



MONTCLAIR

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

REGULAR ADJOURNED MEETING
Monday, December 8, 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 November 10, 2014 Planning Commission meeting are presented for consideration.

5. ORAL AND WRITTEN COMMUNICATIONS ON NON-AGENDA ITEMS

The public is invited to address the Planning Commission regarding any items that are not on the agenda. Comments should be limited to matters under the jurisdiction of the Planning Commission. It is respectfully requested that speakers limit their comments to no more than three minutes in length.

Any person wishing to address the Planning Commission on an agenda or non-agenda item should complete a speaker's card and submit it to the City Planner. Speaker's cards are available at the entrance to the Council Chambers.

6. AGENDA ITEMS

- a. PUBLIC HEARING - CASE NUMBER 2014-24
Project Address: 5474 Moreno Street
Project Applicant: A-SF, Inc.
Project Planner: Silvia Gutiérrez, Associate Planner
Request: Conditional Use Permit for on-sale beer and wine in conjunction with a bona fide eating establishment
CEQA Assessment: Categorically Exempt (Section 15301)
- b. PUBLIC HEARING - CASE NUMBER 2014-25
Project Address: 11286 Fremont Avenue
Project Applicant: Fremont LLC
Project Planner: Michael Diaz, City Planner
Request: Tentative Tract Map and Precise Plan of Design for a 5-lot residential development
CEQA Assessment: Categorically Exempt (Section 15332)

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

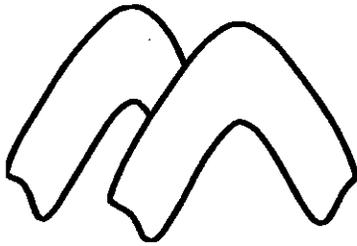
Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of January 12, 2015 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 December 4, 2014.



**CITY OF MONTCLAIR
PLANNING COMMISSION**

MEETING DATE: 12/08/14

AGENDA ITEM 6.a

Case No. 2014-24

Application: Conditional Use Permit (CUP) to allow on-sale of beer and wine in conjunction with meals at Habaneros Mexican Food Restaurant

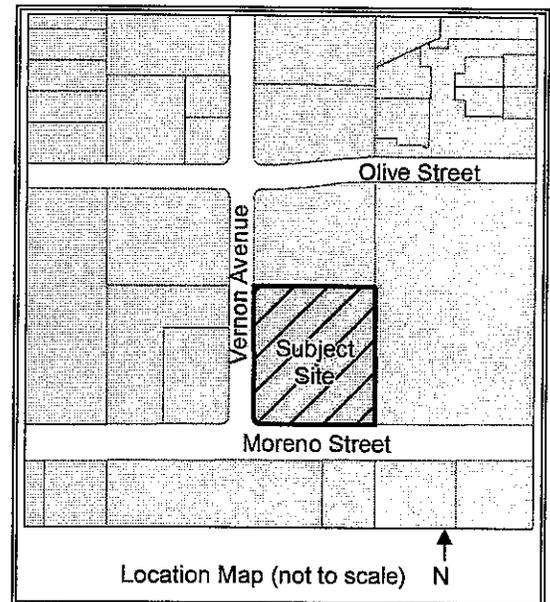
Project Address: 5474 Moreno Street

Property Owner: A-SF Limited, Inc.

General Plan: Regional Commercial

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

Assessor Parcel No.: 1008-042-01



EXISTING SITE FEATURES/CONDITIONS

Structure: One story, 27,250 square-foot multi-tenant commercial building

Parking: 116 total parking spaces – 109 standard, 2 compact, and 5 ADA accessible

ADJACENT LAND USE DESIGNATIONS AND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Existing Use of Property</i>
Site	Regional Commercial	"C-3" (General Commercial) per NMSP	Multi-tenant commercial center with surface parking
North	Industrial Park	"MIP" (Manufacturing Industrial Park) per NMSP	OPARC headquarters
South	Regional Commercial	"C-3" (General Commercial) per NMSP	Montclair East commercial center
East	Medium, 8-14 du/acre	"C-3" (General Commercial) per NMSP	Villa Montclair Mobile Home Park
West	Regional Commercial	"C-3" (General Commercial) per NMSP	Montclair Towers commercial center

Report on Item Number 6.a

PUBLIC HEARING – CASE NUMBER 2014-24

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	A-SF, Inc.
LOCATION OF PROPERTY	5474 Moreno Street
GENERAL PLAN DESIGNATION	Regional Commercial
ZONING DESIGNATION	"C-3" (General Commercial) per NMSP
EXISTING LAND USE	Restaurant
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Silvia Gutiérrez

Project Description

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow on-sale beer and wine (Type 41 ABC License) in conjunction with a bona fide eating establishment in the subject tenant space, located within the multi-tenant commercial center at the northeast corner of Moreno Street and Vernon Avenue. The existing Mexican food restaurant is approximately 1,100 square feet in size and has been in operation since January 2012. The restaurant offers an extensive menu that includes breakfast items, beef, shrimp, and fish entrées available all day. A new CUP is required to allow the on-premises sale of beer and wine with a bona fide restaurant since the previous restaurant use with on-sale beer and wine was discontinued for more than six months.

The existing hours of operation are 7:00 a.m. to 10:00 p.m., seven days a week. The applicant wishes to offer beer and wine for consumption with meals from 10:00 a.m. to 10:00 p.m. The existing restaurant does not have a bar counter, dance floor, live entertainment stage, or pool tables. A site plan, floor plan and menu are included in the Commission packets for reference.

Background

- Based on City records, the 27,250 square-foot multi-tenant commercial center was built in 1978. The "L" shaped building is divided into multiple lease spaces, most of which are vacant at this time.
- In January 1998, the City Council adopted the North Montclair Specific Plan, which governs land use and development standards on the subject property.
- In May 2001, La Estrellita Restaurant moved into the subject tenant space after remodeling the 1,100 square-foot lease space. On August 13, 2001, the Commission granted a CUP to the property owner to allow on-sale beer and wine in conjunction with

the bona fide restaurant. However, economic difficulties prompted the closure of the restaurant and the location has since gone through several tenant changes.

- The overall design of the center is dated but generally in sound condition. New monument signs were installed in 2012 and the building was repainted in the past year.

Planning Division Comments

Overall, staff is supportive of the proposed request to allow the serving of beer and wine in conjunction with meals at the subject location. The site has been utilized as a restaurant since 2001, and staff's inspection of the premises confirms that it is indeed a bona fide restaurant offering sit-down family dining for lunch and dinner during the hours previously stated. Servers take orders and would deliver alcoholic beverages directly to patrons with their meals. As depicted on the floor plan, a modest dining area containing 35 seats is located at the westerly portion of the tenant space, with the kitchen and storage area on the east side of the tenant space. Alcoholic beverages would be stored behind the counter, sold only to food customers (identification required), and are not allowed to be taken off the premises even for "to go" orders.

The sale and consumption of beer and wine in conjunction with a bona fide restaurant at this location is a compatible and consistent land use when compared to the other commercial/retail type businesses in the surrounding area. Close by in the center exists a similarly size restaurant that serves beer and wine with its sushi-based food menu, and has no known problems. Accordingly, conditions of approval have been included that would ensure that the safety and general welfare of the surrounding area would be maintained.

The only issue of concern with the proposal is with the early hour that the applicant proposes to serve alcoholic beverages. Staff believes that a daily 10:00 a.m. starting time for serving alcoholic beverages is too early, and that 11:00 a.m. is more reasonable and in line with the beginning of lunch service. However, staff would support a 10:00 a.m. starting hour for Sundays when brunch is typically served. A condition of approval for the adjusted time frame is included in the proposed resolution.

The restaurant is an existing use that requires a minimum of nine (9) parking spaces. The site has a total of 116 parking spaces, five (5) of which are disabled-accessible. The existing parking spaces are adequate to support the subject use and other existing tenants, including a liquor store, hair salon, retail uses and various vacant spaces. No problems with parking have been reported or were noted during site inspections. Staff is pleased that the property owner has invested in site upgrades in the past year. The improvements included restriping and slurry sealing of the parking lot, the building exterior was painted contemporary colors, and modern monument signs were installed.

Conditional Use Permit Findings

Staff believes the necessary findings for granting the CUP for the on-premises sale of beer and wine in conjunction with a bona fide restaurant can be made, as follows:

- A. The proposed on-premises sale of beer and wine in conjunction with the full menu and food service provided within a bona fide eating establishment (restaurant) is beneficial to the public convenience and public welfare, in that the inclusion of beer and wine 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. Granting the CUP for the proposed on-premises sale of beer and wine will not be materially detrimental to the public welfare and to other property in the vicinity, in that the proposed sale of beer and wine will be conducted in an established full service restaurant within a commercial center that has adequate lighting and operational maintenance standards. Lastly, such use is compatible with surrounding commercial uses and with the added conditions of approval, is not anticipated to negatively impact any sensitive land uses in the surrounding area.
- C. The proposed on-premises sale of beer and wine at the subject location conforms to good zoning practice, in that the Municipal Code permits on-sale beer and wine in the "C-3" (General Commercial) land use district of the North Montclair Specific Plan, subject to CUP approval. The CUP allows the City to place reasonable conditions to govern the overall operation of the use, hours of operation, and the sale of beer and wine 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 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) on-sale ABC licenses. According to ABC records, as of December 2014, there are currently nine (9) 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 and wine in conjunction with a bona fide restaurant as desirable to the public convenience and necessity in that the inclusion of beer and wine would make the dining experience more enjoyable to the general public of legal drinking age. Such availability of alcohol is common among other restaurants in the vicinity. The restaurant is well established and offers a full menu with two servers providing service directly to the customers with a reasonable closing hour. Lastly, 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 November 25, 2014 as prescribed by law for this discretionary land use entitlement. Public hearing notices were mailed to all property owners within 300 feet from the boundaries of the subject property. In addition, courtesy notices were also distributed to all the tenants at the center. At the time the staff report was completed, staff had not received any comments or correspondence from the public regarding this application.

Environmental Assessment

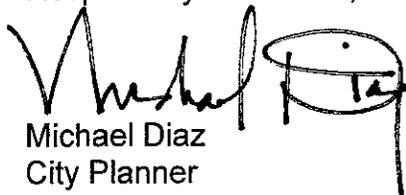
The project qualifies as Class 1 exempt under State CEQA Guidelines Section 15301, which exempts projects involving little to no expansion of existing structures or uses. The proposed project does not involve any site changes. The existing restaurant lease space is designed for an eating establishment and can accommodate the proposed on-premises sale of beer and wine (Type 41). Ample parking is provided to support the restaurant use and the addition of ancillary on-sale beer and wine.

Planning Division Recommendation

Staff recommends that 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 Conditional Use Permit under Case No. 2014-24 approving the on-premises sale of beer and wine (ABC Type 41 License) in conjunction with a bona fide eating establishment at 5474 Moreno Street, per the submitted plans and as described in the staff report, subject to the conditions of approval in attached Resolution 14-1819.

Respectfully Submitted,



Michael Diaz
City Planner

MD/le

Z:\COMMDEV\SG\CASES\2014-24\HABANEROS MEXICAN RESTAURANT\2014-24 RPT

RESOLUTION NO. 14-1819

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2014-24 TO ALLOW THE ON-PREMISES SALE OF BEER AND WINE (TYPE 41 ABC LICENSE) IN CONJUNCTION WITH A BONA FIDE EATING ESTABLISHMENT WITHIN THE "C-3" (GENERAL COMMERCIAL) LAND USE OF THE NORTH MONTCLAIR SPECIFIC PLAN AT 5474 MORENO STREET (APN 1008-042-01).

A. Recitals.

WHEREAS, on October 6, 2014, A-SF, Inc., the property owner, on behalf of Habaneros Mexican Restaurant, filed an application for a Conditional Use Permit (CUP) to allow the on-premises sale of beer and wine in conjunction with a bona fide eating establishment at 5474 Moreno Street; and

WHEREAS, this application applies to a restaurant business within the subject 1,100 square-foot tenant space; and

WHEREAS, Table 3-1 of Chapter III ("Development Criteria") of the North Montclair Specific Plan allows bona fide eating establishments serving alcoholic beverages within the "C-3" (General Commercial) land use district, subject to approval of a CUP; and

WHEREAS, a "bona fide public eating establishment" is generally defined as a licensed restaurant use with suitable kitchen facilities to provide regular service of meals to patrons commonly ordered at various hours of the day; and

WHEREAS, City staff has determined that the existing restaurant use meets the requirements of a bona fide public eating establishment to allow the on-premises sale of beer and wine in conjunction with meals and the applicable development standards of the "C-3" (General Commercial) land use district of the North Montclair Specific Plan in which the subject site and use are proposed to be located and Chapter 11.42 of the Montclair Municipal Code ("Alcoholic Beverages – Regulation of Sale"); and

WHEREAS, staff has determined that the proposed on-sale of beer and wine 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 project involves no expansion or significant change in the interior of the lease space to accommodate the sale of beer and wine in conjunction with the existing restaurant use; 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 December 8, 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, BE IT RESOLVED that the Planning Commission of the City of Montclair does hereby find and determine as follows:

SECTION 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.

SECTION 2. Based upon the substantial evidence presented to the Planning Commission during the above-referenced public hearing on December 8, 2014 including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:

- a. The proposed on-premises sale of beer and wine in conjunction with the full menu and food service provided within a bona fide eating establishment (restaurant) is beneficial to the public convenience and public welfare, in that the inclusion of beer and wine 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. Granting the CUP for the proposed on-sale of beer and wine will not be materially detrimental to the public welfare and to other property in the vicinity, in that the proposed sale of beer and wine will be conducted in an established full service restaurant within a commercial center that has adequate lighting and operational maintenance standards. Lastly, such use is compatible to surrounding commercial uses and with the added conditions of approval is not anticipated to negatively impact any sensitive land uses in the surrounding area.
- c. The proposed on-sale of beer and wine at the subject site conforms to good zoning practice, in that the Municipal Code and North Montclair Specific Plan permit the on-sale of beer and wine in the "C-3" (General Commercial) land use district of the Specific Plan, subject to CUP approval. The CUP allows the City to place reasonable conditions to govern the overall operation of the use, hours of operation, and the sale of beer and wine 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 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.

SECTION 3. The Planning Commission finds the proposed on-sale of beer and wine (Type 41 ABC License) associated with the bona fide eating establishment desirable to the public convenience and necessity in that the inclusion of beer and wine would make the dining experience more enjoyable to the general public of legal drinking age. The availability of alcohol served in conjunction with meals is common among other restaurants in the immediate vicinity and around the City. Lastly, 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.

SECTION 4. 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 concurs with staff's determination that the project is exempt from additional environmental review pursuant to CEQA in connection with the City's consideration of Case No. 2014-24 for the proposed Conditional Use Permit to allow the on-premises sale of beer and wine in conjunction with an established bona fide restaurant use. Further, the Planning Commission directs staff to prepare a Notice of Exemption.

SECTION 5. The location and custodian of the documents and any other material constituting the record of proceedings upon which the Planning Commission based its decision is as follows: City Planner, Planning Division, Community Development Department, City of Montclair, 5111 Benito Street, Montclair, California 91763, or by telephone at (909) 625-9477.

C. Conditions of Approval.

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

Planning

1. This Conditional Use Permit (CUP) approval shall allow the on-premises sale of beer and wine (Type 41) in conjunction with meals in a bona fide eating establishment known as Habaneros Mexican Restaurant, a 1,100 square-foot restaurant, at 5474 Moreno Street. Any substantial changes to the operation, increase in floor area or upgrade of ABC license to full alcohol (distilled spirits) sales shall require prior City review and approval.
2. The approval of this CUP shall supersede all CUP approvals previously issued for the subject lease space.

3. Approval of this CUP shall not waive compliance with any regulations as set forth in the California Building Code, City Ordinances, San Bernardino County Health Department, and/or California State Department of Alcoholic Beverage Control (ABC).
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 aspect of this decision, 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 **\$50.00**, 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 **\$463.92** payable to "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 approval letter in which he/she acknowledges acceptance of the conditions of approval within 15 days from the date of approval by the Planning Commission.
8. The serving of beer and wine beverages shall be allowed only in conjunction with the operation of a bona fide restaurant as defined by Section 23038 of the California Business and Professions Code. The restaurant shall be in operation and shall provide a full service menu to customers during regular business hours. The business shall employ not less than one full-time cook that is engaged in the preparation of meals for patrons during the permissible hours of operation.
9. At no time shall the premises be modified to add or be converted into other uses where minors are excluded, such as a bar, sports bar, entertainment venue, nightclub, 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. Approved business hours for the restaurant shall be 7:00 a.m. to 10:00 p.m., seven days a week. Beer and wine shall only be served in conjunction with bona fide meals from 11:00 a.m. to 10:00 p.m., Monday through Saturday; and 10:00 a.m. to 10:00 p.m. on Sundays. The applicant may open or close the restaurant anytime within the hours stated above. Any requests to extend restaurant hours shall require written notification to the Planning Division and shall be subject to City approval.
11. The approved restaurant use shall be subject to the following operating requirements:
 - a. The dining room shall be limited to a maximum of seven (7) tables and 35 seats as shown on the approved floor plan.
 - b. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant. The sale and serving of alcoholic beverages for consumption outside the restaurant is prohibited.
 - c. No signs (temporary or permanent) or banners, advertising alcoholic beverage "specials" or any similar promotions shall be displayed or allowed on exterior walls, fascia, or in windows (either inside or outside) that are visible to the street.
 - d. No outdoor patio seating or product display areas for food and/or merchandise shall be allowed.
 - e. No exterior sound systems for music or paging shall be allowed.
 - f. No public telephones, vending machines, collection boxes, children's rides or other coin-operated machines shall be located on the exterior of the site or building.
 - g. The restaurant shall have no coin operated amusements, such as pool tables, juke boxes, video games or other similar equipment at any time.
12. Live entertainment is not included as part of this approval and requires separate review and approval from the City.
13. Within 30 days of this approval the applicant shall adjust the existing parking lot light fixtures so that "show box heads" are directed downward at a 90

degree angle to the parking lot surface in conformance to City code requirements.

14. All building exteriors (walls, windows, doors, roofs, paint, etc.), exterior lighting, trash enclosure, signs, drainage facilities, driveways, parking spaces, and landscaping areas shall be maintained in good repair and/or condition at all times.
15. All rooftop equipment, including, but not limited to, ducts, vents, hoods, filters, air conditioners, utility meters, and repair equipment etc., shall be fully screened from view in a manner that is compatible with the architectural design of the building. Wooden lattice or fence-like screens/covers are not appropriate.
16. All graffiti and vandalism and damage to the subject site and structures shall be removed and/or repaired upon its discovery.
17. The following mandatory conditions are hereby imposed as part of the CUP approval for on-sale beer and wine:
 - 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 and wine 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 (ABC) 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 and wine 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. 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.
19. 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, and code enforcement inspectors in the course of conducting inspections of said premises.

20. This CUP for on-sale beer and wine 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.
21. 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 his obligations under this condition. The applicant and/or property owner shall ensure that a copy of the Planning Commission resolution or approval letter, 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.

Building

22. Provide a floor drain to accept any drainage for condensate from the new refrigeration equipment.
23. Obtain plumbing permits for the floor drain and pay required sewer reimbursement fees.

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

APPROVED AND ADOPTED THIS 8TH DAY OF DECEMBER, 2014.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, Chair

ATTEST: _____
Steve Lustro, Secretary

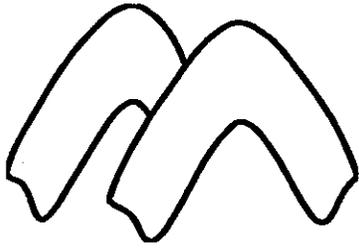
I, Steve Lustro, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 8th day of December, 2014, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SG\2014-24 HABANEROS MEXICAN FOOD\RESO14-1819



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 12/08/14

AGENDA ITEM 6.b

Case No.: 2014-25

Application: Tentative Tract Map No. 18986, a five-lot subdivision of .78 acres of land, and a Precise Plan of Design (PPD) for the site plan and design to construct five new single family homes

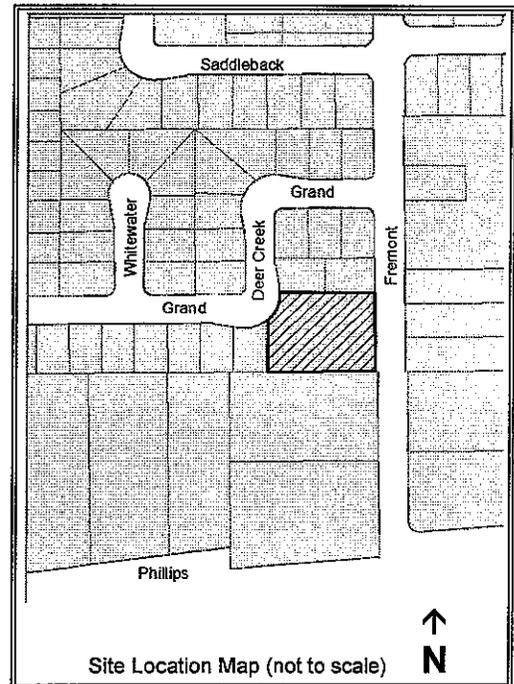
Project Address: 11286 Fremont Avenue

Property Owner: Fremont LLC

General Plan: Low Density Residential
(3-7 Units/Acre)

Zoning: R-1(SL) – Single-Family Residential,
Small Lot Overlay

Assessor Parcel No.: 1011-631-73



ADJACENT LAND USE DESIGNATIONS AND USES

	General Plan	Zoning	Actual Use of Property
Site	Low Density Residential (3-7 Units/Acre)	R-1(SL)	Single-Family Residence and Detached Garage
North	Low Density Residential (3-7 Units/Acre)	R-1(SL)	Single-Family Residential (Small-Lot Overlay)
East	Low Density Residential (3-7 Units/Acre)	R-1	Single Family Residences and Undeveloped Land
South	Very Low Density Residential (0-2 Units/Acre)	R-1(SL)	Single-Family Residence
West	Low Density Residential (3-7 Units/Acre)	R-1(SL)	Single-Family Residential (Small-Lot Overlay)

Report on Item Number 6.b

PUBLIC HEARING - CASE NUMBER 2014-25

APPLICATION TYPE(S)	Tentative Tract Map and Precise Plan of Design
NAME OF APPLICANT	Fremont LLC
LOCATION OF PROPERTY	11286 Fremont Avenue
GENERAL PLAN DESIGNATION	Low Density Residential (3-7 Units/Acre)
ZONING DESIGNATION	R-1(SL) – Single-Family Residential (Small-Lot Overlay)
EXISTING LAND USE	Single-Family Home with Detached Garage
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15332)
PROJECT COORDINATOR	Michael Diaz

Project Proposal

The applicant, Fremont LLC, is requesting approval for a five-lot subdivision of .78 acres of land and a Precise Plan of Design (PPD) to construct five new single-family homes on the new parcels, pursuant to the development standards of the R-1(SL) (Single-Family Residential, Small-Lot Detached Housing Overlay Zone), hereinafter R-1(SL).

The project site is located on the west side of Fremont Avenue approximately 400 feet north of Phillips Boulevard. The existing home, the large accessory structure, and the block wall at the west property line would be removed to facilitate the proposed residential development.

Tentative Tract Map No. 18986

A Tentative Tract Map was submitted to create five separate lots for the purpose of building five new homes on the subdivided site. The Tentative Tract Map would subdivide the property as follows:

Tentative Tract Map No. 18896		
Lot No.	Lot Size*	Proposed Development
1	5,437 s.f.	2-story SFR / 2,105 s.f. / 3 Bedrooms plus attached 2-car garage
2	5,434 s.f.	2-story SFR / 2,105 s.f. / 3 Bedrooms plus attached 2-car garage
3	5,434 s.f.	2-story SFR / 2,105 s.f. / 3 Bedrooms plus attached 2-car garage
4	7,844 s.f.	2-story SFR / 2,343 s.f. / 4 Bedrooms plus attached 3-car garage
5	10,237 s.f.	2-story SFR / 2,476 s.f. / 4 Bedrooms plus attached 3-car garage
* Minimum Required Lot Size – 4,500 square feet		

Each parcel would have direct access to a public street. Lots 1-3 would have access to Fremont Avenue and Lots 4 and 5 would have direct access to Deer Creek Avenue.

On-street parking would be accommodated only along the Fremont Avenue frontage of the site.

Precise Plan of Design

The construction of five new residences is also proposed by the developer. Each new residence would be two stories and "customized" to reflect a popular architectural style as identified in the following table:

Summary of Architectural Styles			
<i>Lot</i>	<i>Style</i>	<i>Stories</i>	<i>Design Features</i>
1	Craftsman	2	Exposed rafters and decorative knee braces, partial width porch w/tapered supports atop squared piers, shingle siding, board-and-batten gable ends, double hung windows, wood frame at windows and doors, carriage-style garage door with windows, and concrete tile roof.
2	Colonial	2	Horizontal wood siding, porch with boxed columns, entry porch with triangular pediment, boxed columns, raised panel shutters, raised panel garage door, and concrete tile roof.
3	Spanish	2	Hipped roof, exposed rafters, stucco walls, multi-paned windows, board-and-batten shutters, decorative foil element, carriage-style garage door with windows, and concrete tile roof.
4	French	2	Hip roof design, stucco walls, curved top window openings at front, multi-paned windows, round decorative window, board-and-batten shutters, carriage-style garage doors with windows, and concrete tile roof.
5	English	2	Combination hip and gable roof design, concrete tile roof, horizontal wood siding, brick veneer accent walls at the front entry area, raised panel shutters, decorative knee braces, boxed eaves, and carriage-style garage doors with windows.

Colored renderings of each proposed home will be presented at the Planning Commission meeting.

Landscaping Concept

The applicant has submitted conceptual landscape plans for the project site. Portions of each property will serve as on-site bio-filtration areas as required by the Water Quality Management Plan for the project. As such, landscaping will need to be coordinated to avoid conflicts with catch basins, underground infiltration basins, and underground drainage pipes. Street trees will be provided for Lots 1-3 along Fremont Avenue if they can be accommodated, but not for Lots 4 and 5 as there is insufficient room at the knuckle of the street to allow for driveways, sidewalks, and stormwater treatment devices.

The plan depicts an appropriate distribution of plant materials across the site and the identified plant species appear to be suitable to the local climate. The proposed tree and shrub palettes feature a variety of plant materials, the majority of which are drought tolerant. On the proposed tree list are Arbutus, Chitalpa, Australian Willow, and Crape Myrtle.

Background

- The subject property is located within R-1(SL) zoning district. The SL designation refers to "Small Lot," which provides a modified set of development standards for small lot subdivisions. The areas directly west, north and south of the subject site have the same land use designation. Lots to the west and north were developed consistent with that designation as part of the Citrus tract in 1997-98. The housing stock within that tract consists of a mix of 1 and 2-story homes.
- The proposed project is located within the Airport Influence Area of Ontario International Airport (ONT) and was evaluated and found to be consistent with the Airport Land Use Compatibility Plan (ALUCP) for ONT. The project has no issues with height and is only located within the Real Estate Transaction Disclosure Area, which has a noticing requirement that has been made a condition of approval.

Planning Division Comments

Overall, staff finds the project to be well designed and consistent with the density and design goals of the General Plan and the R-1(SL) zoning designations for the site. The proposed five-lot subdivision is consistent with General Plan's residential land use designation for the site and the density range of "Low Density Residential (3-7 units/acre)." The proposed layout of the tract is logical and consistent with the general pattern of recent residential developments in the immediate area.

Each newly created lot meets or exceeds the minimum lot size (4,500 s.f.) and dimension standards of the R-1(SL) zone and would have direct access to existing, fully developed streets. Moreover, the proposed development of homes on each lot meets the applicable development standards of the Small Lot Ordinance with respect to setbacks, building height, covered parking, lot coverage, and open space.

Architectural Design

Staff finds the proposed architectural designs for the project to be well done and visually attractive. The new homes would be complementary to the existing (newer) homes in the area in terms of size and design. The mix of modestly sloped gable and hip roof forms for each home is balanced and sufficient to create visual interest and variety. Doors and windows feature divided light and double hung designs appropriate to each style.

Architectural details and use of exterior materials have been sufficiently extended to all sides of the new homes in order to carry through the desired style and minimize large

expanses of blank walls. The use of brick, shingles, and horizontal siding represent appropriate historical references to the selected architectural styles and add some diversity in textures. The proposed colors are also acceptable.

Door and window trim designs/details are appropriate and consistently applied around the homes. With respect to garage doors, staff is pleased to see the proposed use of upgraded quality designs, particularly the "carriage" style garage doors shown for Lots 4 and 5. Since garage doors are the most dominant visual element of the front of each home, it is essential that they be well designed and of quality construction. Staff believes the architect's choice of garage doors is appropriate and works well with the overall design of each home.

Staff requests that a final wall/fence/gate plan be developed for the project to ensure that these elements are consistent, properly located, and durable. Staff recommends the use of decorative masonry walls wherever possible for durability and ease of maintenance.

Landscaping

The conceptual landscaping plan appears to be appropriate as is the overall selection of plant materials. However, further refinement of the landscape plan is necessary to ensure that the final placement of plant materials does not conflict with the site improvements required by the Water Quality Management Plan (WQMP). Of particular importance is the placement of trees and large shrubs on the property in order to avoid conflicts with stormwater treatment devices, such as underground drainage pipes and basins. A condition of approval has been added to have the applicant continue to work with City staff to finalize a landscape plan that respects the approved WQMP for the project and ensures an attractive landscape design.

Public Comment from Adjoining Property Owners

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on November 25, 2014. Public hearing notices were mailed out to all property owners within 300 feet of the boundaries of the subject property. At the time this report was prepared, no comments or inquiries had been received by staff regarding this proposal.

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 15332 of the State CEQA Guidelines, which covers infill projects in significantly developed areas. The proposed five-lot subdivision and subsequent development of five single-family homes is consistent with the applicable policies of the General Plan, the City's zoning requirements, is less than five acres in area, has utilities present in the area to serve the development, and is substantially surrounded by similar single-family

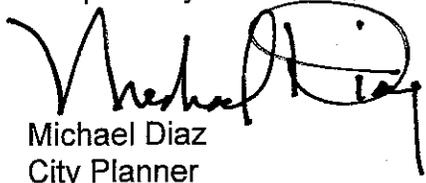
residential uses. As such, there is no substantial evidence the project will pose a potential significant impact to the environment.

Planning Division Recommendation

Staff recommends that the Planning Commission find the proposed five-lot subdivision of .78 acres of land and Precise Plan of Design (PPD) to construct five new single-family homes on the newly created parcels to be consistent with the General Plan and the development standards of R-1(SL) zoning district. Accordingly, staff recommends that the Commission take the following actions:

- A. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). The project qualifies as a Class 32 exemption under State CEQA Guidelines in that the project is consistent with the applicable policies of the General Plan, the City's zoning requirements, is less than five acres in size, has utilities present in the area to serve the development, and is substantially surrounded by similar single-family properties and residential uses. As such, there is no substantial evidence the project will pose a potential significant impact to the environment.
- B. Approve Tentative Tract Map No. 18896, subdividing a .78-acre site at 11286 Fremont Avenue into five (5) lots (ranging in size from 5,437 to 10,237 square feet) to accommodate the development of five new single-family residences, finding that the map is consistent with the Montclair Municipal Code and the State Subdivision Map Act.
- C. Approve a Precise Plan of Design request under Case No. 2014-25 for the site plan, floor plans, elevations, colors, materials, and conceptual landscape plan associated with the proposed five single-family residences and associated on- and off-site improvements per the submitted plans and as described in the staff report, subject to the conditions in Planning Commission Resolution No. 14-1818.

Respectfully Submitted,



Michael Diaz
City Planner

MD/le

Attachments: Draft Resolution of Approval for Case No. 2014-25

c: Kurt Rothweiler, Fremont LLC, 1306 W. Brooks Street, Ontario, CA 91762
Ted Stelzner, TJS Architects, Inc., 1208 N. Euclid Avenue, Ontario, CA 91762

Z:\COMMDEV\MD\CASES\2014-25 NEW FREMONT HOMES\2014-25 PC RPT

RESOLUTION NO. 14-1818

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING TENTATIVE TRACT MAP NO. 18986 AND A PRECISE PLAN OF DESIGN UNDER CASE NUMBER 2014-25 FOR THE SITE PLAN, FLOOR PLANS, ELEVATIONS, COLORS, MATERIALS, AND CONCEPTUAL LANDSCAPE PLAN FOR A PROPOSED 5-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT AT 11286 FREMONT AVENUE IN THE R-1(SL) (SINGLE-FAMILY RESIDENTIAL, SMALL-LOT DETACHED HOUSING OVERLAY) ZONE (APN 1011-631-73).

A. Recitals.

WHEREAS, on October 31, 2014, Fremont LLC, owner of property at 11286 Fremont Avenue, filed an application for a Tentative Tract Map and Precise Plan of Design (PPD) under Case No. 2014-25, to develop five new single-family residences on the subject site; and

WHEREAS, the application applies to a .78-acre site located within the R-1(SL) (Single-Family Residential, Small-Lot Detached Housing Overlay) Zone (hereinafter "R-1(SL)"); and

WHEREAS, the subject site is currently developed with one single-family residence, a large accessory structure and block wall (west property line), all of which will be removed to accommodate the proposed development; and

WHEREAS, the R-1(SL) zone is intended to increase development options within the areas designated as Low-Density Residential (3-7 DU/AC) in the adopted General Plan; and

WHEREAS, Chapter 11.36 of the Montclair Municipal Code provides tailored development and performance standards for the R-1(SL) zone, including minimum lot size and dimensions, setbacks, building height, minimum dwelling size, etc., and

WHEREAS, Tentative Tract Map No. 18986 would subdivide the existing .78-acre site into five separate lots ranging in size from 5,434 to 10,237 square feet to accommodate the development of five new single-family residences; and

WHEREAS, the Precise Plan of Design pertains to the overall site plan, floor plans, elevations, colors, materials, and conceptual landscape plan for each home to be constructed on the five new residential lots; and

WHEREAS, staff has found that the proposed subdivision of the subject property into five lots and the subsequent development of five new single-family homes complies with the development standards of the Small Lot Detached Housing Overlay ordinance as contained in Section 11.36 of the Montclair Municipal Code; and

WHEREAS, the Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines, which covers infill projects in significantly developed areas. The proposed 5-lot subdivision and subsequent development of five single-family homes is consistent with the applicable policies of the General Plan, the City's zoning requirements, is less than five acres in size, has utilities present in the area to serve the development, and is substantially surrounded by similar single-family residential uses. As such, there is no substantial evidence the project will pose a potential significant impact to the environment; and

WHEREAS, public notice of this item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on November 25, 2014. Public hearing notices were mailed out to property owners within a 300-foot radius of the project site boundaries in accordance with State law for consideration of this discretionary zoning entitlement; and

WHEREAS, on December 8, 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, BE IT RESOLVED that the Planning Commission of the City of Montclair does hereby find and determine as follows:

SECTION 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.

SECTION 2. Pursuant to California Government Code Section 66410, *et seq.*, based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows with respect to the recommended approval of the Tentative Map No. 18986:

- A. The proposed subdivision is designed, to the extent feasible, to provide for passive or natural heating or cooling opportunities. Proposed buildings on the site are generally oriented, spaced, and designed to allow for access to adequate light and air. Each residence will have operable windows to allow for passive cooling provided by seasonal winds. In addition, each property is provided with adequately sized private rear and side yards areas suitable for use as open space areas where trees and vegetation can provide shade,

shade, air filtering, and other environmental benefits.

- B. The proposed subdivision and the provisions for its design and improvement are consistent with the General Plan for the City of Montclair ("General Plan") and development standards of the R-1(SL) zoning district and the Small Lot Detached Housing Overlay ordinance:
 - 1. The Tentative Tract Map provides for land uses compatible with the "Low Density Residential (3-7 Units/Acre)" land use classification for the subject site in the General Plan. The overall goal of the General Plan is to promote good planning practices and orderly development within the City.
 - 2. The Tentative Tract Map provides for residential land uses compatible with the R-1(SL) zone for the subject site and consistent with the pattern of recent residential development in the immediate area.
- C. The subject site is physically suitable for the type and density of development proposed in the Tentative Tract given the overall size of the property. The .78-acre site is of a configuration and size with sufficient width and depth to allow for the creation of new lots meeting R-1(SL) requirements as proposed with the project. The project site is also located adjacent to fully improved streets that will provide good access.
- D. The subdivision design and improvements proposed in the Tentative Tract Map are not likely to neither cause substantial environmental damage nor substantially injure fish or wildlife or their habitat. The site is fenced/walled and surrounded by existing residential development, streets, does not contain any bodies of water, and is not linked to any wildlife corridors. The majority of the site is devoid of vegetation and does not contain any evidence of known habitats of significance including rare or endangered species of plant, animal, or insect life.
- E. The subdivision design and type of improvements proposed in the Tentative Tract Map are not likely to cause serious public health problems because all development and public improvements will be constructed per the requirements of all applicable standards and codes, including the zoning and building codes.
- F. The subdivision design and type of improvements proposed in the Tentative Tract Map will not conflict with easements acquired by the public at large for access through or use of the subject site because no such easements exist on the subject site.
- G. The discharge of waste into the existing sanitary sewer system from the development proposed in the Tentative Tract Map will not cause a violation of existing requirements prescribed by the Regional Water Quality Control

Board. Each new home will be required to connect to a sanitary sewage system pursuant to California Plumbing Code and Municipal Code requirements. Sewer mains exist in the Fremont Avenue and Grand Avenue rights-of-way, which are immediately adjacent to the site to facilitate ease of connection.

SECTION 3. Based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows with respect to the recommendation of approval of a Precise Plan of Design under Case No. 2014-25:

- A. The property is of a size and shape to support the proposed project. The .78-acre sized property is of sufficient size and shape to accommodate the proposed development as designed per the Small Lot Detached Housing Overlay ordinance. Moreover, each of the new lots created by the proposed subdivision will be appropriately connected to existing developed roadways to allow for ease of access and vehicular circulation.
- B. The proposed project will not have an adverse impact on or substantially depreciate property values in the vicinity, unreasonably interfere with use and enjoyment of property in the vicinity, or endanger the public peace, health, safety, or general welfare. The residential development proposed for the site is consistent with the allowable uses of the residential zoning designation for the site.
- C. The project is well designed and promotes orderly development. Overall, the project is well designed and consistent with the design standards of the R-1(SL) zoning district. The architectural styles proposed for the homes are appropriate and the details and materials are of high quality. Proposed landscaping is complementary to the architecture, well distributed around the site, and designed to conserve water. Finally, the proposed site plan is generally consistent with the development pattern of the area, does not overcrowd the site, and, when completed, will contribute to the positive improvement of the area in accordance with goals and objectives of the General Plan.

SECTION 4. Pursuant to Section 66412.3 of the Government Code, based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission finds the subdivision and improvements proposed help the City of Montclair to meet its regional housing needs by increasing the supply of homes within the City.

SECTION 5. Based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission finds the nature and extent of the dedications, reservations, impact fees, and other exactions are reasonably related to public needs and roughly proportional to

the impacts created by the subdivision and improvements proposed in the Tentative Tract Map.

SECTION 6. 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 concurs with staff's determination that project is exempt from additional environmental review pursuant to CEQA in connection with the City's consideration of Case No. 2014-25 for the proposed Tentative Tract Map for a 5-lot subdivision and the subsequent development of five single-family homes. Further, the Planning Commission directs staff to prepare a Notice of Exemption.

SECTION 7. The location and custodian of the documents and any other material that constitute the record of proceedings upon which the Planning Commission based its decision is as follows: City Planner, Planning Division, Community Development Department, City of Montclair, 5111 Benito Street, Montclair, California 91763, or by telephone at (909) 625-9477.

C. Conditions of Approval.

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

Planning

1. This approval is for the following:
 - a. Tentative Tract Map No. 18986, subdividing an existing .78-acre site into five (5) lots ranging in size from 5,434 to 10,237 square feet for single-family development, and associated on- and off-site public improvements; and
 - b. A Precise Plan of Design (PPD) for the site plan, floor plans, elevations, colors and materials, and conceptual landscape plan associated with the construction of five new single-family homes as described in the staff report and depicted on approved plans on file with the Planning Division.

These entitlements are granted based upon the submitted Tentative Tract Map dated July 22, 2014, and the architectural plans dated October 10, 2014. The maps, plans, and elevations are approved as submitted and modified or conditioned herein and shall not be further modified, amended, or altered. Approval of the entitlements shall not relieve the subdivider and/or applicant from complying with all federal and state laws, as well as all requirements of the Montclair Municipal Code.

2. In the event that exhibits and written conditions are inconsistent, the written conditions shall prevail.

3. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
 - a. A check in the amount of **\$50.00**, payable to "Clerk of the Board of Supervisors," to cover the California Department of Fish and Wildlife (CDFW) fee for filing a Notice of Exemption (NOE) as required by the California Environmental Quality Act (CEQA).
 - b. A check in the amount of **\$463.92**, 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.
4. 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.
5. The applicant shall defend, indemnify, and hold harmless the City of Montclair, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul any approval of the City, whether by its City Council, Planning Commission, or other authorized board or officer of this subdivision. Pursuant to California Government Code Section 66474.9, the subdivider and applicant also agrees to defend, indemnify, and hold harmless, the City of Montclair, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul any map approval of the City, whether by its City Council, Planning Commission, or other authorized board or officer of this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. The City shall promptly notify the subdivider and applicant of any such claim, action, or proceeding; and the City shall cooperate fully in the defense.
6. Notice to Applicant/Subdivider: The conditions of approval for this project include certain fees, dedication requirements, reservation requirements, and/or other exactions more specifically described in the conditions of approval herein. The subdivider/applicant is hereby notified that the 90-day protest period to challenge such items has begun as of the date of the project approval. For purposes of this notice, "project approval" shall mean the date that the Planning Commission approves the Tentative Tract Map and Precise Plan of Design for the project. All impact fees shall be due and payable at the time stated in the adopted ordinance, resolution or policy adopting and imposing such fees. If the applicant fails to file a protest regarding any of the fees, dedications, reservations, inclusionary housing requirements or other exaction requirements as specified in Government Code §66020, the subdivider/applicant shall be legally barred from later challenges.

7. The applicant and/or property owner shall ensure that a copy of this Resolution is reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the Project.
8. The tentative map shall expire three years from the date of City Council approval unless extended under Government Code Section 66452.6. The final map shall be filed with the City Engineer and shall comply with the Subdivision Map Act of the State of California and all applicable Ordinances, requirements, and Resolutions of the City of Montclair.
9. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval, unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
10. No changes to the approved set of plans for the new homes, 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.
11. Each property owner, successor, and assign shall have the affirmative obligation to prevent what might be considered a fire hazard or a condition dangerous to the public health, safety and general welfare; or constitute an unsightly appearance or otherwise detract from the aesthetic and property values of neighboring properties pursuant to the Performance Standards of R-1(SL) zone as contained in Chapter 11.36.070 of the Montclair Municipal Code.
12. Prior to issuance of a Certificate of Occupancy for the first home, the applicant shall complete the following items:
 - a. Submit a wall/fence plan to the Planning Division for review and approval. The wall/fence plan shall address all details for all perimeter walls and fences and internal walls, fences, and gates. Double wall or fence/wall conditions shall not be permitted. The applicant shall be responsible for coordinating with the adjacent property owners the placement or replacement of property line walls, if required. Wall, fence, and gate heights, materials, and finishes shall be to the satisfaction of the City Planner.
 - b. Prepare a final landscape and irrigation plan for City review and approval. The landscape plan shall be developed in coordination with the approved

WQMP prepared for the project and result in an attractive design for each home. The landscape plan shall include at least one (1) street tree for Lots 1-3 along the Fremont Avenue frontage if said trees can be satisfactorily coordinated with required stormwater devices on each property. Street trees shall be minimum 24-inch box size and double-staked per City standards.

13. Prior to issuance of a Certificate of Occupancy, the applicant shall install approved landscaping materials for the front yard areas of each lot, subject to the satisfaction of the City Planner. The following standards shall apply:
 - a. All shrubs shall be minimum five-gallon container size.
 - b. All trees shall be minimum 24-inch box size and double-staked.
 - c. A minimum of three inches (3") of bark mulch (shredded or chips) shall be provided in all planted areas.
 - d. All front yard landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.

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

15. All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency.
16. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner that is in keeping with the architectural design of the new homes to the satisfaction of the City Planner.
17. All mechanical equipment including, but not limited to, utility meters, air conditioners, vents, etc., shall be located within the building or screened in a manner that is compatible with the architectural design of the building to the satisfaction of the City Planner.
18. Surface-mounted exposed conduit or electrical lines shall not be allowed. Electrical switchgear, meters, etc., shall be screened or housed in an enclosure to the extent allowed by the utilities.
19. 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.
20. 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.
21. To ensure compliance with the conditions of approval, a final inspection is required from the Building and Planning Divisions upon completion of construction and all improvements. The applicant shall contact the City to schedule an appointment for such inspections.

Airport Influence Area Real Estate Transaction Disclosure

22. The proposed project is located within the Airport Influence Area of Los Angeles/Ontario International Airport (ONT) and was evaluated and found to be consistent with the Airport Land Use Compatibility Plan (ALUCP) for ONT. The applicant is required to meet the Real Estate Transaction Disclosure in accordance with California Codes (Business and Professions Code Section 11010-11024). New residential subdivisions within an Airport Influence Area are required to file an application for a Public Report consisting of a Notice of Intention (NOI) and a completed questionnaire with the Department of Real Estate and include the following language within the NOI:

NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the

property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

Building

23. Before demolition of existing structures, obtain an asbestos certification from a licensed Environmental Contractor certifying that all structures have been tested for asbestos and all asbestos has been appropriately removed and disposed.
24. 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. A plan of the existing buildings and improvements to be demolished; and
 - g. Waste recycling plan, recycling 50% of all construction debris.
25. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
26. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
27. 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.
28. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
29. Separate permits are required for fencing and/or walls.

30. All utility services to the project shall be installed underground.
31. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number. All departments of the City shall have plans approved before issuance of Building Permits.
32. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
33. Prior to issuance of building permits, the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to, permit and plan check; schools; park development; transportation development impact; and sewer impact 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 building permit issuance.
34. 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.
35. The address of each new residence shall be displayed in minimum four-inch (4") tall numerals on a contrasting background and backlit with a low-voltage illumination source. Said identification shall be installed in a consistent location on each residence.
36. A final inspection is required prior to the occupancy of each residence. Final inspection shall be contingent upon the Fire Department inspection and the final approvals from other departments and/or agencies.
37. Prior to the installation of any construction trailer on the site, the applicant shall obtain all permits from the Planning and Building Divisions. Plans and structural calculations shall be required for the tie-down devices. Trailers intended for public use are required to be disabled-accessible. The trailer will require access to the facility by way of ramps that comply with the California Building Code (CBC) 2013 edition, Chapter 11B. In addition, access to each feature of the trailer shall be required.

Water Quality Management Plan

38. The property/homeowner shall be responsible 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/homeowner 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/homeowner to correct the deficiency and restore the stormwater treatment device(s) to its original working condition.

39. 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.
40. Prior to issuance of a grading permit, a State Construction General permit shall be obtained and proof provided (WDID number) to the Building Division, if applicable.
41. 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.
42. Prior to a final inspection, 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.
43. Prior to issuance of a Certificate of Occupancy for each residence, 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.
44. 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.

45. The applicant shall ensure each property/homeowner completes the WQMP Maintenance Agreement for each lot prior to occupancy.

Engineering

46. Developer shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code.
47. Prior to approval of the final map, a subdivision agreement will be required. The agreement shall contain provisions for performance and payment bonds for all work within the public rights of way, and a monumentation bond for tract monuments in accordance with the Subdivision Map Act.
48. A parkland development fee shall be paid to the City. This fee is payable prior to issuance of a Certificate of Occupancy for each residence.
49. Transportation-related development impact fees shall be paid to the City. Fees shall be assessed at the rate in effect at the time the fees are paid.
50. Construct street/drive approaches/sidewalks in accordance City standards and Americans with Disabilities Act requirements. It does not appear that dedication of additional street right-of-way will be required, but a decision on this will be put in abeyance until development plans are submitted. Sidewalk and drive approach construction notes may be shown on the grading plan.
51. Streetlights shall be installed on Fremont Avenue meeting the minimum lighting level to the satisfaction of the City Engineer. Streetlights will be owned and maintained by Southern California Edison.
52. 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.
53. 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.
54. Payment of all outstanding sewer reimbursement fees or assessments as imposed by a district or reimbursement agreement, if any, shall be required.
55. Payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency shall be required.

56. Sewer laterals shall be installed to provide sewer service to the proposed lots. Maintenance of the laterals shall be the responsibility of the respective property owners. All sewer design shall be subject to the approval of the City Engineer.
57. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
58. 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 Joseph Rosales, NPDES Coordinator, at (909) 625-9470. Requirements of the WQMP may require significant modifications to the approved tentative map. If significant modifications are required, a resubmittal to the Planning Commission and City Council may be required.
59. 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.
60. 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.
61. All drainage facilities shall comply with requirements of the approved WQMP.
62. All on- and off-site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
63. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at 8-1-1.

Fire

64. 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.
65. The proposed residential structure(s) shall require an approved automatic fire sprinkler system. The system shall conform to all local and national standards.