



MONTCLAIR

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

REGULAR ADJOURNED MEETING
Monday, June 9, 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 May 12, 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 2014-10
Project Address: 5090 Holt Boulevard
Project Applicant: Fanon West Realty, Inc. for Aranda's Tires
Project Planner: Silvia Gutiérrez, Associate Planner
Request: Conditional Use Permit to establish a tire shop with sales, storage and installation
CEQA Assessment: Categorically Exempt (Section 15301)
- b. PUBLIC HEARING - CASE NUMBER 2014-12
Project Address: 8851 Central Avenue, Unit A
Project Applicant: Lee Pan Montclair, LLC
Project Planner: Silvia Gutiérrez, Associate Planner
Request: Conditional Use Permit to re-establish and allow the on-premises sale of beer, wine, spirits (Type 47 ABC license) in conjunction with a bona fide eating establishment
CEQA Assessment: Categorically Exempt (Section 15301)
- c. CASE NUMBER 2014-8
Project Address: 4545 Brooks Street
Project Applicant: Cronimet Holdings Inc.
Project Planner: Michael Diaz, City Planner
Request: Precise Plan of Design for a 130,000 square-foot industrial/warehouse building
CEQA Assessment: Mitigated Negative Declaration

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

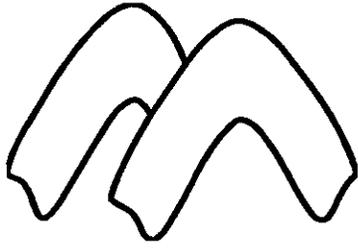
Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of June 23, 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 June 5, 2014.



**CITY OF MONTCLAIR
PLANNING COMMISSION**

MEETING DATE: 06/09/14

AGENDA ITEM 6.a

Case No.: 2014-10

Application: Conditional Use Permit (CUP) to establish a tire shop with sales, storage, and installation in a vacant 3,000-square-foot tenant space within a multiple tenant building

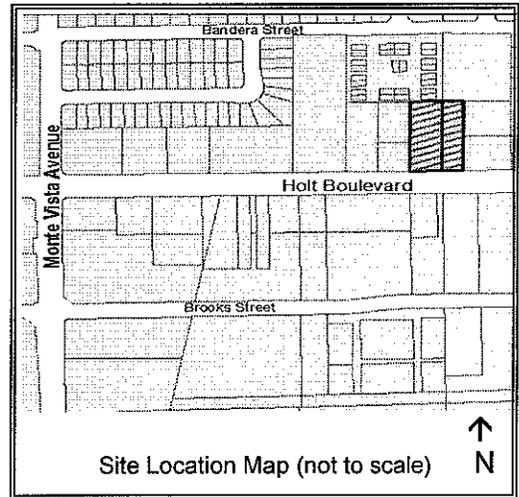
Applicant/Property Owner: Fanon West Realty, Inc. for Aranda's Tires

Project Address: 5090 Holt Boulevard

Assessor Parcel Number: 1010-643-35 and 1010-611-20

General Plan: General Commercial

Zoning: "Commercial" per Holt Boulevard Specific Plan



EXISTING SITE FEATURES/CONDITIONS

Property Size: 54,300 square feet (1.26 acres)

Structures: A one-story, multiple tenant building encompassing 17,500 square feet

Parking: Paved parking lot with 78 striped spaces, including 2 disabled-accessible spaces

ADJACENT LAND USE DESIGNATIONS AND LAND USES

	General Plan	Zoning	Use of Property
Site	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Multiple tenant commercial building
North	Medium, 8-14 units/acre	"R-3" (Multiple Family Residential)	Condominiums
East	Commercial	"Commercial" per Holt Boulevard Specific Plan	Multiple tenant commercial building
South	Business Park	"Business Park" per Holt Boulevard Specific Plan	Cobra Performance Boats and Continuation School
West	Commercial	"Commercial" per Holt Boulevard Specific Plan	Rio Grande Bar and Nightclub

Report on Item Number 6.a

PUBLIC HEARING - CASE NUMBER 2014-10

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	Fanon Realty West, Inc.
LOCATION OF PROPERTY	5090 Holt Boulevard
GENERAL PLAN DESIGNATION	General Commercial
EXISTING ZONE DISTRICT	"Commercial" per Holt Boulevard Specific Plan
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT COORDINATOR	Silvia Gutiérrez

Project Description

The applicant, on behalf of Aranda's Tires, a commercial business specializing in the installation of automobile tires, has requested approval of a Conditional Use Permit (CUP) to allow the relocation of its retail tire sales, storage, and installation use to a 3,000-square-foot tenant space within an existing multiple tenant commercial building on the north side of Holt Boulevard between Monte Vista and Central Avenues. The company is relocating from 10736 Fremont Avenue, Unit B, Montclair.

The business would occupy the existing building with no significant changes to the property other than to meet minimum building code requirements. The only notable physical changes to the site would be slurry sealing and restriping of the parking lot and the addition of landscaping within existing planters along the front of the property. 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 north side of the building.

Aranda's Tires would have two to three employees working at the subject location. Hours of operation would be Monday through Sunday 8:00 a.m. to 6:00 p.m. All business activity would occur indoors, which consists of a small tire display area in the front and tire storage and installation area in the rear portion of the tenant space.

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

Background

- The subject property is approximately 54,300 square feet (1.26 acres) in area and developed with a 17,500-square-foot, multiple tenant commercial building and 78 striped surface parking spaces (including two disabled-accessible parking spaces). The property was developed with the existing improvements in 1965.

- Pursuant to the Holt Boulevard Specific Plan, retail tire sales, storage, and installation uses are permitted in the "Commercial" land use district subject to the approval of a CUP.

Planning Division Comments

Staff is supportive of the CUP request to allow the proposed retail tire sales, storage, and installation use. The proposed use is consistent with the type of clean, professional business envisioned for the "Commercial" land use district of the Holt Boulevard Specific Plan. As such, the nature of the proposed business is appropriate for the existing property and would be compatible with other uses in the surrounding area. The areas surrounding the site to the east, west and south are also developed with commercial buildings and/or uses.

With no outside storage or operations (other than routine inventory receiving activities), no significant impact of any kind is anticipated. Traffic to and from the site is likely to be moderate and in keeping with the relatively moderate volumes of traffic generated 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 commercial building, given its age, is in relatively sound condition with minimal need for repairs. The site is adequate in size and shape for the proposed use. Required on-site parking is provided; however, the condition of the parking area has deteriorated and is in need of repair. Existing landscaping is standard but in good shape.

The only major items staff would encourage the new owner to undertake are: 1) repaint the building exterior to eliminate faded and mismatched colors on the building where graffiti has been removed; and 2) slurry seal and restripe the parking area. The property owner has been issued a building permit to commence these improvements. Staff has also included conditions of approval prohibiting the outdoor display of tires or other promotional items and the outdoor storage of discarded tires.

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 tire retail sale, storage, and installation use is consistent with the type of clean, professional business envisioned for the "Commercial" 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 retail tire sales, storage, and installation business will be conducted

indoors and no significant impact of any kind is anticipated. Traffic to and from the site is likely to be moderate and in keeping with the relatively moderate volume of traffic generated by surrounding uses. Further, the proposed use does not involve outdoor activities/storage.

- C. The proposed use is consistent with the underlying "Commercial" land use district of the Holt Boulevard Specific Plan, which conditionally permits the retail tire sales, storage, and installation use as contemplated by the applicant. The site is adequate in size and appropriately developed with a commercial 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 May 30, 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.

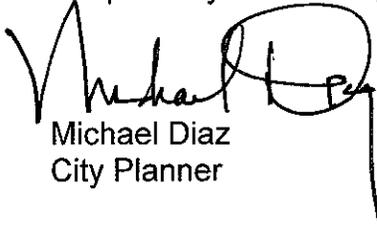
Planning Division Recommendation

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. 2014-10) to allow a retail tire sales, storage, and installation use at 5090 Holt Boulevard, within the "Commercial" 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. 14-1805.

Respectfully Submitted,



Michael Diaz
City Planner

c: Peter Fan, Fanon Realty West, Inc., 1006 N. Citrus Avenue, Covina, CA 91722
Rudy Aranda via email (greenyukon@gmail.com)
Merry L. Westerlin, C.B.O., Building Official

Z:\COMMDEVSG\CASES\2014-10PC REPORT

RESOLUTION NUMBER 14-1805

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NUMBER 2014-10 TO ALLOW AN AUTOMOBILE TIRE SALES, STORAGE, AND INSTALLATION USE IN THE "COMMERCIAL" LAND USE DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN AT 5090 HOLT BOULEVARD (APNs 1010-643-35 AND 1010-611-20)

A. Recitals.

WHEREAS, on May 1, 2014, Fanon West Realty, Inc., property owner, filed an application for a Conditional Use Permit (CUP) on behalf of Aranda's Tires, which is seeking to lease the tenant space to establish a retail sale, storage, and installation use at the subject site; and

WHEREAS, the application applies to the 1.26-acre property and a 3,000-square-foot tenant space at the above-referenced address, which is improved with a 17,500 square-foot commercial building and on-site parking for 78 vehicles; and

WHEREAS, the subject project site is located within the "Commercial" land use district of the Holt Boulevard Specific Plan, which requires the approval of a conditional use permit (CUP) for the proposed 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 June 9, 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 June 9, 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 retail tire sales, storage, and installation use is consistent with the type of clean, professional business envisioned for the "Commercial" 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 retail tire sales, storage, and installation business will be conducted indoors and no significant impact of any kind is anticipated. Traffic to and from the site is likely to be moderate and in keeping with the relatively moderate volumes of traffic generated by surrounding uses. Further, the proposed use does not involve outdoor activities/storage.
 - C. The proposed use is consistent with the underlying "Commercial" land use district of the Holt Boulevard Specific Plan, which conditionally permits retail tire sales, storage, and installation as contemplated by the applicant. The site is adequate in size and appropriately developed with a commercial 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.

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 retail tire sales, storage, and installation use at 5090 Holt Boulevard, 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 **\$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.
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, City Ordinances, and/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 by 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. Outdoor display of tires or other items for advertising purposes is expressly prohibited except in conjunction with an approved Promotional Outdoor Sale permit pursuant to Chapter 11.68 of the Montclair Municipal Code.
10. Discarded tires shall be stored entirely within the enclosed building during non-business hours.
11. Business operations at the site shall be subject to the applicable noise requirements of Chapter 6.12 of the Montclair Municipal Code. The maximum outdoor noise level for commercial areas is 65 dBA between the hours of 7:00 a.m. and 10:00 p.m.
12. 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.
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. Slurry seal and restripe the parking lot to the satisfaction of the Building Official and City Planner.
 - b. Remove all abandoned business signs on the property and insert blank faces in all unused sign cabinets.
 - c. 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. Repaint the entire building exterior to eliminate faded areas, rust spots, and mismatched colors of paint used to abate graffiti. Staff recommends the use of graffiti-resistant paint if its use is practical and/or feasible.
 - b. Replace all unshielded exterior light fixtures and, if desired, 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. Reface of sign panels with white background will be allowed with 60% text and 40% background. Removal of cabinet sign shall trigger the requirement for installation of individual channel letters as required by Chapter 11.72 of the Montclair Municipal Code. 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;
 - 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. Any new equipment such as hoists, lifts, tanks, etc., shall require a building permit prior to installation at anytime during occupancy.
 34. 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. The applicant shall comply with the latest adopted California Codes, and all other applicable codes, ordinances in effect at the time of permit application.
 35. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
 36. 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.
 37. 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%).

38. 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 main entrance to the business or immediately adjacent to the main entrance. Address numerals shall be white, in Helvetica or similar font, and a minimum of six inches (6") in height.
 - 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.
39. 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.
40. 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

41. Complete a wastewater survey for the purpose of assessing infrastructure requirements regarding capture and treatment of any wastewater generated on-site. Contact Nicole deMoet, Environmental Manager, at (909) 625-9446 or nngreene@cityofmontclair.org if you have any questions or need clarification to complete the aforementioned survey.
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 repair/calibration facilities is permitted to be discharged to the sewer system.
43. All work is to be performed inside the repair bay 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.
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 9TH DAY OF JUNE, 2014.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, Chair

ATTEST: _____
Michael Diaz, Acting Secretary

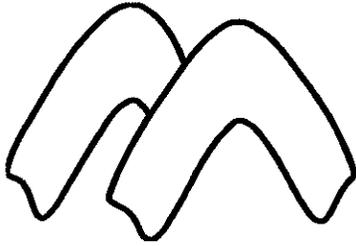
I, Michael Diaz, Acting Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 9th day of June, 2014, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SGUTIERREZ\CASES\5090 HOLT BLVD\2014-10 PC RESOLUTION



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 06/09/14

AGENDA ITEM 6.b

Case No.: 2014-12

Application: Conditional Use Permit (CUP) request to allow the on-premises sale of beer, wine, spirits (Type 47 ABC license) in conjunction with a bona fide eating establishment

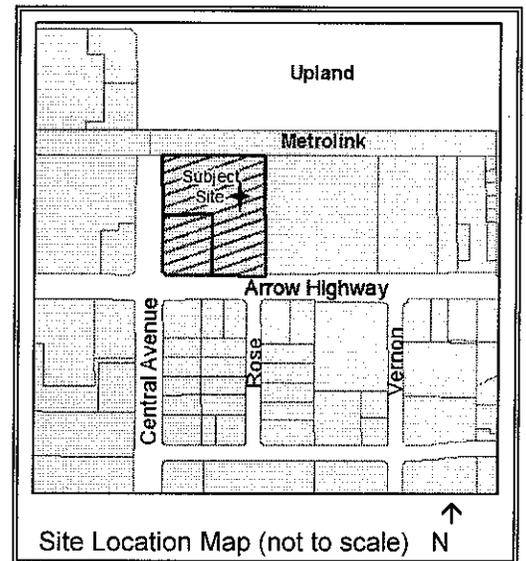
Applicant/Property Owner: Lee Pan Montclair, LLC

Project Address: 8851 Central Avenue, Unit A

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: Single-story, multi-tenant commercial center with freestanding pad building. Total floor area for the shopping center is approximately 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

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	General Commercial	C-3 (General Commercial) per North Montclair Specific Plan	Multi-Tenant Shopping Center (Montclair Village)
North	Commercial/Industrial-S (City of Upland)	CH (Commercial-Highway) and ML (Limited Manufacturing) (City of Upland)	Industrial and Residential Uses (City of Upland)
East	Business Park	MIP (Manufacturing Industrial Park) per North Montclair Specific Plan	Industrial Warehouse
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.b

PUBLIC HEARING - CASE NUMBER 2014-12

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	Lee Pan Montclair LLC for Szechuan Garden
LOCATION OF PROPERTY	8851 Central Avenue, Unit A
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	C-3 (General Commercial) per North Montclair Specific Plan (NMSP)
EXISTING LAND USE	Vacant Restaurant
ENVIRONMENTAL DETERMINATION	Categorical Exemption (Section 15301)
PROJECT PLANNER	Silvia Gutiérrez

Project Description

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow the on-premises sale of beer, wine and distilled spirits (Type 47 ABC license) in conjunction with a bona fide eating establishment in the lease space formerly occupied by Golden China Restaurant. A new CUP is required to allow the proposed sales of alcoholic beverages since the previous restaurant use with on-sale beer and wine was discontinued for more than six months.

Szechuan Garden is the new restaurant proposed for the subject lease space. The new tenant would serve Asian cuisine from China. The full-service restaurant would be open from 11:00 a.m. to 10:00 p.m., 7 days a week with 20 employees.

To accommodate the new restaurant use, a number of interior tenant improvements are proposed that include a re-working of the floor plan to suit the applicant's dining room preferences. The existing bar counter installed by the prior restaurant would remain. No dance floor, entertainment or pool tables, or outdoor dining are being proposed. Further, no significant changes to the exterior of the building are proposed.

Plans for the project are provided in the Commission packets for reference.

Background

- The Montclair Village shopping center was originally constructed in 1984 and the subject 3,550 square-foot tenant space has been occupied by various restaurants over the past 30 years.
- According to the Department of Alcoholic Beverage Control (ABC), Golden China Restaurant was granted a Type 47 (On-Sale General Eating Place) license in 1997 that allowed them to sell beer, wine, and distilled spirits in conjunction with a bona fide

restaurant. However, Golden China ceased operations in December 2013 and the tenant space has been vacant since that time.

Planning Division Comments

Staff believes the request for a CUP to re-establish the on-premises sale of beer, wine, and distilled spirits is appropriate as long as alcoholic beverages are served with meals at all times. Staff has viewed the website for the restaurant's current location in Canoga Park and has determined that the restaurant is a full service, bona fide restaurant based on the interior layout and extensive menu. As such, the operation of the business would be expected to be in accordance with stipulations of the current ABC license and City approvals.

With the weekday closing hour being maintained at 10:00 p.m., the likelihood of problems normally associated with late hour operations involving alcohol would be largely avoided. Moreover, the business would not be age-restricted. According to the applicant, the intention is not to turn the restaurant into a venue for crowds but for a new quality dining option that is not currently available in the community.

The other existing tenants in the shopping center include the long-established Tokyo Kitchen Japanese Restaurant, and Dolce Café and Bakery, both with on-premises sale of alcoholic beverages. Bombay Bistro, which served Indian cuisine, closed 1½ years ago. The center is not short on parking spaces at this point, and the slight change in operation of Szechuan Garden in the place of Golden China Restaurant is not expected to have a significant impact on parking. The other uses in the center include insurance and dental offices, a frame and art supply store, nail salon, reptile store, an e-cigarette store, and an urgent care center within a freestanding building, most of which have regular business hours generally from 8:00 a.m. to 5:00 p.m.

Finally, the Police Department is not opposed to the request, particularly since the proposal maintains a full-service menu, does not include pool tables and has a relatively early closing hour.

Conditional Use Permit Findings

Staff believes the necessary findings for granting the CUP for the addition of beer, wine and distilled spirits with a bar in conjunction with a bona fide eating establishment can be made, as follows:

- A. The proposed on-sale of beer, wine and distilled spirits with a bar in conjunction with the full menu and food service provided within a bona fide eating establishment (restaurant) is essential or desirable to the public convenience and public welfare in that the inclusion of beer, wine and spirits would make the dining experience more enjoyable to the general public of legal drinking age. Such availability of alcoholic beverages is common among other restaurants in the vicinity.

- B. The granting of the CUP for the proposed on-premises sale of beer, wine and distilled spirits will not be materially detrimental to the public welfare and to other property in the vicinity, in that the proposed restaurant use will be conducted in a shopping center with other similar uses and that has adequate security, lighting, and operational maintenance standards. Moreover, the proposed use will be located entirely within the lease space and can be well accommodated on the site. Lastly, such use is compatible to surrounding commercial uses and will not negatively impact any sensitive land uses in the surrounding area.
- C. The proposed on-premises sale of beer, wine and distilled spirits at the subject site conforms to good zoning practice, in that the North Montclair Specific Plan permits said use in the "C-3" (General Commercial) land use district, subject to CUP approval. The CUP allows the City to place reasonable conditions to govern the overall operation of the use so that it does not detract from the general quality of the shopping center and surrounding area.
- D. The subject use in the proposed location is not contrary to the objective of any part of the adopted General Plan in that the General Plan encourages a wide range of retail and service uses within the retail commercial area, including restaurant uses.

Department of Alcoholic Beverage Control (ABC) Finding

The project site is located within Census Tract Number 2.01, which allows up to three (3) licenses (on-sale Type 41 and 47 ABC licenses). According to ABC records, as of May 2014, there are currently 22 on-sale Type 41 and 47 licenses existing within the census tract, and therefore ABC requires a finding of public convenience or necessity in order to issue a new license.

City staff and the Police Department support this request for on-sale beer, wine and distilled spirits in conjunction with a bona fide restaurant as desirable to the public convenience and necessity in that the inclusion of beer, wine and distilled spirits would make the dining experience more enjoyable to the general public of legal drinking age. Such availability of alcoholic beverages is common among other restaurants in the vicinity. The restaurant would offer a full menu, table service and does not have a late closing hour. Local law enforcement indicated that the area in which the restaurant is located has not had significant calls for service within the last 12 months. Conditions of approval have been included that would ensure that the safety and general welfare of the surrounding area would be maintained.

Comments from the Public

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on May 30, 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 the staff report was completed, staff received one phone call from an adjoining property owner representative

to say they were supportive of the request to serve beer, wine and distilled spirits in conjunction with a bona fide restaurant.

Environmental Assessment

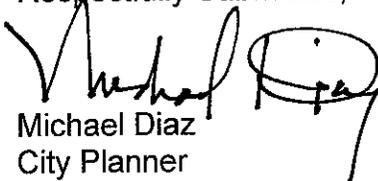
The proposed project involves minor alterations to the existing tenant space. As such, staff has determined that this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301(a) of the CEQA Guidelines (Class 1 – Existing Facilities).

Planning Division Recommendation

Staff finds the proposed request to re-establish the on-premises sale of beer, wine, and distilled spirits (Type 47 ABC license) in conjunction with a full menu and food service with a bar in conjunction with a bona fide eating establishment 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. 2014-12 is recommended by taking the following actions:

1. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301.
2. Move to approve a Conditional Use Permit to re-establish the on-premises sale of beer, wine, and distilled spirits (Type 47 ABC license) in conjunction with a full menu and food service with a bar for a bona fide eating establishment per the submitted plans, as described in the staff report, and required findings subject to the conditions in attached Resolution No. 14-1807.

Respectfully Submitted,



Michael Diaz
City Planner

SG/le

Attachments: Draft Resolution of Approval for Case No. 2014-12

- c: Jimmy Lee, Lee Pan Montclair, LLC, 3212 Orlando Road, Pasadena, CA 91107
Rebekah Ren, 8399 Topanga Canyon Boulevard, Canoga Park, CA 91304
Angela Reveles, State of CA Department of Alcoholic Beverage Control, 3737 Main Street, Suite 900,
Riverside, CA 92501
Lieutenant Brian Ventura, Montclair Police Department

z:\COMMDEV\SG\CASES\2014-12 RPT-8851 CENTRAL UNIT A

RESOLUTION NUMBER NO. 14-1807

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2014-12 TO ALLOW THE ON-PREMISES SALE OF BEER, WINE AND DISTILLED SPIRITS (TYPE 47 ABC LICENSE) IN CONJUNCTION WITH A BONA FIDE EATING ESTABLISHMENT IN THE "C-3" (GENERAL COMMERCIAL) LAND USE DISTRICT OF THE NORTH MONTCLAIR SPECIFIC PLAN AT 8851 CENTRAL AVENUE, UNIT A (APNs 1007-661-18 and 19)

A. Recitals.

WHEREAS, on May 13, 2014, Lee Pan Montclair, LLC, property owner, filed an application for a Conditional Use Permit (CUP) for on-sale beer, wine and distilled spirits in conjunction with a bona fide eating establishment on behalf of Szechuan Garden Restaurant, at 8851 Central Avenue, Unit A; and

WHEREAS, Chapter 11.42.020.B of the Montclair Municipal Code requires a CUP for on-sale beer, wine and distilled spirits in conjunction with a bona fide eating establishment (restaurant); and

WHEREAS, staff has determined the proposed on-premises sale of beer, wine and distilled spirits with a bar in conjunction with a bona fide eating establishment meets the intent and requirements of the ordinance for such use and the applicable development standards of the "C-3" (General Commercial) land use district of the North Montclair Specific Plan and the Alcoholic Beverage Ordinance; and

WHEREAS, The existing restaurant lease space is designed for an eating establishment and can accommodate the proposed on-sale of beer, wine and distilled spirits (Type 47 ABC license). Ample parking is available to support the intensification of the restaurant use; and

WHEREAS, staff has determined that the proposed on-sale of beer, wine and distilled spirits in conjunction with a bona fide eating establishment is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1) in that the proposal does not involve any site changes; 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 June 9, 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 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 the facts set forth in Part A ("Recitals") of this Resolution are true and correct.
2. Based upon the substantial evidence presented to the Planning Commission during the above-referenced public hearing on June 9, 2014, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:
 - A. The proposed on-sale of beer, wine and distilled spirits with a bar in conjunction with the full menu and food service provided within a bona fide eating establishment (restaurant) is essential or desirable to the public convenience and public welfare, in that the inclusion of beer, wine and distilled spirits would make the dining experience more enjoyable to the general public of legal drinking age. Such availability of alcoholic beverages is common among other restaurants in the vicinity.
 - B. The granting of the CUP for the proposed on-premises sale of beer, wine and distilled spirits will not be materially detrimental to the public welfare and to other property in the vicinity in that the proposed use will be conducted in a family restaurant in a commercial center with other similar uses and that has adequate security, lighting, and operational maintenance standards. Moreover, the proposed use will be located entirely within the lease space and can be well accommodated on the site. Lastly, such use is compatible with surrounding commercial uses and will not negatively impact any sensitive land uses in the surrounding area.
 - C. The proposed on-premises sale of beer, wine and distilled spirits with a bar in conjunction with a bona fide restaurant at the subject site conforms to good zoning practice in that the North Montclair Specific Plan permits said on-sale beer, wine and distilled spirits with a bar in the "C-3" (General Commercial) land use district, subject to CUP approval. The CUP allows the City to place reasonable conditions to govern the overall operation of the use, including the sale of beer, wine and distilled spirits so that it does not detract from the general quality of the commercial center and surrounding area.

- D. The subject use in the proposed location is not contrary to the objectives of any part of the adopted General Plan, in that the General Plan encourages a wide range of retail and service uses within the retail commercial area, including restaurant uses.
 - E. The Planning Commission finds the proposed on-sale of beer, wine and distilled spirits (Type 47 ABC license) associated with the bona fide family eating establishment desirable to the public convenience and necessity in that the inclusion of beer, wine and distilled spirits would make the dining experience more enjoyable to the general public of legal drinking age. Such availability of alcoholic beverages is common among other restaurants in the vicinity. The restaurant would offer a full menu, table service and does not have a late closing hour. Lastly, the Montclair Police Department has indicated that the area in which the restaurant is located has not had significant calls for service within the last 12 months. Conditions of approval have been included that would ensure that the safety and general welfare of the surrounding area would be maintained.
- 3. Planning Division staff has determined the project is Categorically Exempt from the requirements of the California Environmental Quality Act and CEQA Guidelines. The project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301, which exempts projects involving little to no expansion of existing structures or uses. The proposed project does not involve any site changes. The existing restaurant lease space is designed for an eating establishment and can accommodate the proposed on-premises sale of beer, wine and distilled spirits (Type 47 ABC license). Ample parking is available to support the restaurant use and the ancillary on-premises sale of beer, wine and distilled spirits.
 - 4. Based upon the findings and conclusions set forth in paragraphs 1, 2, and 3 above, this Commission hereby approves the application subject to the following conditions set forth below:

Planning

- 1. This Conditional Use Permit (CUP) approval is to allow the on-premises sale of beer, wine, and distilled spirits (Type 47 ABC license) in conjunction with a bona fide eating establishment to be located within a 3,550-square-foot lease space at 8851 Central Avenue, Unit A.
- 2. The maximum number of seats in the restaurant shall be limited to 115.
- 3. Any substantial changes to the operation, increase in floor area of the demised space, physical location, or upgrade of license to full alcohol (distilled spirits) sales shall require prior City review and approval. Any

discontinuation or substantial changes to the full service restaurant without City approval shall be a violation of this CUP and may be cause for revocation.

4. This CUP approval shall be valid for a period of six months (180 calendar days) 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.
5. This decision or any condition of approval, may be appealed to the City Council within 15 days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
6. 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 **\$414.64**, 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.
7. The applicant/property owner shall submit to the Planning Division a signed copy of the Resolution in which he acknowledges acceptance of the conditions of approval within 30 days from the date of approval by the Planning Commission.
8. The restaurant shall be operated, maintained and open to the general public as a full service (bona fide) eating establishment, serving meals at all times that alcoholic beverages are served or offered for sale on the premises.
9. At no time shall the premises be converted into other uses where minors are generally excluded, such as entertainment venue, night club, dance hall or banquet hall operated by either the restaurant owner or outside vendors or promoters. Occasional rental of the dining room for private functions where meals are also served may be permitted.
10. Live entertainment is not included as part of this approval. Any on-site entertainment shall require separate review and approval from the City.

11. Approved hours of operation for the restaurant are 11:00 a.m. to 10:00 p.m., seven days per week. The applicant may close the restaurant earlier than stated herein. Any changes to the restaurant hours require written notification to the Planning Division and are subject to City approval.
12. No window signs either inside or outside, or signs placed inside the business directed toward the outside shall advertise the availability of beer, wine or distilled spirits for purchase.
13. Outdoor display areas for merchandise are prohibited.
14. No outdoor patio seating area shall be allowed as part of this approval.
15. All graffiti, vandalism and damage to subject site and structure shall be removed or repaired within 72 hours of notice from the City.
16. This CUP for on-sale beer, wine and distilled spirits may be modified or revoked for failure to abide by these conditions or in the event the use is determined to be a nuisance to surrounding properties, businesses or the community at large.
17. The following mandatory conditions are hereby imposed as part of the CUP approval for on-sale beer, wine and distilled spirits:
 - a. The premises shall be maintained at all times in a neat and orderly manner.
 - b. Trash receptacles shall be provided in such number and at such locations as may be specified by the Planning Commission.
 - c. No beer, wine, and distilled spirits shall be sold, dispensed or offered for consumption outside of the permitted premises, which shall consist of a wholly enclosed building, except as otherwise permitted by the Planning Commission. Applicant shall post notification of this limitation in English and Spanish within plain view of employees and customers.
 - d. The exterior appearance of the premises shall be maintained in a manner consistent with the exterior appearance of commercial properties already constructed within the immediate neighborhood so as to not cause blight or deterioration, or to substantially diminish or impair property values within the neighborhood.
 - e. The permittee shall comply with all California Department of Alcoholic Beverage Control statutes, rules and regulations relating to the sale,

purchase, display, possession and consumption of alcoholic beverages.

- f. The permittee shall acknowledge and agree the City has a legitimate and compelling governmental interest in permittee's strict compliance with all conditions imposed upon the permit, including adherence to State statutes, rules and regulations as specified in subsection (e) above. The permittee shall further acknowledge and agree, in writing, that any violation of a State statute, rule or regulation concerning the sale to or consumption of alcoholic beverages by a minor has been determined by the City to have a deleterious secondary effect upon:
 - i. The specific land use requested by the permittee and authorized by the City;
 - ii. The compatibility of permittee's authorized land use with adjacent land uses;
 - iii. The welfare and safety of the general public within the City.
 - iv. In view of such deleterious secondary effects, permittee shall acknowledge the City has specifically reserved the right and authority to impose sanctions, including suspension or revocation of the CUP, as a consequence of one or more violations of a State statute, rule or regulation concerning the sale to or consumption of beer, wine or distilled spirits by a minor.
 - g. The permit shall, after notice to the permittee and an opportunity to be heard, be subject to the imposition of such additional conditions as may be reasonable and necessary to address problems of land use compatibility, security, or crime control that have arisen since the issuance of the permit.
18. No outdoor amplified sound shall be used on the property.
19. Any violations to the conditions of approval may result in the revocation or modification of this permit, including the imposition of fines, in the event the use is determined to be a nuisance to surrounding properties, businesses or the community at large.
20. 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.
 - c. At no time shall pennants, inflatable signs, "human" signs, or other similar advertising devices be utilized on the property or off-site.
21. A copy of the CUP approval letter and resolution with all conditions of approval related to the application shall be conspicuously posted alongside the establishment's Business License and Certificate of Occupancy, and shall be made available to law enforcement officers, and/or fire, building or code enforcement inspectors in the course of conducting inspections of said premises.
22. 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

23. Submit four complete sets of plans including the following:
- a. Site/Plot Plan;
 - b. Floor Plan;
 - c. Reflected Ceiling Plan;
 - d. Electrical Plans, including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
 - e. Plumbing Plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning;
 - f. An existing plan of the building, including all walls to be demolished;
 - g. Waste recycling plan, recycling 50 percent of all construction debris.
24. Submit two sets of structural calculations, if required, and two sets of energy conservation calculations.

25. 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.
26. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
27. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project address and case file number.
28. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
29. All construction work carried out under the review of the Building Division shall be of good quality. The Building Official shall have the authority to enforce the installation of work that is straight, level, plumb, square, etc., as the situation requires. All work shall be well fit and of a durable nature. Paint and stucco in all cases shall not be below standard for the use applied.
30. 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%).
31. Construction drawings submitted to the Building Division for plan review shall comply with the Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. Install the alpha tenant space designation ("A") on the main entrance to the business or immediately adjacent to the main entrance. Address numerals shall be white, in Helvetica or similar font, and a minimum of six inches (6") in height.
 - b. Install the numerical address and alpha tenant space designation ("8851-A") on the rear door(s) of the business. Address numerals and letters either white or black, in Helvetica or similar font, and a minimum of four inches (4") in height.
 - c. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn everyday.
32. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.

Police

33. The applicant may be required to provide a security guard at the discretion of the Montclair Police Department if security concerns warrant such adjustment.

Fire

34. Maintain a 20-foot wide access drive aisle to the rear of the property.
35. Maintain the fire alarm in good working order.
36. Provide fire extinguishers in a quantity and locations to the satisfaction of the Fire Marshal.
37. 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.

Environmental/Engineering

38. The applicant shall install a grease interceptor for the kitchen. The size and location of the grease interceptor shall be shown on plans submitted for plan check review and are subject to the review and approval of the Environmental Manager and the Building Official.
39. Complete a wastewater survey so that staff may assess infrastructure requirements regarding capture and treatment of any wastewater generated on-site. Please contact Nicole deMoet, Environmental Manager, at (909) 625-9446 or nngreene@cityofmontclair.org if you have any questions or need clarification to complete the aforementioned survey.
39. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
40. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact Michael Hudson, Public Works Director/City Engineer, at (909) 625-9441 for fees.
41. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA). Contact Michael Hudson, Public Works Director/City Engineer, at (909) 625-9441 for fees.

42. The Environmental Manager shall complete inspections for the grease interceptor, rough plumbing and the grease interceptor rings and covers to grade prior to issuance of a Certificate of Occupancy. The applicant shall contact Nicole deMoet, Environmental Manager, at (909) 625-9446 to schedule all inspections in advance.

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

APPROVED AND ADOPTED THIS 9TH DAY OF JUNE, 2014.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, Chair

ATTEST: _____
Michael Diaz, Acting Secretary

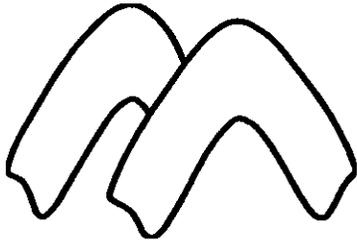
I, Michael Diaz, Acting Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 9th day of June, 2014, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

z:\COMMDEV\sg\2014-12\SZECHUAN GARDEN\RESO14-1807



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 06/09/14

AGENDA ITEM 6.c

Case No. 2014-8

Application: Precise Plan of Design (PPD) for a 130,000 square-foot industrial/warehouse building on a vacant, 5.88-acre site

Project Address: 4545 Brooks Street

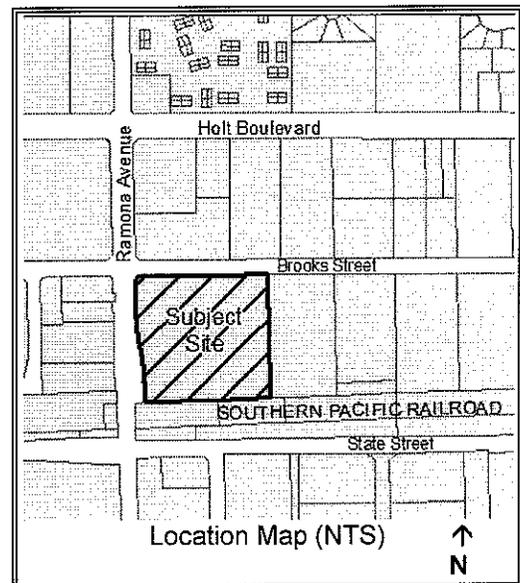
Property Owner: Cronimet Holdings Inc./Bill Fox

General Plan: Industrial Park

Zoning: M-2 (General Manufacturing)

Assessor Parcel No.: 1012-072-10

City/Public Utility Easements: None



Adjacent Land Use Designations and Existing Uses			
	<i>General Plan</i>	<i>Zoning</i>	<i>Existing Use of Property</i>
Site	Industrial Park	M-2 (General Manufacturing)	Vacant w/metal canopies
North	Business Park	"Business Park" per Holt Boulevard Specific Plan	Vacant
East	Industrial Park	M-2 (General Manufacturing)	Multi-tenant Industrial Park
South	Industrial Park	M-2 (General Manufacturing)	Union Pacific Railroad
West	Industrial Park	M-2 (General Manufacturing)	Multi-tenant Auto Repair

Report on Item Number 6.c

CASE NUMBER 2014-8

APPLICATION TYPE(S)	Precise Plan of Design
NAME OF APPLICANT	Cronimet Holdings Inc./Bill Fox
LOCATION OF PROPERTY	4545 Brooks Street
GENERAL PLAN DESIGNATION	Industrial Park
ZONING DESIGNATION	M-2 (General Manufacturing)
EXISTING LAND USE	Vacant w/metal canopies
ENVIRONMENTAL DETERMINATION	Mitigated Negative Declaration (MND)
PROJECT PLANNER	Michael Diaz

Project Proposal

The proposed project involves the development of a new 130,000 square-foot industrial/warehouse building on a vacant, 5.88-acre site at the southeast corner of Ramona Avenue and Brooks Street. Two existing metal canopies currently on the property would be removed to accommodate the proposed building, the components of which are summarized in the table below:

Components of the Proposed Warehouse Building	
<i>Use</i>	<i>Square Footage</i>
Warehouse Area	124,695 SF
Ground Office Space	2,500 SF
Mezzanine Office Space	2,500 SF
Total	129,695 square feet

The office areas identified on the plans are not planned since there is no specific user at this time. It is likely the office areas would have a modest lobby, a kitchen/break room, conference room(s), restrooms, and stairways, and office storage.

Surface parking for 145 spaces (including 5 disabled-accessible parking spaces) is proposed on the north and east sides of the site, plus 16 truck/trailer spaces. On the east side of the building there would be 15 raised loading docks along with one (1) drive-through door. Three (3) knock-out panels are also included for additional dock/doors if they should be needed in the future.

Access to the site would be from two existing driveways along the Brooks Street frontage of the property. The far eastern driveway would be used by trucks to access rear of the property and loading docks. A block wall and decorative metal fence/gates currently enclose the property and would be retained as part of the project.

Construction activities for the project would consist of site preparation, grading, building construction, paving, and landscaping.

Design

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

Fixed commercial grade windows are concentrated on the east end of the building facing Brooks Street. Here, the building's design is intended to identify the main entry and highlight the location of the office portions of the building. Proposed colors for the new building are neutral tones of gray and tans. Windows would be gray-toned tint.

Landscape Plan

The primary landscape areas for the project already exist along the street frontages of the property, particularly on the north (front) side of the property. The existing eight (8) Camphor (*Cinnamomum camphora*) street trees and low growing ornamental shrubs along Brooks Street would be retained as part of project and the existing turf would be removed and replaced with additional plant materials.

In the interior of the project, all new plant materials would be water-saving varieties and the irrigation system would be designed to conserve water in compliance with the City's Water Conservation Ordinance. New trees (Chitalpa, Brisbane Box, Crape Myrtle, and Chinese Lantern) are proposed to be concentrated around the front of the building. Finally, the plant materials proposed for the required bio-retention basins per the approved Water Quality Management Plan (WQMP) are also drought-tolerant species and were selected to comply with the WQMP.

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

Background

- The property is located on a fully developed street and surrounded by urban development that includes other industrial and commercial developments/uses.
- The subject property was used for agricultural purposes from 1938 to the mid-1950s. Since 1956, the property has been used for various non-agricultural uses, most recently as a recycling/smelting business (1991-2009).
- The environmental investigations conducted on the property did not identify any evidence of recognized environmental conditions (RECs) on the site (*Phase 1 Environmental Site Assessment Report*, Orswell & Kasman, Inc. December 2013).
- The present owner acquired the subject site in 2012.

Planning Division Comments

Staff finds the proposed project to be well-designed and the building is appropriately situated on the site. When completed the new development would be appropriate for the zone in which it is located and would set the standard for a new generation of industrial development in the surrounding area.

Site Plan

At nearly six acres in size, the property is of an adequate size and shape to support the proposed project as designed with required site improvements such as access, parking, landscaping, and required elements of the approved Water Quality Management Plan (WQMP). Moreover, the site has direct frontage and convenient access to the existing streets and fully developed intersection at Ramona Avenue and Brooks Street.

The project is in compliance with the applicable development standards of the M-2 zoning designation of the property including setbacks, building height, and parking as generally described above. With regard to setbacks, the front of the building would be 95 feet back from the front (north) property line, which exceeds the minimum 35-foot setback requirement. Moreover, the 42-foot building height for the project is well within the maximum 75-foot height limit. On-site parking is properly distributed around the site and at 145 spaces, meets the minimum required number of spaces for an industrial/warehouse and office elements of the building of the proposed size and should be more than adequate for the majority of new users.

Consistent with City policy and to avoid confusion with past development on the property, a new street address of 4545 Brooks Street would be assigned to the property if the project is approved.

Finally, all future business(s) and use(s) within the building would be subject to the land use provisions contained in the Montclair Municipal Code, including the requirement to obtain and maintain a valid business license. As part of the routine review process for any new business, the property would be inspected to ensure compliance with all applicable codes, including property maintenance and the provision of adequate on-site parking.

Building Design and Landscaping

Staff worked with the architect on the design of the building and is generally pleased with its overall design. The use of tilt-up panels is common for constructing a building of this type and size and the level of detail elements incorporated into the panel design appears to be appropriate. The use of reveals (horizontal and vertical), wall offsets, and varied panel heights works well on all sides of the building and provides visual interest. The Brooks Street elevation is the most detailed and yet does not look overdone. The remaining building elevations would be less visible to most passersby due to existing

perimeter walls and the close proximity to the wide railroad right-of-way at the south boundary, and the Ramona Avenue overpass (bridge) on the west side of the property. The raised parapet is also tall enough to provide appropriate screening of all rooftop equipment from street level and a reasonable amount from the Ramona Avenue overpass. With the exception of skylights and required vents, no major roof top equipment pieces such as air conditioners or duct runs are proposed. Staff has added a condition of approval requiring that the equipment needs of potential future businesses be placed on the ground behind the building and screened from view to the greatest extent possible.

Overall, staff finds the proposed color palette of neutral grays and tans for the building to be appropriate. However, staff has one minor concern regarding the "bluish" tint color for the windows suggested by the architect. The only windows on the building are at the northeast corner of the building so the color tinting adds further interest to the building. If not carefully selected the blue tint could appear trendy and/or limit future color choices for the exterior of the building. Staff believes that a gray-tone tint should be used and recommends that the applicant continue to work with staff to find a final window tint color.

In regard to landscaping, the selected plant materials are appropriate and evenly distributed around the site where planter areas are proposed. The existing Camphor trees will continue to grow and work towards softening the new building's size and appearance to the street and surrounding area. The proposed irrigation system is also designed to be water efficient.

Environmental Assessment

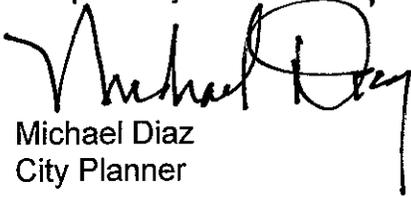
An Initial Study was prepared for the project and released for public review and comment on May 16, 2014. At the time this report was prepared, no comments or inquiries had been received by staff regarding the Initial Study or the development proposal. Based on the findings of the Initial Study, staff has determined that the project could have a potential significant adverse environmental impact unless reduced to a level of less than significance by the implementation of proposed mitigation measures. Areas identified as subject to potential environmental impacts requiring mitigation were Air Quality (short term during site preparation), Cultural Resources, and Noise. Proposed mitigation measures have been included as conditions of approval for the project. Therefore, a Mitigated Negative Declaration is proposed for the project.

Planning Division Recommendation

Staff recommends the Planning Commission find the proposal to construct a new, 130,000 square-foot industrial/warehouse building and associated parking and landscaping improvements at 4545 Brooks Street to be well designed and compatible with surrounding land uses. Accordingly, staff recommends approval of Case No. 2014-8 by taking the following actions:

- A. For environmental review, take the following actions as responsible agency:
1. Certify that the Commission has reviewed and considered the environmental assessment based upon the findings and proposed mitigation measures in the Initial Study prepared for the project, and that there will be no significant impact on the environment as a result of the proposed construction of the proposed 130,000 square-foot industrial/warehouse building and associated parking and landscaping improvements; and
 2. Adopt the proposed Mitigated Negative Declaration and finding that there will be a DeMinimis impact on fish and wildlife; and
 3. Direct staff to file a Notice of Determination (NOD) and the applicant to pay appropriate fees within five (5) days of this action.
- B. Approve the Precise Plan of Design request for the site plan, elevations, conceptual landscape plan, colors and materials associated with the proposed 130,000 square-foot industrial/warehouse building and associated parking and landscaping improvements at 4545 Brooks Street (new address) per the submitted plans and as described in the staff report, subject to conditions of approval contained in Planning Commission Resolution No. 14-1808.

Respectfully Submitted,



Michael Diaz
City Planner

MD/le

Attachments: Draft Resolution No. 14-1808

- c: Cronimet Holdings Inc., 421 Railroad Street, Rochester, PA 15074
Bill Fox, 450 E. Foothill Boulevard, Pomona, CA 91767
Bridget Herdman, Herdman Rierson Architecture+Design, 16201 Scientific Way, Irvine, CA 92618

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RESOLUTION NO. 14-1808

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A PRECISE PLAN OF DESIGN UNDER CASE NO. 2014-8 FOR THE SITE PLAN, FLOOR PLANS, ELEVATIONS, COLORS, MATERIALS, AND CONCEPTUAL LANDSCAPE PLAN FOR A 130,000 SQUARE-FOOT WAREHOUSE BUILDING AT 4545 BROOKS STREET (APN 1012-072-10).

WHEREAS, on April 10, 2014, Cronimet Holdings Inc., property owner, filed an application for a Precise Plan of Design (PPD) under Case No. 2014-8, to allow the development of a single-story, 130,000 square-foot industrial/warehouse building and surface parking at the southeast corner of Ramona Avenue and Brooks Street, also referred to as 4545 Brooks Street; and

WHEREAS, the subject property is approximately 5.88 acres in size and largely vacant with two large metal canopy structures that would be removed from the site to accommodate the project; and

WHEREAS, the Precise Plan of Design pertains to the site plan, floor plans, elevations, colors, materials, and conceptual landscape plan associated with the proposed development of the site with an industrial/warehouse building; and

WHEREAS, the new industrial/warehouse building would be located generally on the western two-thirds of the property with on-site parking for 145 vehicles. Direct access to the site would be from two existing driveways along the Brooks Street frontage of the property; and

WHEREAS, the project site is located within the M-2 (General Manufacturing) zone; and

WHEREAS, staff has found that the subject proposal complies with the guidelines and applicable development standards of the M-2 (General Manufacturing) zone; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the City prepared an Initial Study for the project and released it for public review and comment on May 16, 2014. Based on the findings of the Initial Study, staff has determined that the project could have a potential significant adverse environmental impact unless reduced to a level of less than significance by the implementation of proposed mitigation measures. Areas identified as subject to potential environmental impacts were Air Quality (short term during site preparation), Cultural Resources, and Noise (short term during construction), Public Services (Fire), and Utilities and Service Systems. Nine (9) mitigation measures have been proposed and are included as

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

WHEREAS, based upon the facts and information contained in the application, together with all written and oral reports included for the environmental assessment for the application, the Planning Commission finds that no subsequent or supplemental environmental document is required pursuant to the California Environmental Quality Act (CEQA) in connection with the review and approval of this application based upon the following findings and determinations; and

WHEREAS, the Planning Commission finds there is no substantial evidence the project may have a significant effect on the environment with the implementation of mitigation measures and directs staff to prepare a Mitigated Negative Declaration and a DeMinimis finding of no effect on fish and wildlife; and

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

WHEREAS, on June 9, 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 application were heard, and said application was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced hearing on June 9, 2014, including written and oral staff reports together with public testimony, this Commission hereby finds the proposal to be consistent with the overall objectives of the City of Montclair General Plan, Montclair Municipal Code, and good planning principles, and approves the application subject to each and every condition set forth below.

Planning

1. This Precise Plan of Design (PPD) approval is for the construction of a new, 130,000 square-foot industrial/warehouse building and associated parking and landscaping improvements at 4545 Brooks Street (new address), as described in the staff report and depicted on approved plans.

2. PPD approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check and building permits to allow eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
3. No changes to the approved set of plans, including the exterior design and materials/finishes, shall be permitted without prior City review and approval. Any modification, intensification, or expansion of the use and design plan beyond that which is specifically approved with this PPD shall require review and approval by the Planning Commission.
4. Approval of this PPD shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances, the San Bernardino County Health Department, or the State of California.
5. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
 - a. A check in the amount of **\$2,231.50**, payable to "Clerk of the Board of Supervisors," to cover the California Department of Fish and Wildlife (CDFW) fee for filing a Notice of Determination for the proposed Mitigated Negative Declaration as required by the California Environmental Quality Act (CEQA).
 - b. A check in the amount of the actual cost of publication, 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 30 days of receipt of the Planning Commission Resolution.
7. The applicant and/or property owner shall ensure that a copy of the Planning Commission Resolution, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
8. Any future business(es) occupying the completed building shall be required to obtain and maintain valid business licenses and comply with

all applicable City regulations at all times. As part of the routine review process for each new business, the property and subject lease spaces will be inspected to ensure compliance with all applicable codes, including the provision of adequate on-site parking.

9. Prior to issuance of a Certificate of Occupancy, the applicant shall install approved landscaping materials on the site including the exterior setback area along the Brooks Street frontage of the property, subject to the satisfaction of the City Planner. The following standards shall apply:
 - a. All shrubs shall be minimum five-gallon container size (except herbaceous perennials and woody spreading shrubs on slopes).
 - b. All trees (except required street trees) shall be minimum 24-inch box size and double-staked.
 - c. A minimum of 3 inches of bark mulch (shredded or chips) shall be provided on all planted areas.
 - d. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
10. All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency.
11. Any plant material that does not survive or is removed or destroyed shall be replaced upon its demise or removal with plant material of a like type and size as that originally approved and installed.
12. Plant material shall not be severely pruned such that it stunts or deforms its natural growth pattern or characteristic feature(s). Trees shall be pruned to ISA (International Society of Arboriculture) standards and only as necessary to promote healthy growth and for aesthetic purposes (i.e., to enhance the natural form of the tree). Improperly or severely pruned trees, including topping as defined by the Water Conservation Ordinance, that results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with a tree of similar size and maturity as that which was removed or, as required by the Community Development Director.
13. Prior to the issuance of building permits, the applicant shall include the following information on plans submitted for plan check:
 - a. An exterior lighting and photometric plan for the entire site. The plans shall indicate the location of all exterior light fixtures (area,

building, parking lot, etc.) and the overall illumination levels across the site. All proposed exterior lighting shall comply with the following standards:

- i. Provide a minimum maintained illumination level of one (1) foot-candle across the site.
 - ii. All lighting fixtures shall be vandal-resistant and of a design that complements the architecture of the building.
 - iii. All parking lot and other freestanding light fixtures shall incorporate 90-degree cut-off style luminaires and flat lenses so as to direct illumination downward to the surface to be illuminated and away from public rights-of-way surrounding the subject site.
 - iv. Freestanding light fixtures and poles shall not exceed a maximum height of 25'-0" as measured from adjacent grade to top of luminaires.
 - v. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be clad in a color coordinated stucco finish to complement the main building.
 - vi. Wall mounted fixtures shall be shielded. The use of unshielded wall packs, barn lighters, other similar unshielded luminaires, and/or decorative lighting installed solely for the purpose of illuminating the roof shall be permitted.
 - vii. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.
- b. The trash enclosure(s) shall have a solid roof cover and be designed to complement the overall architecture of the main building. Contact Burrtec Waste Industries to determine the number of required bins to support the most likely end user(s) of the building.
14. The final design of any perimeter walls, landscaping and sidewalks shall be included in the required landscape plans and shall be subject to review and approval by the Community Development Director and City Engineer and shall be coordinated for consistency with the design of the main building.

15. All automobile parking spaces shall be clearly delineated with double-line (e.g. "hairpin") striping.
16. No outdoor pay telephones or vending machines shall be installed or used on the property.
17. The outdoor storage of personal or other items (including motor vehicles) not directly related to the primary use of the property shall not be allowed.
18. Signage on the building shall be limited to the name of the business only and numerical address. A monument sign may be installed subject to City review and approval. A separate Sign Permit Application shall be submitted by the property owner (or licensed sign contractor) for the abovementioned sign(s) to the Planning and Building Divisions for review, approval, and issuance of all necessary permits prior to installation of any sign(s).
19. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code. Temporary banners for the purpose of announcing a grand opening or promotional event shall require a banner permit from the Planning Division prior to installation.
20. No portable flags, pennants, spinners, painted-on signs, off-premise signs, trailer-mounted electronic sign/message boards or other similar types of portable signs shall be allowed.
21. On-site directory signs or directional signs shall be submitted for review and approval of the City Planner.
22. No exterior surface-mounted exposed ducts, conduit or electrical lines shall be allowed on walls, awnings, or other exterior faces of the building. In addition, all electrical switchgear, meters, etc., shall be screened or housed in an enclosure to the extent allowed by the utilities.
23. All roof-mounted mechanical equipment (e.g., vents, meters, HVAC units, ducts, conduit, satellite dishes, photovoltaic systems, etc.), enclosures or equipment screen walls shall not project above the roof parapet.
24. Screening of roof-mounted equipment shall be accomplished with mechanical roof wells recessed below the roof line or by solid and permanent roof-mounted screens. Screening shall be compatible with the architectural style, materials, and color of the building upon which the equipment is located, subject to the approval of the City Planner.
25. Ground-mounted mechanical equipment shall be fully screened from view from streets or surrounding residential or commercial uses by a

combination of decorative walls and an evergreen hedge equal to or exceeding the height of the equipment.

26. Access to the roof of the building shall be from within the structure and not be means of roof access ladders mounted to the exterior of the building.
27. All on-site ground-mounted mechanical equipment, including, but not limited to, utility meters, air conditioners, condenser units, and repair equipment shall be located within the building or on the exterior of the building only when necessary and screened in a manner that is compatible with the architectural design of the building subject to the satisfaction of the City Planner.
28. Freestanding electrical transformers and Fire Department double check detector assembly (DCDA) equipment shall be screened with masonry walls compatible with the building architecture and/or landscaping to the satisfaction of the City Planner and Fire Marshal. Efforts shall be made to place these elements in locations that are as visually unobtrusive as possible.
29. The property owner shall be responsible for maintaining all buildings, yards, structures, signs, parking areas and other improvements in such a manner that does not detract from the appearance of the surrounding area. Parking lots shall be maintained in an attractive and suitable fashion with any potholes, significantly cracked or uneven paving, and any other significant damage repaired in a timely fashion throughout the life of the project.
30. Graffiti or etching of glass areas on the building or on other site improvements shall be removed/replaced immediately by the applicant/property owner upon notification by the City.
31. 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.
32. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

Environmental – Initial Study Mitigation Measures

33. Air Quality (Mitigation Measure A) - Prior to the issuance of a grading permit, the City Engineer and the Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in SCAQMD's Rules and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short term fugitive dust impacts on nearby sensitive receptors.
- All active portions of the construction site shall be watered every three hours during daily construction activities and when dust is observed migrating from the project site to prevent excess amounts of dust.
 - Pave or apply water every three hours during daily construction activities or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas. More frequent watering shall occur if dust is observed migrating from the site during disturbance.
 - Any on-site stockpiles of debris or on-site haul roads, dirt, or other dusty material shall be enclosed, covered, or watered twice daily or non-toxic soil binders shall be applied.
 - All grading and excavation operations shall be suspended when wind speeds exceed 25 miles per hour.
 - Disturbed areas shall be replaced with ground cover or paved immediately after construction is completed in the affected area.
 - Track-out devices such as gravel bed track-out aprons (3 inches deep by 25 feet long, 12 feet per lane and edged by rock berm or row of stakes) shall be installed to reduce mud/dirt track-out from unpaved truck exit routes. Alternatively, a wheel washer shall be used at truck exit routes.
 - On-site vehicle speed shall be limited to 15 miles per hour.
 - All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site.

- Re-route construction trucks away from congested streets or sensitive receptor areas.
 - Dispose of surplus excavated material in accordance with local ordinances and use sound engineering practices.
 - Sweep all streets once per day if visible soil materials are carried to adjacent streets (recommended water sweepers using reclaimed water).
34. Air Quality (Mitigation Measure B) - All trucks that are to haul excavated or graded material on-site shall comply with State Vehicle Code Section 32114 (Spilling Loads on Highways), with special attention to Sections 32114(b)(F), (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads. Prior to the issuance of grading permits, the applicant shall demonstrate to the City Engineer how the project will be operated subject to the provisions set forth in Sections 23114(b)(F),(e)(4).
35. Air Quality (Mitigation Measure C) - All construction equipment used for the project shall be maintained in good operating condition so as to reduce operational emissions. The contractor shall ensure that all construction equipment is being properly serviced and maintained per manufacturers' specifications. Upon request, maintenance records shall be available at the construction site for City verification.
36. Air Quality (Mitigation Measure D) - All paints and coatings shall meet or exceed performance standards noted in SCAQMD Rule 1113. Paints and coatings shall be applied either by hand or high volume, low-pressure spray, or by using pre-coated/natural-colored building materials, water-based or low volatile organic compound (VOC) coating, and coating transfer or spray equipment with high transfer efficiency.
37. Cultural Resources (Mitigation Measure E) - If any prehistoric archaeological resources are encountered before or during grading, the developer will retain a qualified archaeologist to monitor construction activities, to take appropriate measures to protect or preserve them for study. With the assistance of the archaeologist, the City of Montclair will:
- Enact interim measures to protect undesignated sites from demolition or significant modification without an opportunity for the City to establish its archaeological value.
 - Propose mitigation measures and recommend conditions of approval to eliminate adverse project effects on significant, important, and unique prehistoric resources, following appropriate CEQA guidelines.

- Prepare a technical resources management report, documenting the inventory, evaluation, and proposed mitigation of resources within the project area. Submit one copy of the completed report with original illustrations to the City of Montclair, which will then determine the location for permanent archiving.
38. Cultural Resources (Mitigation Measure F) - If any paleontological resource (i.e. plant or animal fossils) are encountered before or during grading, the developer will retain a qualified paleontologist to monitor construction activities, to take appropriate measures to protect or preserve them for study. The paleontologist shall submit a report of findings that will also provide specific recommendations regarding further mitigation measures (i.e., paleontological monitoring) that may be appropriate. Where mitigation monitoring is appropriate, the program must include, but not be limited to, the following measures:
- Assign a paleontological monitor, trained and equipped to allow the rapid removal of fossils with minimal construction delay, to the site full-time during the interval of earth-disturbing activities.
 - Should fossils be found within an area being cleared or graded, divert earth-disturbing activities elsewhere until the monitor has completed salvage. If construction personnel make the discovery, the grading contractor should immediately divert construction and notify the monitor of the find.
 - Prepare, identify, and curate all recovered fossils for documentation in the summary report and transfer to an appropriate depository (i.e., San Bernardino County Museum).
 - Submit summary report to City of Montclair.
39. Noise (Mitigation Measure G) - The project contractor shall properly maintain and tune all construction equipment to minimize emissions.
- a. The contractor shall fit all equipment with properly operating mufflers, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.
 - b. The contractor shall locate all stationary noise sources (e.g., generators, compressors, staging areas) as far from noise sensitive receptors as feasible.
 - c. Materials delivery, soil haul trucks, and equipment servicing shall also be restricted to the hours set forth in City of Montclair Municipal Code. The Municipal Code limits

grading and construction associated with the improvement of real property to take place only between the hours of 7 a.m. and 8 p.m. daily.

40. Public Services (Mitigation Measure H) - In addition to the standard requirement to install fire sprinklers and a fire alarm system, the applicant shall incorporate the following requirements from the Fire Department to ensure sufficient fire protection is achieved for the project:
 - A hammerhead turnaround at the northwest corner of the site/building
 - Class III standpipe system throughout the building,
 - Fire pump room (if necessary due to low water pressure)
 - Fire Department Ladder Access Point(s), and
 - A fire alarm activated skylight vent system.
41. Utilities and Service Systems (Mitigation Measure I) - The applicant shall contact Burrtec Waste Industries to ascertain the appropriate number of trash bins required for the project, including bins to accommodate recyclable materials. When the number of trash bins is established the applicant shall work with the City Planner and Building Official on an acceptable trash enclosure design that is consistent with City standards.

Building

42. 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. Waste recycling plan, recycling 50 percent of all construction debris.
43. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.

44. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
45. 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.
46. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
47. Separate permits are required for fencing and/or walls. Double wall conditions which have been created by an adjacent property line wall not be allowed.
48. All utility services to the project shall be installed underground.
49. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number.
50. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
51. Prior to issuance of building permits for a new commercial or industrial development project or major addition, the applicant shall pay development fees at the established rate. Such fees may include but are not limited to: Transportation Development Fees, Permit and Plan Check Fees, and School Fees. All required school fees shall be paid directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District. Applicant shall provide a copy of the school fees receipt to the Building Division prior to permit issuance.
52. Construct trash enclosure(s) per City Standard (available at the Building Division public counter).
53. Electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside the building.
54. 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.

55. 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%).
56. 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 in a location satisfactory to the City Planner. 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 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.
57. A Certificate of Occupancy is required prior to the occupancy of the building. Issuance of the Certificate of Occupancy shall be contingent upon the Fire Department inspection and the final approvals from all other departments and/or agencies.
58. Prior to the issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Building Division electronic images of all plans and records which were submitted for the purpose of obtaining a building permit. Electronic images shall comply to the City's Electronic Archiving Policy.
 - b. Complete all on- and off-site improvements.
 - c. Install all disabled-accessible parking stalls and parking lot signage.
59. No temporary construction trailer shall be placed on the property without first obtaining approval from the Building and Planning Divisions.
60. The address of the building shall be **4545 Brooks Street**.

Water Quality Management Plan

61. The property owner shall be responsible to contract with a qualified firm to inspect and maintain any stormwater treatment devices specified by the approved WQMP, following all WQMP recommendations. It shall also be the responsibility of the property owner to maintain inspection reports and have them readily available for review by City staff upon request. In the event that any stormwater treatment device fails due to lack of, or insufficient maintenance and/or inspection, or some other unforeseen circumstance, it shall be the responsibility of the property owner to correct the deficiency and restore the stormwater treatment device(s) to its original working condition.
62. Prepare and submit plans for erosion and sediment control. Plans shall include all phases of the construction project, including rough grading, utility and road installation, and vertical construction to the satisfaction of the City Engineer. Contact Joe Rosales, NPDES Coordinator, at (909) 625-9470.
63. Prior to receiving a grading permit a State Construction General permit must be obtained and proof provided (WDID number) to the Building Division.
64. At the time of grading permit issuance; post-construction Best Management Practices (BMP) inspection permit fees associated with the approved WQMP shall be paid. Contact Joe Rosales, NPDES Coordinator, at (909) 625-9470 for further information regarding permit and fees.
65. Prior to issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Engineering Division an electronic copy of the approved WQMP in PDF format.
 - b. Submit to the Engineering Division as-built drawings as they relate to the WQMP.
 - c. Record the WQMP Maintenance Agreement with the County of San Bernardino and provide evidence of said recording to the Engineering Division.
66. Prior to release of the Certificate of Occupancy for the building, the person or corporation responsible for the preparation of the WQMP shall certify in writing to the Building Official that all conditions and requirements of the WQMP have been implemented or complied with. For projects, developments, or properties intended to be leased or sold,

developer shall also submit evidence to the Building Official that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the WQMP.

67. The applicant shall ensure that all requirements of the approved WQMP for the project are incorporated and consistent with the approved landscape and irrigation plans for the project. All required Best Management Practices (BMPs) shall be duly noted and shown on the landscape plans per the approved WQMP.

Engineering

68. It is not anticipated that a lot merger, lot line adjustment, or parcel map will be required as part of this development. Should one or more of these entitlements be necessary in the future, developer shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code.
69. Transportation Development Impact Fees. Fees shall be assessed at the rate in effect at the time the fees are paid.
70. Public and Private Streets. The submitted plan does not show any public or private streets. It is assumed none are required.
71. Right-of-Way Dedications. Dedication of additional right-of-way for sidewalks may be required if necessary to provide disabled accessibility around drive approaches.
72. Streetlights. Streetlights shall be installed on the south side of Brooks Street through the property frontage. The minimum lighting level for Brooks Street shall be to the satisfaction of the City Engineer. Streetlights will be owned and maintained by Southern California Edison.
73. Undergrounding of Existing Overhead Utilities. All existing overhead utilities within project boundaries and within street frontages adjacent to project shall be placed underground. All existing or new guy wires required to anchor end poles shall be located beyond the project limits. No poles or guy wires shall be permitted to remain with property frontage.
74. All utilities within development boundaries shall be placed underground. This requirement applies to electrical services, transformers and switches, and where technology exists, telephone and cable television facilities as well.

75. Payment of all outstanding sewer reimbursement fees or assessments as imposed by a district or reimbursement agreement, if any.
76. Payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.
77. A public sewer is available for connection in Brooks Street. At least one lateral already exists to the site near the westerly property line and may be used for sewer service if desired. Property owner shall be responsible for all lateral maintenance both on-site and from the property line to the sewer main line.
78. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
79. A Water Quality Management Plan (WQMP) is required for this project. Approval of the WQMP is required prior to the preparation of grading and/or other improvement plans. Requirements for the WQMP may be obtained from the City NPDES Coordinator Joe Rosales at (909) 625-9470. If significant modifications are required, a resubmittal to the Planning Commission may be required.
80. A grading plan shall be prepared subject to the approval of the City Engineer. An erosion control plan is to be included and considered an integral part of the grading plan. Grading plans shall be designed in accordance with City standards and guidelines, and shall be on 24" by 36" sheets.
81. No soil may be imported or exported to or from the project site from any adjacent building site or from other sources for construction purposes without first obtaining approval from the City Engineer. A plan acceptable to the City Engineer shall be prepared showing proposed haul routes within the City. The plan shall include provisions for street sweeping and cleanup. Contractor(s) shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements.
82. No structures shall be allowed to encroach within the right-of-way for Ramona Avenue.
83. All drainage facilities shall comply with requirements of the approved WQMP.
84. All off site and on site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.

85. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at (800) 422-4133.

Environmental

86. All new business occupant(s) of the building shall complete a Wastewater Discharge survey prior to plan review. Contact Nicole deMoet, Environmental Manager, at (909) 625-9446 for more information.
87. All wastewater discharged to the City of Montclair Sanitary Sewer System from the subject facility shall be in compliance with Montclair Municipal Code Section 9.20.610 – Local Concentration Limitations. For more information contact Nicole deMoet, Environmental Manager, at (909) 625-9446.

Fire

88. A 20-foot wide base asphalt or concrete roadway capable of supporting firefighting apparatus within 150 feet of all structures is required prior to the framing stage of construction. This access is required to be maintained unobstructed throughout construction. Roadway is subject to Fire Department approval prior to construction.
89. The developer/general contractor is to be responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
90. Planter areas in the center of drives and adjacent to entrances should be of low profile type, not to exceed eight feet in height when mature.
91. The inside turning radius for an access road shall be 32 feet or greater. The outside turning radius for an access road shall be 45 feet or greater.
92. All Fire Department access and fire lanes shall be posted as "No Parking, Fire Lane." Signs shall be designed and mounted in accordance with Montclair Fire Department standards.
93. The proposed commercial structure shall require an approved fire alarm and automatic fire sprinkler system. The system shall conform to all local and national standards. Three complete sets of the sprinkler system plans shall be submitted directly to the Fire Marshal's Office for approval prior to installation of the system in commercial structures. The system shall be so equipped as to provide a signal to a UL-listed monitoring station in the event of water flow or tampering.

94. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
95. A fire hydrant system shall be required to provide the necessary water flow to the proposed structure(s). Exact number, location, and design of hydrants shall be determined by the Fire Marshal's Office when building plans are received. Hydrants shall be active prior to the framing stage of construction.
96. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
97. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of normal lighting.
98. An approved emergency keyed access system shall be required to facilitate access to buildings or gates by Fire Department personnel in the event of an emergency during non-business hours. Forms are available at Montclair Fire Department Headquarters, 8901 Monte Vista Avenue, for those occupancies requiring such a system. Facilities with gated drive approaches shall contact Fire Marshal's Office for additional key and strobe requirement.
99. Vehicle security gates shall be approved only with the use of hold-open devices to allow for emergency vehicle access. Contact the Fire Marshal's office for specific requirements.
100. All Montclair Fire Department fees are due prior to any permit issuance.
101. Covered trash enclosures shall have fire sprinklers installed should any one of the following conditions exist: the trash enclosure has a combustible roof covering; the trash enclosure contains two or more individual trash containers; or the trash enclosure is under or within five (5) feet of combustible construction.
102. Fire extinguisher location(s) to be determined by the Montclair Fire Department.
103. Contact the Fire Marshal's Office for further requirements.
104. All Double Check Detector Assemblies (DCDA) shall be painted and maintained by the property owner with the following paint color specifications: Rust-Oleum satin interior/exterior acrylic latex paint, "Hunt Club Green" No. 794452 (quart). This condition is subject to Fire Department inspection and approval when work is completed.

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

APPROVED AND ADOPTED THIS 9TH DAY OF JUNE, 2014.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, Chair

ATTEST: _____
Michael Diaz, Acting Secretary

I, Michael Diaz, Acting 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 9th day of June 2014, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MDIAZ\CASES\2014-8 PC RESOLUTION