



MONTCLAIR

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

REGULAR ADJOURNED MEETING
Monday, March 24, 2014
7:00 p.m.

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

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

4. APPROVAL OF MINUTES

The minutes of the February 10, 2014 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 2014-3
Project Address: 8801 Central Avenue, Unit B
Project Applicant: Lee Pan Montclair, LLC
Project Planner: Silvia Gutiérrez, Associate Planner
Request: Conditional Use Permit to establish an electronic cigarette retail store
CEQA Assessment: Categorically Exempt (Section 15301)
- b. PUBLIC HEARING - CASE NUMBER 2014-4
Project Address: 5198 Brooks Street
Project Applicant: Riley Family Bypass Trust 2/9/00
Project Planner: Michael Diaz, City Planner
Request: Conditional Use Permit to allow a proposed wholesale, storage and distribution business
CEQA Assessment: Categorically Exempt (Section 15301)

7. INFORMATION ITEMS

Although the Planning Commission is prohibited from taking action on or discussing items not on the posted agenda, a member of the Planning Commission may ask for information, request a report back or to place a matter of business on the agenda for a subsequent meeting, ask a question for clarification, make a brief announcement, or briefly report on his or her own activities, provided the foregoing are related to, or within the jurisdiction of, the Planning Commission.

8. PUBLIC INSPECTION OF MATERIALS

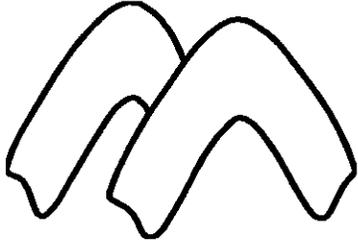
Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of April 14, 2014 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California.

CERTIFICATION OF AGENDA POSTING

I, Laura Embree, 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 March 20, 2014.



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 03/24/14

AGENDA ITEM 6.a

Case No.: 2014-3

Application: Conditional Use Permit (CUP) request to establish an electronic cigarette retail store with ancillary tasting area in a 1,820 square-foot lease space of a multi-tenant retail center

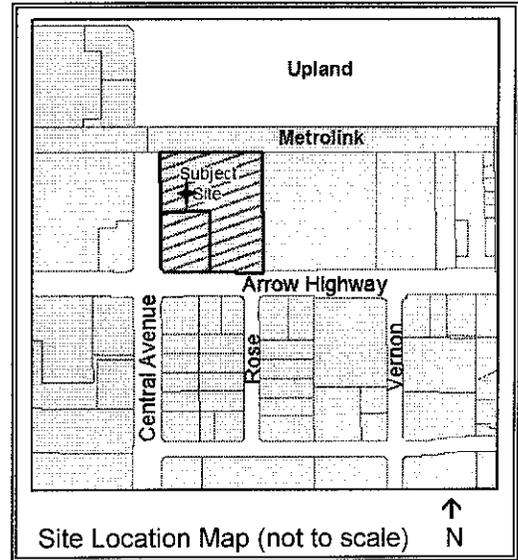
Applicant/Property Owner: Lee Pan Montclair, LLC

Project Address: 8801 Central Avenue, Unit B

APNs: 1007-661-18 and 19

General Plan: Regional Commercial

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



EXISTING SITE FEATURES/CONDITIONS

Structures: One-story shopping center with freestanding pad building. Total floor area for the shopping center is 50,540 square feet.

Parking: Paved parking lot with 215 stalls, including 6 disabled-accessible spaces

Trees/Significant Vegetation: Existing mature trees, shrubs and ground cover

ADJACENT LAND USE DESIGNATIONS AND LAND USES

	General Plan	Zoning	Use of Property
Site	General Commercial	C-3 (General Commercial) per North Montclair Specific Plan	Multi-Tenant Shopping Center (Montclair Village)
North	Commercial/Industrial- (City of Upland)	CH (Commercial-Highway) and ML (Limited Manufacturing) (City of Upland)	Metrolink right-of-way and Industrial and Residential Uses (City of Upland)
East	Business Park	MIP (Manufacturing Industrial Park) per North Montclair Specific Plan	98,000 square foot warehouse under construction
South	General Commercial	C-3 (General Commercial) per North Montclair Specific Plan	Commercial/Retail and Service Uses
West	Planned Development	C-3 (General Commercial)	John's Incredible Pizza

Report on Item Number 6.a

PUBLIC HEARING - CASE NUMBER 2014-3

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	Lee Pan Montclair LLC
LOCATION OF PROPERTY	8801 Central Avenue, Unit B
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	"C-3" (General Commercial) per North Montclair Specific Plan (NMSP)
EXISTING LAND USE	Vacant Tenant Space
ENVIRONMENTAL DETERMINATION	Categorical Exemption (Section 15301)
PROJECT PLANNER	Silvia Gutiérrez

Project Description

The applicant is requesting approval of a Conditional Use Permit to allow an electronic cigarette ("E-cigarette") retail store with an ancillary tasting lounge within a vacant tenant space at the above-referenced location. The store would sell a selection of electronic cigarette devices and the solutions they use, which are often referred to as "e-liquid" or "e-juice." The lease space is approximately 1,800 square feet in size and would be improved with counter height display cases and a small "lounge" area consisting of three lounge chairs and four side tables where customers could sample the "e-juice" flavors available at the store. The new store would be patterned after another store owned by the applicant in Chino Hills and also called Vapor World. No exterior changes to the exterior of the building or site are proposed by the applicant.

Proposed hours of operation for the retail shop are Monday through Thursday, 12 noon to 8:00 p.m., Friday and Saturday from 11:00 a.m. to 9:00 p.m.; and Sundays from 12 noon to 6:00 p.m. The tasting area would be available until closing time every day.

A site plan, floor plan, and photographs of the interior and exterior are included in the Commission packets for reference.

Electronic Cigarettes

Electronic cigarettes are nicotine-delivery products that do not contain tobacco. An electronic cigarette is a rechargeable or disposable battery-operated device that looks like and is generally intended to simulate the sensation of smoking a traditional tobacco cigarette or cigar. Commonly referred to as an "e-cig" or "personal vaporizer" (PV) these devices utilize a heating element known as an atomizer that vaporizes a liquid solution ("e-juice"). When a user sucks on the device, the liquid heats up and delivers a fine mist of vapor that is deeply inhaled and then exhaled. Since there is no combustion or smoke, users call it "vaping" (short for vaporizing) the e-juice instead of smoking.

E-cigarettes are available in many styles, ranging from disposables that resemble real cigarettes and can be purchased for a few dollars, to more complex vaporizers (known as "vape" or "hookah" pens) that can cost hundreds of dollars. Users can also choose from hundreds of different flavored "e-juice" solutions, which are a mixture of nicotine in varying percentages with flavorings such as Peach Tea, Crème de la Crepe, Hawaiian Punch, Mango, Piña Colada, Hot Cocoa, etc., or just flavor with no nicotine at all. The concentration of nicotine in an "e-juice" mixture can range from zero to 24 milligrams - about as much as a pack of 20 ordinary cigarettes. The cost of "e-juice" refills can also be quite expensive and a lucrative source of income for store operators.

The benefits and risks of electronic cigarettes and their regulation is the subject of ongoing debate. Supporters of electronic cigarettes view them as a safer alternative to smoking. Opponents point to lack of long-term studies and argue that electronic cigarettes carry a high risk of nicotine addiction. Meanwhile, the U.S. Food and Drug Administration (FDA) has yet to formally regulate e-cigarette products. Because the devices do not contain tobacco, they are not currently subject to FDA rules - a loophole that could allow the products to be sold to minors. While the FDA is addressing the issue, states (New York, Oregon) and cities (Los Angeles and Burbank) have treated them as tobacco products and have initiated moratoriums, restricted their use, banned them (Richmond, Carlsbad, Walnut Creek), and/or prohibited the sale of the products to children and teens.

Although the long-term health effects and risks of continued use of e-cigarettes are uncertain, their increased popularity is not. Currently, the FDA's Center for Drug Evaluation and Research only regulates e-cigarettes that are marketed for therapeutic purposes. The FDA, however, expressed its intent to seek to have its regulatory capabilities for "tobacco products" broadened to include e-cigarettes and other similar novel products included within its regulatory purview.

Similarly, California Health and Safety Code Section 119405 only prohibits the sale of tobacco-based cigarettes to minors, while expressly referencing that California law is subject to any federal regulation of the devices, including the regulations of the FDA. This current state of the law does not provide much guidance for local governments as they seek to deal with the growing popularity of vaping.

Background

- The Montclair Village shopping center was originally constructed in 1984. The west side of the center where the proposed use would be located is near Dolce Café, Aaron Brothers, and the former location of Quizno's Subs.
- Vapor World is the first electronic cigarette retail store owned by the applicant in Chino Hills. The Chino Hills store opened in May 2013.
- On July 17, 2013, the Montclair City Council amended Section 11.78 of the Montclair Municipal Code to establish minimum requirements for cigar/cigarette/electronic cigarette/smoke shops. The requirements are included in Sections 11.78.030.D.4.a and b., which include the following requirements and standards:

- ✓ Approval of a Conditional Use Permit (CUP);
- ✓ Allowed only in a C-2 or C-3 zoning district;
- ✓ 1,000-foot distance separation from any private or public school;
- ✓ 1,000-foot separation distance from another similar use.

Planning Division Comments

The sale of "e-cigarettes" is a fast-growing trend that is spreading across the country, and the proposed "e-cigarette" store would be the first such store of its kind in the City. Given the lack of federal or state regulation, or consensus on the benefits and/or risks of "e-cigarettes", the City Council determined that for the purposes of land use considerations "e-cigarette stores" are analogous to "smoke shops" (or cigarette stores) and should be treated as such. To that end, a CUP was determined to be the appropriate entitlement process to address potential concerns raised by these uses.

Staff believes the proposed electronic cigarette store with ancillary tasting meets the overall basic criteria necessary to approve the CUP. The use is a retail operation and, as such, is consistent with the zoning designation and actual use of the site. Parking at the center is currently adequate to support the use and since the lounge is small and not designed to be a gathering place, it is not expected to adversely impact the general availability of parking in the center of the other tenants. The proposed business hours for the electronic cigarette store are not unusual and would be generally consistent with general business hours observed by other uses in the center.

The proposed use also meets the locational criteria established by Section 11.78.030 of the Montclair Municipal Code for this use. The lease space is located in the C-3 (General Commercial) land use district of the North Montclair Specific Plan and is more than 1,000 feet from any public or private school. The closest educational use is Moreno Elementary School, which is located approximately 3/4 mile southwest of the site. No other approved cigar/cigarette/electronic cigarette/smoke shops are within 1,000 feet of this location.

Public Health and Safety

A few areas of concern need to be addressed to recommend approval of this application. The first area of concern is the availability of "e-cigarettes" in its different forms to minors. The applicant indicates that he does not intend to sell to minors and would restrict sales only to persons over 18 years of age. Based on photos of his current store, products carried at the store appear to be properly secured in display cases or behind the counter where only authorized employees are allowed to be. Moreover, the applicant indicated that it was not his intention to create a venue for hanging out and that the "lounge" is only allow customers the ability to sample the flavors of e-juice that are available for purchase. The "lounge" consists only of three seats and small side tables and does not occupy a significant portion of the lease space. Despite the prohibition on sales of items to minors, there is no prohibition on a minor entering the premises. As a condition of approval, staff is recommending that no minor be allowed into the premises unless accompanied by and monitored by a parent or legal guardian over 21 years of age.

Moreover, the place of business should not become a place to hang out or encourage loitering in the center. It is the City's expectation that the business owner and property owner will make every effort to discourage loitering on or about the property. However, to address this concern, staff has included two conditions; one which requires the posting of a "No Loitering" sign, and the other prohibiting persons under age 18 from being on the premises during business hours unless accompanied by a parent or legal guardian. Staff believes that if operated properly per the conditions of approval, the proposed e-cigarette store would be appropriate and not detrimental to the surrounding area.

The third area of concern is related to the products the store would offer. Initially, e-cigarettes were marketed to smokers as an alternative to the use of traditional tobacco products. However, based on recent mass marketing advertising by the industry, the trend appears to be spreading beyond smokers. Critics of e-cigarettes say the companies market to children by means of clever names, flavors, and semantics that avoid the use of the term "smoking" in their advertisements. The concern is that e-cigarette products might actually increase habitual smoking or be easily converted to inhale illegal substances. To address this concern, staff is recommending a second condition that would restrict the business from displaying or offering for sale any drug paraphernalia or other items such as bongos, hookah pipes, etc. that are associated with drug use.

Finally, the Montclair Police Department reviewed the proposal and is not opposed to the request to allow the electronic cigarette retail store. The PD determined the store to be suitable based on the relatively small "lounge" (tasting) area, the applicant's proposal to restrict sales to adults 18 years of age and over, and reasonable hours of operation. The PD also echoed staff's concern regarding the potential for introducing drug-related paraphernalia at the store and has stipulated its support only if a condition prohibiting the sale and display of unauthorized paraphernalia is included.

Conditional Use Permit Findings

Staff believes the necessary findings for granting the CUP for the establishment of an electronic cigarette retail shop with an indoor ancillary tasting area can be made, as follows:

- A. The proposed use is essential or desirable to the public convenience and public welfare, in that the electronic cigarette store would allow members of the community an opportunity to obtain currently available electronic cigarette products from an approved and properly licensed business.
- B. That granting of the permit for the electronic cigarette store will not be materially detrimental to the public welfare and to other property in the vicinity, in that the store would be located in a retail lease space within a large and appropriately developed retail center. As a retail use, the proposed electronic cigarette store will be generally compatible with the mix of established businesses in the center and the variety of retail and service uses in the immediate area. Further, conditions of approval have been added to address concerns regarding the operation of the

electronic cigarette store and to ensure that it is appropriately managed to protect minors from unwarranted exposure to items displayed or sold within the store.

- C. The proposed electronic cigarette store conforms to good zoning practice, in that the use would be within an existing commercial lease space in a properly developed multi-tenant retail center. The proposed electronic cigarette store is generally consistent with the provisions of the C-3 (General Commercial) land use designation of the North Montclair Specific Plan, which allows a wide variety of retail uses that includes tobacco or electronic cigarette stores subject to approval of a Conditional Use Permit. Moreover, the proposed electronic cigarette store conforms to the location criteria established by the Section 11.78.030 of the Montclair Municipal Code for this use. The lease space is located more than 1,000 feet from any public or private school (pre-K through 12). The closest educational use is Moreno Elementary School, which is located approximately 3/4 mile to the southwest.
- D. That such use at such location is not contrary to the objective of any part of the adopted General Plan, in that the General Plan recognizes the need for a variety of commercial uses that cater to the diverse desires and needs of the community.

Comments from the Public

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on March 14, 2014. 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 for consideration of this discretionary zoning entitlement. Courtesy notices were also mailed to all tenants within the shopping center. At the time the staff report was completed, staff had not received any comments or correspondence from the public regarding this application.

Environmental Assessment

The proposed project involves minor alterations to the existing tenant space resulting in a negligible expansion of an existing use. As such, staff has determined that this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301(a) of the CEQA Guidelines (Class 1 – Existing Facilities).

Planning Division Recommendation

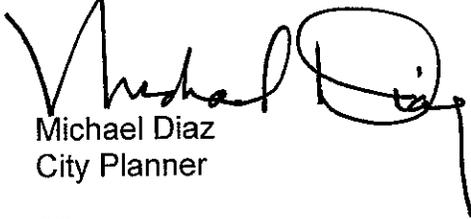
Staff finds the proposed electronic cigarette store with an ancillary tasting lounge to be consistent with City policy and all requirements of the Montclair Municipal Code, the North Montclair Specific Plan, and the adopted General Plan; therefore, approval of Case No. 2014-3 is recommended by taking the following actions:

1. Move that, based upon evidence submitted, the project is deemed to be categorically exempt from the requirements of the California Environmental Quality

Act (CEQA), pursuant to Section 15301 (Class 1 – Existing Facilities) of the State CEQA Guidelines.

2. Move to approve a Conditional Use Permit (Case No. 2014-3) to allow the establishment of an electronic cigarette store with ancillary vapor tasting indoor seating area at 8801 Central Avenue, Unit B, as described in the staff report and subject to the conditions of approval in attached Resolution No. 14-1798.

Respectfully Submitted,



Michael Diaz
City Planner

SG/lb

Attachments: Draft Resolution of Approval for Case No. 2014-3

c: Jimmy Lee, Lee Pan Montclair, LLC., 3212 Orlando Road, Pasadena, CA 91107
John Hinterleitner, 14676 Pipeline Avenue, Suite P, Chino Hills, CA 91709
Lieutenant Brian Ventura, Montclair Police Department

z:\COMMDEV\SG\CASES\2014-3 RPT -8801 CENTRAL, UNIT B

RESOLUTION NUMBER 14-1798

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2014-3 TO ESTABLISH AN ELECTRONIC CIGARETTE RETAIL STORE WITH AN ANCILLARY INDOOR TASTING AREA IN THE C-3 ("GENERAL COMMERCIAL") LAND USE DISTRICT OF THE NORTH MONTCLAIR SPECIFIC PLAN AT 8801 CENTRAL AVENUE, UNIT B (APNs 1007-661-18 and 19)

A. Recitals.

WHEREAS, on February 3, 2014, John Hinterleitner, with the consent of the property owner, Lee Pan Montclair LLC, filed an application for a Conditional Use Permit (CUP) to allow the establishment of an electronic cigarette retail store with an ancillary tasting lounge at the above-referenced location; and

WHEREAS, this application applies to a lease space of approximately 1,800 square feet in floor area and identified as Suite B of the commercial building located at 8801 Central Avenue; and

WHEREAS, Section 11.78.030.D of the Montclair Municipal Code established minimum requirements for the entitlement of a cigar/cigarette/electronic cigarette/smoke shop within the City by requiring an approved of a Conditional Use Permit (CUP) for such uses; and

WHEREAS, cigar/cigarette/electronic cigarette/smoke shops are only allowed in a C-2 or C-3 zoning district, when at least 1,000 feet from any private or public school (pre-K through 12), and 1,000 feet from another similar use; and

WHEREAS, the site is located within the C-3 ("General Commercial") land use district of the North Montclair Specific Plan; and

WHEREAS, staff has determined that the proposal meets the location criteria applicable to the establishment of a cigar/cigarette/electronic cigarette/smoke shop; and

WHEREAS, The business owner/operator has indicated his commitment to restrict sales only to persons over 18 years of age; and

WHEREAS, Planning Division staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1), in that the proposal would not involve an expansion of the existing structure. In addition, there is no substantial evidence that the project will have a significant effect on the environment. The Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent

judgment, concurs with staff's determination of exemption and directs staff to prepare a Notice of Exemption; and

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

WHEREAS, on March 24, 2014, 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 were heard, and said CUP was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced hearing on March 24, 2014 including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:
 - a. The proposed use is essential or desirable to the public convenience and public welfare, in that the electronic cigarette store would allow members of the community an opportunity to obtain currently available electronic cigarette products from an approved and properly licensed business.
 - b. That granting of the permit for the electronic cigarette store will not be materially detrimental to the public welfare and to other property in the vicinity, in that the store would be located in a retail lease space within a large and appropriately developed retail center. As a retail use, the proposed electronic cigarette store will be generally compatible with the mix of established businesses in the center and the variety of retail and service uses in the immediate area. Further, conditions of approval have been added to address concerns regarding the operation of the electronic cigarette store and to ensure that it is appropriately managed to protect minors from unwarranted exposure to items displayed or sold within the store.
 - c. The proposed electronic cigarette store conforms to good zoning practice, in that the use would be within an existing commercial lease space in a properly developed multi-tenant retail center. The proposed electronic cigarette store is generally consistent with the provisions of the C-3 (General Commercial) land use designation of the North Montclair Specific Plan, which allows a wide variety of retail uses that includes tobacco or electronic cigarette stores subject to approval of a Conditional Use Permit. Moreover,

the proposed electronic cigarette store conforms to the locational criteria established by the Section 11.78.030 of the Montclair Municipal Code for this use. The lease space is located more than 1,000 feet from any public or private school (pre-K through 12). The closest educational use is Moreno Elementary School, which is located approximately 3/4 mile to the southwest of the site.

- d. That such use at such location is not contrary to the objective of any part of the adopted General Plan, in that the General Plan recognizes the need for a variety of commercial uses that cater to the diverse desires and needs of the community.

Planning

1. This approval is for a Conditional Use Permit to allow the establishment of an electronic cigarette retail store and ancillary tasting area at 8801 Central Avenue, Unit B, per approved plans on file with the Planning Division, indicating the following:
 - a. A counter display area of to be located near the center of the 1,820 square-foot lease space. E-cigarette items shall be securely kept in display cases or behind the counter at all times; and
 - b. A tasting area in the interior of tenant space near the front entry and consisting of a maximum of three (3) chairs and three (3) side tables.
2. Any substantial changes to the operation, increase in floor area of the demised space, physical location, or upgrade of license require prior City approval. Any discontinuation or substantial changes to electronic cigarette retail store and ancillary interior tasting area without City approval shall be a violation of this CUP and may be cause for revocation. Upon transfer, sale or re-assignment of the e-cigarette retail store with ancillary indoor tasting area to another individual or entity, the applicant shall make full disclosure of the CUP requirements and restrictions to future buyers, transferees or assignees.
3. This Conditional Use Permit (CUP) approval shall be valid for a period of six months from the date of Planning Commission approval and shall automatically expire on the six-month anniversary date of Planning Commission action, unless the applicant is diligently pursuing building plan check toward eventual construction or implementation 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. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:

- a. A check in the amount of **\$50**, payable to "Clerk of the Board of Supervisors," to cover the County administrative fee for filing a Notice of Exemption as required by the California Environmental Quality Act (CEQA).
 - b. A check in the amount of **\$420.80**, 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.
5. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 10 days of receipt of the Planning Commission Resolution.
6. Approval of this CUP shall not waive the applicant's requirement to comply with any and all regulations as set forth by any Federal or State of California agency having jurisdiction over the use and/or sale of e-cigarettes. It shall be the responsibility of the applicant to comply in a timely manner with all applicable regulations.
7. The operator of the establishment shall obtain and maintain a current City business license at all times.
8. No persons under the age of 18 shall be allowed on the premises unless accompanied by a legal guardian or a parent. Persons under 18 years of age shall not be permitted to purchase, sample, or otherwise obtain e-cigarette related products or services. Posting of such age restriction in English and Spanish shall be conspicuous to the public.
9. The proprietor of the e-cigarette store and/or property owner shall monitor and maintain the area surrounding the exterior of the business in a clean and orderly manner at all times, including the adjacent parking areas.
10. The e-cigarette store and/or property owner shall take whatever reasonable steps are deemed necessary to prevent loitering and/or assure the orderly conduct of its employees, patrons, and visitors on the premises. A minimum of one (1) 'No Loitering' sign shall be installed in plain view at the business.
11. No public telephones, vending machines, or other coin-operated machines shall be located on the exterior of the building.
12. The consumption of alcoholic beverages on the property and/or within the subject lease space and property shall be prohibited.
13. Approved hours of operation for the retail shop are Monday through Thursday, 12 noon to 8:00 p.m.; Friday and Saturday, 11:00 a.m. to 9:00 p.m.; and Sunday, 12 noon to 6:00 p.m. The ancillary tasting area is

available from noon to closing time every day. The applicant may close the retail store earlier than those stated herein. Any changes to store hours shall require written notification to the Planning Division and City approval.

14. A copy of this Planning Commission Resolution with all conditions of approval relating to this application shall be conspicuously posted alongside the establishment's business license and Certificate of Occupancy, and shall be made available for viewing to any law enforcement or code enforcement officers, fire and building inspectors in the course of conducting an inspection on said premises.
15. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including but not limited to, the following:
 - a. Temporary banners for the purpose of announcing the grand opening or advertising promotions shall require banner permits from the Planning Division prior to installation.
 - b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
 - a. At no time shall pennants, inflatable signs, "human" signs, other similar advertising devices be utilized on the property or off-site.
16. This CUP may be modified or revoked for failure to abide by these conditions or in the event that the use is determined to be a nuisance to surrounding properties, businesses or the community at large.
17. 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.

Police

18. The site shall be subject to a periodic site inspection by Police/Code Enforcement staff and Community Development staff to determine that the use is in compliance with the conditions of approval.
19. The display, sale, and consumption of drug paraphernalia inside or outside the premises, as defined by State of California Health and Safety Code Sections 11364-11376, shall be strictly prohibited.

Building

20. 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. Existing plan of the building, including all walls to be demolished;
 - f. Waste recycling plan, recycling 50% of all construction debris.
21. Submit two sets of structural calculations, if required, and two sets of energy conservation calculations.
22. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
23. 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.
24. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
25. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number.
26. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
27. 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.
28. 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%).

29. 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. Ensure that the suite designation ("B") is displayed on or over the main entrance to the tenant space. The designation shall be in acceptable font according to the project design and the Planning Division, a minimum of four inches in height, and be in a color that adequately contrasts with the background to which it is 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.
 - d. A final permit is required prior to the occupancy of the building. Issuance of the final permit shall be contingent upon the Fire Department inspection and the final approvals from other departments and/or agencies.
30. Prior to the issuance of a final permit, the applicant shall:
 - a. Submit to the Building Division electronic images of all plans and records that 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.
 - c. Install all disabled-accessible parking stalls and parking lot signage.
31. An Occupancy sign shall be posted at the front exit stating that the tenant space to be occupied shall not exceed 59 occupants at any time.

Fire

32. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
33. In those structures covered by CAC Title 19, all drapes, hangings, curtains, drops, and all other decorative material shall be made from non-flammable material, or shall be treated and maintained in a flame-retardant condition, by means of a flame retardant solution or process approved by the State Fire Marshal.

34. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of normal lighting.
35. Fire extinguisher location(s) shall be determined by the Montclair Fire Department.

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

APPROVED AND ADOPTED THIS 24TH DAY OF MARCH, 2014.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, Chair

ATTEST: _____
Steve Lustro, Secretary

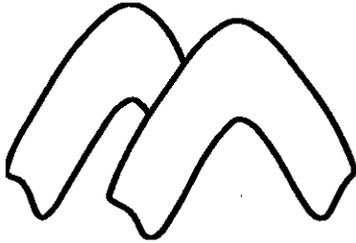
I, Steve Lustro, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 24th day of March, 2014, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SG\CASES\2014-3



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 03/24/14

AGENDA ITEM 6.b

Case No.: 2014-4

Application: Conditional Use Permit to allow a wholesale, storage, and distribution business

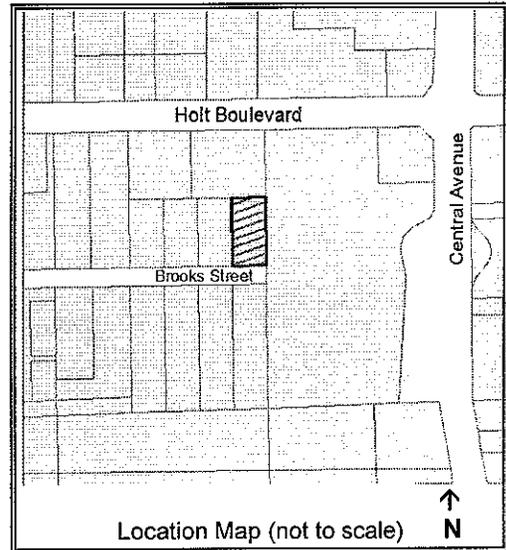
Project Address: 5198 Brooks Street

Property Owner: Riley Family Bypass Trust 2/9/00

General Plan: Specific Plan

Zoning: Business Park (BP) per the Holt Boulevard Specific Plan (HBSP)

Assessor Parcel No.: 1011-031-27



EXISTING SITE FEATURES/CONDITIONS

Structures: 10,885 square-foot industrial building

Parking: 19 parking spaces (including 2 disabled-accessible spaces)

ADJACENT LAND USE DESIGNATIONS AND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	Business Park	Business Park (BP) per Holt Boulevard Specific Plan	Cabinet Shop
North	General Commercial	Commercial per Holt Boulevard Specific Plan	Auto Zone Franchise
East	General Commercial	Commercial/Office per Holt Boulevard Specific Plan	Vacant Land
South	Industrial Park	M-2 General Manufacturing	Multi-tenant Industrial Bldg
West	Business Park	Business Park (BP) per Holt Boulevard Specific Plan	Industrial Bldg

Report on Item Number 6.b

PUBLIC HEARING - CASE NUMBER 2014-4

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	Riley Family Bypass Trust 2/9/00
LOCATION OF PROPERTY	5198 Brooks Street
GENERAL PLAN DESIGNATION	Business Park
EXISTING ZONE DISTRICT	Business Park (BP) per Holt Boulevard Specific Plan
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT COORDINATOR	Michael Diaz

Project Description

Instek America Corporation, an electronic measuring and test equipment company, has requested approval of a Conditional Use Permit (CUP) to allow the relocation of its wholesale, storage, and distribution use to the existing 10,885 square-foot industrial building on the subject site. The company is currently located in Chino.

The company would occupy the existing building with no significant changes to the property other than to meet minimum building code requirements. The only notable physical change to the site would be the removal of the existing dust collection system attached to the exterior of the west side of building that serves the existing cabinet shop. No outdoor storage of items or fencing of the site is proposed. On-site parking for visitors and employees is present at the front (south) and west side of the building.

Instek America would have 8-10 employees working from the subject location. Hours of operation are generally Monday through Friday 7:00 a.m. to 6:00 p.m. All business activity would occur indoors, which consists of an administrative office and the stocking and distribution of pre-assembled electronic measurement instruments to companies and education users. The company would also provide technical service (e.g., troubleshooting and calibration) and applications support from this location. No retail sales would occur at the site.

A site plan and floor plan are included in the Commission packets for reference.

Background

- The subject property is approximately 24,200 square feet (0.55 acre) in area and is developed with a 10,885 square-foot industrial building and 19 striped surface parking spaces (including two disabled-accessible parking spaces). The property was developed with the existing improvements in 1989.

- Instek America is an importer and distributor of pre-assembled electronics measuring and test equipment such as oscilloscopes, spectrum analyzers, signal sources, power supplies and related accessories.
- Pursuant to the Holt Boulevard Specific Plan, wholesale, storage, and distribution uses in the Business Park (BP) district may be permitted subject to the approval of a CUP.

Planning Division Comments

Staff is supportive of the CUP request to allow the proposed wholesale, storage, and distribution use at the subject site. The proposed use is consistent with the type of clean, professional business envisioned for the Business Park land use district of the Holt Boulevard Specific Plan. As such, the nature of the proposed business is appropriate for the existing property and will fit in with other uses in the surrounding area. The areas surrounding the site immediately to the south and west are also developed with industrial buildings and/or uses.

With no outside storage or operations (other than routine shipping and receiving activities) no significant impact of any kind is anticipated. Traffic to and from the site is likely to be low and in keeping with the relatively low volumes of traffic generating by surrounding uses. As with any business in the City, the new use would be subject to routine annual inspections by one or more City departments to ensure compliance with the conditions of approval and other regulatory requirements from other agencies.

The subject site appears to be well maintained and the existing tilt-up industrial building is in sound condition with minimal need for repairs. As mentioned above, the existing dust collection apparatus on the west side of the building would be removed, which will improve appearance of the site. In addition, the site is adequate in size and shape and will easily accommodate the proposed wholesale, storage, and distribution use. Required on-site parking is provided and the condition of the parking areas is sound. Existing landscaping is standard but in good shape.

The only major items staff would encourage the new owner to undertake are: 1) repainting of the building exterior to eliminate faded areas, rust spots, and the mismatched colors on the east-facing elevation where graffiti has been abated; and 2) replace existing unshielded light fixtures (wall packs) with new shielded fixtures. Staff has included a condition of approval that both improvements be completed within six months of approval of this CUP request.

Conditional Use Permit Findings

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

- A. The proposed use is desirable to the public convenience and public welfare, in that the proposed wholesale, storage, and distribution use is consistent with the type of

clean, professional business envisioned for the Business Park land use district of the Holt Boulevard Specific Plan.

- B. Granting this permit will not be materially detrimental to the public welfare and other property in the vicinity. Except for routine shipping and receiving activities, the proposed wholesale, storage, and distribution business will be conducted indoors and no significant impact of any kind is anticipated. Traffic to and from the site is likely to be low and in keeping with the relatively low volumes of traffic generating by surrounding uses. Further, the proposed use does not involve retail sales or outdoor activities/storage.
- C. The proposed use is consistent with the underlying Business Park (BP) district of the Holt Boulevard Specific Plan, which conditionally permits wholesale, storage, and/or distribution use as contemplated by the applicant. The site is adequate in size and appropriately developed with a newer tilt-up concrete building and required on-site parking.
- D. The proposed use at the subject location is not contrary to the objectives of any part of the adopted General Plan, Montclair Municipal Code, or the provisions of the Holt Boulevard Specific Plan. Moreover, the General Plan specifically encourages a balance of uses within the City and the attraction of professional and clean businesses to the community.

Environmental Assessment

The Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the State CEQA Guidelines. The project qualifies because it involves the use of a developed property with existing facilities. Only minimal site and building improvements are proposed to accommodate the use and meet minimum building code requirements. Further, there is no substantial evidence the project will pose a potential significant impact to the environment.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on March 14, 2014. Public hearing notices were also mailed to property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, no comments or inquiries had been received by staff regarding the proposal.

Planning Division Recommendation

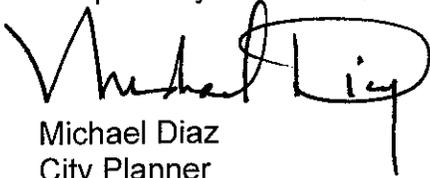
Staff recommends the Planning Commission take the following action(s):

- A. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the

project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301.

- B. Move to approve a Conditional Use Permit (Case No. 2014-4) to allow a wholesale, storage, and distribution use at 5198 Brooks Street, within the Business Park (BP) land use district of the Holt Boulevard Specific Plan, as described in the staff report and per the submitted plans, subject to the conditions of approval in attached Resolution No. 14-1799.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Diaz", written over a printed name and title.

Michael Diaz
City Planner

MD/le

c: David Hsiung, Instek America, 3661 Walnut Drive, Chino, CA 91710
Shan Lee, Daum Real Estate, 13181 Crossroads Pkwy North, Suite 100, Industry, CA 91746
Randal Riley, 5 Indigo Way, Dana Point, CA 92629

Z:\COMMDEV\MD\CASES\2014-4 PC REPORT1

RESOLUTION NUMBER 14-1799

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NUMBER 2014-4 TO ALLOW A WHOLESALE, STORAGE, AND DISTRIBUTION USE IN THE BUSINESS PARK LAND USE DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN AT 5198 BROOKS STREET (APN 1011-031-27)

A. Recitals.

WHEREAS, on March 6, 2014, the Riley Family Bypass Trust 2/9/00, property owner, filed an application for a Conditional Use Permit (CUP) on behalf of Instek America Corporation, which is seeking to acquire the property to establish a wholesale, storage, and distribution use at the subject site; and

WHEREAS, the application applies to the 0.55-acre property at the above-referenced address, which is improved with a 10,885 square-foot tilt-up concrete industrial building and on-site parking for 19 vehicles; and

WHEREAS, the subject project site is located within the Business Park (BP) land use district of the Holt Boulevard Specific Plan, which requires the approval of a conditional use permit (CUP) for wholesale, storage, and distribution uses; and

WHEREAS, staff has determined the proposal meets the intent and applicable requirements of the Municipal Code and the Holt Boulevard Specific Plan for the requested use at the subject site; and

WHEREAS, the Planning Commission has reviewed the Planning Division's determination the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the State CEQA Guidelines, and based on its own independent judgment, concurs with staff's determination of said exemption and finding of no significant effect on the environment; and

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

WHEREAS, on March 24, 2014, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a public hearing at which time all persons wishing to testify in connection with said CUP were heard, and said CUP request was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon substantial evidence presented to this Commission during the above-referenced public hearing on March 24, 2014, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:
 - A. The proposed use is desirable to the public convenience and public welfare, in that the proposed wholesale, storage, and distribution use is consistent with the type of clean, professional business envisioned for the Business Park land use district of the Holt Boulevard Specific Plan.
 - B. Granting this permit will not be materially detrimental to the public welfare and other property in the vicinity. Except for routine shipping and receiving activities, the proposed wholesale, storage, and distribution business will be conducted indoors and no significant impact of any kind is anticipated. Traffic to and from the site is likely to be low and in keeping with the relatively low volumes of traffic generating by surrounding uses. Further, the proposed use does not involve retail sales or outdoor activities/storage.
 - C. The proposed use is consistent with the underlying Business Park (BP) district of the Holt Boulevard Specific Plan, which conditionally permits wholesale, storage, and/or distribution use as contemplated by the applicant. The site is adequate in size and appropriately developed with a newer tilt-up concrete building and required on-site parking.
 - D. The proposed use at the subject location is not contrary to the objectives of any part of the adopted General Plan, Montclair Municipal Code, or the provisions of the Holt Boulevard Specific Plan. Moreover, the General Plan specifically encourages a balance of uses within the City and the attraction of professional and clean businesses to the community.

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. This Conditional Use Permit approval shall be for a wholesale, storage, and distribution use at 5198 Brooks Street, as described in the staff report. Any

modification, intensification, or expansion of the improvements and/or use beyond that which is specifically approved with this approval shall require prior review and approval by the Planning Commission.

2. Conditional Use Permit (CUP) approval shall be valid for a period of six months from the date of Planning Commission approval and shall automatically expire on the six-month anniversary date of Planning Commission action, unless the applicant is diligently pursuing building plan check toward eventual construction or implementation of this 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.
3. The approval of this CUP shall supersede any other previous approvals governing the use of the property.
4. 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). The check shall be made payable to the Clerk of the Board of Supervisors.
 - b. A check in the amount of **\$408.48**, payable to the "City of Montclair," to cover the cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.
5. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 15 days of receipt of the Planning Commission Resolution.
6. Approval of this CUP 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. A copy of the CUP approval letter with all conditions of approval relating to this application shall be kept on file at the subject location and be made available for viewing to any law enforcement officer, fire, building, or code enforcement inspector in the course of conducting an inspection of said premises.

8. All work associated with the approved use shall be conducted indoors within the existing building, except for routine shipping and receiving activities associated with the business.
9. Business operations at the site shall be subject to the applicable noise requirements of Chapter 6.12 of the Montclair Municipal Code. Outdoor noise levels for industrial areas are a maximum of 70 dBA between the hours of 7:00 a.m. and 10:00 p.m.
10. Any subsequent sale, sub-leasing or rental to another business or another industrial operator shall require separate review and approval by the Community Development Director in order to determine its compatibility with this CUP approval.
11. Except for standard sized fleet vehicles (cars/pickups/vans) no construction supplies, equipment, forklifts, recreation vehicles, trailers, buses, or other personal items/objects not directly related to the approved business may be stored or parked outdoors on the property.
12. Any fencing or walls proposed for the property shall be reviewed and approved by the City prior to installation. Fences or walls shall meet required setbacks and height limits, be coordinated with adjacent properties/users, and not impede access to or the use of required on-site parking of any affected property.
13. The business operator shall obtain a City of Montclair Business License and comply with regulations and maintain a current City Business License at all times.
14. Prior to the approval of a business license for the subject business, the applicant shall complete the following items:
 - a. Remove the existing dust collection apparatus located on the exterior of the west side of the building and restore the exterior of said building to match existing materials and finishes to the greatest extent feasible.
 - b. Comply with all Fire Department, Building Division, and Environmental Compliance requirements.
15. Within six (6) months of this approval, the applicant shall complete the following improvements to the property:
 - a. Re-paint the building exterior to eliminate faded areas, rust spots, and mismatched colors of paint used to abate graffiti on the east-facing wall of the building. Staff recommends the use of graffiti-resistant paint if its use is practical and/or feasible.

- b. Replace all unshielded exterior light fixtures and replace with new fixtures that 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. The use of unshielded wall pack lights, barn lighters, other similar unshielded luminaires, and/or roof mounted light fixtures shall be prohibited.
16. Graffiti on the buildings or other site improvements shall be removed immediately by the applicant/property owner upon discovery or notification by the City.
17. Prior to installation of any new or replacement signs on the property, the applicant shall submit a detailed sign plan to the Planning and Building Divisions for review and approval, and the issuance of required permits. Only individual channel letters shall be allowed. Exposed raceways shall be prohibited on all building-mounted and freestanding signs.
18. Temporary promotional signs/banners shall comply with Chapter 11.72 of the Montclair Municipal Code.
19. No pay telephones or vending machines shall be located on the exterior of the building.
20. Any new mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, ducts, vents, transformers, or similar equipment, whether located on the ground or on the roof of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building and to the satisfaction of the Planning Division.
21. All new or relocated roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner incorporated into the architectural design of the building to the satisfaction of the Planning Division.
22. The applicant and/or property owner shall be responsible for maintaining the property, including building exteriors, parking areas, exterior lighting, signs and landscaping in good condition and/or working order at all times. Any accumulation of trash, weeds, or debris on the property shall be removed immediately so as not to present a public nuisance.
23. The installation of any security cameras shall be integrated into the site or design of the buildings to which they are attached to the greatest extent possible. Cameras or sensors that are mounted to support posts, rods, hangers, wires, etc., and designed to hang from or over the roof, parapet, or canopy shall not be permitted.

24. Trees shall be properly maintained and not be severely pruned, topped or pollarded. Any trees that have been pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Planner, within the timeframe established by the City. All existing and new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
25. This CUP shall be subject to revocation or modification by the Planning Commission or City Council at such time as any of the following conditions are found to exist:
 - a. Conditions of Approval have not been fulfilled;
 - b. The use has resulted in a substantial adverse impact on the health and/or general welfare of users of adjacent or proximate property;
 - c. The use has resulted in a substantial adverse impact on public facilities or services.
26. 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.
27. 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

28. 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. Existing plan of the building, including all walls to be demolished;
 - g. Waste recycling plan, recycling 50% of all construction debris.
29. Submit two sets of structural calculations, if required, and two sets of energy conservation calculations.
 30. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
 31. 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.
 32. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
 33. Separate permits are required for any fencing or walls and racking systems over six feet (6'-0") in height.
 34. All utility services to the project shall be installed underground.
 35. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number/ plan check number.
 36. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
 37. 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.
 38. 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%).
 39. Construction drawings submitted to the Building Division for plan review shall comply with the Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:

- a. Install a numerical address on the south building elevation. Address numerals shall be in 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.
40. A Certificate of Occupancy is required prior to the occupancy of the building. Issuance of the Certificate of Occupancy shall be contingent upon Fire Department inspection and final approvals from other departments and/or agencies.
41. 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 that 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.
 - c. Install all disabled-accessible parking stalls and parking lot signage.

Environmental

42. Only domestic wastewater (wastewater from restrooms and personal care facilities) may be discharged to the City of Montclair Sanitary Sewer System. No discharges associated with the repair/calibration facilities is permitted to be discharged to the City's sanitary sewer system.
43. All work is to be performed inside the facility/warehouse area.
44. No washing of vehicles, parts, or equipment is permitted on-site at any time.
45. Only dry cleaning methods (i.e., sweeping/damp mopping) may be used to clean floor areas. Washing down or hosing shall be prohibited.

Fire

46. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.

47. 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 the Fire Marshal's Office for additional key and strobe requirement.
48. All Montclair Fire Department fees are due prior to any permit issuance.
49. Three (3) sets of plans shall be submitted to the Montclair Fire Department for approval prior to the relocation or addition of sprinklers for tenant improvements.
50. Three (3) sets of plans shall be submitted to the Montclair Fire Department for approval prior to the upgrade of a fire alarm system for a tenant improvement.

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

APPROVED AND ADOPTED THIS 24TH DAY OF MARCH, 2014.

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 24th day of March, 2014, by the following vote, to-wit:

AYES:

NOES:

ABSENT: