action.
- B. For the proposed General Plan and Municipal Code amendments, make the following recommendations to the City Council:

1. Recommend approval of the proposed amendment to the General Plan Land Use Element, adding a fifth residential category: "Residential—High Density (15-30 units per acre);" and
2. Recommend approval of the proposed amendments to Chapters 11.22, 11.78 and 11.90 of the Montclair Municipal Code related to development standards in the "R-3 – Residential Medium-High Density" zones.

Respectfully Submitted,



Steve Lustro, AICP  
Community Development Director

Attachments - Planning Commission Resolution No. 13-1785  
Draft City Council Resolution No. 13-2996  
Draft Ordinance No. 13-935

Z:\COMMDEVISL\2013\2013-5 PC RPT

**RESOLUTION NUMBER 13-1785**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING CITY COUNCIL ADOPTION OF PROPOSED RESOLUTION NO. 13-2996 APPROVING AN AMENDMENT TO THE LAND USE ELEMENT OF THE GENERAL PLAN, AND ORDINANCE NO. 13-935, AMENDING CHAPTERS 11.22, 11.78 AND 11.90 OF THE MONTCLAIR MUNICIPAL CODE, RELATED TO DEVELOPMENT STANDARDS AND REQUIREMENTS IN THE R-3 (RESIDENTIAL MEDIUM-HIGH DENSITY) ZONING DISTRICT.**

A. Recitals.

**WHEREAS**, the Land Use Element is one of seven statutorily-required elements of the General Plan; and

**WHEREAS**, Section 65358 of the California Government Code allows the City Council to amend all or part of an adopted General Plan if it deems such amendment to be in the public interest; and

**WHEREAS**, Section 65358(b) of the Government Code allows each mandatory element of the General Plan to be amended up to four times during any calendar year; and

**WHEREAS**, the City, through its consultant, RBF Consulting, prepared the 2006-2014 Housing Element, as an update to its previously adopted Housing Element in compliance with State law; and

**WHEREAS**, on September 19, 2011, the City Council adopted Resolution No. 11-2922 approving a General Plan Amendment, adopting the 2006-2014 Housing Element Update; and

**WHEREAS**, the "Policy Program" chapter of the adopted Housing Element sets forth 25 Policy Actions that are required to be undertaken by the City to successfully implement the adopted Housing Element; and

**WHEREAS**, Policy Action 4.2 requires that "the City shall investigate increasing the maximum permitted density on parcels where the lot configuration, size, and adjacent zoning is such that the parcel is suitable for development at a higher density than currently permitted. Based on its findings, the City shall amend the density and other development standards as appropriate"; and

**WHEREAS**, pursuant to Government Code Section 65860, the Zoning Code of the City of Montclair is required to be consistent with the adopted General Plan in order to implement its goals and policies; and

**WHEREAS**, the Land Use Element of the General Plan, which was adopted in 1999, identifies the following four residential land use types:

"Residential—Very Low Density Single-Family (0-2 units per acre)"  
"Residential—Low Density Single-Family (3-7 units per acre)"  
"Residential—Medium Density (8-14 units per acre)"  
"Senior Housing"; and

**WHEREAS**, Ordinance No. 13-935, amending various development standards of the R-3 (Residential Medium-High Density) zone, proposes to increase the maximum density within the R-3 zone to 30 units per acre; and

**WHEREAS**, in order to achieve consistency between the General Plan and Zoning Code, staff proposes to add a fifth housing category to the Land Use Element of the General Plan: "Residential—High Density (15-30 units per acre)"; and

**WHEREAS**, upon adoption of Resolution No. 13-2996 by the City Council, the official General Plan Land Use Map of the City of Montclair shall be amended as depicted in Exhibit "A"; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), the City prepared an Initial Study (IS) for the project and released it for public review and comment on June 24, 2013. Based on the findings of the Initial Study, staff has determined that the project could not have any potential significant adverse environmental impacts. Therefore, a Negative Declaration (ND) is proposed for the project; and

**WHEREAS**, on June 24, 2013, the Notice of Availability of the IS/ND was filed with the San Bernardino County Clerk of the Board; and

**WHEREAS**, the minimum 30-day public review period for the IS/ND commenced on June 24, 2013 and concluded on August 12, 2013; and

**WHEREAS**, copies of the IS/ND were available during the public review period at the Community Development counter at City Hall; and

**WHEREAS**, notice of the availability of the Initial Study and Planning Commission review of this item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on June 28, 2013; 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, as the responsible agency, reviewed and considered the environmental assessment based upon the findings in the Initial Study prepared for the project, and determined that there will be no significant impact on the environment as a result of the proposed amendments to the General Plan Land Use Element and Montclair Municipal Code; 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 Negative Declaration and a DeMinimis finding of no effect on fish and wildlife; and

**WHEREAS**, on August 12, 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 proposal 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. This Commission recommends the City Council adopt Resolution No. 13-2996, approving an amendment to the Land Use Element of the General Plan associated with Case No. 2013-5, adding a new housing category of "Residential—High Density (15-30 units per acre)."
3. This Commission recommends the City Council adopt proposed Ordinance No. 13-935, amending Chapters 11.22, 11.78 and 11.90 of the Montclair Municipal Code, related to the off-premises sale of alcoholic beverages, and Chapter 11.78 of the Montclair Municipal Code related to development standards and requirements in the R-3 (Residential Medium-High Density) zoning district.

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

APPROVED AND ADOPTED THIS 12TH DAY OF AUGUST, 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 12th day of August, 2013, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SL\2013\2013-5 PC RESO 13-1785

**RESOLUTION NO. 13-2996**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MONTCLAIR APPROVING AN AMENDMENT TO THE LAND  
USE ELEMENT OF THE GENERAL PLAN**

A. Recitals.

**WHEREAS**, the Land Use Element is one of seven statutorily-required elements of the General Plan; and

**WHEREAS**, Section 65358 of the California Government Code allows the City Council to amend all or part of an adopted General Plan if it deems such amendment to be in the public interest; and

**WHEREAS**, Section 65358(b) of the Government Code allows each mandatory element of the General Plan to be amended up to four times during any calendar year; and

**WHEREAS**, the City, through its consultant, RBF Consulting, prepared the 2006-2014 Housing Element, as an update to its previously adopted Housing Element in compliance with State law; and

**WHEREAS**, on September 19, 2011, the City Council adopted Resolution No. 11-2922 approving a General Plan Amendment, adopting the 2006-2014 Housing Element Update; and

**WHEREAS**, the "Policy Program" chapter of the adopted Housing Element sets forth 25 Policy Actions that are required to be undertaken by the City to successfully implement the adopted Housing Element; and

**WHEREAS**, Policy Action 4.2 requires that "the City shall investigate increasing the maximum permitted density on parcels where the lot configuration, size, and adjacent zoning is such that the parcel is suitable for development at a higher density than currently permitted. Based on its findings, the City shall amend the density and other development standards as appropriate"; and

**WHEREAS**, pursuant to Government Code Section 65860, the Zoning Code of the City of Montclair is required to be consistent with the adopted General Plan in order to implement its goals and policies; and

**WHEREAS**, the Land Use Element of the General Plan, which was adopted in 1999, identifies the following four residential land use types:

"Residential—Very Low Density Single-Family (0-2 units per acre)"

"Residential—Low Density Single-Family (3-7 units per acre)"

"Residential—Medium Density (8-14 units per acre)"

"Senior Housing"; and

**WHEREAS**, Ordinance No. 13-935, amending various development standards of the R-3 (Residential Medium-High Density) zone, proposes to increase the maximum density within the R-3 zone to 30 units per acre; and

**WHEREAS**, in order to achieve consistency between the General Plan and Zoning Code, staff proposes to add a fifth housing category to the Land Use Element of the General Plan: "Residential—High Density (15-30 units per acre)"; and

**WHEREAS**, upon adoption of this Resolution, the official General Plan Land Use Map of the City of Montclair shall be amended as depicted in Exhibit "A"; and

**WHEREAS**, the City has prepared an Initial Study/Negative Declaration (IS/ND) in compliance with the California Environmental Quality Act (CEQA); and

**WHEREAS**, the minimum 30-day public review period for the IS/ND commenced on June 24, 2013 and concluded on August 12, 2013; and

**WHEREAS**, on June 24, 2013, the Notice of Availability of the IS/ND was filed with the San Bernardino County Clerk of the Board; and

**WHEREAS**, copies of the IS/ND were available during the public review period at the Community Development counter at City Hall; and

**WHEREAS**, public notice of this item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on June 28, 2013; and

**WHEREAS**, on August 12, 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 the General Plan Amendment were heard, and said application was fully studied; and

**WHEREAS**, the Planning Commission reviewed and considered the amendment to the Land Use Element along with the information contained in the IS/ND, comments received during the public review period, and responses to comments; and

**WHEREAS**, the Planning Commission, as the responsible agency, reviewed and considered the environmental assessment based upon the findings in the Initial Study prepared for the project, and determined that there will be no significant impact on the environment as a result of the proposed amendments to the General Plan Land Use Element and Montclair Municipal Code; and

**WHEREAS**, the Planning Commission also adopted a Negative Declaration and a finding that there will be a DeMinimis impact on fish and wildlife; and

**WHEREAS**, based on its review and independent judgment, the City Council finds that the amendment to the Land Use Element of the General Plan will not have a significant effect on the environment; and

**WHEREAS**, on XX XX, 2013, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the City Council conducted a public hearing at which time all

persons wishing to testify in connection with the General Plan Amendment were heard, and said application was fully studied.

B. Resolution.

**NOW, THEREFORE, BE IT RESOLVED** that it is hereby found, determined, and resolved by the City Council of the City of Montclair as follows:

1. The City Council hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. The City Council hereby approves the amendment to the Land Use Element of the General Plan associated with Case No. 2013-5, adding a new housing category of "Residential—High Density (15-30 units per acre)."

**APPROVED AND ADOPTED** this XX day of XX, 2013.

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Mayor

**ATTEST:**

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Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 13-2996 was duly adopted by the City Council of said city and was approved by the Mayor of said city at a regular meeting of said City Council held on the XX day of XX, 2013, and that it was adopted by the following vote, to -wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

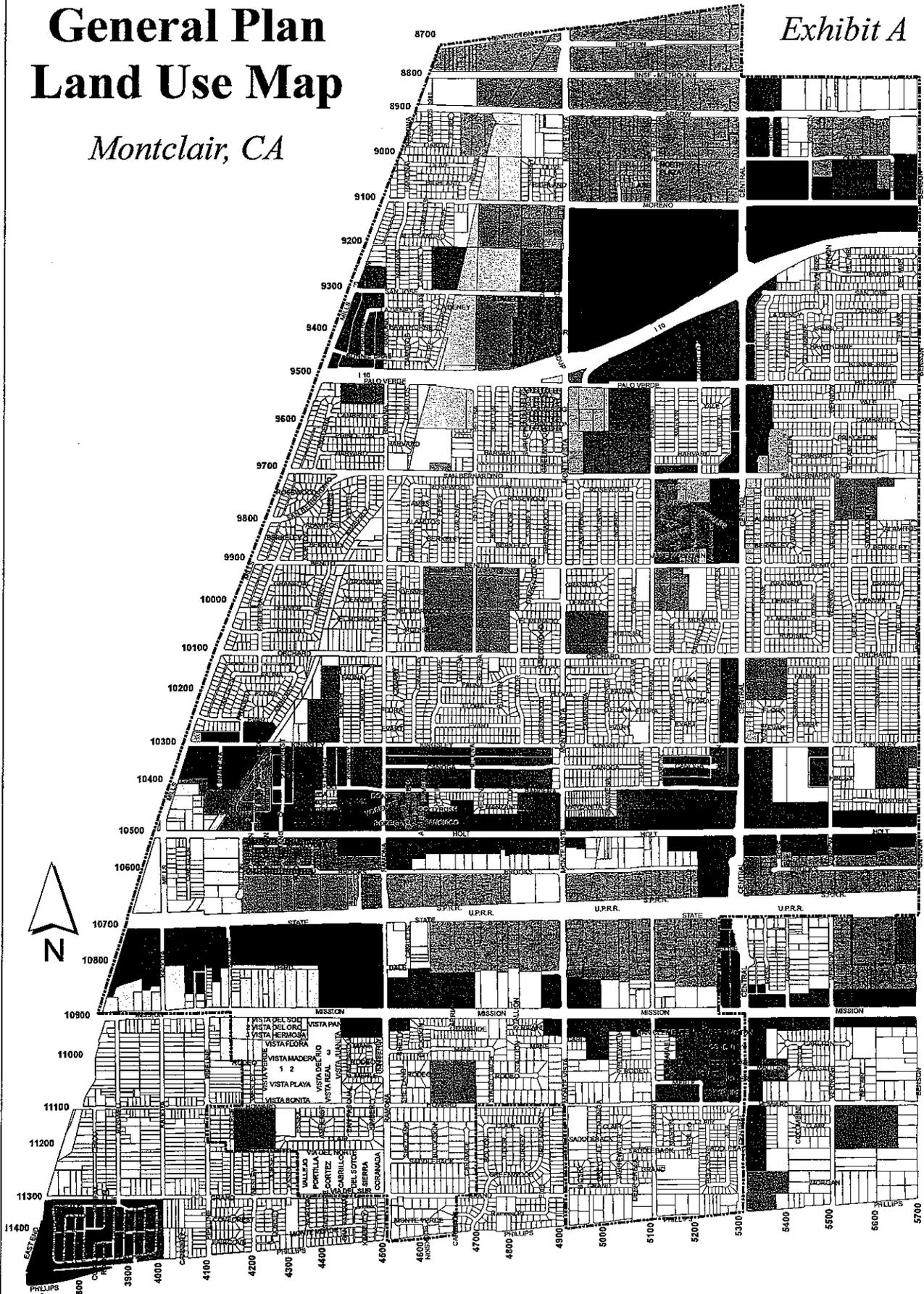
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Yvonne L. Smith  
Deputy City Clerk

# General Plan Land Use Map

Montclair, CA

Exhibit A



### General Plan Land Use

Very Low, 0-2 units/acre	Senior Housing	Regional Commercial	Public/Quasi Public	Planned Development
Low, 3-7 units/acre	Office Professional	Business Park	Neighborhood Park	Medical Center
Medium, 8-14 units/acre	Neighborhood Commercial	Industrial Park	Conservation Basins	City Boundary
High, 15-30 units/acre	General Commercial	Limited Manufacturing	Community Plan	

Source: City of Montclair  
7/24/2013

**ORDINANCE NO. 13-935**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING CHAPTERS 11.22, 11.78 AND 11.90 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO DEVELOPMENT STANDARDS AND REQUIREMENTS IN THE R-3 (RESIDENTIAL MEDIUM-HIGH DENSITY) ZONING DISTRICT (CASE NO. 2013-5).**

**WHEREAS**, the Housing Element is one of seven statutorily-required elements of the General Plan; and

**WHEREAS**, the California Government Code requires cities to review and update their Housing Element according to a schedule set forth by the State's Housing and Community Development Department (HCD); and

**WHEREAS**, the City, through its consultant, RBF Consulting, prepared the 2006-2014 Housing Element, as an update to its previously adopted Housing Element in compliance with State law; and

**WHEREAS**, in April 2011, HCD has provided the City with a letter of substantial compliance, indicating that upon adoption by the City Council, the Housing Element would fully comply with State law; and

**WHEREAS**, on September 19, 2011, the City Council adopted Resolution No. 11-2922 approving a General Plan Amendment, adopting the 2006-2014 Housing Element Update; and

**WHEREAS**, the "Policy Program" chapter of the adopted Housing Element sets forth 25 Policy Actions that are required to be undertaken by the City to successfully implement the adopted Housing Element; and

**WHEREAS**, Policy Action 3.7 requires staff to "examine the existing (minimum) unit size requirements and amend the City's Zoning Code, as appropriate, to ensure unit size thresholds do not constrain the provision of affordable housing"; and

**WHEREAS**, Policy Action 3.9 states, "To ensure the City's parking requirements are not a constraint to residential development, especially new housing units affordable to lower and moderate income households, the City shall review the existing parking requirements, particularly the two-space "garage" multi-family requirement, and revise the requirements, as appropriate"; and

**WHEREAS**, Policy Action 3.13 states in part. "To ensure the City's permitting requirements are not a constraint to residential development, especially new housing units affordable to low- and moderate-income households, the City shall amend the Zoning (Code) to remove the conditional

use permit requirement for development in the R-3 zone that is three or more acres in size, two or more stories in height, or senior housing" and

**WHEREAS**, Policy Action 4.2 requires that "the City shall investigate increasing the maximum permitted density on parcels where the lot configuration, size, and adjacent zoning is such that the parcel is suitable for development at a higher density than currently permitted. Based on its findings, the City shall amend the density and other development standards as appropriate."

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTCLAIR DOES HEREBY ORDAIN AS FOLLOWS:**

**Section I. Amendment of Code.**

Section 11.22.020 ("Uses permitted") of the Montclair Municipal Code is hereby repealed and replaced as follows:

**11.22.020 Uses permitted.**

Except as specifically provided elsewhere in this Title, any and every building, premises and/or land in the R-3 Zone shall be used for, or occupied, and every building shall be erected, constructed, established, altered, enlarged, maintained and moved into or within such R-3 Zone, exclusively and only in accordance with the provisions set forth in this Chapter, and subject to the approval of a Precise Plan of Design submitted and reviewed in accordance with the provisions of Chapter 11.80 of this Title.

A. The following shall be permitted as primary uses:

1. Planned residential developments, subject to the provisions set forth in Chapter 11.90 of this Title;
2. Apartments, subject to the provisions set forth in Sections 11.22.050 through 11.22.070 of this Chapter;
3. Mobile home parks; subject to the provisions set forth in Chapter 11.62 of this Title;
4. Residential care facilities for six or fewer persons;
5. Senior citizen housing.

B. The following shall be permitted as accessory uses:

1. Those uses permitted in Sections 11.18.030(D), (F) and (H) of this Title;
2. Signs, subject to the provisions of Chapter 11.72 of this Title;
3. Parking lots;
4. Home occupations, subject to the provisions of Chapter 11.58 of this Title.

**Section II. Amendment of Code.**

Section 11.22.030 ("Uses permitted subject to a conditional use permit") of the Montclair Municipal Code is hereby repealed and replaced as follows:

**11.22.030 Uses permitted subject to a conditional use permit.**

The following uses may be permitted subject to the issuance of a conditional use permit in accordance with the provisions of Chapter 11.78 of this Title:

- A. Those uses permitted in Section 11.18.030(A), (E) and (K), and Section 11.20.020(B) of this Title;
- B. Convalescent centers, skilled nursing facilities and assisted living facilities.

**Section III. Amendment of Code.**

Section 11.22.050 ("Property development standards") of the Montclair Municipal Code is hereby repealed and replaced as follows:

**11.22.050 Property development standards.**

The following property development standards shall apply to all land and buildings in the R-3 Zone; provided, however, where a lot has a width, depth or area less than that required by the provisions of this Title and was held under separate ownership or was of official City record prior to June 30, 1984, such lot may be occupied by any use permitted in the R-3 Zone.

- A. Lot Area. The net lot area shall be a minimum of 10,000 square feet, except that property developed pursuant to Chapter 11.90 of this Title ("Residential Developments-Planned") shall have a minimum net lot area of one acre.
- B. Lot Dimensions.
  - 1. Width. The width of the lot shall be a minimum of 70 feet at the front lot line. However, if lots are located at the end of a cul-de-sac or another location that results in a wedge-shaped lot, the minimum width at the front building line shall be not less than 50 feet, provided the average width of the lot is not less than 70 feet.
  - 2. Depth. The depth of the lot shall be a minimum of 120 feet when fronting on a local or collector street and 140 feet when fronting on a major or secondary roadway as designated in the Circulation Element of the adopted General Plan.
- C. Maximum Dwelling Unit Density. The maximum dwelling unit densities stated in this subsection are not automatically by-right; projects shall also be required to meet all applicable development standards contained in this Title.
  - 1. The maximum dwelling unit density for market-rate courtyard, garden, rowhouse or stacked dwelling multifamily developments shall be 25 units per net acre.
  - 2. The maximum dwelling unit density for courtyard, garden, rowhouse or stacked dwelling multifamily developments where a minimum of 50 percent of the dwelling units are reserved and deed restricted as affordable for very low-, low- and/or moderate-income individuals or families shall be 30 units per net acre.

D. **Building Height.** The maximum building height shall be 50 feet with a maximum of four floors, except that any portion of a building within 200 feet of the boundary of any R-1 Zone shall be limited to 38 feet and a maximum of three floors. "Building height" as defined herein means the vertical distance from the average contact ground level of the building to the highest point of the parapet wall of a flat roof or the mean height level between the eaves and ridges for a gable or hip roof.

E. **Building design.**

1. Structures having dwelling units attached side-by-side shall have an offset or articulation in the front building line of at least four feet (4') for every two dwelling units within such structure. Similar architectural enhancement alternatives may be approved subject to a Precise Plan of Design approved by the Planning Commission.

2. Structures having dwelling units attached side-by-side or stacked above one another shall provide at least one-third of the total number of units within such development as a flat or one-story unit.

F. **Lot Coverage.** Buildings and structures shall not cover more of a lot than would be permitted when satisfying all yard, open space, parking and access requirements.

G. **Minimum Floor Area of Dwelling Units.** Multifamily dwelling units shall contain the following minimum floor areas:

1. For studio or one-bedroom units, 700 square feet.
2. For two-bedroom units, 900 square feet.
3. For three-bedroom units, 1,100 square feet.
4. For four bedroom units, 1,400 square feet.

Said floor areas shall be exclusive of patios, balconies, carports and garages.

H. **Minimum Room Sizes.** The minimum size of rooms shall comply with the currently adopted California Building Code, except that all bedrooms shall have a minimum area of 110 square feet and a minimum dimension of 9 feet.

I. **Yards and Setbacks.** Developments in the R-3 Zone shall have and maintain the following minimum yards and setbacks (see Sections 11.38.050 and 11.38.060 of this Title for additional requirements). Building setbacks shall be measured from the front property line.

1. **Front Yards.**

a. For buildings with three stories or less, a 25-foot minimum front yard setback shall be required.

b. For buildings with four stories, a 35-foot minimum front yard setback shall be required.

c. Notwithstanding the required front yard setbacks indicated herein, covered or uncovered porches and balconies that are open on three sides may encroach up to 7 feet into the required front yard setback.

d. The Planning Commission may require greater setbacks pursuant to a Precise Plan of Design because of the dimensions or bulk of a building, its relationship to the adjacent street(s) and/or to ensure compatibility with contiguous land uses.

e. No portion of the required front yard setback area shall be used for parking. Driveways of the minimum width necessary for vehicular access shall be permitted to traverse the front yard setback area.

2. Street Side Yards.

a. For buildings with three stories or less, a 25-foot minimum street side yard setback shall be required.

b. For buildings with four stories, a 35-foot minimum street side yard setback shall be required.

c. Notwithstanding the required street side yard setbacks indicated herein, covered or uncovered porches and balconies that are open on three sides may encroach up to 7 feet into the required street side yard setback.

d. The Planning Commission may require greater setbacks pursuant to a Precise Plan of Design because of the dimensions or bulk of a building, its relationship to the adjacent street(s) and/or to ensure compatibility with contiguous land uses.

e. No portion of the required street side yard setback area shall be used for parking. Driveways of the minimum width necessary for vehicular access shall be permitted to traverse the street side yard setback area.

3. Interior Side Yards.

a. For buildings with three stories or less, a 10-foot minimum interior side yard setback shall be required.

b. For buildings with four stories, a 15-foot minimum interior side yard setback shall be required.

c. Open patios on the first floor shall be permitted to encroach a maximum of 5 feet into any required interior side yard setback. Open patios above the first floor shall not be permitted to encroach into any required interior side yard setbacks.

d. The Planning Commission may require greater setbacks pursuant to a Precise Plan of Design because of the dimensions or bulk of a building and/or to ensure compatibility with contiguous land uses.

e. Interior side yard setback areas may be used for parking subject to approval of a Precise Plan of Design and provided that required fire lane access is maintained at all times.

4. Rear Yards.

a. For buildings with three stories or less, a 10-foot minimum rear yard setback shall be required.

b. For buildings with four stories, a 15-foot minimum rear yard setback shall be required.

c. Notwithstanding the required rear yard setbacks indicated herein, covered or uncovered porches and balconies that are open on three sides may encroach up to 7 feet into any required rear yard setback.

d. The Planning Commission may require greater setbacks pursuant to a Precise Plan of Design because of the dimensions or bulk of a building and/or to ensure compatibility with contiguous land uses.

e. Rear yard setback areas may be used for parking subject to approval of a Precise Plan of Design and provided that required fire lane access is maintained at all times.

J. Open Space. Each development shall provide outdoor open space for recreation and leisure activities within the development site in the following manner:

1. Common open/recreational space shall comprise not less than 35 percent of the net acreage. Public or private driveways, parking spaces or other

- areas designed for operational functions are not considered open space. Common open/recreational space improvements shall be provided as follows:
- a. Developments of 10 units or less shall provide at least two of the following amenities:
    - i. Permanent barbecue facilities with at least two grills and two table/bench arrangements;
    - ii. Playground and/or tot lot with permanently-installed play equipment;
    - iii. Swimming pool or spa.
  - b. Developments of 11-30 units shall provide at least two of the amenities listed in subsection (a) of this Section plus at least one of the following amenities:
    - i. Sports court (tennis, volleyball, basketball, etc.);
    - ii. Community building with at least one full kitchen and a minimum of two rooms for meetings, games, activities, etc.
  - c. Developments of 31-100 units shall provide at least one of each of the five amenities in subsections (a) and (b) of this Section.
  - d. Developments of greater than 100 units shall provide at least one of each of the five amenities in subsections (a) and (b) of this Section plus at least two of the following:
    - i. A passive, open turf area (natural or synthetic), measuring at least 100 feet by 100 feet, for unstructured recreational activities;
    - ii. A fitness parcourse of at least one-quarter mile in length and a minimum of six (6) activity stations;
    - iii. A media screening room/theater with a seating capacity of at least 20 and permanently-installed audio-visual equipment, which may be a part of the community building or constructed as a stand-alone facility.
  - e. For projects of greater than 100 units, the Director of Community Development may require the developer to increase the size, number and/or capacity of one or more required amenities to adequately serve the number of residents in the development.
2. Private porches, patios and balconies attached to individual dwelling units may be included in the required outdoor open space calculation provided the minimum dimension is at least 10 feet and the minimum area is 150 square feet.
  3. Swimming pools, spas, ponds, lakes, streams and other water features provided for the common use or enjoyment of all residents may be constructed as part of the required outdoor open space; however, such facilities shall not comprise more than 50 percent of the required outdoor open space.
  4. The outdoor open spaces created pursuant to the provisions of this Title shall remain open and available for such use for the life of the development.
- K. Private Open Space. Each dwelling unit shall have a minimum private open space of 100 square feet with a minimum dimension of 7 feet. Such private open space shall be in the form of porches, patios and/or balconies.
- L. Landscaping. The design, installation and maintenance of all landscape and hardscape areas shall be subject to approval of a Precise Plan of Design and shall fully comply with Chapter 11.60 of this Title.
- M. Walls and Fences. The general development standards for walls and fences as provided in Sections 11.38.050(M), (N) and (O) of this Title shall

apply; provided, however, that the Planning Commission may require additional walls and fences if necessary to protect adjacent properties.

N. Vehicular Circulation.

1. Streets. Primary and secondary streets shall be designed to meet the following standards:

a. Traffic lanes no less than 10 feet in width and no more than 12 feet in width.

b. Where on-street parallel parking is provided, the parking lane shall be 8 feet in width. Where 90-degree or angled parking is provided as part of the street design, parking stall dimensions shall be 9 feet in width by 20 feet in length. A maximum 2-foot overhang may be allowed into landscape areas or walkways with a dimension of 6 feet or greater.

2. Driveways Serving Only Garages. If a private driveway serves only garages, and the driveway is posted as a fire lane and/or to prohibit all other parking, the driveway may be constructed with a minimum width of 20 feet; provided, however, that if the driveway is double-loaded with garages on both sides, a minimum distance of 26 feet shall be provided as measured from building wall to building wall.

3. Access and On-Site Circulation.

a. Vehicular access to all developments shall be from a public street.

b. The design of all on-site vehicular circulation, including roadway widths, turning radii and turnarounds shall be subject to approval by the Fire Department.

c. There shall be a minimum vertical clearance of 14 feet along all driveways and vehicular paths that provide access for emergency response vehicles.

O. Pedestrian Circulation. A pedestrian circulation system shall be incorporated into the residential development for the purpose of providing direct access to all dwelling units, trash enclosures, parking areas, recreation areas and outdoor open space. The circulation system shall include the following:

1. A public sidewalk shall be constructed adjacent to all public streets bordering the project site with a minimum width of 5 feet in accordance with City standards.

2. An on-site walkway system of pedestrian walks and paths that fully complies with all disabled-accessibility standards with respect to surface material, width, grades, ramps, curbs, railings and signage.

P. Parking Requirements.

1. Resident Parking. Each dwelling unit shall be provided with resident parking as indicated below. A minimum of one required parking space for each unit shall be within a carport or enclosed garage. Every effort shall be made to locate the required parking space(s) for each unit within 200 feet of the unit to which they are assigned.

a. Studio – 1 parking space.

b. 1-2 bedrooms – 2 parking spaces.

c. 3 or more bedrooms – 3 parking spaces.

2. Guest Parking. On-site parking for guests shall be provided at a ratio of one parking space for every 3 units or fraction thereof, regardless of unit size. Guest parking shall be reasonably distributed throughout the development site.

3. **Parking Space Dimensions.**
  - a. **Enclosed Garages.** The minimum, clear inside dimensions of each parking space within an enclosed garage shall be 10 feet in width and 20 feet in length.
  - b. **Carports.** The minimum, clear dimensions of each parking space within a carport shall be 9 feet in width by 20 feet in length; provided, however, that a 2-foot overhang may be allowed into landscape areas or walkways with a dimension of 6 feet or greater. Where a structural support post occurs for a carport, an additional 2 feet in width shall be added to each parking space on either side of the structural member.
  - c. **Uncovered Parking.** The minimum dimensions of each uncovered parking space shall be 9 feet by 20 feet in length; provided, however, that a 2-foot overhang may be allowed into landscape areas or walkways with a dimension of 6 feet or greater.
4. **Automatic garage door openers** shall be required for each enclosed garage.
5. **Parking Lot Striping.** Striping for uncovered parking spaces or those within carports shall be double-stripe or "hairpin" style, with the 9-foot dimension being measured to the center of the "hairpin."
6. **Tandem Parking.** Tandem parking shall only be permitted within enclosed garages and only when both spaces serve the same unit.
7. **On-street parking** on public streets shall not be used to satisfy any of the parking requirements contained herein.
- Q. **Signs.** The general development standards for signs as set forth in Chapter 11.72 of this Title shall apply, in addition to the following:
  1. **Permitted Signs.**
    - a. **Wall Signs.** One illuminated or non-illuminated wall sign with the name of the development shall be permitted on each street frontage. Individual or script copy in durable materials is strongly encouraged. Externally illuminated signs shall be via wall-mounted fixtures that are complementary to the architecture of the development and do not create any nuisance light spill or glare to any of the residential units or the public right-of-way. Internally illuminated signs shall be limited to halo illumination only.
    - b. **Address Signs.** One illuminated or non-illuminated wall sign with the numerical address or numerical address and street name of the development shall be permitted on each building on each street frontage. Where a building also fronts on an internal private driveway or parking lot, additional numerical address(es) may be permitted to be displayed for safety and security purposes. Individual or script copy in durable materials is strongly encouraged. Externally illuminated signs shall be via wall-mounted fixtures that are complementary to the architecture of the development and do not create any nuisance light spill or glare to any of the residential units or the public right-of-way. Internally illuminated signs shall be limited to halo illumination only. Address and address/street name signs shall be a minimum of 8 inches in height and a maximum of 10 inches in height. Where more than one address sign is attached to multiple frontages of a single building as described above, the design, size and color of each sign shall be identical.
    - c. **Freestanding Monument Signs.** One illuminated or non-illuminated freestanding monument sign shall be allowed for developments with a minimum of 150 feet of continuous frontage on the same street.

i. Height. Monument signs shall be limited to a maximum height of 5 feet as measured from the grade of the adjacent public sidewalk.

ii. Sign Area. The sign face of monument signs shall be limited to a maximum of 40 square feet in size, not including the optional, detachable sign rider described in Subsection (c)(2) below.

1. Design and Illumination. Monument signs shall be of a high quality architectural design and be constructed of durable materials. If illumination is desired, it shall be via at-grade, flush-mounted fixtures to minimize nuisance glare to the adjacent public right-of-way. As an alternative, above-grade fixtures may be used if it can be demonstrated that the light source will not be directly visible to the public right-of-way or neighboring properties.

