



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

REGULAR ADJOURNED MEETING  
Monday, April 28, 2014  
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 March 24, 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 2014-2  
Project Address: 10625 Monte Vista Avenue  
Project Applicant: Delbert D. Foreman for Yellow Cab Co.  
Project Planner: Silvia Gutiérrez, Associate Planner  
Request: Conditional Use Permit to establish a taxi cab fleet service  
CEQA Assessment: Categorically Exempt (Section 15301)
- b. PUBLIC HEARING - CASE NUMBER 2014-7  
Project Address: Citywide  
Project Applicant: City of Montclair  
Project Planner: Steve Lustro, Community Development Director  
Request: Zoning Code amendments to Chapters 11.02 and 11.78 of the Montclair Municipal Code  
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.

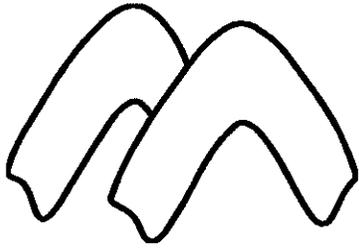
## 9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of May 12, 2014 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California.

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### 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 April 24, 2014.



**CITY OF MONTCLAIR  
PLANNING COMMISSION**

**MEETING DATE: 04/28/14**

**AGENDA ITEM 6.a**

**Case No.: 2014-2**

**Application:** Conditional Use Permit (CUP) to establish a taxi cab fleet service with on-site outdoor vehicle storage and general auto repair within a 6,700 square foot single-story building. Cen-Cal Heavy Moving, Inc. will continue to utilize a portion of the property for outdoor storage of equipment subject to the Conditional Use Permit granted under Case No. 2001-55.

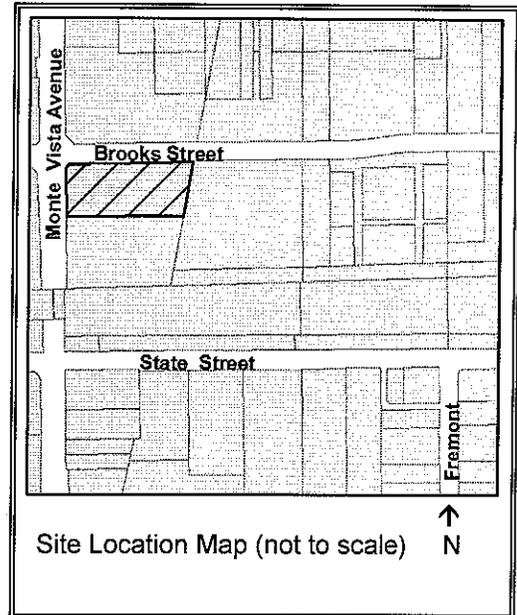
**Applicant/Property Owner:** Darrell D. Foreman for Yellow Cab Co.

**Project Address:** 10625 Monte Vista Avenue

**Assessor Parcel Number:** 1011-012-13

**General Plan:** Industrial Park

**Zoning:** M-2 (General Manufacturing)



**EXISTING SITE FEATURES/CONDITIONS**

**Property Size:** 1.48 acres with a 27-foot wide access easement along the east property line

**Structures:** A one-story freestanding block building approximately 6,700 square feet in size and 2,490 square foot covered canopy on the east side of the building.

**Parking:** Paved parking lot with 5 striped spaces, including 1 disabled-accessible space

**ADJACENT LAND USE DESIGNATIONS AND LAND USES**

	<b>General Plan</b>	<b>Zoning</b>	<b>Use of Property</b>
<b>Site</b>	Industrial Park	M-2 (General Manufacturing)	Heavy moving equipment business
<b>North</b>	Business Park	"BP" (Business Park) per Holt Boulevard Specific Plan	Vehicle storage yard
<b>East</b>	Industrial Park	M-2 (General Manufacturing)	Wholesale distribution warehouse
<b>South</b>	Industrial Park	M-2 (General Manufacturing)	Wholesale distribution warehouse
<b>West</b>	Business Park	M-2 (General Manufacturing)	Equipment rental yard

## Report on Item Number 6.a

### PUBLIC HEARING - CASE NUMBER 2014-2

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	Delbert D. Foreman for Yellow Cab Co.
LOCATION OF PROPERTY	10625 Monte Vista Avenue
GENERAL PLAN DESIGNATION	Industrial Park
EXISTING ZONE DISTRICT	M-2 (General Manufacturing)
EXISTING LAND USE	Heavy moving business with outdoor storage
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT COORDINATOR	Silvia Gutiérrez

#### Project Description

The applicant is requesting approval of a second Conditional Use Permit (CUP) for the subject property that would allow a taxi cab fleet service use with on-site vehicle storage and general auto repair. The current CUP (approved under Case No. 2001-55) on the property allows for a heavy moving company (Cen-Cal Heavy Moving), which uses the property for on-site storage of heavy equipment and supplies.

Yellow Cab Company would be the new user on the property and would have 6-7 employees on site. The location is not proposed to be the headquarters or main dispatch facility for the company but is intended to be a regional service facility for the company to better serve the Inland Empire area. The site would not be open to the public for obtaining taxi services. The general hours of operation for the facility would be 7:00 a.m. to 6:00 p.m. Monday through Friday, with access to the site during off-peak hours as necessary. Visitor and employee parking would be provided at the west end of the property within the existing eight-foot high perimeter block wall that encloses the entire site.

No major changes to the site or expansion of the existing building are proposed for this project. The only anticipated building modifications are related to minimum building code requirements for accessibility. No signage has been proposed at this time. Future signs for the site would be handled administratively by City staff.

The new taxi company intends to occupy and use the existing building as follows:

<i>Proposed Use of Existing Building</i>	
<i>Building Use</i>	<i>Square Footage</i>
Office	1,923 square feet
Parts and Storage	1,332 square feet
Shop / Maintenance	1,580 square feet
Warehouse	1,822 square feet
<b>Total</b>	<b>6,657 square feet</b>

The taxi company would store approximately 40 to 50 Yellow Cab Co. fleet vehicles (autos, vans, SUVs) on the site. The vehicles would be stored at the center of site in 20 delineated parking bays that would allow for stacked parking.

### **Continuation of Existing On-site Outdoor Storage**

Cen-Cal Heavy Moving will continue to use the site as allowed by the original conditional use permit (Case No. 2001-55), including the use of the existing metal canopy on the east side of the building. The existing metal canopy is approximately 2,490 square feet in size. Other items stored on site by the moving company are generally concentrated on the far north side of the property behind the existing eight-foot high block wall that surrounds the site. The items stored outdoors on the site by Cen-Cal include the following:

- Shoring equipment, steel I-beams, and heavy timber
- Fleet vehicles (e.g. trailers, bed trucks)
- Forklifts for moving and loading heavy items/equipment

The existing use of the property by Cen-Cal is subject to an agreement by and between the property owner and the City of Montclair made necessary by the future Monte Vista Avenue grade separation project adjacent to the site. The basic changes to the property called for in the agreement include:

- The elimination of the Monte Vista Avenue access/gate leading to the site;
- A permanent overpass easement on the west side of the property for the Monte Vista Avenue grade separation project; and
- A 27-foot wide access easement and eventual driveway on the east edge of the subject property that would provide access to the property located immediately south of the subject site.

### **Background**

- The subject property is approximately 1.48 acres in area and is developed with one building, a covered canopy, paved open yard and parking areas. The building is a single-story, 14-foot high structure, approximately 6,700 square feet in area.
- Yellow Cab Co. is based in Anaheim, California, and serves the Southland. The Montclair site is intended to improve service to the Inland Empire area.
- Pursuant to Section 11.78.030.N.2 of the Montclair Municipal Code, a taxi cab fleet service with on-site vehicle storage and general auto repair may be permitted in commercial and industrial zones subject to the approval of a conditional use permit (CUP).
- In 2001, a CUP was granted (Case No. 2001-55) to allow outdoor storage for the existing heavy moving company, operated by Cen-Cal Heavy Moving. The moving company maintains its offices elsewhere in the City but continues to use the site for on-site storage of its heavy equipment and supplies.

## Planning Division Comments

Overall, staff finds the request for a second CUP on the subject site to allow a taxi cab fleet service use to be appropriate. The manner in which the property has been developed and used is suitable for outdoor storage and is appropriately screened by an eight-foot high masonry wall. Except for the items stored outdoors, all activities such as repairs and maintenance would occur indoors within the existing building, which is largely set up for these types of activities. As mentioned above, the taxi cab company would share the use of the site with the existing Cen-Cal Heavy Moving Company which has used the site for outdoor storage of heavy equipment and moving supplies since 2001. At 1.48 acres in size, the site is adequate in size and shape and developed in such a way that would easily accommodate the proposed activities of both companies/uses.

The area to the east and west of the site along the south side of Brooks Street is presently developed with industrial buildings and/or uses, including some with outdoor storage. Staff is not aware of any noise complaints or code enforcement issues regarding the existing use of the subject site and does not expect the proposed new use to pose a significant negative impact on adjacent land uses. Proposed conditions of approval would require that taxi vehicle/maintenance repair be restricted to within the existing building. The building has roll-up doors to facilitate access into and out of the building.

The property appears to be well maintained and generally in sound condition with minimal need for major repairs or improvements. Staff expects only nominal changes to the site to meet minimum building code requirements to accommodate the new use and to comply with accessibility standards where necessary. As part of this approval, the applicant will be required to change out unshielded light fixtures on the building with new shielded fixtures. In regard to landscaping the property has a sufficient number of street trees, ivy on the walls, and some shrubs. However, major portions of the setback off Brooks Street are only dirt with no shrubs or groundcovers. Staff is adding a condition to have applicant work with staff to address the abovementioned deficiency.

The minimum number of parking spaces required for this site and use is based on the overall square footage of existing building. Pursuant to the Municipal Code, parking for industrial/manufacturing businesses is one space per 500 square feet for a total of 14 spaces required for the 6,700 square feet of building area on the site. Presently, there are five striped spaces adjacent to the office building with more than ample space on the site to restripe other areas at the west end of the building. As a condition of approval, the applicant will be required to submit a modified parking plan to demonstrate compliance with the City's parking requirement.

However, the key to success for both uses on the site is for them to be properly separated as shown on the site plan and for both uses to be operated in a neat and orderly fashion. As long as the repair/maintenance activities of the taxi company are conducted within the existing building and taxi vehicles are parked where shown on the plans there should be no significant issues with Cen-Cal's continued use of the site to store its equipment/supplies along the interior edges of the screened lot and beneath the existing

canopy. Conditions of approval already apply to Cen-Cal's use of the site and will continue to apply. For example, a condition of approval under Case No. 2001-55 limits the maximum height of the stored items by Cen-Cal to eight feet so that stored items do not become an eyesore or pose undue safety concerns. It has been staff's observation that Cen-Cal has always complied with this condition. Lastly, both businesses need to be made aware of a condition of approval that limits outdoor storage of items only to those which are directly related to their respective businesses so that property does not degrade into junkyard with unsafe and/or unsightly condition(s).

The site is adjacent and accessible to fully developed roadways, with entry points into the site from both Monte Vista Avenue and Brooks Street via operable gates. Traffic to and from the site generated by the existing heavy moving company is low, and the added activity generated by the taxi cab company will increase traffic counts but will be well within the capacity of Brooks Street and Monte Vista Avenue. Both streets are fully developed, in good condition, and have adequate room for trucks to safely maneuver in and out of the site. At various times, semi-trailers will be on-site to move or return large items for Cen-Cal. However, Cen-Cal does not maintain a fleet of semi-trucks on the site but contracts with private haulers as needed.

#### Monte Vista Avenue Grade Separation Requirements

Eventually, the entry from Monte Vista Avenue (west) will be closed when the planned grade separation project at the Union Pacific railroad commences. At that time, primary access to the site will shift to the existing Brooks Street entry and a second driveway will be added to the far east edge of the property. The requirement to add the second driveway is a required improvement to provide access to the warehouse building on the property south of the existing site. The 27-foot wide easement along the east edge of the property is shown on the site plan and is not a part of the property that would be utilized by the taxi cab business. Any changes to the use of the property in this area would be applicable to Cen-Cal.

#### 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 use will make good use of a site already developed for and utilized for industrial uses particularly those that involve outdoor storage. The proposed facility makes good use of the property and will enable the taxi cab company to better serve the Inland Empire, including potential customers within the City.
- B. Granting this permit will not be materially detrimental to the public welfare and other property in the vicinity, in that the property is presently developed, screened by an eight-foot high masonry wall, and there is no proposal to expand existing buildings or structures. Except for daytime sounds from vehicles moving on the site, all major

noise generating activities such as repairs, maintenance, fabricating, etc., will occur indoors within the existing building. There are no residential properties or uses within the immediate area of this facility. Further, the corner property is located adjacent to fully developed streets with more than adequate capacity to carry the modest increase in traffic generated by both uses on the site.

- C. The proposed use is consistent with the underlying M-2 (General Manufacturing) zoning designation for the property, which conditionally permits outdoor storage as contemplated by the applicant. The site is also adequate in size and shape to accommodate the proposed use in conjunction with the existing use without significant conflict. The property is also properly developed with a paved surface on which to park vehicles and accommodate outdoor storage in an orderly fashion. Since no actual construction activities or major outdoor operations other than storing taxi fleet vehicles are proposed, the new use is not expected to pose any significant adverse impact to adjacent uses.
- D. The proposed use at the subject location is not contrary to the objectives of any part of the adopted General Plan or Montclair Municipal Code, as both documents identify the property for industrial uses, many of which involve outdoor storage as part of their respective operations. Moreover, the General Plan specifically encourages a balance of uses within the City and the development or continued improvement of industrial properties that contribute to the overall betterment of 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 modest 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**

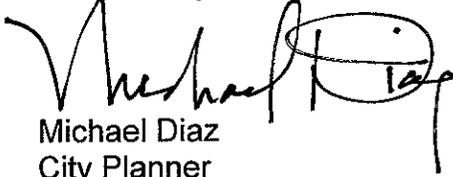
This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on April 18, 2014. Public hearing notices were also mailed to property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary 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. 2014-2) to allow taxi cab fleet vehicle storage with ancillary auto repair/maintenance services on a 1.48-acre site at 10625 Monte Vista Avenue, within the M-2 (General Manufacturing) zoning district, as described in the staff report and per the submitted plans, subject to the conditions of approval in attached Resolution No. 14-1801.

Respectfully Submitted,



Michael Diaz  
City Planner

MD/le

- c: Larry Slagle, Yellow Cab Taxi Operations, 1619 E. Lincoln Avenue, Anaheim, CA 92805  
Delbert Darrell Foreman, Cen-Cal Heavy Moving, 10625 Monte Vista Avenue, Montclair, CA 91763  
Michael C. Hudson, P.E., Public Works Director/City Engineer  
Merry L. Westerlin, C.B.O., Building Official

Z:\COMMDEV\SG\CASES\2014-2 PC REPORT

## RESOLUTION NUMBER 14-1801

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NUMBER 2014-2 TO ALLOW AN A TAXI FLEET SERVICE STORAGE YARD AT 10625 MONTE VISTA AVENUE (APN 1011-012-13)

#### A. Recitals.

**WHEREAS**, on January 30, 2014, Delbert Darrell Foreman, property owner, filed an application for a Conditional Use Permit (CUP) on behalf of the Yellow Cab Co., to allow a taxi fleet service and vehicle storage yard; and

**WHEREAS**, the application applies to the 1.48-acre property at property commonly known as 10625 Monte Vista Avenue; and

**WHEREAS**, the property is developed with a 6,700 square-foot building, a 2,490 square foot canopy, an eight-foot high perimeter block wall, and is fully paved; and

**WHEREAS**, in 2001, a CUP was approved under Case 2001-55 to allow outdoor storage of equipment and supplies associated with a heavy moving company business known as Cen-Cal Heavy Moving, Inc. (hereafter Cen-Cal); and

**WHEREAS**, Cen-Cal has relocated its administrative offices to 5159 Brooks Street and reduced the amount of stored moving equipment/supplies at the subject site; and

**WHEREAS**, Yellow Cab Co., desires to lease the majority of the site to use as a regional facility for storing fleet vehicles and conducting minor repairs and service within the existing building; and

**WHEREAS**, the subject project site is located within the M-2 (General Manufacturing) zoning district; and

**WHEREAS**, Section 11.78.030.N.2 of the Montclair Municipal Code allows taxi fleet services and storage yards in any commercial or industrial zone subject to the approval of a CUP; and

**WHEREAS**, staff has determined the proposal meets the intent and requirements of the Municipal Code for the requested taxi fleet service and storage yard and the applicable development standards of the M-2 zoning district in which the subject site is located; 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 April 28, 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 April 28, 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 use will make good use of a site already developed for and utilized for industrial uses particularly those that involve outdoor storage. The proposed facility makes good use of the property and will enable the taxi cab company to better serve the Inland Empire, including potential customers within the City.
  - B. Granting this permit will not be materially detrimental to the public welfare and other property in the vicinity, in that the property is presently developed, screened by an eight-foot high masonry wall, and there is no proposal to expand existing buildings or structures. Except for daytime sounds from vehicles moving on the site, all major noise generating activities such as repairs, maintenance, fabricating, etc., will occur indoors within the existing building. There are no residential properties or uses within the immediate area of this facility. Further, the corner property is located adjacent to fully developed streets with more than adequate capacity to carry the modest increase in traffic generated by both uses on the site.
  - C. The proposed use is consistent with the underlying M-2 (General Manufacturing) zoning designation for the property, which conditionally permits outdoor storage as contemplated by the applicant. The site is also adequate in size and shape to accommodate the proposed use in conjunction with the existing use without significant conflict. The property is

also properly developed with a paved surface on which to park vehicles and accommodate outdoor storage in an orderly fashion. Since no actual construction activities or major outdoor operations other than storing taxi fleet vehicles are proposed, the new use is not expected to pose any significant adverse impact to adjacent uses.

- D. The proposed use at the subject location is not contrary to the objectives of any part of the adopted General Plan or Montclair Municipal Code, as both documents identify the property for industrial uses, many of which involve outdoor storage as part of their respective operations. Moreover, the General Plan specifically encourages a balance of uses within the City and the development or continued improvement of industrial properties that contribute to the overall betterment of the community.

3. 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 is for a taxi fleet service and vehicle storage yard at 10625 Monte Vista Avenue, as described in the staff report. Any modification, intensification, or expansion of the improvements and/or use beyond that which is specifically reviewed and authorized 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 property owner shall be comply with all the provisions of the approved Purchase and Sale Agreement executed with the City of Montclair related to the construction of the Monte Vista Avenue grade separation project along the west side of the property.
4. All applicable conditions of approval for Case No. 2001-55 allowing outdoor storage for the existing heavy moving company (Cen-Cal Heavy Moving) shall remain valid and in effect so long as this use is continuously operated on the property. If this use ceases to be duly licensed and in continuous

operation for a period of 180 days or more, then the use shall be determined to be abandoned and shall not be reestablished without prior City review and approval.

5. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
  - a. A check in the amount of **\$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 **\$457.76**, 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.
6. 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.
7. 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.
8. 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.
9. Any subsequent sale, sub-leasing or rental to another business, or another operator involving outdoor storage shall require separate review and approval by the Community Development Director in order to determine its compatibility with this CUP approval.
10. All items stored outdoors shall be maintained in a neat and organized fashion at all times. No items shall be stored or stacked higher than eight feet (8'-0").
11. No recreational vehicles, trailers, buses, or other personal items/objects not directly related to the operation of the approved businesses may be stored or parked on the premises.

12. All vehicle or equipment maintenance and/or fabrication activities shall be conducted inside the existing building to minimize and/or eliminate noise, dust or visual impacts to surrounding properties.
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. Prepare an organized parking plan for the property to meet required parking for the subject use, including the following:
    - i. Provide a minimum of 14 parking spaces for employees and visitors within the walled portion of the property.
    - ii. All employee and visitor parking (including disabled-accessible parking spaces) shall be clearly delineated with double-line (e.g. "hairpin") striping. Parking stalls for employees/staff and visitors 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.
  - b. Submit plans to construct one (1) covered trash enclosure. The construction of such trash enclosure(s) shall conform to City Development Standard #106 and shall have a solid roof complementary to the main building. Location shall be subject to Planning Division approval.
  - c. 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 wall packs, barn lighters, other similar unshielded luminaires, and/or roof mounted light fixtures shall be prohibited.
  - d. Comply with all Fire Department, Building Division, and Environmental Compliance requirements.
  - e. Prepare a plan for City Planner review and approval to add groundcover(s) and shrubs within the landscape setback area in front of the existing block wall along Brooks Street. A functioning automatic irrigation system shall be installed to ensure that all plant materials in the setback area are properly irrigated. The use of drought-tolerant and easily maintained plant materials is strongly recommended.

15. 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. A monument sign of no more than 48 square feet and eight feet in height identifying the business may be permitted. Exposed raceways shall be prohibited on all building-mounted and freestanding signs.
16. Temporary promotional signs/banners shall comply with Chapter 11.72 of the Montclair Municipal Code.
17. No pay telephones or vending machines shall be located on the exterior of the building.
18. 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.
19. 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.
20. 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.
21. Graffiti on the building, walls, or other site improvements shall be removed immediately by the applicant/property owner upon notification by the City.
22. 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 on said premises.
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. 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). Trees (i.e., along Brooks Street) shall 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.
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. Subject to the approval of the applicant, the address of the subject property shall be changed to **4915 Brooks Street** in anticipation of the elimination of the Monte Vista Avenue access to the site in the near future as a result of the Monte Vista Avenue grade separation project as discussed in the staff report. City staff would be responsible for notifying the United States Postal Service, San Bernardino County Assessor, and all utility providers of the change.
27. 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.
28. 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

29. If any exterior or interior modifications are proposed for the subject building, including electrical, plumbing and/or mechanical work, the applicant shall submit four (4) complete sets of plans that include the following:

- a. Site/Plot Plan;
  - b. Floor Plan;
  - c. Reflected Ceiling Plan;
  - d. Electrical Plans, including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
  - e. Plumbing Plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning;
  - f. An existing plan of the buildings, including all walls to be demolished;
  - g. Waste Recycling Plan, recycling 50% of all construction debris.
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 fencing and/or walls.
  34. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number.
  35. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
  36. Prior to commencement of business operations associated with this approval, the applicant shall comply with the following items:
    - a. Construct trash enclosure(s) per City Standard (available at the Building Division's public counter).
    - b. 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%).

- c. Install a numerical address on the north building elevation. Address numerals shall be in a clearly readable 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.
  - d. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn every day.
  - e. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.
37. 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 north building elevation. Address numerals shall be in a clearly readable 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.
37. 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. Install all disabled-accessible parking stalls and parking lot signage.

### Environmental

38. A Wastewater Discharge Survey is required to be completed and submitted to the Environmental Manager prior to the issuance of a business license. The survey shall provide information on facility operations, including the type and frequency of service and maintenance procedures to be done on-site,

chemical storage, and the estimated number of vehicles to be washed per day (if applicable). Please contact Nicole Greene, Environmental Manager, at (909) 721-1776.

38. The washing of vehicles, parts, or equipment is prohibited without the installation of an approved vehicle wash rack and interceptor (sand/oil clarifier) connected to the City of Montclair sanitary sewer system as approved by the City's Environmental Manager.
39. All waste/raw chemicals must be stored indoors, under cover, and in a secondary spill containment structure/pallet. All waste hauling records are required to be maintained on-site for a minimum of three years for non-hazardous materials, and seven years for hazardous materials. Please contact Nicole Greene, Environmental Manager, at (909) 721-1776, with any questions.

#### Stormwater BMP Conditions

40. Storage yard shall be swept at the end of each week and prior to rain events. All equipment, vehicles and tools shall be maintained to prevent any oil leaks on the ground. If an oil leak occurs, a spill pan shall be used to catch the oil until repairs can be made. All spilled/dripped oil on ground shall be cleaned up using a dry clean-up method (e.g. oil absorbent material).
41. No wash-down of the site shall be allowed.
42. The washing of vehicles, equipment, machinery and tools shall be prohibited, unless the property has a designated wash rack connected to an approved clarifier.

#### Public Works

43. The site plan submitted as an exhibit to this approval shall clearly show the future permanent and temporary construction easements, along with an indication that parking or storage of equipment or vehicles will not be permitted in those any of those easements during construction of the Monte Vista Avenue grade separation project.
44. The applicant acknowledges existence of a purchase sale agreement between the City and the property owner, Delbert Darrell Foreman, addressing the relocation of materials and equipment within City fee-owned property, easements, and temporary construction easements within the potential lease area. Property owner is seeking to amend the agreement with the City and is presently in negotiations with the City. Any tenant, lessee, assigns, or successors in interest to the lease or sale of property shall be bound by the terms of both the original agreement and any subsequent amendments to that agreement. There shall be no

compensation made to any tenant, lessee, assign, or successor for relocation of any equipment, materials, vehicles, buildings, sheds, or like objects within any fee owned property, easement, or temporary construction easement.

Fire

45. Storage on the property shall not exceed eight feet (8'-0") in height with 48-inch wide aisles between piles. A ten (10)-foot wide aisle shall be provided adjacent to all property lines with no dead end aisles.
46. All existing fire protection equipment in building on the property shall be serviced and maintained, whether in use or not, pursuant to current California Fire Code requirements (i.e., fire extinguishers).
47. A paved roadway with a minimum width of 20'-0" shall be provided and maintained from the front to the rear of property. This roadway shall be designated, maintained clear, and marked with "Fire Lane - No Parking".
48. The subsequent installation of any new buildings or fueling storage and dispensing areas shall be approved and permitted by the Office of the Fire Marshal prior to any construction. Any new construction will be subject to current and applicable Local, State, and Federal regulations.
49. The inside turning radius for all access roads shall be 32 feet or greater, and the outside turning radius shall be 45 feet or greater.
50. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
51. Fire extinguisher locations shall be determined by the Montclair Fire Department.
52. All Double Check Detector Assemblies (DCDA) shall be maintained and painted by the property owner with the following paint color specification: 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.
53. In the event that any vehicles are displayed inside any building, said vehicles shall have empty fuel tanks.

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

APPROVED AND ADOPTED THIS 28TH DAY OF APRIL, 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 28th day of April, 2014, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SG\CASES\YELLOW CAB CO 2014-2 PC RESOLUTION

## Report on Item Number 6.b

### PUBLIC HEARING - CASE NUMBER 2014-7

APPLICATION TYPE(S)	Zoning Code Amendment (Chapters 11.02 and 11.78 MMC)
NAME OF APPLICANT	City of Montclair
LOCATION OF PROPERTY	Citywide
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Steve Lustro

### Project Proposal and Background

In Fiscal Year 2012-13, First 5 San Bernardino County awarded a grant to the City under the program "Healthy Montclair" to help identify needs in the City related to health. One of the needs identified was access to healthy foods. One of the goals identified for Fiscal Year 2013-14 to meet this need is to provide an area in the City for a certified farmers' market.

Strict guidelines need to be met to qualify as a certified farmers' market, including the following:

- The California Department of Food and Agriculture (CDFA) inspects each of the farmers to ensure they are growing the produce they are selling;
- The state ensures that quality control and health standards are maintained in fruits, vegetables, eggs or any other food products that are offered for direct sale to consumers;
- CDFA issues a certificate to each grower;
- The certificate must be presented to the market manager, specifically listing the produce the farmer is growing; and
- No imported products (from another state or country) are allowed to be sold at the market.

Staff has crafted the proposed code amendment to allow certified farmers' markets with a Conditional Use Permit in the following locations:

- R-1 (Single-Family Residential) zones on property developed with civic or public uses only when co-sponsored by the City;
- R-1 (Single-Family Residential) zones on property developed with religious or public educational uses; and
- C-3 (General Commercial).

### Analysis

Certified farmers' markets are not currently addressed in the City's Zoning Code. In order to accommodate the event the City plans to co-sponsor in Alma Hofman Park with

Heritage Education Group starting in May 2014, and other potential requests in the future, staff has proposed specific locations where certified farmers' markets would be conditionally permitted. Applications for certified farmers' markets would be evaluated on their own merits, including location, number of vendors, availability of parking, proximity to sensitive land uses, and days and hours of operation. If recommended for approval, appropriate conditions would be recommended to ensure that potential impacts to surrounding property owners and businesses are addressed.

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

A notice of public review was advertised in the Inland Valley Daily Bulletin newspaper on April 18, 2014, 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 \$334.56. Implementing the ordinance would have minimal impact on City resources.

### **Environmental Determination**

The Director has concluded that proposed Ordinance No. 14-942 is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines, in that it will not have a significant effect on the environment as the code amendments, in and of themselves, do not approve any construction activities, but instead establish standards and criteria for the establishment of specific types of businesses and uses.

### **Findings**

No findings of the Planning Commission or City Council are required for recommending approval of, or approving the proposed Municipal Code amendment.

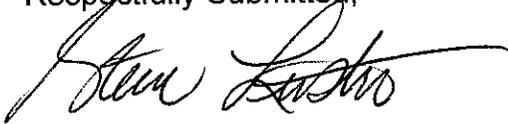
### **Planning Division Recommendation**

Staff finds the proposed Zoning Code Amendment to be consistent with City policy and the Montclair Municipal Code. Accordingly, staff recommends approval of Case No. 2014-7 by taking the following actions:

- A. Move that, based upon evidence submitted, the Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent judgment, concurs with the staff's determination of exemption and directs staff to prepare a Notice of Exemption and a DeMinimis finding of no effect on fish and wildlife; and

- B. Recommend the City Council adopt proposed Ordinance No. 14-942, amending Chapters 11.02 and 11.78 of the Montclair Municipal Code to allow certified farmers' markets as set forth in Planning Commission Resolution No. 14-1802.

Respectfully Submitted,



Steve Lustro, AICP  
Community Development Director

Attachments - Planning Commission Resolution No. 14-1802  
Draft Ordinance No. 14-942

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## RESOLUTION NUMBER 14-1802

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING CITY COUNCIL ADOPTION OF PROPOSED ORDINANCE NO. 14-942, AMENDING CHAPTERS 11.02 AND CHAPTER 11.78 OF THE MONTCLAIR MUNICIPAL CODE ALLOWING CERTIFIED FARMERS' MARKETS (CASE NO. 2014-7).

#### A. Recitals.

**WHEREAS**, Certified Farmers' Markets involve the occasional, seasonal, regular or semi-regular sales of fresh food products grown or produced by local farmers that is certified by the State of California and operated in accordance with the State of California Food and Agricultural Code; and

**WHEREAS**, until 1977, regulations required farmers to properly pack, size, and label their fresh fruits, nuts, and vegetables in standard containers to transport and sell in markets anywhere other than the farm site; and

**WHEREAS**, in 1977, the California Department of Food and Agriculture exempted farmers from packing, sizing, and labeling requirements, allowing their products to be sold in Certified Farmers' Markets; and

**WHEREAS**, Certified Farmers' Markets offer consumers an alternative location to purchase fresh foods grown or produced by local farmers and provides consumers with an opportunity to meet the farmer and learn how their food supply is produced; and

**WHEREAS**, the direct marketing of agricultural products through Certified Farmers' Markets benefits the agricultural community and consumers by allowing small farmers to market their products without the added expenses of commercial preparation, thereby increasing their net income and making it possible for them to stay in business; and

**WHEREAS**, there are approximately 700 Certified Farmers' Markets statewide and approximately 2,200 certified producers. Of these markets, 51% are year-round markets and the balance is seasonal; and

**WHEREAS**, several local cities have established Certified Farmers' Markets, many operating on a weekly basis, for the convenience of their residents; and

**WHEREAS**, establishment of a Certified Farmers' Market on a regular or semi-regular basis has the potential to attract customers from outside the community who may also desire to patronize other businesses in Montclair; and

**WHEREAS**, public notice of this item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on April 18, 2014; and

**WHEREAS**, on April 28, 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 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 that the City Council adopt the finding that proposed Ordinance No. 14-942 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines.
3. This Commission recommends the City Council adopt proposed Ordinance No. 14-942, amending Chapters 11.02 and 11.78 of the Montclair Municipal Code allowing certified farmers' markets.

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

APPROVED AND ADOPTED THIS 28TH DAY OF APRIL, 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 28th day of April, 2014, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SL\2014\2014-7 PC RESO 14-1802

**ORDINANCE NO. 14-942**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING CHAPTER 11.02 ("DEFINITIONS") AND CHAPTER 11.78 ("CONDITIONAL USE PERMITS") TO ALLOW CERTIFIED FARMERS' MARKETS.**

**WHEREAS**, Certified Farmers' Markets involve the occasional, seasonal, regular or semi-regular sales of fresh food products grown or produced by local farmers that is certified by the State of California and operated in accordance with the State of California Food and Agricultural Code; and

**WHEREAS**, until 1977, regulations required farmers to properly pack, size, and label their fresh fruits, nuts, and vegetables in standard containers to transport and sell in markets anywhere other than the farm site; and

**WHEREAS**, in 1977, the California Department of Food and Agriculture exempted farmers from packing, sizing, and labeling requirements, allowing their products to be sold in Certified Farmers' Markets; and

**WHEREAS**, Certified Farmers' Markets offer consumers an alternative location to purchase fresh foods grown or produced by local farmers and provides consumers with an opportunity to meet the farmer and learn how their food supply is produced; and

**WHEREAS**, the direct marketing of agricultural products through Certified Farmers' Markets benefits the agricultural community and consumers by allowing small farmers to market their products without the added expenses of commercial preparation, thereby increasing their net income and making it possible for them to stay in business; and

**WHEREAS**, there are approximately 700 Certified Farmers' Markets statewide and approximately 2,200 certified producers. Of these markets, 51% are year-round markets and the balance is seasonal; and

**WHEREAS**, several local cities have established Certified Farmers' Markets, many operating on a weekly basis, for the convenience of their residents; and

**WHEREAS**, establishment of a Certified Farmers' Market on a regular or semi-regular basis has the potential to attract customers from outside the community who may also desire to patronize other businesses in Montclair.

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

**Section I. Amendment of Code.**

The following definition is hereby added to Section 11.02.010 ("Definitions") of the Montclair Municipal Code:

**Certified Farmers' Market** means the occasional, seasonal, regular or semi-regular sales of food and farm produce such as fruits, vegetables, nuts, herbs, eggs, honey, flowers and food products from livestock at an outdoor or indoor venue that is certified by the State of California and operated in accordance with Division 17, Chapter 10.5 (Section 47000 et. seq.) of the State of California Food and Agricultural Code.

## **Section II. Amendment of Code.**

Section 11.78.030.K of the Montclair Municipal Code is hereby repealed and replaced as follows:

- K. Commercial Uses (Special Uses).
  - 1. Certified farmers' markets (R-1, on property developed with civic or public uses only when sponsored or co-sponsored by the City; R-1, on property developed with religious or public educational uses; C-3);
  - 2. Wireless telecommunications facilities (AP, C-2, C-3, MIP, M-1, M-2).

## **Section III. 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 IV. Effective Date.**

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

## **Section V. 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, 2014.

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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. 14-942 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2014, and finally passed not less than five (5) days thereafter on the XX day of XX, 2014, by the following vote, to-wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Yvonne L. Smith  
Deputy City Clerk