2. Sign Copy. The purpose of monument signs is to identify the development by its name and address. No additional sign copy, such as phone numbers, website addresses or other forms of advertising, shall be permitted. A detachable rider to the sign containing sign copy such as "Now Leasing," "Now Renting," "Vacancy," "No Vacancy" or the like, shall be permitted so long as its design is complementary to the main sign. Such sign riders shall be no greater than 8 square feet in size.

3. Location. Monument signs shall be located within a fully landscaped area and set back a minimum of 5 feet from the back edge of the adjacent public sidewalk. In order to eliminate sight-distance obstructions, monument signs shall be located no less than 30 feet away from any vehicular driveway on the same side of the street, whether the driveway serves the subject development or an adjacent property.

d. Unit Signs. One illuminated or non-illuminated sign identifying the unit number, letter or designation, not to exceed 1 square foot in size, shall be required and maintained for each dwelling unit.

e. Directional Signs. One or more pedestrian and/or vehicular-oriented directional signs, no larger than 6 square feet in size and 4 feet in height may be permitted within residential developments of 2 acres or greater, subject to administrative review and approval by the Director of Community Development.

2. Prohibited Signs. All signs not expressly permitted herein shall be prohibited, including those signs identified in Section 11.72.120 of this Title.

R. Operational Standards. In order to provide adequate management, maintenance and oversight for multifamily developments, the following operational standards shall be required for projects constructed after July 1, 2013:

1. For developments of 30 units or less, an on-site manager having the authority to perform or contract for emergency and non-emergency maintenance and repairs shall reside full-time in one of the dwelling units on the subject property.

2. For developments of greater than 30 units, the following requirements shall apply:

a. A permanent rental/leasing office shall be established and maintained on-site and staffed daily during regular business hours.

b. The property owner shall be required to contract with a professional property management company that is on-call 24 hours a day and shall be responsible for all landscape, common area and building maintenance.

#### **Section IV. Amendment of Code.**

Section 11.22.060 ("Other general development standards") of the Montclair Municipal Code is hereby repealed and replaced as follows:

##### **11.22.060 Other general development standards.**

A. **Trash Collection Areas.** Each trash collection area shall be located within 200 feet of the farthest unit it is intended to serve. Such collection areas shall be designed and situated so as to minimize noise and visual intrusion on the subject property, adjacent properties, as well as to not create a fire hazard to nearby structures. Said trash collection areas shall be provided with a minimum illumination level of 500 lumens and designed to City standards to comply with stormwater runoff regulations.

B. **Mail Collection Areas.** Mail delivery service shall be provided within centrally located areas with easy accessibility from an internal driveway or parking area. Mail collection areas shall be located within a fully enclosed building, covered breezeway, or other similar area that is adequately protected from inclement weather, and shall be provided with a minimum illumination level of 500 lumens.

C. **Utility Service and Television Service.** All utility services to multifamily residential developments, including, but not limited to electrical, telephone, cable and satellite television, and broadband service shall be installed underground and within building walls. Should exterior antennas and/or satellite dishes be allowed, the project shall be designed to provide areas on each building for such equipment that are not visible to public rights-of-way or neighboring properties.

D. **Lighting.** Multifamily residential developments shall comply with the following standards and requirements regarding illumination:

1. **Site Lighting.** A professionally-prepared photometric analysis demonstrating that all parking areas, driveways, private streets, walkways, and other outdoor public spaces shall be illuminated to an adequate level for security and safety during all hours of darkness shall be required to be submitted for review and approval by the Community Development Department.

2. **Garages.** Fully enclosed garages shall be wired to include a fixture or fixtures that has/have the capacity to support light sources providing a minimum of illumination level of 1,500 lumens. Said illumination shall be in addition to any lighting that may be provided by the required automatic garage door opener.

#### **Section V. Amendment of Code.**

Section 11.22.070 ("Special development criteria") of the Montclair Municipal Code is hereby repealed and deleted in its entirety.

#### **Section VI. Amendment of Code.**

Section 11.78.030 ("Permitted uses"), Subsection (A), of the Montclair Municipal Code is hereby amended to read as follows:

**11.78.030 Permitted uses.**

In addition to those uses specifically identified in Chapters 11.22 through 11.30 of this Title as requiring a conditional use permit, the Planning Commission may grant a conditional use permit for any use listed in this Section as a permitted use subject to a conditional use permit:

- A. Residential Uses.
  - 1. Assisted living facilities (AP, C-2, C-3);
  - 2. Convalescent care (AP, C-2, C-3);
  - 3. Conversions of apartments to condominiums (R-3);
  - 4. Student housing, dormitories, group quarters (AP, C-2, C-3).

**Section VII. Amendment of Code.**

The Table of Contents for Chapter 11.90 of the Montclair Municipal Code is hereby repealed and replaced as follows:

**Chapter 11.90**

**RESIDENTIAL DEVELOPMENTS-  
PLANNED**

**Sections:**

- 11.90.010 Findings, intent and purpose.
- 11.90.020 Objectives and purposes.
- 11.90.030 Application of chapter.
- 11.90.040 Authorization.
- 11.90.050 Permits required.
- 11.90.060 Preliminary review.
- 11.90.070 Precise plans required.
- 11.90.080 Application requirements.
- 11.90.090 Information to be submitted.
- 11.90.100 Development standards.
- 11.90.110 Site area.
- 11.90.120 Maximum density.
- 11.90.130 Site coverage.
- 11.90.140 Building design.
- 11.90.150 Building height.
- 11.90.160 Yards and setbacks.
- 11.90.170 Minimum floor area.
- 11.90.180 Common open/recreational space.
- 11.90.190 Vehicular circulation-private streets.
- 11.90.200 Pedestrian circulation.
- 11.90.210 Parking requirements.
- 11.90.220 Vehicular storage.
- 11.90.230 Landscaping.
- 11.90.240 Lighting.
- 11.90.250 Utility service and television service.
- 11.90.260 Laundry areas.
- 11.90.270 Trash collection areas.

- 11.90.280 Private storage areas.
- 11.90.290 Signs.
- 11.90.300 Operational standards.
- 11.90.310 Walls and fences.
- 11.90.320 Fire hydrant system.
- 11.90.330 Sewer and water systems.
- 11.90.340 Mail delivery.
- 11.90.350 Common areas.
- 11.90.360 Appearance standards.
- 11.90.370 Miscellaneous development standards.
- 11.90.380 Covenants, Conditions and Restrictions (CC&Rs)

### **Section VIII. Amendment of Code.**

Section 11.90.050 ("Permits required") of the Montclair Municipal Code is hereby repealed and replaced as follows:

#### **11.90.050 Permits required.**

A. Planned residential development projects are permitted in the R-3 Zones subject to approval of a tentative and/or final tract maps as may be required by law. This requirement is in addition to other permits or certificates required by law.

B. No person shall construct, sell, lease, rent, convey, maintain or use a planned residential development project within the City without complying with the provisions of this Title.

### **Section IX. Amendment of Code.**

Section 11.90.080 ("Application requirements") and Section 11.90.090 (Information to be submitted") of the Montclair Municipal Code are hereby repealed and replaced as follows:

#### **11.90.080 Application requirements.**

After the preliminary review, the applicant may file a development review application for a planned residential development and shall include the information required by this Chapter and any other information that may be required to adequately consider such proposal. A Precise Plan of Design and tentative tract map as required by the Chapter shall be submitted concurrently to the Planning Division for the purpose of review and formulation of a recommendation to the Planning Commission. Precise Plan of Design and tentative map applications, filed pursuant to this Chapter, shall be processed simultaneously.

**11.90.090 Information to be submitted.**

The information to be filed in conjunction with a planned residential development, in addition to the applicable requirements of Chapters 11.60, 11.80 and 11.86 of this Title, shall include the following:

- A. A site plan depicting the following:
  - 1. The arrangement and location of all buildings, structures and improvements proposed to be retained and constructed and the gross floor area and ground floor area of each unit and/or building type;
  - 2. All off-site improvements, including street improvements, lighting, traffic signals, signage, and utility undergrounding;
  - 2. The location and design of on-site circulation, including pedestrian paths, on-site parking and loading areas;
  - 3. The location of all landscaped areas, surface water retention devices and improvements, fences, walls, trash enclosures and utility vaults and structures.
- B. Landscape plans pursuant to Chapter 11.60 of this Title.
- C. Detailed architectural drawings and renderings illustrating all elevations and floor plans of the proposed structures as they will appear upon completion. All exterior surface materials shall be specified by manufacturer and color and/or product name and samples provided on a color and material board.
- D. Scaled drawings of all signs and exterior lighting specifying the size, location, colors, materials, copy, luminaire cut sheets and illumination source and intensity.
- E. Preliminary grading plans when necessary to ensure that development will properly relate to the site and to surrounding properties and structures.
- F. Calculations indicating the land area devoted to each proposed use in the planned residential development and its percentage of the total area.
- G. Calculations of the required and proposed amounts of open space, usable common open space, private open space and active recreational areas, on a per-unit and aggregate basis.
- H. A map indicating any proposed division of land within the planned residential development site.
- I. A preliminary title report showing the vested ownership and all covenants, conditions, restrictions and reservations of record.
- J. For planned residential developments to be built in multiple phases, a phasing and access plan.
- K. Any other drawings or additional information necessary to adequately consider the drawings required by this Section and determine compliance with the purpose and intent of this Title.

**Section X. Amendment of Code.**

Section 11.90.110 ("Site area") and Section 11.90.120 ("Maximum density") of the Montclair Municipal Code are hereby repealed and replaced as follows:

**11.90.110 Site area.**

The minimum net site area within an R-3 Zone, when developed pursuant to this Chapter, shall be one acre, except that sites with lesser area may be permitted when contiguous to an existing planned residential development or constitute a logical extension in the arrangement of buildings, facilities and open space.

**11.90.120 Maximum density.**

The maximum dwelling unit densities stated in this subsection are not automatically by-right; projects shall also be required to meet all applicable development standards contained in this Title.

1. The maximum dwelling unit density for market-rate courtyard, garden, rowhouse or stacked dwelling multifamily developments shall be 25 units per net acre.
2. The maximum dwelling unit density for courtyard, garden, rowhouse or stacked dwelling multifamily developments where a minimum of 50 percent of the dwelling units are reserved and deed restricted as affordable for very low-, low- and/or moderate-income individuals or families shall be 30 units per net acre.

**Section XI. Amendment of Code.**

Section 11.90.140 ("Distance between units"), Section 11.90.150 ("Building height") and Section 11.90.160 ("Yards and setbacks") are hereby repealed and replaced as follows:

**11.90.140 Building design.**

1. Structures having dwelling units attached side-by-side shall have an offset or articulation in the front building line of at least four feet (4') for every two dwelling units within such structure. Similar architectural enhancement alternatives may be approved subject to a Precise Plan of Design approved by the Planning Commission.
2. Structures having dwelling units attached side-by-side or stacked above one another shall provide at least one-third of the total number of units within such development as a flat or one-story unit.

**11.90.150 Building height.**

The maximum building height shall be 50 feet with a maximum of four floors, except that any portion of a building within 200 feet of the boundary of any R-1 Zone shall be limited to 38 feet and a maximum of three floors.

"Building height" as defined herein means the vertical distance from the average contact ground level of the building to the highest point of the parapet wall of a flat roof or the mean height level between the eaves and ridges for a gable or hip roof.

**11.90.160 Yards and setbacks.**

Planned residential developments in the R-3 Zone shall have and maintain the following minimum yards and setbacks (see Sections 11.38.050 and

11.38.060 of this Title for additional requirements). Building setbacks shall be measured from the front property line.

1. Front Yards.

a. For buildings with three stories or less, a 25-foot minimum front yard setback shall be required.

b. For buildings with four stories, a 35-foot minimum front yard setback shall be required.

c. Notwithstanding the required front yard setbacks indicated herein, covered or uncovered porches and balconies that are open on three sides may encroach up to 7 feet into the required front yard setback.

d. The Planning Commission may require greater setbacks pursuant to a Precise Plan of Design because of the dimensions or bulk of a building, its relationship to the adjacent street(s) and/or to ensure compatibility with contiguous land uses.

e. No portion of the required front yard setback area shall be used for parking. Driveways of the minimum width necessary for vehicular access shall be permitted to traverse the front yard setback area.

2. Street Side Yards.

a. For buildings with three stories or less, a 25-foot minimum street side yard setback shall be required.

b. For buildings with four stories, a 35-foot minimum street side yard setback shall be required.

c. Notwithstanding the required street side yard setbacks indicated herein, covered or uncovered porches and balconies that are open on three sides may encroach up to 7 feet into the required street side yard setback.

d. The Planning Commission may require greater setbacks pursuant to a Precise Plan of Design because of the dimensions or bulk of a building, its relationship to the adjacent street(s) and/or to ensure compatibility with contiguous land uses.

e. No portion of the required street side yard setback area shall be used for parking. Driveways of the minimum width necessary for vehicular access shall be permitted to traverse the street side yard setback area.

3. Interior Side Yards.

a. For buildings with three stories or less, a 10-foot minimum interior side yard setback shall be required.

b. For buildings with four stories, a 15-foot minimum interior side yard setback shall be required.

c. Open patios on the first floor shall be permitted to encroach a maximum of 5 feet into any required interior side yard setback. Open patios above the first floor shall not be permitted to encroach into any required interior side yard setbacks.

d. The Planning Commission may require greater setbacks pursuant to a Precise Plan of Design because of the dimensions or bulk of a building and/or to ensure compatibility with contiguous land uses.

e. Interior side yard setback areas may be used for parking subject to approval of a Precise Plan of Design and provided that required fire lane access is maintained at all times.

4. Rear Yards.

a. For buildings with three stories or less, a 10-foot minimum rear yard setback shall be required.

- b. For buildings with four stories, a 15-foot minimum rear yard setback shall be required.
- c. Notwithstanding the required rear yard setbacks indicated herein, covered or uncovered porches and balconies that are open on three sides may encroach up to 7 feet into any required rear yard setback.
- d. The Planning Commission may require greater setbacks pursuant to a Precise Plan of Design because of the dimensions or bulk of a building and/or to ensure compatibility with contiguous land uses.
- e. Rear yard setback areas may be used for parking subject to approval of a Precise Plan of Design and provided that required fire lane access is maintained at all times.

**Section XII. Amendment of Code.**

Section 11.90.170 ("Building bulk") of the Montclair Municipal Code is hereby repealed in its entirety.

**Section XIII. Amendment of Code.**

Sections 11.90.180 through 11.90.320 of the Montclair Municipal Code are hereby repealed, renumbered and replaced as follows:

**11.90.170 Minimum floor area.**

A. Dwelling units within a planned residential development shall contain the following minimum floor areas:

- 1. For studio or one-bedroom units, 700 square feet.
- 2. For two-bedroom units, 900 square feet.
- 3. For three-bedroom units, 1,100 square feet.
- 4. For four bedroom units, 1,400 square feet.

Said floor areas shall be exclusive of patios, balconies, carports and garages.

B. Minimum Room Sizes. The minimum size of rooms shall comply with the currently adopted California Building Code, except that all bedrooms shall have a minimum area of 110 square feet and a minimum dimension of 9 feet.

**11.90.180 Common open/recreational space.**

A. Each planned residential development shall provide outdoor open space for recreation and leisure activities within the development site in the following manner:

1. Common open/recreational space shall comprise not less than 35 percent of the net acreage. Public or private driveways, parking spaces or other areas designed for operational functions are not considered open space.

Common open/recreational space improvements shall be provided as follows:

a. Developments of 10 units or less shall provide at least two of the following amenities:

i. Permanent barbecue facilities with at least two grills and two table/bench arrangements;

- ii. Playground and/or tot lot with permanently-installed play equipment;
  - iii. Swimming pool or spa.
  - b. Developments of 11-30 units shall provide at least two of the amenities listed in subsection (a) of this Section plus at least one of the following amenities:
    - i. Sports court (tennis, volleyball, basketball, etc.);
    - ii. Community building with at least one full kitchen and a minimum of two rooms for meetings, games, activities, etc.
  - c. Developments of 31-100 units shall provide at least one of each of the five amenities in subsections (a) and (b) of this Section.
  - d. Developments of greater than 100 units shall provide at least one of each of the five amenities in subsections (a) and (b) of this Section plus at least two of the following:
    - i. A passive, open turf area (natural or synthetic), measuring at least 100 feet by 100 feet, for unstructured recreational activities;
    - ii. A fitness parcourse of at least one-quarter mile in length and a minimum of six (6) activity stations;
    - iii. A media screening room/theater with a seating capacity of at least 20 and permanently-installed audio-visual equipment, which may be a part of the community building or constructed as a stand-alone facility.
  - e. For projects of greater than 100 units, the Director of Community Development may require the developer to increase the size, number and/or capacity of one or more required amenities to adequately serve the number of residents in the development.
2. Private porches, patios and balconies attached to individual dwelling units may be included in the required outdoor open space calculation provided the minimum dimension is at least 10 feet and the minimum area is 150 square feet.
3. Swimming pools, spas, ponds, lakes, streams and other water features provided for the common use or enjoyment of all residents may be constructed as part of the required outdoor open space; however, such facilities shall not comprise more than 50 percent of the required outdoor open space.
4. The outdoor open spaces created pursuant to the provisions of this Title shall remain open and available for such use for the life of the development.
- B. Community and Recreational Facilities. Two or more of the following amenities shall be provided as an integral part of a planned residential development: swimming pool, playground, parcourse, outdoor cooking facilities, sports court, community building or similar facility/amenity to the satisfaction of the Director of Community Development. A community building shall be appropriately sized based on the number of units in the development and be capable of accommodating at least two of the following: meeting rooms, at least one having a full kitchen; fitness center; media screening room/theater; game room.
- C. Private Open Space. Each dwelling unit shall have a minimum private open space of 100 square feet with a minimum dimension of 7 feet. Such private open space shall be in the form of porches, patios and/or balconies.

**11.90.190 Vehicular circulation-private streets.**

A. Streets. Primary and secondary streets shall be designed to meet the following standards:

1. Traffic lanes no less than 10 feet in width and no more than 12 feet in width.

2. Where on-street parallel parking is provided, the parking lane shall be 8 feet in width. Where 90-degree or angled parking is provided as part of the street design, parking stall dimensions shall be 9 feet in width by 20 feet in length. A maximum 2-foot overhang may be allowed into landscape areas or walkways with a dimension of 6 feet or greater.

B. Driveways Serving Only Garages. If a private driveway serves only garages, and the driveway is posted as a fire lane and/or to prohibit all other parking, the driveway may be constructed with a minimum width of 20 feet; provided, however, that if the driveway is double-loaded with garages on both sides, a minimum distance of 26 feet shall be provided as measured from building wall to building wall.

C. Access and On-Site Circulation.

1. Vehicular access to all developments shall be from a public street.

2. The design of all on-site vehicular circulation, including roadway widths, turning radii and turnarounds shall be subject to approval by the Fire Department.

3. There shall be a minimum vertical clearance of 14 feet along all driveways and vehicular paths that provide access for emergency response vehicles.

**11.90.200 Pedestrian circulation.**

A pedestrian circulation system shall be incorporated into the planned residential development for the purpose of providing direct access to all dwelling units, trash enclosures, parking areas, recreation areas and outdoor open space. The circulation system shall include the following:

A. A public sidewalk shall be constructed adjacent to all public streets bordering the project site with a minimum width of 5 feet in accordance with City standards.

B. An on-site walkway system of pedestrian walks and paths that fully complies with all disabled-accessibility standards with respect to surface material, width, grades, ramps, curbs, railings and signage.

**11.90.210 Parking requirements.**

A. Resident Parking. Each dwelling unit shall be provided with resident parking as indicated below. A minimum of one required parking space for each unit shall be within a carport or enclosed garage. Every effort shall be made to locate the required parking space(s) for each unit within 200 feet of the unit to which they are assigned.

1. Studio - 1 parking space.

2. 1-2 bedrooms - 2 parking spaces.

3. 3 or more bedrooms - 3 parking spaces.

B. Guest Parking. On-site parking for guests shall be provided at a ratio of one parking space for every 3 units or fraction thereof, regardless of unit size. Guest parking shall be reasonably distributed throughout the development site.

C. **Parking Space Dimensions.**

1. **Enclosed Garages.** The minimum, clear inside dimensions of each parking space within an enclosed garage shall be 10 feet in width and 20 feet in length.

2. **Carports.** The minimum, clear dimensions of each parking space within a carport shall be 9 feet in width by 20 feet in length; provided, however, that a 2-foot overhang may be allowed into landscape areas or walkways with a dimension of 6 feet or greater. Where a structural support post occurs for a carport, an additional 2 feet in width shall be added to each parking space on either side of the structural member.

3. **Uncovered Parking.** The minimum dimensions of each uncovered parking space shall be 9 feet by 20 feet in length; provided, however, that a 2-foot overhang may be allowed into landscape areas or walkways with a dimension of 6 feet or greater.

D. **Automatic garage door openers** shall be required for each enclosed garage.

E. **Parking Lot Striping.** Striping for uncovered parking spaces or those within carports shall be double-stripe or "hairpin" style, with the 9-foot dimension being measured to the center of the "hairpin."

F. **Tandem Parking.** Tandem parking shall only be permitted within enclosed garages and only when both spaces serve the same unit.

G. **On-street parking on public streets** shall not be used to satisfy any of the parking requirements contained herein.

**11.90.220 Vehicular storage.**

Outdoor areas for the storage of vehicles, trailers, watercraft, recreational vehicles and the like shall be prohibited unless specially designated areas for the exclusive storage of such vehicles are approved by the City as part of the final development plan and provided for in the homeowners association's Covenants, Conditions and Restrictions (CC&Rs). If such areas are provided, they shall be enclosed and screened from view from neighboring properties and public rights-of-way by a decorative masonry wall, minimum 7'-6" in height, compatible and integrated with the architectural design of the development. Such storage areas shall be landscaped and illuminated to minimum levels during all hours of darkness. A vehicle wash area and/or RV wastewater disposal station may be provided within an approved vehicular storage area, subject to review and approval by the Director of Community Development and Director of Public Works.

**11.90.230 Landscaping.**

The design, installation and maintenance of all landscape and hardscape areas shall be subject to approval of a Precise Plan of Design and shall fully comply with Chapter 11.60 of this Title.

**11.90.240 Lighting.**

Planned residential developments shall comply with the following standards and requirements regarding illumination:

1. **Site Lighting.** A professionally-prepared photometric analysis demonstrating that all parking areas, driveways, private streets, walkways, and other outdoor public spaces shall be illuminated to an adequate level for security

and safety during all hours of darkness shall be required to be submitted for review and approval by the Community Development Department.

2. Garages. Fully enclosed garages shall be wired to include a fixture or fixtures that has/have the capacity to support light sources providing a minimum of illumination level of 1,500 lumens. Said illumination shall be in addition to any lighting that may be provided by the required automatic garage door opener.

3. Mail collection areas. Common mail collection areas shall be located within a fully enclosed building, covered breezeway, or other similar area that is adequately protected from inclement weather, and shall be provided with a minimum illumination level of 500 lumens.

#### **11.90.250 Utility service and television service.**

All utility services to planned residential developments, including, but not limited to electrical, telephone, cable and satellite television, and broadband service, shall be installed underground and within building walls. Should exterior antennas and/or satellite dishes be allowed, the project shall be designed to provide areas on each building for such equipment that are not visible to public rights-of-way or neighboring properties.

#### **11.90.260 Laundry areas.**

Laundry areas with plumbing connections meeting minimum building code standards shall be provided for in each residential unit within a planned residential development.

#### **11.90.270 Trash collection areas.**

Each trash collection area shall be located within 200 feet of the farthest unit it is intended to serve. Such collection areas shall be designed and situated so as to minimize noise and visual intrusion on the subject property, adjacent properties, as well as to not create a fire hazard to nearby structures. Said trash collection areas shall be provided with a minimum illumination level of 500 lumens and designed to City standards to comply with stormwater runoff regulations.

#### **11.90.280 Private storage areas.**

Units within a planned residential development that do not have a fully enclosed garage shall be provided with a minimum of 200 cubic feet of enclosed, secure private storage space that shall be provided within the planned residential development. The design and location of said storage spaces shall be integrated into the development to the satisfaction of the Director of Community Development.

#### **11.90.290 Signs.**

The general development standards for signs as set forth in Chapter 11.72 of this Title shall apply, in addition to the following:

##### **A. Permitted Signs.**

1. Wall Signs. One illuminated or non-illuminated wall sign with the name of the development shall be permitted on each street frontage. Individual or script copy in durable materials is strongly encouraged. Externally illuminated signs shall be via wall-mounted fixtures that are complementary to the

architecture of the development and do not create any nuisance light spill or glare to any of the residential units or the public right-of-way. Internally illuminated signs shall be limited to halo illumination only.

2. Address Signs. One illuminated or non-illuminated wall sign with the numerical address or numerical address and street name of the development shall be permitted on each building on each street frontage. Where a building also fronts on an internal private driveway or parking lot, additional numerical address(es) may be permitted to be displayed for safety and security purposes. Individual or script copy in durable materials is strongly encouraged. Externally illuminated signs shall be via wall-mounted fixtures that are complementary to the architecture of the development and do not create any nuisance light spill or glare to any of the residential units or the public right-of-way. Internally illuminated signs shall be limited to halo illumination only. Address and address/street name signs shall be a minimum of 8 inches in height and a maximum of 10 inches in height. Where more than one address sign is attached to multiple frontages of a single building as described above, the design, size and color of each sign shall be identical.

3. Freestanding Monument Signs. One illuminated or non-illuminated freestanding monument sign shall be allowed for developments with a minimum of 150 feet of continuous frontage on the same street.

a. Height. Monument signs shall be limited to a maximum height of 5 feet as measured from the grade of the adjacent public sidewalk.

b. Sign Area. The sign face of monument signs shall be limited to a maximum of 40 square feet in size, not including the optional, detachable sign rider described in Subsection (3)(d) below.

c. Design and Illumination. Monument signs shall be of a high quality architectural design and be constructed of durable materials. If illumination is desired, it shall be via at-grade, flush-mounted fixtures to minimize nuisance glare to the adjacent public right-of-way. As an alternative, above-grade fixtures may be used if it can be demonstrated that the light source will not be directly visible to the public right-of-way or neighboring properties.

d. Sign Copy. The purpose of monument signs is to identify the development by its name and address. No additional sign copy, such as phone numbers, website addresses or other forms of advertising, shall be permitted. A detachable rider to the sign containing sign copy such as "Now Leasing," "Now Renting," "Vacancy," "No Vacancy" or the like, shall be permitted so long as its design is complementary to the main sign. Such sign riders shall be no greater than 8 square feet in size.

e. Location. Monument signs shall be located within a fully landscaped area and set back a minimum of 5 feet from the back edge of the adjacent public sidewalk. In order to eliminate sight-distance obstructions, monument signs shall be located no less than 30 feet away from any vehicular driveway on the same side of the street, whether the driveway serves the subject development or an adjacent property.

4. Unit Signs. One illuminated or non-illuminated sign identifying the unit number, letter or designation, not to exceed 1 square foot in size, shall be required and maintained for each dwelling unit.

5. Directional Signs. One or more pedestrian and/or vehicular-oriented directional signs, no larger than 6 square feet in size and 4 feet in height may be permitted within residential developments of 2 acres or greater,

subject to administrative review and approval by the Director of Community Development.

B. **Prohibited Signs.** All signs not expressly permitted herein shall be prohibited, including those signs identified in Section 11.72.120 of this Title.

#### **11.90.300 Operational standards.**

In order to provide adequate management, maintenance and oversight for planned residential developments, the following operational standards shall be required for projects constructed after July 1, 2013:

1. For developments of 30 units or less, an on-site manager having the authority to perform or contract for emergency and non-emergency maintenance and repairs shall reside full-time in one of the dwelling units on the subject property.

2. For developments of greater than 30 units, the following requirements shall apply:

a. A permanent rental/leasing office shall be established and maintained on-site and staffed daily during regular business hours.

b. The property owner shall be required to contract with a professional property management company that is on-call 24 hours a day and shall be responsible for all landscape, common area and building maintenance.

#### **11.90.310 Walls and fences.**

The general development standards for walls and fences as provided in Sections 11.38.050(M), (N) and (O) of this Title shall apply; provided, however, that the Planning Commission may require additional walls and fences if necessary to protect adjacent properties.

### **Section XIV. Amendment of Code.**

Sections 11.90.330 through 11.90.340 of the Montclair Municipal Code are hereby renumbered as follows:

**11.90.320 Fire hydrant system.**

**11.90.330 Sewer and water systems.**

### **Section XV. Amendment of Code.**

Section 11.90.350 of the Montclair Municipal Code is hereby repealed and replaced as follows:

#### **11.90.340 Mail delivery.**

Mail delivery service shall be provided within centrally located areas with easy accessibility from an internal driveway or parking area. Mail collection areas shall be located within a fully enclosed building, covered breezeway, or other similar area that is adequately protected from inclement weather, and shall be provided with a minimum illumination level of 500 lumens.

## **Section XVI. Amendment of Code.**

Sections 11.90.360 through 11.90.370 of the Montclair Municipal Code are hereby renumbered as follows:

- 11.90.350 Common areas.**
- 11.90.360 Appearance standards.**

## **Section XVII. Amendment of Code.**

Sections 11.90.380 through 11.90.390 of the Montclair Municipal Code are hereby repealed, renumbered and replaced as follows:

### **11.90.370 Miscellaneous development standards.**

The following development standards shall be applicable to planned residential developments in addition to those required elsewhere in this Chapter:

- A. **Grading: Notification of Completion and Written Certification Required.** The permittee or his/her agent shall notify the Building Official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, stormwater retention facilities and all erosion control measures have been completed in accordance with the final approved grading plan and the required reports have been submitted, including written certification that the work completed is in accordance with the final approved grading plan.
- B. **Landscaping: Notification of Completion and Written Certification Required.** The permittee or his/her agent shall notify the Director of Community Development when the final landscaping installation is ready for inspection. Final approval shall not be given until all work, including installation of plant material and an automatic irrigation system, has been completed in accordance with the approved landscape plan, and the permittee has submitted written certification by a licensed professional that the work has been completed in accordance with the final approved landscape plan and all requirements of Chapter 11.60 of this Title.
- C. **Energy Conservation.** The project shall be designed to meet or exceed all state and local energy conservation standards in effect at the time of construction.
- D. **Fire Detection System.** Smoke and carbon monoxide detectors shall be installed in all habitable spaces as required by state and local ordinances at the time of construction.
- E. **Fire Suppression System.** An automatic fire sprinkler system shall be installed in all dwelling units, and in all covered or enclosed non-habitable spaces, such as garages, carports and trash enclosures as required by local ordinance at the time of construction.
- F. **Sound Attenuation.** Planned residential developments shall be designed to comply with state noise attenuation standards and local building requirements in effect at the time of construction.
- G. **Solar Energy Systems.** The goals and objectives of the General Plan encourage and promote an enhanced residential park-like environment through

the implementation of aesthetically pleasing development and design standards of this Title. However, it is recognized that there is a need to encourage and promote awareness in the community of alternative means of conserving energy resources. It is further recognized that the use of solar energy can be a cost-effective means of water heating and space heating and cooling, but that the use of such systems may be inconsistent with the goals and objectives of the community and the aesthetic character of the City's residential neighborhoods.

The Planning Commission, in granting approval of a solar energy system, may impose conditions that are necessary and desirable to carry out the purposes of this Chapter and that are consistent with the policies, principles, regulation, criteria and standards applied to other properties, uses and developments in similar circumstances. Further, in considering a solar energy system, the Planning Commission shall impose conditions in order to provide a balance between the goals and objectives of the community and the General Plan, and the recognize desire to allow solar energy systems as an alternative energy source.

#### **11.90.380 Covenants, conditions and restrictions (CC&Rs).**

In order to ensure proper maintenance of all streets, parking areas, landscaping and other improvements within the common areas of a planned residential development, the following provisions shall be contained in the Covenants, Conditions and Restrictions (CC&Rs). No such CC&Rs shall be acceptable until approved by the Director of Community Development as to the adequacy and suitability for the proposed use and maintenance of all common areas, and by the City Attorney as to legal form and effect. These provisions shall include, but not be limited to, the following:

A. The final CC&Rs, upon approval by the City, shall be recorded with the final map.

B. The City shall be made a party to the CC&Rs and further provide that the City shall approve any changes or amendments to the CC&Rs.

C. The City shall be granted the power to enforce all provisions of the CC&Rs, including, but not limited to, the maintenance of all streets, parking areas, landscaping and other improvements within the common areas of the development.

D. The City shall be granted the express power to enforce all laws and ordinances of the State of California and/or the City of Montclair on the private streets, alleys and parking areas within the project. Nothing within the CC&Rs shall be construed as imposing an obligation or requiring the City to enforce any provision of the CC&Rs.

E. The City shall be entitled to prior written notice of any proposed amendment to the CC&Rs. Such notice shall be given by mailing a copy of the precise language of the proposed amendment to the City, in care of the City Clerk, together with a letter of transmittal explaining the proposed change in general terms. The City shall have an opportunity to review and comment upon the proposed amendment for a period of not less than 45 days prior to the effective date of any such proposed amendment.

F. Right of Entry. The City, through its duly authorized agents or employees, shall have the right to enter upon the common areas for the following purposes:

1. Inspection, maintenance and repair of the landscaping and private street components of the common areas where such maintenance and repair is required;

2. Enforcement of local traffic and/or parking regulations. All privately-owned and maintained streets, alleys, driveways and parking areas shall be open for the use of the public for purposes of vehicle traffic and are so connected with highways and streets that provisions of the Vehicle Code of the State of California may be applied to them in their entirety. Whenever by this provision, or any other law of the City, parking is restricted or prohibited and signs are erected giving notice thereof, duly authorized representatives of the City of Montclair may cause the vehicles in violation thereof to be towed away and stored at the expense of the owner, operator or person to whom the vehicle is entitled to be released, and the vehicle shall not be released except upon payment of the towing and storage costs. In tow-away zones, the Public Works Department shall cause to be posted appropriate signs giving notice thereof.

G. Reimbursement of City Expenditures by the Association. All costs and expenses incurred by the City arising out of its maintenance and repair of the common areas, as provided in subsection (F)(1) and (2) of this Section, shall be charged as an expense of the homeowners association and shall be paid within 30 days of receipt of an invoice for same.

H. Assessments and Lien Rights of the City. If City maintenance costs are not paid within 30 days from the date due, said unpaid costs and expenses shall become a special assessment against the property, and upon hearing and confirmation by the City Council, shall be collected in the same manner as real property taxes and shall be subject to the same penalties, procedures and sale in case of delinquency as is provided for real property taxes.

#### **Section XVIII. Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

#### **Section XIX. Effective Date.**

This Ordinance shall be in full force and effect thirty (30) days after passage.

#### **Section XX. Posting.**

The City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.

**APPROVED AND ADOPTED** this XX day of XX, 2013.

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Mayor

**ATTEST:**

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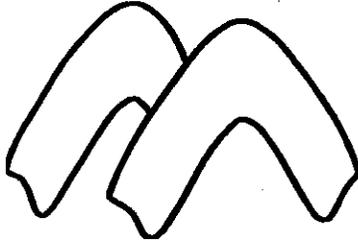
Deputy City Clerk

I, Yvonne L. Smith, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 13-935 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2013, and finally passed not less than five (5) days thereafter on the XX day of XX, 2013, by the following vote, to-wit:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Yvonne L. Smith  
Deputy City Clerk



CITY OF MONTCLAIR  
**PLANNING COMMISSION**

**MEETING DATE: 08/12/13**

**AGENDA ITEM 6.d**

**Case No. 2013-16**

**Application:** Precise Plan of Design (PPD) for a two-story duplex, including associated landscaping and site improvements

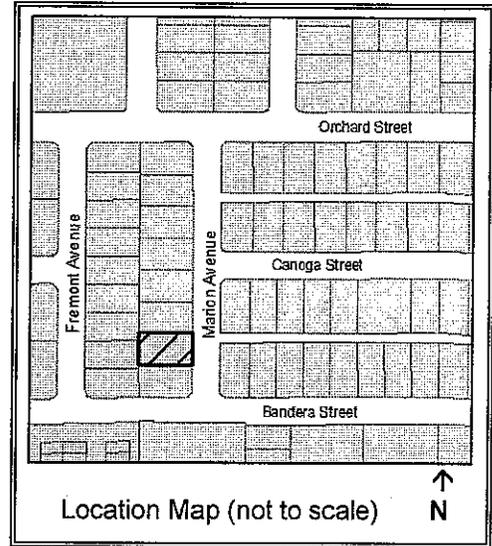
**Project Address:** 10374 Marion Avenue

**Property Owner:** Susan Fung

**General Plan:** Low, 3-7 units/acre

**Zoning:** R-3 (Multiple-Family Residential)

**Assessor Parcel No.:** 1010-621-07



**EXISTING SITE FEATURES/CONDITIONS**

None

**ADJACENT LAND USE DESIGNATIONS AND USES**

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
<b>Site</b>	Low Density Residential (3-7 units/acre)	R-3 (Multiple-Family Residential)	Vacant
<b>North</b>	Low Density Residential (3-7 units/acre)	R-3 (Multiple-Family Residential)	Duplex
<b>South</b>	Low Density Residential (3-7 units/acre)	R-3 (Multiple-Family Residential)	Duplex
<b>East</b>	Medium Density Residential (8-14 units/acre)	R-3 (Multiple-Family Residential)	Triplex/Apartments
<b>West</b>	Low Density Residential (3-7 units/acre)	R-2 (Two-Family Residential)	Duplexes

## Report on Item Number 6.d

### CASE NUMBER 2013-16

APPLICATION TYPE(S)	Precise Plan of Design
NAME OF APPLICANT	Susan Fung
LOCATION OF PROPERTY	10374 Marion Avenue
GENERAL PLAN DESIGNATION	Medium Density Residential (8-14 units/acre)
EXISTING ZONE DISTRICT	R-3 (Multiple-Family Residential)
EXISTING LAND USE	Vacant Land
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15332)
PROJECT COORDINATOR	Silvia Gutiérrez

### Project Description

The applicant is requesting approval of a Precise Plan of Design (PPD) to allow the development of a two-story duplex with associated site improvements on a vacant lot on the west side of Marion Avenue between Bandera and Canoga Streets. The subject site is approximately 8,050 square feet in size and has a 70-foot wide street frontage.

The two proposed units would be contained within a single structure, 24'-5" in height. The building would be sited on the south half of the property, with the north half of the property being developed with a 28-foot wide common driveway to provide direct vehicular and pedestrian access from each unit to Marion Avenue. The common driveway is proposed to incorporate a single visitor parking space in its layout and would be constructed of stamped concrete.

Each unit would have approximately 1,588 square feet of living space, which does not include the floor area of the attached 2-car garage as depicted in the table below:

<b><i>Dwelling Unit Characteristics</i></b>					
<i>Bedrooms/Bath</i>	<i>1st Floor</i>	<i>2<sup>nd</sup> Floor</i>	<i>Total Floor Area</i>	<i>Garage</i>	<i>Private Patio</i>
3 Bedrooms/2 Baths	840 SF	748 SF	1,588 SF	2 cars/422 SF	388 SF

Setbacks for the proposed building are as follows:

<b>Setback Location</b>	<b>Ground Level</b>	<b>Second Floor</b>
Front	25 feet	35 feet
Left Side (South)	10 feet	15 feet
Right Side (North)	28 feet	28 feet
Rear	10 feet	20 feet

A small common outdoor open space is proposed at the end of the driveway and each unit would have a separate private "backyard" area located on the south side of the building. New six-foot high precision block walls are proposed for the westerly, northerly and southerly boundaries of the site. The front yard would remain open and unfenced. New landscaping and irrigation would be installed with the project as shown on the Landscape and Irrigation Plan.

### **Project Design**

The design for the proposed duplex is simple, featuring a predominately hip roof design with a few gable ends located on the north side of the building, and a covered porch at the front door of each unit. The roof covering is proposed to be a brown flat concrete tile. Other exterior finishes/materials include stucco-clad walls with a brick veneer base (approximately three feet high) and dimensional molded trim around windows and doors. Embossed roll-up garage doors and aluminum windows are proposed. Decorative wall lights complete the exterior details. Colors for the building are peach for the walls and white for the wood trim, windows, doors and garage doors.

Copies of the site plan, floor plans, and building elevations are included in the Commission packets for reference.

### **Background**

- The subject site is undeveloped and relatively flat. No trees exist on the site.
- The adjacent properties to the west, south, and north are developed with single-story duplexes. Properties to the east of subject site (across Marion Avenue) are developed with two-story apartments.
- On September 12, 2005, the Planning Commission approved Case No. 2005-32 allowing construction of a two-story duplex on the site; however, the project was never constructed due economic constraints.

### **Planning Division Comments**

Staff is generally supportive of the project and pleased with its overall design. The applicant has worked extensively with staff during the past few months to refine the plans to minimize the massing of the second story by modifying the roof lines, aligning

windows, modifying the proposed entry porches, and adding gable end roof elements on the second level to help provide more visual interest in the design. In addition, the proposed exterior materials and colors are appropriate and durable. As such, staff finds the overall proposal to be appropriately designed and a significant improvement over the duplex that was previously approved in 2005 but never built.

Staff has only a few minor concerns with the proposed design for the project. The first item is the proportions of the front porch which, in staff's opinion, are slightly off scale, but an issue that can be easily remedied. The second issue is the "Miami Peach" color proposed for the walls of the building. Miami Peach is a color that was popular in 1980s and '90s and is probably too intense of a color that could overwhelm the neighborhood. It is recommended that the applicant work with staff to find a more subtle color scheme for the project that is more consistent with surrounding development. Lastly, staff is concerned about the type of metal windows proposed. Metal windows are acceptable provided they have sufficient dimensional characteristics that clearly distinguish them from cheap quality flat looking aluminum slider windows of the past. A condition of approval addressing these concerns has been added to the draft resolution of approval.

Staff believes the project properly meets or exceeds the minimum development requirements of the R-3 zone with respect to project density, setbacks, height, unit size, parking, and private and common open space. The proposed two-story duplex complies with all required setbacks, including the increased setbacks for the second story.

The overall density of the proposed development is the equivalent of 10.82 dwelling units per acre (du/ac), which is slightly less than the 11 du/ac allowed for the underlying land use district. Lot coverage is approximately 32 percent as determined by the 2,600 square-foot size of the ground level of the building. The proposed height and massing of the building is appropriate to the site and the project will fit in well within the neighborhood that is comprised of a mix of one- and two-story development.

With respect to the proposed landscaping for the project, staff finds it to be complementary to the architecture of the building. The landscape/irrigation plans were developed by a licensed landscape architect and it is in accordance with the City's Water-Efficient Landscape and Conservation standards, including the development of a water budget for the project. Plant materials are varied and visually interesting, largely made up of water-saving varieties and well distributed around the building and site. However, staff recommends the planting of one additional tree within the respective rear and side yards of the proposed units to provide an element of shade and privacy for future occupants.

### **Public Notice**

No public notice was required for this project, as the review of this item only pertains to the design aspects of the project. As a courtesy, a copy of the report was sent to

adjacent property owners. At the time of preparation of this report, no comments had been received from neighboring property owners.

### **Environmental Assessment**

Staff has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines. The project qualifies because it involves the construction of two or fewer residential units as an infill development in an urbanized area and that the project complies with all the requirements of the Zoning Code and is consistent with the General Plan. It is further found that there is no substantial evidence the project will pose a potential significant impact to the environment.

### **Planning Division Recommendation**

Staff finds the proposed use to be consistent with the Montclair Municipal Code. The proposed use is consistent with the zoning and the adopted General Plan as indicated in the staff report. Therefore, staff recommends approval of Case No. 2013-16 by taking the following actions:

- 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 to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines; and,
- B. Move to approve a Precise Plan of Design for the site plan, floor plans, building elevations, landscaping and associated on- and off-site improvements for a two-story duplex at 10374 Marion Avenue, as described in the staff report, and per the submitted plans, subject to the conditions of approval in attached Resolution 13-1786.

Respectfully Submitted,



Michael Diaz  
City Planner

SG/lb

c: Susan Fung, 3609 Dover Court, Rowland Heights, CA 91748  
Y & C Associates, Inc., 19101 Bloomfield Avenue, Cerritos, CA 90703

**RESOLUTION NUMBER 13-1786**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A PRECISE PLAN OF DESIGN UNDER CASE NUMBER 2013-16 FOR A RESIDENTIAL DUPLEX (2 UNITS) IN THE R-3 (MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT AT 10374 MARION AVENUE (APN 1010-621-07).**

A. Recitals

**WHEREAS**, on June 4, 2013, Susan Fung (property owner) filed an application for a Precise Plan of Design (PPD) to develop a duplex (2 units) on the subject site; and

**WHEREAS**, the subject property is approximately 0.18 acres in area and is currently undeveloped; and

**WHEREAS**, the Precise Plan of Design (PPD) is for the site plan, floor plan, elevations, colors and materials, landscaping and irrigation associated with the project; and

**WHEREAS**, the subject property has a General Plan land use designation of "Medium Density Residential, 8-14 units/acre" and a zoning designation of "R-3" (Multiple-Family Residential); and

**WHEREAS**, no public notice is required for the PPD review of the exterior design elements of the project; and

**WHEREAS**, the Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines. The project qualifies because it involves the construction of five or fewer residential units as an infill development in an urbanized area and that the project complies with all the requirements of the Zoning Code and is consistent with the General Plan. It is further found that there is no substantial evidence the project will pose a potential significant impact to the environment; and

**WHEREAS**, on August 12, 2013, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission reviewed the proposed project at which time all persons wishing to testify in connection with said application were heard, and said application was fully studied; and

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 August 12, 2013, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:
  - A. The property is of a size and shape to support the proposed project as designed. At 0.18 acres in area, the site is of sufficient size and shape to accommodate the proposed two units in a two-story building with associated on-site parking and other improvements. The site is appropriately connected to an existing and fully developed street that would allow for ease of access by both pedestrians and vehicles, including the future tenants and their guests.
  - B. The proposed project will not have an adverse impact on or substantially depreciate property values in the vicinity, unreasonably interfere with use and enjoyment of property in the vicinity, or endanger the public peace, health, safety, or general welfare. The area in which the project is located is presently zoned for and developed with multi-family residential units. When completed, the existing vacant lot that currently detracts from the appearance of the street will be replaced with new residential units that will contribute to the general physical improvement of the neighborhood in which the subject site is located.
  - C. Overall, the project is appropriately designed and promotes orderly development. The site plan is arranged to accommodate the new units. Moreover, the design of the new buildings has been refined to incorporate proper architectural details and materials for the proposed style of the project and improved durability. The proposed landscaping concept is complementary to the architecture and well distributed around the site.
3. The Planning Commission has reviewed the Planning Division's determination of exemption and, based on its own independent judgment, concurs with staff's determination of exemption and directs staff to prepare a Notice of Exemption; and

4. Based upon the findings and conclusions set forth in Paragraphs 1 through 3 above, this Commission hereby approves the application subject to each and every condition set forth below.

Planning

1. This approval is for a Precise Plan of Design for the site plan, floor plans, elevations, colors and materials, landscaping and irrigation associated with the construction of a duplex (2 units) in a two-story building on an 0.18-acre site on the west side of Marion Avenue between Bandera and Canoga Streets. The project shall be limited to a maximum number of two (2) dwelling units as depicted on the approved plans.
2. The Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval, unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
3. 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. Within five (5) days of approval by the Planning Commission, the applicant shall submit 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).
5. The applicant and/or property owner shall ensure that a copy of the Planning Commission approval letter, including all conditions of approval and owner's signature, is reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
6. Prior to the submittal of plans for Building Division plan check and issuance of building permits, the applicant shall complete the following:
  - a. Revise the final design for the proposed porches for each unit. The applicant shall work the City Planner to reach a final design.

- b. Choose an alternate color scheme for the proposed building subject to the approval of the City Planner.
  - c. Show the locations of and provide catalog cuts for all proposed light fixtures for the exterior of the site and building. All proposed exterior 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. Unshielded, wall-mounted decorative fixtures may be used provided the intensity of the illumination source does not create nuisance glare to adjacent properties or public rights-of-way.
    - i. Any freestanding light fixtures and poles shall not exceed a maximum height of 15'-0" as measured from adjacent grade to top of luminaires, and not be located within the front yard setback.
    - ii. 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.
  - d. Submit catalog cuts of proposed metal windows for review and approval.
7. The front setback area of the property shall be maintained as landscaped common open space in perpetuity for the life of the project. The required front setback and shall not be:
- a. Subdivided into private yard areas for exclusive use by any unit.
  - b. Covered with hardscape elements unless part of a City-approved landscape plan.
  - c. Utilized for the placement and/or storage of permanent or temporary freestanding accessory structures, including patio covers, arbors, storage sheds/containers, or trash/recycling/ green waste containers.
  - d. Used to erect children's play apparatus, swing sets, and other similar recreational equipment over six feet (6'-0") in height.
8. All perimeter fences and walls shall be constructed to City requirements and constructed with quality materials and workmanship. Fences and walls shall be built plumb and comply with adopted building codes.

- a. 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 properties.
  - b. All posts and stringers used to support the fence shall be placed on the interior side of the subject property.
9. The applicant shall contact the City Planner and Building Official when rough grading of the site is completed per the approved grading plan, in order to determine the final locations and heights of required or proposed perimeter walls along the south and west property lines of the site.
10. 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.
11. Residential antennas and satellite dishes are subject to the provisions contained in the Montclair Municipal Code as amended from time to time, including the requirement that such apparatus be screened from public view to the greatest extent possible. Antennas and satellite dishes shall be for domestic use only with no commercial use permitted. All antennas and satellite dishes shall be maintained in good condition and in accordance with the requirements of applicable city ordinances.
12. All rooftop mechanical equipment, vents, meters, HVAC units, ducts, conduit, etc., shall be fully screened from view in a manner that is compatible with the architectural design of the building to the satisfaction of the City Planner. Wooden lattice or fence-like screens/covers are not considered an appropriate means of screening.
13. All ground-mounted mechanical equipment including, but not limited to, utility meters, air conditioners, condenser units, and repair equipment shall be located within the building or screened in a manner that is compatible with the architectural design of the building to the satisfaction of the City Planner. Electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside the building.
14. 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.
15. 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.

16. Installation of the required street trees shall comply with the following standards:
  - a. Two (2) Chitalpa (Chitalpa tashkentensis) street trees on the Marion Avenue frontage shall be 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.
17. Pursuant to Section 11.60.240 of the Montclair Municipal Code, all landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure the growth and health of plant materials and water use efficiency. A regular maintenance schedule shall be submitted to the City with the Certificate of Completion and a copy shall be kept by the property owner for reference.
  - a. Any plant material that does not survive or which was removed or destroyed shall be replaced upon its demise or removal with plant material of like type and size as that which was originally approved and installed.
  - b. Plant material shall not be severely pruned such that the natural growth pattern or characteristic form is significantly altered. Trees shall be pruned to ISA (International Society of Arboriculture) standards and only as necessary to promote healthy growth and for aesthetic purposes (i.e., to enhance the natural form of the tree). Improperly or severely pruned trees, including topping as defined by the Water Conservation Ordinance, which results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with trees of similar size and maturity as that which was removed or, as required by the Community Development Director.
  - c. Modifications to and/or removal of existing landscaping shall require prior approval by the City Planner.
18. 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.

19. To ensure compliance with the conditions of approval, a final inspection is required from the Building and Planning Divisions upon completion of construction and all improvements. The applicant shall contact the City to schedule an appointment for such inspections.
20. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any 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

21. Submit four complete sets of plans including the following:
  - a. Site/Plot Plan.
  - b. Floor Plan.
  - c. Electrical Plans, including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams.
  - d. Plumbing Plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning.
  - e. Waste recycling plan, recycling 50% of all construction debris.
  - f. Two (2) sets of structural calculations, geotechnical soils reports and two (2) sets energy conservation calculations.
  - g. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
22. 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.
23. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.

24. Separate permits are required for fencing and/or walls.
25. All utility services to the project shall be installed underground.
26. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number, address and Assessor's Parcel Number.
27. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
28. Prior to issuance of building permits for a new 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 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. Applicant shall provide a copy of the school fees receipt to the Building Division prior to permit issuance.
29. 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.
30. 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 east building elevation. Address numerals shall be in Helvetica font, a minimum of four inches in height, a minimum of 1½ inches in depth, and be in a color that adequately contrasts with the background to which they are attached.
  - b. Provide the required security measures for residential framing as provided in the Montclair Security Ordinance.
31. 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.

32. 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. Complete all on- and off-site improvements.

Engineering

33. Prior to issuance of a Certificate of Occupancy, the applicant shall:
- a. Pay parkland development fees.
  - b. Pay all transportation-related development impact fees.
- The above fees shall be assessed at the rate in effect at the time the fees are paid.
34. Construct new drive approach with a minimum width of 12 feet and provide disabled-accessibility around new drive approach. Dedicate additional right-of-way if necessary. Submitted site plan, if accurately drawn, suggests additional right-of-way dedication will not be necessary. Remove and replace any substandard P.C.C. sidewalk through the street frontage of the property.
35. Street improvement plans are not required. Drive approach and sidewalk work may be shown on grading plan.
36. All utility services from Marion Avenue, if any, shall be placed underground. This requirement applies to electrical services, transformers and switches, and where technology exists, telephone and cable television facilities as well. Any utility services originating from the rear (west side) of the property are not subject to this undergrounding requirement but may be placed underground at the developer's option.
37. Prior to issuance of any sewer-related construction permits, the applicant shall:
- a. Pay all outstanding sewer reimbursement fees or assessments as imposed by a district or reimbursement agreement, if any.
  - b. Pay Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.

38. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
39. 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.
40. 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.
41. 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.
42. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at (800) 422-4133.

Fire Department

43. The applicant/developer/general contractor is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
44. The proposed residential structures shall require an approved automatic fire-sprinkler system. The system shall conform to all local and national standards. Submit three (3) copies of an automatic fire sprinkler system plan directly to the Fire Marshal's office for review and approval prior to installation.
45. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
46. A fire hydrant system shall be required to provide the necessary water flow to the proposed development. 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.
47. All Montclair Fire Department fees are due prior to any permit issuance.

48. Covered trash enclosures shall have fire sprinklers installed should any one of the following conditions exist: the trash enclosure has a combustibile roof covering; the trash enclosure contains two or more individual trash containers; or the trash enclosure is under or within five feet (5') of combustibile construction.

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

APPROVED AND ADOPTED THIS 12TH DAY OF AUGUST, 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 12th day of August, 2013, by the following vote, to-wit:

AYES:

NOES:

ABSENT: