



MONTCLAIR

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

REGULAR ADJOURNED MEETING
Monday, February 9, 2015
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 December 8, 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 2014-29**
Project Address: 10152 Central Avenue
Project Applicant: Koopman Brothers for 3-Way Thrift Store
Project Planner: Silvia Gutiérrez, Associate Planner
Request: Conditional Use Permit Amendment to relocate an existing thrift store within the same multiple tenant building
CEQA Assessment: Categorically Exempt (Section 15301)
- b. **PUBLIC HEARING - CASE NUMBER 2014-31**
Project Address: 9303-9407 Central Avenue
Project Applicant: Valley Chinatown, LLC and Central Square Propertis LLC/Bral el Faro LLC
Project Planner: Michael Diaz, City Planner
Request: Conditional Use Permit to allow drive-thru lanes, Variance for required front and rear setbacks, Variance for reduced landscaping, and a Precise Plan of Design for an 18,892 square-foot multi-tenant commercial 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

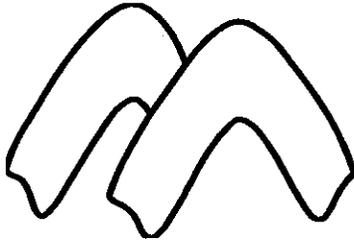
Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of February 23, 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 February 5, 2015.



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 02/09/15

AGENDA ITEM 6.a

Case No. 2014-29

Application: Request for a Conditional Use Permit (CUP) Amendment to relocate an existing retail thrift store to a 13,000 square-foot tenant space within the same building

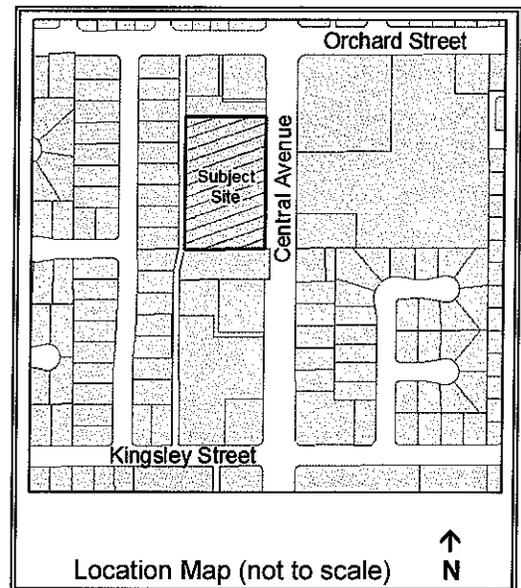
Project Address: 10152 Central Avenue

Property Owner: Koopman Brothers

General Plan: General Commercial

Zoning: C-2 (Restricted Commercial)

Assessor Parcel No.: 1010-363-16



EXISTING SITE FEATURES/CONDITIONS

Structures: 41,400 square-foot multi-tenant commercial building

Parking: 109 paved parking spaces, including 4 disabled-accessible stalls

City or other public utility easements: Typical easements

ADJACENT LAND USE DESIGNATIONS AND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	General Commercial	C-2 (Restricted Commercial)	Multi-tenant commercial building
North	General Commercial	C-2 (Restricted Commercial)	Convenience store
South	General Commercial	AP (Administrative Professional)	Medical office
East	Public / Quasi-Public	R-1 (Single-Family Residential)	Our Lady of Lourdes Catholic Church / parking lot
West	Low Density Residential (3-7 du/acre)	R-1 (Single-Family Residential)	Single Family Residences

Report on Item Number 6.a

PUBLIC HEARING – CASE NUMBER 2014-29

APPLICATION TYPE	Conditional Use Permit Amendment
NAME OF APPLICANT	Koopman Brothers for 3-Way Thrift Store
LOCATION OF PROPERTY	10152 Central Avenue
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	C-2 (Restricted Commercial)
EXISTING LAND USE	Multi-tenant commercial building
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Silvia Gutiérrez

Applicant's Proposal

The applicant is requesting approval of a Conditional Use Permit (CUP) Amendment that would allow the relocation and expansion of an existing thrift store from its current location to a new lease space within the same building. 3-Way Thrift store currently occupies a 9,750 square-foot lease space at 10176 Central Avenue and seeks to move and occupy a larger lease space in the same building at 10152 Central Avenue. The existing multiple-tenant commercial building has four tenant spaces, two of which are currently occupied.

The new lease space is approximately 13,000 square feet in size in the northern half of the existing building. The majority of the new lease space would be set up for display and retail sales activities, with the balance of the building reserved for an office, restroom and storage area.

The items to be sold would primarily be clothing, accessories, shoes, kitchen items, books, appliances, and small furniture items. The proposed hours of operation are 9:00 a.m. to 9:00 p.m., Monday through Saturday, and closed on Sundays. No donations or drop-offs would be accepted at the Montclair location.

A site plan and floor plan of the lease space is provided in the Commission packets for reference.

Background

- 3-Way Thrift Store operates as a non-profit organization donating all profits to three organizations: Ontario Christian Schools, Inland Christian Home, and Salem Christian Home. 3-Way Thrift's primary location at 13390 Central Avenue in Chino has been in operation for the past 19 years. The Chino store will continue to operate and receive all donations and transport all merchandise to the Montclair store ready for the sales floor.

- Based on City records, the subject building was constructed in 1978 and was originally home to Koopman Furniture. Since then the building was subdivided into the four existing lease spaces.
- The site has 109 parking spaces that are adequately distributed around the site to support the existing uses.
- The overall appearance of the center is dated, but is in generally sound condition. Parking lot lighting and landscaping exists but is not consistent with present day standards.
- The City of Montclair currently has four (4) thrift stores.

Planning Division Comments

Staff supports the requested proposal in that the requested move is minor in nature and does not affect the development or use of the property significantly. Over one-third of the building would be occupied by the thrift store while the remainder of the building is currently occupied by a grocery market, and two vacant tenant spaces. The northernmost lease space was previously occupied by Family Dollar, a national discount store chain that recently closed due to restructuring of the parent company.

3-Way Thrift has operated on the subject property in a clean and orderly fashion for about nine years without any known complaints. As in its current location, the store's inventory would be limited to the sale of new and lightly used clothing/shoes/accessory items, housewares, pots, pans, lamps, appliances and furniture and would not be a collection/donation site. According to the applicant, all items sold at the store would be collected and sorted at their Chino facility before bringing items to the Montclair store.

Since the store would not receive and process used merchandise on the premises, there is less potential for problems such as unauthorized outside storage and dumped/discarded materials that are usually associated with thrift stores. While dumping is still a possibility, conditions of approval have been proposed to specifically address this concern to ensure that the business is operated more like a traditional retail store and the site is properly maintained.

The commercial center is modest looking in appearance and landscaping at the center is fairly well-maintained. Further, the applicant has indicated that they will monitor the rear area of the building and clean up any illegally discarded items on a regular basis. If operated properly per the conditions of approval, staff believes the relocation of the thrift store use will not be detrimental to the surrounding area.

There are 109 off-street parking stalls on the subject parcel, mostly located in the front of the building. The only concern identified by staff is the deteriorated condition of the

parking stall striping. Staff has included a condition of approval requiring all parking lot areas adjacent to the lease space to be restriped.

Signage on the property has been brought up to current standards after installation of a monument sign in 2012. The applicant's existing sign is made up of channel letters and would be relocated to the new location if the amendment is approved. The business would also utilize the existing monument sign to add its name. All signs would be subject to City review and approval of required permits at a later date.

With conditions, staff supports the proposed use and does not foresee any significant problems with the proposed relocation.

Public Notice and Public Comment

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on January 30, 2015. Public hearing notices were mailed out to property owners within a 300-foot radius of the subject property in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, only one comment was received by staff regarding this proposal. The person inquiring supports the proposal as long as the thrift store activities are contained entirely within the building, did not accept drop-offs of merchandise, and that store employees monitor the rear loading dock area to keep the area clean, free of merchandise, and vagrancy/loitering.

Conditional Use Permit Findings

Staff finds that the request to relocate an existing thrift store to a larger tenant space on the same property is consistent with the Montclair Municipal Code and General Plan, and believes the necessary findings for granting a CUP Amendment can be made as follows:

- A. That said use is essential or desirable to the public convenience and public welfare, in that the use will provide an alternative means for the public to purchase off-price merchandise in a safe and clean environment. The proposed relocation of the existing thrift store use to a new lease space in the same building does not adversely affect the use of the property.

- B. That granting the proposed CUP amendment to relocate the existing thrift store will not be materially detrimental to the public welfare and to other property and that the property. The existing thrift store has operated in a clean and orderly way at the subject property and no significant changes to the operation are proposed that would affect its ability to continue to operate in an appropriate fashion. Conditions of approval are designed to ensure that the business is not operated in such a way as to cause undesired secondary effects that would degrade the condition of the property.

- C. That such use in such location conforms to good zoning practice. The store is moving to a larger tenant space within the same building and will not result in an increase in the number of thrift stores within the C-2 zone. Moreover, the retail nature of the business is similar to, and consistent with, other retail businesses along Central Avenue.
- D. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the General Plan recognizes the need for a variety of businesses offering goods and services to local residents.

Environmental Assessment

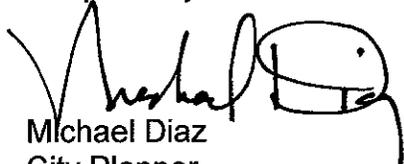
The project qualifies as a Class 1 exemption under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, which exempts projects involving little to no expansion of existing structures or uses. The project does not involve an expansion of the existing structure or a fundamental change in the type of uses permitted by the underlying zoning code.

Planning Division Recommendation

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

- 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 Case No. 2014-29, subject to making the required findings and subject to the conditions in attached Resolution Number 15-1820.

Respectfully Submitted,



Michael Diaz
City Planner

Attachments: Draft Resolution of Approval for Case No. 2014-29

RESOLUTION NO. 15-1820

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT AMENDMENT UNDER CASE NO. 2014-29 TO ALLOW THE RELOCATION AND EXPANSION OF AN EXISTING THRIFT STORE IN THE C-2 (RESTRICTED COMMERCIAL) ZONING DISTRICT TO A LARGER TENANT SPACE WITHIN THE SAME MULTI-TENANT BUILDING LOCATED AT 10152 CENTRAL AVENUE (APN 1010-363-16).

A. Recitals.

WHEREAS, Koopman Brothers Partnership, Inc. filed an application for a Conditional Use Permit (CUP) amendment to allow the relocation and expansion of an existing thrift store operation on December 10, 2014, hereinafter referred to as "the application"; and

WHEREAS, the application applies to the lease space that encompasses approximately 13,000 square feet at 10152 Central Avenue, which is part of a 41,400 square-foot multiple tenant building; and

WHEREAS, staff has determined that the application meets the intent and requirements of the Montclair Municipal Code for the proposed relocation of the thrift store to a larger lease space located on the same parcel and therefore qualifies for a Conditional Use Permit Amendment and meets the applicable development standards of the zoning district; 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 February 9, 2015, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a public hearing at which time all persons wishing to testify in connection with said application were heard, and said application was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on February 9, 2015, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:
 - A. That said use is essential or desirable to the public convenience and public welfare, in that the use will provide an alternative means for the public to purchase off-price merchandise in a safe and clean environment. The proposed relocation of the existing thrift store use to a new lease space in the same building does not adversely affect the use of the property.
 - B. That granting the proposed CUP amendment to relocate the existing thrift store will not be materially detrimental to the public welfare or to other properties in the area. The existing thrift store has operated in a clean and orderly way on the subject property for nine years and no significant changes to the operation are proposed that would affect its ability to continue to operate in an appropriate fashion. Conditions of approval are designed to ensure that the business is not operated in such a way so as to cause undesired secondary effects that would degrade the condition of the property.
 - C. That such use in such location conforms to good zoning practice. The store is moving to a larger tenant space within the same building and will not result in an increase in the number of thrift stores within the C-2 zone. Moreover, the retail nature of the business is similar to, and consistent with, other retail businesses along Central Avenue.
 - D. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the General Plan recognizes the need for a variety of businesses offering goods and services to local residents
3. Planning Division staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's 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 project does not involve an expansion of the existing structure or a fundamental change in the type of uses permitted by the zoning code. In addition, there is no substantial evidence that the project may have a significant effect on the environment.

4. Based upon the findings and conclusions set forth in paragraphs 1, 2 and 3 above, this Commission hereby approves the application subject to each and every condition set forth below.

Planning

1. This approval is for a Conditional Use Permit (CUP) Amendment to allow the 3-Way Thrift Store to relocate from 10174 Central Avenue to a larger, 13,000 square-foot lease space within the same multiple-tenant commercial building at 10152 Central Avenue, per the submitted plans. Any substantial changes to the operation, increase in floor area of the demised space, and/or physical location, shall require prior City review and approval.
2. CUP Amendment approval shall be valid for a period of six (6) months from the date of Planning Commission approval unless substantial progress has been made in property improvement or that the store is in operation with City issuance of a Certificate of Occupancy. 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. Suspension of the approved use for a period of six months or more voids this CUP for the specified use.
3. 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 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 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.
4. Prior to the commencement of business activities associated with this approval, the business owner shall obtain a valid business license for the new location. For more information regarding the issuance of a business license, contact the City of Montclair Business License Technician at 909/625-9423.
5. The activities of the operation shall be limited to the permitted use of a thrift store selling new or used clothing, used furniture, appliances, and housewares.

6. The site shall not be used as a collection facility for donated goods of any kind. The use of drop boxes/receptacles of any type shall not be allowed at this location.
7. Approved hours of operation for the thrift store are 9:00 a.m. to 9:00 p.m., seven days per week. The business owner has the option of opening or closing anytime within these hours. Any extension of the hours of operation requires prior City approval.
8. No exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be allowed.
9. The business owner and/or staff shall maintain the area surrounding the business in a clean and orderly manner at all times. Litter and trash receptacles shall be placed at convenient locations inside and outside the establishment, and operators of the business shall remove trash and debris from its premises on a daily basis.
10. Exterior lighting of the parking areas shall be modified as necessary to provide a minimum intensity of at least one foot-candle of light throughout the parking area at all times in compliance with the Montclair Security Ordinance.
11. A minimum of 109 parking spaces, including four (4) disabled-accessible parking spaces, shall be maintained on the subject property at all times.
12. No outdoor display areas for merchandise are authorized as part of this approval.
13. All exterior building-mounted lighting shall be shielded so as to not create any nuisance glare to the adjacent parking areas, private roadways, public rights-of-way, or neighboring properties. The use of wall packs, barnlighters, or other similar unshielded luminaires on the property shall be prohibited.
14. Prior to issuance of a business license and Certificate of Occupancy for the subject tenant space, the applicant shall:
 - a. Submit two complete sets of interior floor plans for the project, including all new partition walls, racks and shelves for storage and display areas.
 - b. Submit a landscape plan for review and approval by the Planning Division that includes replacement of all missing ground cover and shrubs, including information on common names, quantities, and container sizes, and the addition of mulch to the landscape planters directly in front of lease space.
15. Within 90 days of the date of Planning Commission action on this CUP request, the applicant shall:

- a. Comply with all disabled-accessible parking requirements as determined by the Building Official.
 - b. Re-stripe the parking spaces directly in front of the lease space frontage to City standards, including the incorporation of "hairpin-style" striping.
16. To ensure compliance with the conditions of the 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.
17. Changes to the exterior of the building (including paint) or site shall not be made without prior approval from the Planning Division.
18. No exterior signs are approved pursuant to this CUP Amendment approval. Prior to the installation of any business identification signs on the building or site, a sign plan shall be submitted to the Planning Division for review and approval pursuant to the applicable portions of the Montclair Sign Code and/or approved sign program for the center in which the subject lease space is located.
19. A clear unobstructed line-of-sight into the store shall be provided and maintained at all times, defined generally as the area extending between three feet above the ground to at least six feet above the ground. In addition to the requirements for window signs, the floor plan layout for the thrift store shall not allow the display of hanging, freestanding or stacked items, or the placement of storage racks/cabinets placed against windows that would block clear visibility into the premises from exterior windows by emergency personnel, as defined above and approved by the City Planner.
20. Window signs or displays shall comply with the following requirements:
 - a. Temporary or permanent window signs, posters, banners, or other applied graphics shall not cover more than 25 percent of each window and shall not be placed in windows in a manner that will obstruct the view into the building by emergency personnel.
 - b. Window sign placement shall not obstruct the view of the sales transaction area from inside and outside the building.
 - c. Any window tinting shall allow for physical identification of all persons in the sales transaction area from outside the building.
21. The use of temporary promotional banners shall comply with Chapter 11.72 of the Montclair Municipal Code. A permit shall be obtained prior to the display of any temporary promotional banner.

22. No video or arcade games, pinball machines, pool tables, jukeboxes, or similar devices shall be allowed within the subject lease space, with the exception of official State lottery machines.
23. No public telephones, vending or other coin-operated machines, children's rides, collection boxes, etc., shall be located on the exterior of the subject lease space or the remainder of the site.
24. No customers shall be permitted to loiter or congregate outside of the facility. The operator shall post "No Loitering" signs within the parking areas pursuant to the Montclair Municipal Code.
25. If the applicant intends to utilize shopping carts in conjunction with its operation of the thrift store, the applicant shall fully comply with Chapter 11.67 of the Montclair Municipal Code regarding shopping cart containment and management.
26. Shopping carts shall not be stored or stacked on the exterior of the building during regular business hours. Further, shopping carts shall be stored within the demised tenant space during non-business hours.
27. 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.
28. 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.
29. A copy of the CUP approval letter with all conditions of approval relating to this application shall be conspicuously posted alongside the establishment's Business License and Certificate of Occupancy, and shall be made available for viewing to any law enforcement officer, fire, building, or code enforcement inspector in the course of conducting an inspection of said premises.
30. Any violations of the conditions of approval may result in the revocation or modification of this permit, including the imposition of fines in the event that the use is determined to be a nuisance to surrounding properties, businesses or the community at large.
31. The applicant shall agree to defend, at his 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 his obligations under this condition.

32. This permit may be modified or revoked for failure to abide by these conditions or in the event that the use is determined to be a nuisance to surrounding properties, businesses or the community at large.

Building

33. Submit four complete sets of plans including the following:
 - a. Site/Plot Plan;
 - b. Floor Plan;
 - c. Reflected Ceiling Plan, if a new ceiling is installed;
 - d. Electrical Plans, including the size of the main switch gear, 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 if plumbing is added, gas piping, and heating and air conditioning;
 - f. An existing plan of the building, including all walls to be demolished;
 - g. Waste Recycling Plan, demonstrating the recycling of a minimum of 50% of all construction debris.
30. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
31. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
32. 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.
33. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
34. Plans shall be submitted for plan check and approved prior to construction.

35. Construction activity shall only be permitted between the hours of 7:00 a.m. and 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 east building elevation at the south end of the building façade, 12 inches below the top of the parapet. Address numerals shall be in Helvetica font, a minimum of ten inches in height, a minimum of 1½ inches in depth, and be in a color that adequately contrasts with the background to which they are attached.
 - b. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn every day.
 - 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 a Certificate of Occupancy shall be contingent upon Fire Department inspection and final approvals from other departments and/or agencies.

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

APPROVED AND ADOPTED THIS 9TH DAY OF FEBRUARY, 2015.

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 9th day of February, 2015, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Report on Item Number 6.b

PUBLIC HEARING – CASE NUMBER 2014-31

APPLICATION TYPE(S)	Precise Plan of Design, Conditional Use Permit, and Variances (setbacks/landscaping)
NAME OF APPLICANTS	Valley Chinatown LLC and Central Square Properties LLC/ Bral El Faro LLC
LOCATION OF PROPERTY	9303-9407 Central Avenue
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	C-2 (Restricted Commercial)
EXISTING LAND USE	Vacant Property
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15332)
PROJECT PLANNER	Michael Diaz

Project Description

The applicants are requesting approval to construct an 18,892 square-foot, multi-tenant commercial development at the southeast quadrant of Central Avenue and Interstate 10 (between the south side of the eastbound I-10 on-ramp and the public alley north of 9419 Central Avenue). The project site currently consists of seven contiguous vacant lots that would be combined into one parcel of approximately two acres in area. The project site is designed to connect internally with the medical building north of the subject site that was developed in 2008.

The following entitlements are required for the proposed project:

- A Precise Plan of Design (PPD) for the overall project including site plan, building elevations, exterior colors and materials, landscaping, exterior lighting, and other site improvements;
- A Conditional Use Permit (CUP) to allow drive-thru lanes for Buildings "A" and "C" and outdoor dining areas at all three buildings;
- A Variance to allow reduced front and rear setback requirements of the C-2 (Restricted Commercial) zone to accommodate the development of the buildings on the shallow depth site.
- A Variance for reduced depth of the required front perimeter landscape planter.

Site Plan

The project would consist of three (3) new buildings totaling 18,892 gross square feet of leasable retail space. Each building is further described below:

Montclair Shoppes		
<i>Building</i>	<i>Use/Description</i>	<i>Size</i>
Building A	Fast Food Restaurant with drive-thru lane (stacking for 6 vehicles) (Original Tommy's Hamburgers)	2,492 s.f.
Building B	In-line shops for up to eight (8) retail tenants	12,000 s.f.
Building C	Freestanding building with drive-thru lane (stacking for +/- 9 vehicles) (Starbucks Coffee and up to two additional retail tenants)	4,400 s.f.
Total Enclosed Area		18,892 s.f.

Buildings "A" and "B" would be located along the east side of the property with parking along the Central Avenue frontage. Building "B" is proposed to be sited five feet (5'-0") from the easterly property line along the alley west of Rose Avenue. Building "C" is located adjacent to Central Avenue with parking to the rear (east). The drive-thru lane for Building "A" wraps around the rear of the building while the drive-thru lane for Building "C" is on the street side of the building. The proposed project is planned to provide a total of 90 parking spaces, including six disabled-accessible spaces.

Access to the property would be via three driveways; two from Central Avenue and one from the east-west alley adjacent to the site on the south. The southerly Central Avenue driveway is proposed to align with the existing traffic signal at the main Costco entrance and would allow full, signalized traffic movements into and out of the site. The northerly driveway would be limited to right-in, right-out turning movements. No vehicular or pedestrian access would be permitted to the west alley of Rose Avenue, immediately to the rear of the project site.

An eight-foot high masonry wall is to be constructed along the easterly property line bordering the alley to ensure adequate privacy and noise attenuation for residents living immediately to the east. Four (4) masonry trash enclosures are proposed, at least one for each building. Employee access to the enclosures would be from the interior of the project site, but rubbish pickup from each enclosure would be performed from the alley side.

Building Elevations

The design of the buildings for the project is a contemporary urban design with slight touches of more rural elements in the form of stone veneer and wood trellises. Each building would be primarily stucco-over-wood frame construction and includes cornices, integrated pilasters, flat and arched parapets, ledge stone accents, fabric canopies over lease space entrances, and typical storefront glazing. The various color blocks and stucco reveals help to reduce the scale of the building and make it easier to identify individual tenant spaces. Proposed colors for the project are neutral earth tones to help the buildings fit in with the surrounding area.

Building "A" is for Original Tommy's Hamburgers and is slightly differentiated from the other buildings by the incorporation of a tower element at the main entry to the building (west elevation), along with slightly arched parapets on the south and east elevations, and the use of red fabric awnings over windows at the main dining room. The pick-up window would be covered. The major identification sign for the business would be over the main entry at the tower.

Building "B" is the largest building and is distinguished by the use of two tower elements on each end and a taller flat parapet section in the middle. The towers are enhanced with ledge stone accents for the entire wall surface and tiled hip shaped roofs. The proposed color awnings at each storefront in Building "B" are intended to add color to the site, help modulate the elevation, and distinguish the various tenant suites.

Building "C" features the general design theme for the project but omits the use of any tiled roof tower elements. Instead, the building elevations rely on various height parapet walls and the cornice design that ties in with the other buildings. Green fabric awnings are proposed over the windows. The building wall projects outward to fully cover the drive-thru pick-up window on the south side of the building.

Building heights for each building are as follows:

Montclair Shoppes	
<i>Building</i>	<i>Use and Proposed Building Height</i>
Building A	Original Tommy's Hamburgers The main parapet is 19'-5" and the tallest peak is 27' above finish floor.
Building B	In-line shops The main parapet is 22'-6" and the tallest peak is 33'-6" above finish floor.
Building C	Starbucks Coffee The main parapet is 22' and the tallest parapet is 25' above finish floor.

Plans for the project are included in the Commission packets for reference. A color rendering of the project and color and material samples will be available for viewing at the Planning Commission meeting. The signs shown on the building elevations are conceptual only and are not a part of this review. Separate staff review and approval will be required for the signs.

Landscaping

Landscaping for the project is distributed across the site, most notably at the north end around Building "A," the main entry, and at the south end of the site where a 15-foot wide landscape strip is proposed at the southerly end of the property. Along Central Avenue and the main parking field the applicant is able to provide a seven-foot (7'-0") deep perimeter planting strip for most of the parking lot's length. Toward the northern third of the site, the planter narrows to a depth of 2-3 feet, for which a variance has been requested.

Plant materials include a mix of trees and low growing shrubs distributed around the site. The drive-thru lanes particularly at Building "C" would have low shrubs to help mitigate the presence of queued vehicles in the lane. Street trees are placed along Central Avenue where they can be accommodated in the perimeter planter. In accordance with the City's Landscaping and Water Conservation Ordinance all plant materials are drought tolerant and a water budget for the project has been prepared.

Conditional Use Permit

Drive-thru lanes and outdoor seating for businesses require the approval of a Conditional Use Permit (CUP). As described above, the project includes a drive-thru lane for Building "A," which wraps around the rear of the building, and a drive-through lane for Building "C" that is on the street side of the building. Drive-thru lanes are proposed to be 12 feet wide and each pick-up window would be covered by a canopy. Outdoor seating areas are proposed at Buildings "A" and "C," as well as a small patio area at the north end of Building "B."

Variance Requests

Setbacks

The applicant is requesting a setback variance to allow the development of the project on the site. The required front setback of the C-2 zone is 75 feet and the required rear setback is 20 feet (when adjacent to an alley), both of which combined would severely restrict the development potential of shallow, 120-foot deep site. The applicant is requesting relief from both setback requirements for each building as depicted on the following table:

Montclair Shoppes - Setback Variance Requests				
<i>Building</i>	<i>Front Setback (from Central Avenue)</i>		<i>Rear Setback (from East PL at Alley)</i>	
	Required	Proposed (in feet and % of reduction from code)	Required	Proposed (in feet and % of reduction from code)
Building A	75'	70' (7%)	20'	5' (75%) Canopy at pick-up window
Building B	75'	60' (20%)	20'	5' (75%)
Building C	75'	20' (74%)	20'	56'

Landscaping

The second variance is for the reduced depth of required front perimeter landscape planter adjacent to Central Avenue. Section 11.28.100 of the Montclair Zoning Code requires a minimum 15-foot wide continuous planter along the street frontage of the site. However, due to the shallow depth of the site, the minimum landscape setback cannot be met without adversely impacting the ability to development the site appropriately.

The applicant is proposing a landscape planter along the Central Avenue frontage of the site that ranges from two-to-seven feet in depth.

Montclair Shoppes – Landscape Planter Variance Request	
<i>Required</i>	<i>Proposed</i>
15 feet along street frontage	2-to-7 feet along street frontage

Background

- The total land area of the subject site is approximately two acres. Based on City records, a substantial portion of the subject site was previously developed with at least three (3) commercial structures (at 9339-9345, 9369, and 9379 Central Avenue) that were built in the late 1950s and early 1960s. The three former buildings comprised approximately 10,100 square feet in area with the surrounding site area being developed with associated parking areas. The largest building (7,200 square feet) was demolished in 2004 and the remaining two buildings (3,400 square feet combined) were removed in 2013.
- In 2005, the City approved a plan to develop the site under Case No. 2005-35. The project consisted of two fast food restaurants with drive-thru lanes and a multi-tenant, commercial retail building totaling approximately 16,000 square feet.
- In 2007, a revised plan was approved for the subject site under Case No. 2005-35 'A' that included the 2,442 square-foot Original Tommy's Hamburgers and a two-story, 47,500 square-foot multi-tenant building with subterranean parking garage on the remainder of the site. Due to the effects of the Great Recession the project never commenced and all entitlements eventually expired.
- Adjacent to the north end of the subject property is a separately developed property that contains the two-story Woll Professional Building (built in 2008) and associated parking with 26 spaces. Currently, this site has access from the existing alley, but as part of the overall plan to develop the area, the Woll property would have direct vehicle access from Central Avenue through the new development.

Planning Division Comments

Over the last ten years, various proposals to develop the subject site have been presented and for different reasons not completed. Staff has worked with the applicant for close to two years refining the design for the project, and believes this proposal to be appropriate. Given the shallow depth of the property (116-120 feet) and proximity to the freeway on-ramp, development of the site is challenging for a commercial development. Accordingly, staff anticipated that the project would likely require consideration of one or more variances from the City's development standards to accommodate a viable project. Staff believes the site plan balances the applicant's desire to have a satisfactory amount of leasable space with staff's interest in a project that would be an asset to the City without creating negative traffic, noise or other environmental impacts to the adjacent neighborhood.

Overall, staff is pleased with the overall architecture of the buildings and finds the amount of detail provided to be appropriate and up-to-date without being too trendy. The slight design variations for each building work well together as a whole and provide visual interest. The proposed neutral earth tone colors, finishes, and materials fit the proposed architecture. When the project is completed it will provide a much needed visual boost to the overall appearance of the site, which has long been characterized as derelict with vacant buildings and vacant land.

The proposed building elevations illustrate conceptual locations for business identification signs and the applicant has submitted a preliminary sign program proposal. Staff has reviewed the submitted sign program and has found that it requires further refinement at this time; accordingly, staff has included a condition of approval requiring the applicant to revise the sign program after receiving comments and re-submit for consideration by the Planning Commission.

Staff finds the proposed on-site parking to be well distributed around the site. No area appears to have less than necessary to support adjacent lease spaces. Section 11.66.010 MMC requires that restaurants provide one parking stall for every four permanent seats and that one parking stall is provided for every 250 square feet of retail/office/service uses. At 18,892 square feet, the minimum number of on-site parking spaces for retail-only development is 76 spaces. The project proposes 90 parking spaces. With access to the reciprocal 19 parking spaces located on the property adjacent to the north of the project site, the amount increases to 109 spaces, which is more than minimally required. However, since a number of tenant spaces are designated for food uses, staff would review each proposal as it is submitted to ensure that the parking generation on the property does not exceed the capacity. Adjustments to indoor dining areas or limits on the ultimate number of restaurant uses will be considered.

Conditional Use Permit for Drive-Thru Lanes and Outdoor Seating

A drive-thru lane for fast food and coffee businesses is a desirable and convenient feature when they can be adequately accommodated on a particular site. Users of drive-thru services included commuters and other user groups such as disabled customers. Section 11.78.030.D of the Montclair Municipal Code (MMC) allows drive-thru businesses subject to the approval of a Conditional Use Permit (CUP). Given the tight constraints of the site, staff believes the proposed drive-thru lanes for Buildings "A" and "C" are effectively separated from each other and are of sufficient length so as to minimize adverse traffic/circulation conflicts within the site caused by waiting vehicles during peak business hours.

The drive-thru lane for Original Tommy's Hamburgers in Building "A" is over 300 feet from the main entry to the site. As such, stacking volume of vehicles for Tommy's will be adequate under typical circumstances so as not to create traffic conflicts in the parking lot. Vehicles exiting the Tommy's drive aisle could use the northernmost exit to

Central Avenue to head north, or they could return to the main signalized intersection to head out in a different direction.

The Starbucks Coffee drive-thru lane associated with Building "C" is the closest to the main entry, but provides stacking room for at least eight vehicles out of the vehicular drive aisle. Also, since the Starbucks pick-up window is at the south end of the building and site, exiting vehicles will have two options from which to leave the site. One option would be an immediate right turn to connect with the existing alley that leads directly to Central Avenue, or drivers can opt to return to the main entry into the site where they can go a different direction via the signalized intersection. Based on observations of other Starbucks locations with drive-thru lanes, staff has noted the drive-thru lanes are in constant use with the busiest times being during the morning hours and later evenings. Fortunately, during the busiest morning hours, most, if not all, other businesses in the center will be closed.

Outdoor seating is conducive to attracting customers to food and drink businesses. When passersby observe the outdoor activity of people enjoying meals, drinks and socializing, it adds to the potential of attracting more customers, especially if the outdoor areas are well designed and inviting. Outdoor seating areas are proposed at Buildings "A" (Original Tommy's) and "C" (Starbucks), as well as the north end of Building "B." Staff believes the outdoor dining areas are well placed, will not obstruct the required path-of-travel between businesses, and will enhance the character and desirability of the project.

Variances

As mentioned above, the subject site is shallow in depth (116-120 feet), which presents significant physical constraints to development potential of the site without relief from applicable development standards. The property cannot be increased in depth (or length) as it is surrounded by existing development and other physical constraints/use such as I-10 to the north and public alleys on the south and east boundaries of the site.

Setbacks

The required front and rear setbacks of the district affect the development of the site the most. Accommodating the required 75-foot front setback and the required 20-foot rear setback on a 116 to 120-foot deep lot is not practical and makes the development of the subject site infeasible. In this case, meeting the required setbacks of the district for the new buildings would account for approximately 80 percent of the depth of the site. The 75-foot setback standard was most likely intended and makes sense for larger scale commercial development on large lots (e.g., regional mall, community shopping centers, etc.) where the requirement would be more easily accommodated with minimal adverse impact. However, to apply this same standard to smaller lots within the same district would severely restrict site development options. Staff surveyed adjacent commercial development along Central Avenue and found the following:

Survey of Existing Building Setbacks Along Central Avenue (east side)				
Location	Front Setback (from Central Avenue)		Rear Setback	
	Required	Existing*	Required	Existing
9419 Central Avenue (Wienerschnitzel)	75'	22'	20'	25'
9451-9477 Central Avenue Retail Center	75'	55'	20'	10'
9507 Central Avenue Retail Center	75'	60'	0'	0'
9515 Central Avenue Jack-in-the-Box	75'	25'	0'	0'

*As measured from inside edge of existing public sidewalk on Central Avenue

The above table indicates that over time, the 75-foot setback and 20-foot rear setback (adjacent to an alley) requirements for commercial development along this portion of Central Avenue were not fully observed most likely due to the shallow depth of the properties. Each of the properties surveyed are in the same C-2 zoning district, and have the same issue with a shallow depth. A depth of 100 to 120 feet is suitable for single family residential development, which occurs farther south along Central Avenue, but it is not particularly conducive for commercial development. By comparison, the proposed front setbacks for the subject project are 70 feet for Building "A," 60 feet for Building "B," 20 feet for Building "C," and a five-foot rear setback for Buildings "A" and "B."

As such, staff believes the precedent for reduced setbacks for the shallow depth properties along Central Avenue has been long established. Further, staff finds that, given the significant adverse impact the required front and rear setbacks make on the potential development of the subject lot, the proposed setback reductions for the new buildings is necessary to allow the practical development of the site.

Landscape Planter

In a similar way, the required 15-foot deep landscape planter impacts the potential development of the site as the building setback requirements do. The same conditions, with respect to the depth of the site, make compliance with the landscape planter depth requirement impractical for the subject project. If a continuous 15-foot deep landscape planter were added the result would be the loss of approximately 38 parking spaces and the drive-thru lane for Building "C." As such, the project would be adversely impacted and require an entire redesign, including the loss of leasable building area because of the inability to provide required on-site parking. Even with the reduced landscape planter dimension, the project provides a sufficient amount of plant materials distributed throughout the site, including space for street trees along Central Avenue. Moreover, staff supports the reduced landscape planter depth for the project because the precedent has already been set for reduced landscape planter dimensions for existing retail commercial development on C-2 zoned properties along Central Avenue.

Public Comment from Adjoining Property Owners

Public hearing notices were mailed to property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, two individuals contacted staff to review the proposed plans and inquire about potential noise from speakers in the drive-thru lane of Building "A" (Original Tommy's Hamburgers).

Conditional Use Permit Findings for Drive-Through Lanes and Outdoor Seating

Staff believes that the required findings for granting a Conditional Use Permit allow drive-through lanes at Buildings "A" and "C," and outdoor seating adjacent to all three buildings, can be made as follows:

- A. That said use is essential or desirable to the public convenience and public welfare, in that the use will provide customers the convenience of dining outdoors or purchasing food and drink items without leaving their vehicle.
- B. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity, in that the drive-thru lanes for each business are designed to minimize on- and off-site traffic conflicts and, further, that the outdoor seating areas, drive-thru queuing lanes and speakers will be separated from nearby residential land uses by an eight-foot high masonry wall, thereby minimizing potential noise impacts.
- C. That such use in such location conforms to good zoning practice, in that the C-2 (Restricted Commercial) zoning district allows drive-thru businesses and outdoor seating in conjunction with restaurants, subject to CUP approval.
- D. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages a wide range of retail and service uses within the retail commercial area.

Variance Findings

Staff believes that the necessary findings for granting variances from the City's front and rear yard setback standards and perimeter landscape planter standards can be made as follows:

Setbacks

- A. That because of special circumstances applicable to the subject property, including its size, depth, location and surroundings, the strict application of the provisions of the Montclair Municipal Code is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under

identical zoning classifications. Strict adherence to the required 75-foot front setback requirement, 20-foot rear setback requirement, and 15-foot deep perimeter landscape planter is impractical and would virtually prohibit development on the subject property.

- B. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners in the vicinity and under identical zoning classifications. Adjacent, similarly configured properties with identical zoning classifications are presently developed with building setbacks, and landscape planters at the front and rear of the site which do not meet the required dimensions.
- C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity and zone in which the subject property is located, as the proposed building placement will not obstruct sight lines to adjacent commercial properties nor place restaurant patrons so close to the street that it would create any unsafe condition. Further, the proposed commercial development will be physically separated from the existing residential neighborhood to the east by a minimum eight-foot high masonry wall.
- D. That the granting of such variance will not be contrary to the objectives of any part of the adopted General Plan, as the adopted Land Use and Community Design elements encourage variations in building placement and site layout to achieve most efficient and optimum land development plan.

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 small infill commercial project on a previously developed commercially zoned property 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 commercially developed properties. The property is approximately two acres in area and has no rare or endangered plants or species. As such, there is no substantial evidence the project will pose a potential significant impact to the environment.

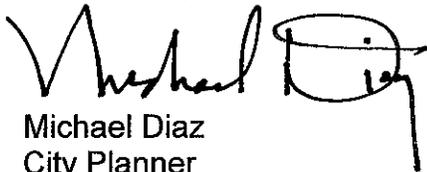
Planning Division Recommendation

- A. Determine 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 the Conditional Use Permit request to allow a drive-thru lanes at Buildings "A" and "C," and outdoor seating areas at all three buildings by adopting Resolution No. 15-1821.
- C. Approve the variance request for reduced front and rear yard building setbacks, and frontage landscape planter depth for the subject property, as described in the staff report and subject to the findings and conditions in Planning Commission Resolution No. 15-1822.
- D. Approve a Precise Plan of Design request under Case No. 2014-31 for the site plan, floor plans, building elevations, colors, materials, and conceptual landscape plan associated with the proposed retail commercial development 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. 15-1823.

Respectfully Submitted,



Michael Diaz
City Planner

MD/le

Attachments: Draft Resolution of Approval for Case No. 2014-31

- c: Waad Nadhir, BOSC Realty Advisors, LLC, 6905 Telegraph Road, Suite 340, Bloomfield Hills, MI 48301
J. Patrick Cox, ValueRock Realty Partners, Inc., 18301 Von Karman Avenue, Suite 850, Irvine, CA 92612
Valley Chinatown LLC, P.O., Box 811812, Los Angeles, CA 90081
Central Square Properties LLC/Bral El Faro LLC, P.O. Box 151318, Los Angeles, CA 90015
Gordon Randall, Randall Architecture Inc., 20320 SW Birch Street #140, Newport Beach, CA 92660
Dr. Laurie Woll, 9301 Central Avenue, Suite 200, Montclair, CA 91763

Z:\COMMDEV\MD\CASES\2014-31 MONTCLAIR SHOPPES\2014-31 PC RPT

RESOLUTION NUMBER 15-1821

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2014-31 TO ALLOW DRIVE-THRU LANES AND OUTDOOR SEATING RELATED TO THE DEVELOPMENT OF A NEW MULTI-TENANT RETAIL CENTER AT 9303-9407 CENTRAL AVENUE, IN THE C-2 (RESTRICTED COMMERCIAL) ZONING DISTRICT (APNs 1008-371-01, 02, 03, 04, 05, and 18; 1008-381-19).

A. Recitals.

WHEREAS, on December 22, 2014, an application for a Conditional Use Permit (CUP) was submitted by BOSC Realty Advisors, LLC, on behalf of the property owners; and

WHEREAS, the property is currently owned by Valley Chinatown, LLC; and Central Square Properties LLC/Bral El Faro LLC; and

WHEREAS, the subject site is zoned "C-2" (Restricted Commercial); and

WHEREAS, the project site currently consists of seven, contiguous vacant lots that would be combined into one parcel of approximately two (2) acres in area to accommodate the proposed project; and

WHEREAS, the project site is designed to connect internally with the existing developed property immediately adjacent to the north of the subject site that was developed in 2008; and

WHEREAS, the proposed project consists of three (3) new buildings totaling 18,892 gross square feet of leasable retail space, on-site parking, exterior lighting, and landscaping; and,

WHEREAS, two of the three new buildings would be constructed with a drive-thru lane for a quick serve restaurant and a coffee business; and

WHEREAS, outdoor seating areas are proposed adjacent to all three buildings to provide additional seating options for food and drink businesses; and

WHEREAS, Chapter 11.78.030.D of the Montclair Municipal Code requires a CUP for drive-thru lanes and outdoor seating areas upon the review of development standards and land use compatibility with surrounding properties; and

WHEREAS, staff has determined that the proposal meets the intent and applicable development standards of the C-2 (Restricted Commercial) zoning district, except as modified by the variance requests related to this project; and

WHEREAS, the Planning Commission has reviewed the Planning Division's determination that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 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 February 9, 2015, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a meeting at which time all persons wishing to testify in connection with said project were heard and said proposal 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 February 9, 2015, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:
 - A. That said use is essential or desirable to the public convenience and public welfare, in that the use will provide customers the convenience of dining outdoors or purchasing food and drink items without leaving their vehicle.
 - B. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity, in that the drive-thru lanes for each business are designed to minimize on- and off-site traffic conflicts and, further, that the outdoor seating areas, drive-thru queuing lanes and speakers will be separated from nearby residential land uses by an eight-foot high masonry wall, thereby minimizing potential noise impacts.
 - C. That such use in such location conforms to good zoning practice, in that the C-2 (Restricted Commercial) zoning district allows drive-thru

businesses and outdoor seating in conjunction with restaurants, subject to CUP approval.

- D. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages a wide range of retail and service uses within the retail commercial area.

C. Conditions of Approval.

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

Planning

1. This Conditional Use Permit approval for the site shall allow drive-thru lanes at Buildings "A" and "C," and outdoor seating adjacent to all three buildings within the multi-tenant commercial retail development at the subject site, as depicted on approved plans on file with the Planning Division and as described in the staff report prepared for the project.
2. CUP approval shall be valid for six (6) months and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
3. This approval shall supersede all previously approved entitlements for projects on the subject property.
4. The pick-up window associated with each drive-thru lane shall be covered by a solid roof or canopy structure integral and complementary to the architecture of the building to which it is attached, to the satisfaction of the City Planner.
5. Drive-thru hours shall be limited to 6:00 a.m. through 10:00 p.m. seven days a week if a traditional speaker ordering system is used. Should the applicant desire to operate the drive-thru outside of these hours, a speakerless ordering system shall be incorporated to the satisfaction of the City Planner. If a traditional speaker system is used, and if dining room business hours extend outside of the above time range, the entrance to the drive-thru lane shall be physically obstructed by cones or delineators prior to 6:00 a.m. and after 10:00 p.m.

6. Speakers at the drive-through ordering position for Building "A" shall be in compliance with the City's Noise Ordinance (Chapter 6.12 of the Montclair Municipal Code) at all times and shall be subject to periodic inspection by the City. Violation of this condition shall be grounds for modification of the hours of operation of the drive-thru, closing of the drive-thru until compliance can be achieved or revocation of the Conditional Use Permit.
7. The business operators for each business utilizing the drive-thru lane shall submit plans for City review and approval all signs associated with its operation including freestanding directional and menu boards. The use of the smallest practical signs and menu/ordering boards is highly encouraged. Only high quality design and materials for these items shall be used and thereafter maintained in good appearance and operating condition.
8. Each drive-thru lane shall be constructed of black concrete for the entire length of each lane.
9. The property owner shall provide catalog cuts for proposed exterior tables and chairs, umbrellas, trash receptacles, etc., for City Planner review and approval. All patio furniture and umbrellas shall be made of high quality, durable materials. No plastic furniture shall be allowed. All patio furniture shall be properly maintained with any damaged items being promptly repaired or replaced within 72 hours.
10. 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.
11. Approval of this CUP shall not waive compliance with any applicable regulations as forth by the California Building Code and/or City Ordinances, the San Bernardino County Department of Environmental Health, or the State of California.
12. 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.
13. To ensure compliance with the conditions of the 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.

14. 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.

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

APPROVED AND ADOPTED THIS 9TH DAY OF FEBRUARY, 2015.

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 9th day of February, 2015, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MD\CASES\2014-31 MONTCLAIR SHOPPES\2014-31 PC RESO-CUP

RESOLUTION NUMBER 15-1822

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A VARIANCE UNDER CASE NO. 2014-31 TO ALLOW A REDUCTION IN THE REQUIRED FRONT AND REAR YARD BUILDING SETBACKS, AND A REDUCTION IN THE MINIMUM REQUIRED DEPTH OF THE FRONTAGE LANDSCAPE PLANTER RELATED TO THE DEVELOPMENT OF A NEW MULTI-TENANT RETAIL CENTER AT 9303-9407 CENTRAL AVENUE, IN THE C-2 (RESTRICTED COMMERCIAL) ZONING DISTRICT (APNs 1008-371-01, 02, 03, 04, 05, and 18; 1008-381-19).

A. Recitals.

WHEREAS, on December 22, 2014, an application for a variance was submitted by BOSC Realty Advisors, LLC, on behalf of the property owners; and

WHEREAS, the property is currently owned by Valley Chinatown, LLC; and Central Square Properties LLC/Bral El Faro LLC; and

WHEREAS, the subject site is zoned "C-2" (Restricted Commercial); and

WHEREAS, the project site currently consists of seven, contiguous vacant lots that would be combined into one parcel of approximately two (2) acres in area to accommodate the project; and

WHEREAS, the project site is designed to connect internally with the existing developed property immediately adjacent to the north of the subject site that was developed in 2008; and

WHEREAS, the proposed project consists of three (3) new buildings totaling 18,892 gross square feet of leasable retail space, on-site parking, exterior lighting, and landscaping; and,

WHEREAS, Sections 11.28.060.A and 11.28.060.C of the Montclair Municipal Code require a 75-foot deep front yard setback and 20-foot deep rear yard, respectively; and

WHEREAS, Chapter 11.28.100.B.1 of the Montclair Municipal Code requires a 15-foot deep frontage landscape planter along the Central Avenue frontage of the property; and

WHEREAS, the subject site is shallow in depth (116-120 feet), which presents significant physical constraints to development potential of the site without relief from

applicable development standards. The property cannot be increased in depth (or length) as it is surrounded by existing development and other physical constraints/use such as I-10 to the north and public alleys on the south and east boundaries of the site; and

WHEREAS, accommodating the required 75-foot front building setback and the required 20-foot rear building setback on a 116 to 120-foot deep lot is not practical and makes the development of the subject site infeasible. In this case, meeting the required setbacks of the district for the new buildings would account for approximately 80 percent of the depth of the site; and

WHEREAS, the provision of a continuous 15-foot deep landscape planter along the frontage (Central Avenue) of the property would result in the loss of approximately 38 parking spaces and the drive-thru lane for Building "C." As such, the project would be adversely impacted and require an entire redesign, including the loss of leasable building area because of the inability to provide required on-site parking; and

WHEREAS, staff has determined that the proposal meets the intent and applicable development standards of the C-2 (Restricted Commercial) zoning district, except as modified by the variance requests related to this project; and

WHEREAS, the Planning Commission has reviewed the Planning Division's determination that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 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 February 9, 2015, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a meeting at which time all persons wishing to testify in connection with said project were heard and said proposal 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 February 9, 2015, including written and oral

staff reports, together with public testimony, this Commission hereby finds as follows:

- A. That because of special circumstances applicable to the subject property, including its size, depth, location and surroundings, the strict application of the provisions of the Montclair Municipal Code is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications. Strict adherence to the required 75-foot front setback requirement, 20-foot rear setback requirement, and 15-foot deep perimeter landscape planter is impractical and would virtually prohibit development on the subject property.
- B. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners in the vicinity and under identical zoning classifications. Adjacent, similarly configured properties with identical zoning classifications are presently developed with building setbacks and landscape planters at the front and rear of the site that do not meet the required minimum dimensions.
- C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity and zone in which the subject property is located, as the proposed building placement will not obstruct sight lines to adjacent commercial properties nor place restaurant patrons so close to the street that it would create any unsafe condition. Further, the proposed commercial development will be physically separated from the existing residential neighborhood to the east by a minimum eight-foot high masonry wall.
- D. That the granting of such variance will not be contrary to the objectives of any part of the adopted General Plan, as the adopted Land Use and Community Design elements encourage variations in building placement and site layout to achieve most efficient and optimum land development plan.

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 shall be for the following variances for the proposed multi-tenant commercial retail development at the subject site, as depicted on approved plans on file with the Planning Division and as described in the

staff report prepared for the project. The approved variances shall only apply to the following improvements:

- a. A minimum 70-foot front yard setback for Building "A" and a 60-foot front yard setback for Building "B" rather than the Code-required minimum of 75 feet; and
 - b. A minimum five-foot rear yard setback for Buildings "A" and "B" rather than the Code-required minimum of 20 feet; and
 - c. A reduced depth street frontage landscape planter along Central Avenue with a minimum depth of approximately three feet (3'-0") at the north end of the site to approximately six feet (6'-0") at Building "C" rather than the Code-required minimum depth of 15 feet.
2. Approval of the above variances shall be valid for a one (1) year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
 3. This variance approval shall supersede all previously approved entitlements for projects on the subject property.
 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. Approval of these variances shall not waive compliance with any applicable regulations as forth by the California Building Code and/or City Ordinances, the San Bernardino County Department of Environmental Health, or the State of California.
 6. 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.
 7. To ensure compliance with the conditions of the 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.

8. 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.

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

APPROVED AND ADOPTED THIS 9TH DAY OF FEBRUARY, 2015.

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 9th day of February, 2015, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MD\CASES\2014-31 MONTCLAIR SHOPPES\2014-31 PC RESO-VARIANCE

RESOLUTION NUMBER 15-1823

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A PRECISE PLAN OF DESIGN UNDER CASE NUMBER 2014-31 FOR THE SITE PLAN, ELEVATIONS, COLORS, MATERIALS, AND LANDSCAPE PLAN RELATED TO THE DEVELOPMENT OF A NEW MULTI-TENANT RETAIL CENTER AT 9303-9407 CENTRAL AVENUE, IN THE C-2 (RESTRICTED COMMERCIAL) ZONING DISTRICT (APNs 1008-371-01, 02, 03, 04, 05, and 18; 1008-381-19).

A. Recitals.

WHEREAS, on December 22, 2014, an application for a Precise Plan of Design (PPD) was submitted by BOSC Realty Advisors, LLC, on behalf of the property owners; and

WHEREAS, the property is currently owned by Valley Chinatown, LLC; and Central Square Properties LLC/Bral El Faro LLC); and

WHEREAS, the application also included a request for a conditional use permit to allow drive-through lanes and outdoor seating, and a variance request for relief from required building setbacks and the depth of a frontage landscape planter; and

WHEREAS, the subject site is zoned "C-2" (Restricted Commercial); and

WHEREAS, the project site currently consists of seven, contiguous vacant lots that would be combined into one parcel of approximately two (2) acres in area; and

WHEREAS, the project site is designed to connect internally with the existing developed property immediately adjacent to the north of the subject site that was developed in 2008; and

WHEREAS, the proposed project consists of three (3) new buildings totaling 18,892 gross square feet of leasable retail space, on-site parking, exterior lighting, and landscaping; and,

WHEREAS, two of the three new buildings would be constructed with a drive-thru lane for a quick serve restaurant and a coffee business; and

WHEREAS, outdoor seating areas are proposed adjacent to all three buildings to provide additional seating options for food and drink businesses; and

WHEREAS, staff has determined that the proposal meets the intent and applicable development standards of the C-2 (Restricted Commercial) zoning district, except as modified by the variances associated with this application; and

WHEREAS, the Planning Commission has reviewed the Planning Division's determination that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 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 February 9, 2015, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a meeting at which time all persons wishing to testify in connection with said project were heard and said proposal 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 February 9, 2015, 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, 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 multi-tenant commercial project at the southeast quadrant of Central Avenue and Interstate 10. The project consists of three (3) buildings, two of which would have drive-through lanes for a freestanding fast food restaurant (Building "A") and a coffee store tenant (Building "C"), and associated site improvements, as depicted on approved plans on file with the Planning Division and as described in this report.
2. This approval shall supersede all previously approved entitlements for projects on the subject property.

3. No changes to the approved set of plans, including the exterior design and materials/finishes, shall be permitted without prior City review and approval. Any modification, intensification, or expansion of the use and design plan beyond that which is specifically approved with this PPD shall require review and approval by the Planning Commission.
4. Within five (5) days of approval by the Planning Commission, the applicant shall submit 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 (NOE) as required by the California Environmental Quality Act (CEQA).
 - b. A check payable to the "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.
5. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
6. 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.
7. Approval of this PPD shall not waive compliance with any applicable regulations as forth by the California Building Code and/or City Ordinances, the San Bernardino County Department of Environmental Health, or the State of California.
8. 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.
9. Record an agreement regarding mutual rights of ingress, egress and parking between the subject site and the adjacent property at 9301 Central Avenue.

10. Execute a lot merger to consolidate the multiple parcels comprising the development site and provide documentation to the Public Works Director/City Engineer that said merger has been duly recorded with the County of San Bernardino. No building permits shall be issued until said lot merger has been recorded.
11. No permanent building-mounted or monument signs are approved as part of this entitlement. Prior to the installation of any permanent business identification signs, the applicant shall submit a sign program for the center and obtain City review and approval. All wall signs shall use individual, dimensional channel letters.
12. No outdoor display areas for merchandise are authorized as part of this approval, except as approved with a valid temporary Promotional Outdoor Event or Special Outdoor Event issued by the City.
13. No outdoor storage of used fats, oils, or grease (FOG) shall be allowed in trash enclosures. All food/restaurant uses shall plan to store any used fats, oils, or grease in an approved manner within their respective tenant spaces and contract with a recycler for regular removal from the site.
14. Prior to the issuance of building permits for the project, the property owner or applicant shall complete the following to the satisfaction of the City Planner:
 - a. Revise site plan to add the following enhancements:
 - i. Provide indicate black concrete used for the entire length of each drive-through lane, the floor of each trash enclosure and adjacent apron.
 - ii. Define pedestrian path-of-travel from the public sidewalk to the sidewalk to each building with decorative paving material which contrasts with parking lot surface.
 - iii. Enhanced paving across full width of each driveway entry point, a minimum of 20'-0" in depth as measured from back of sidewalk, in a color, material, and/or design that is complementary but contrasts with color of the parking lot surface.
 - iv. All automobile parking spaces shall be clearly delineated with double-line (e.g. "hairpin") striping. Parking stalls shall be a minimum of 9'-0" in width as measured to the center of the "hairpin," and a minimum of 20'-0" in length.

- b. A final wall plan for the site review to be reviewed and approval by the Community Development Director and Public Works Director/City Engineer. The plan shall include design details, heights, and specify materials and colors. Both sides of the wall shall be finished in a manner that is complementary to the design of the buildings on site. No gray-colored block shall be allowed.
- c. Revise landscape plan to add the following refinements:
 - i. Add vines to any walls having direct exposure to the public alley on the east boundary of the site to deter graffiti as much as possible, as determined by the City Planner. Thereafter, the vines shall be continually fed, irrigated, and neatly maintained by the property owner.
 - ii. Provide catalog cuts for proposed exterior tables and chairs, umbrellas, trash receptacles, etc., for City Planner review and approval. All patio furniture and umbrellas shall be made of high quality, durable materials. No plastic furniture shall be allowed. All patio furniture shall be properly maintained with any damaged items being promptly repaired or replaced within 72 hours.
- d. 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 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.
 - iii. Maximum total height for freestanding light fixtures shall be limited to 20 feet, inclusive of the height for concrete bases.
 - iv. Above-grade concrete bases for lights, menu boards, speakers, vertical clearance bars, etc., shall be finished with colored stucco matching the primary color and finish of stucco on the buildings.

- v. All exterior wall-mounted lighting fixtures shall be vandal-resistant and of a design that complements the architecture of the building. Freestanding parking lot luminaires shall match the style and color of freestanding light fixtures utilized for the adjacent parking lot at 9301 Central Avenue.
 - e. Submit details for trash enclosure(s).
 - i. Each trash enclosure shall have a solid roof cover and be designed to complement the overall architecture of the main building.
 - ii. Contact Burrtec Waste Industries to determine the number of required bins and pick up schedules to support the most likely end user(s) of the buildings.
 - f. A detailed exterior photometric plan for the site. Indicate the location of all building-mounted and freestanding site lighting fixtures.
 - i. All decorative exterior building-mounted lighting shall be shielded so as to not create any nuisance glare to the adjacent parking areas, private roadways, public rights-of-way, or neighboring properties.
 - ii. No roof-mounted light fixtures shall be allowed.
 - iii. The use of wall packs, barnlighters, or other similar unshielded luminaires on the property shall be prohibited.
 - iv. Soffit lights on the exterior of the building, including under drive-thru canopies, shall be flush-mounted with the surface to which they are attached.
 - v. Provide catalog cuts for all exterior light fixtures.
15. The use of shopping carts shall be prohibited for any business within the center.
 16. No exterior security bars and roll-up doors shall be installed on windows and pedestrian building entrances.
 17. All satellite dish antennas, microwave receivers and transmitters, and other forms of communication equipment shall be located and fully screened in a manner in accordance with the provisions of Chapter 11.46 of the Montclair Municipal Code.

18. Mechanical equipment including, but not limited to, utility meters, air conditioners, kitchen vents or hoods, repair equipment, 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 Planning Division. Wooden lattice or fence-like screens/covers are not appropriate and therefore, are not allowed.
19. No exterior surface mounted and/or exposed conduit or electrical lines shall be allowed. Electrical switchgear, meters, etc. must be screened or housed in an enclosure, to the extent allowed by the utilities.
20. No public telephones, vending machines, children's rides or other coin-operated machines shall be located on the exterior of any building.
21. The finish quality of all exterior design elements including, but not limited to, the building façade, shall be subject to approval of the City Planner prior to issuance of a Certificate of Occupancy.
22. 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 for any business in the center shall require banner permits from the Planning Division prior to installation.
 - b. At no time shall pennants, inflatable signs, "human" signs, other similar advertising devices be utilized on the property or off-site.
23. Permanent and/or temporary promotional window signs shall not occupy more than 25 percent of the aggregate window area.
24. All approved signs shall be maintained at all times in a presentable, safe and secure manner. Exposed surfaces shall be cleaned and painted as necessary. Broken and defective parts shall be repaired or replaced as necessary.
25. The property owner/applicant shall keep the premises clean at all times, and maintain in good repair all building exteriors, walls, lighting, trash enclosures, drainage facilities, driveways, parking areas, and landscape planters.
26. 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.

27. Prior to issuance of a Certificate of Occupancy, the applicant shall install approved landscaping materials on the site, 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 (including 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.
28. All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency.
29. 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.
30. 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.
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.

Building

26. 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 gear, 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 if plumbing is added, gas piping, and heating and air conditioning;
 - f. Waste Recycling Plan, demonstrating the recycling of a minimum of 50% of all construction debris.
27. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
28. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
29. Plans shall be submitted for plan check and approved prior to construction. 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.
30. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
31. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
32. 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.

33. 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. Modify site plan to show connection to the existing pedestrian path-of-travel at 9301 Central Avenue. 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%).
34. 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 each building as follows:
 - i. On the northwest-facing façade of Building "A," numerals shall be placed in the top right-hand corner of the façade, 12 inches below the bottom of the cornice; on the southwest-facing façade, numerals shall be placed in the top left-hand corner of the façade, six inches below the bottom of the cornice of the adjacent column.
 - ii. On the west elevation of Building "B," at the top left-hand corner of the building façade (over the patio trellis), 12 inches below the bottom of the cornice, and at the top right-hand corner of the building façade, centered vertically in the panel below the cornice.
 - iii. On the west elevation of Building "C," at the top left-hand corner of the building façade, 12 inches below the bottom of the cornice.

Address numerals shall be Helvetica font, a minimum of ten inches in height, a minimum of 1½ inches in depth, and be in a color that adequately contrasts with the background to which they are attached.
 - b. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn every day.
 - c. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.

35. Electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside the building.
36. Temporary construction and storage trailers placed on the property shall first obtain approval from the Planning and Building Divisions. Before any trailer is set in its location, obtain all permits from the Building Division. Plans and structural calculations shall be required for the tie-down devices. Trailers intended for public use (and not used for construction only) are required to be disabled-accessible. Such trailer(s) will require access to the facility by way of ramps that comply with the California Building Code (CBC) 2013 edition, Chapter 11B, in addition to access to each feature of the trailer.
37. 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.

Water Quality Management Plan

38. The WQMP must have final approval from the Engineering Division prior to obtaining grading/building permit(s). Contact Joe Rosales, NPDES Coordinator at 909/625-9470.
39. The property owner shall be responsible to contract with a qualified firm to inspect and maintain any and all manufactured stormwater treatment devices specified by the approved WQMP, following all manufacturers' recommendations. It shall also be the responsibility of the property owner to maintain inspection reports and have them readily available for review by City staff upon request. In the event that any stormwater treatment device fails due to lack of, or insufficient maintenance and/or inspection, or some other unforeseen circumstance, it shall be the responsibility of the property owner to correct the deficiency and restore the stormwater treatment device(s) to its original working condition.
40. 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 included in the grading plans to the satisfaction of the Public Works Director/City Engineer. Contact Joe Rosales, NPDES Coordinator, at 909/625-9470.
41. Prior to obtaining grading/building permit(s), the applicant is required to apply for and implement the State General Construction Permit. Include the Waste Discharge Identification Number (WDID#) on the title sheet of the grading plan.

42. 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 NPDES Coordinator.
43. Prior to issuance of a Certificate of Occupancy, the person or corporation responsible for the preparation of the WQMP shall certify in writing to the Building Official that all conditions and requirements of the WQMP have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the Building Official that lessee or purchaser has been advised in writing of lessee's or purchaser's 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.

Environmental Compliance

33. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
34. 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.
35. 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.
36. A Wastewater Discharge Survey shall be completed and submitted to the Environmental Manager for review and approval for each use within the center prior to completion of the Plan Check Process. Contact Nicole deMoet, Environmental Manager, at 909/625-9446 for more information.

37. City of Montclair Environmental Manager shall complete inspections for the interior and exterior rough plumbing, 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.

Engineering

45. Developer shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code with respect to a parcel merger, lot line adjustment, and/or parcel map.
46. Prepare and record a deed restriction prohibiting pedestrian and vehicular access to the public alley west of Rose Avenue.
47. Pay transportation-related development impact fees in effect at the time building permits are obtained.
48. The proposed northerly driveway on Central Avenue shall be limited to right-in/right-out turning movements. No left turn or through movements shall be permitted.
49. A disabled-accessible pedestrian path-of-travel shall be maintained throughout the Central Avenue frontage of the development, including at driveways and at the foundation of the bridge sign that crosses Central Avenue. Additional street right-of-way dedication may be required in this area.
50. A disabled-accessible path-of-travel from the public sidewalk to the buildings on-site shall be shown on the grading plan. Sidewalks, pathways, and curb cuts shall comply with Americans with Disabilities Act requirements. The maximum cross slope on a sidewalk or path-of-travel shall not exceed 2%.
51. The Costco signalized intersection includes a southbound to eastbound left turn pocket that is currently closed to traffic. The developer shall, at a time acceptable to the City Engineer, perform the following work to open this turn pocket:
 - a. Modify signals as necessary to accommodate full east, west, north, and south access to the development.
 - b. Construct entry driveway with 38-foot curb returns.
 - c. Modify median as necessary to accommodate the revised access.

- d. Develop a new timing plan for signal to include the southbound left turn phase and modifications to other phases as necessary.
 - e. Sweep turn pocket and remove barricades.
52. The site plan shows a partial vacation of the alley along the southerly boundary of the project. Developer shall prepare a legal description of the portion to be vacated and request a formal vacation through the City. Reconstruct alley as necessary for the narrower width. Continue the east property line block wall across alley to the south to close off this alley from the existing north/south alley. Construct a planter area on the west side of this block wall for landscaping purposes. Install holes in base of wall to allow vines to grow through and cover the east face of wall. Provide irrigation to planter area from development.
 53. Street improvement plans are required for all public streets and alleys. Construction drawings shall be 24" by 36" with City standard title block.
 54. Streetlights may be required along the Central Avenue frontage of the project depending on locations of drive approaches. Streetlights will be owned and maintained by Southern California Edison. The minimum lighting level for all streets shall be to the satisfaction of the City Engineer
 55. No building will be permitted within existing City storm drain easements. If development plans require placement of buildings or other structures within these easements, the storm drain shall be relocated to the satisfaction of the Public Works Director/City Engineer and new easements dedicated. Storm drains shall be designed in accordance with requirements of the San Bernardino County Flood Control District. Any work within existing easements will require a construction permit issued by the City.
 56. Dedicate reciprocal rights of parking, access, ingress, and egress through parking lot to medical office building to the north at 9301 Central Avenue. Install drive gate at alley entrance to existing parking lot, install lock to be furnished by medical office building owner, and install Knox Box per Montclair Fire Department specifications.
 57. Install all on- and off-site signage as determined necessary by the Public Works Director/City Engineer.
 58. All utilities serving development shall be placed underground. Pad mount transformers and/or switches will be acceptable, provided they are screened from public view with walls or landscaping.
 59. Sanitary sewers serving this development shall be designed to City standards and shall be privately maintained.

60. All drainage facilities shall comply with requirements of the approved WQMP.
61. A grading plan shall be prepared subject to the approval of the City Engineer. An erosion and sediment 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.
62. No soil may be imported or exported to or from the project site from an adjacent building site or from other sources for construction purposes without first obtaining approval from the Public Works Director/City Engineer. A plan acceptable to the Public Works Director/City Engineer shall be prepared showing proposed haul routes within the City. Plan shall include provisions for street sweeping and cleanup. Contractor(s) shall comply with all NPDES requirements.
63. 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.
64. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at 800/422-4133.
65. No construction equipment, vehicles, materials, etc., shall be permitted to access the site from San José Street or the alley east of the development. The alley is not to be used for construction purposes with one exception. The alley may be used during the construction of the masonry wall along the east boundary of the property. During this time the alley may be reduced to a single 10-foot minimum lane and closed to all southbound traffic. Written notice of the temporary one-way alley and southbound closure shall be given one week in advance of said closure to all affected residents on the east side of the alley between San José Street and the east-west alley south of the Costco signalized intersection.
66. The trash enclosures proposed along the east side of the development shall be provided with gates to allow access from both the development side and the alley. The gates on the alley side shall be equipped with locking mechanisms keyed per Burrtec Waste requirements.

Fire

67. 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.

68. 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.
69. 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.
70. 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.
71. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval prior installation.
72. 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.
73. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
74. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of normal lighting.
75. 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.
76. The applicant shall work with the adjacent property owner and the City to coordinate gate improvements at the public alley adjacent to the property at 9301 Central Avenue for emergency vehicle access/egress purposes. No public access to the subject site shall be allowed from the public alley west of Rose Avenue.
77. All Montclair Fire Department fees are due prior to any permit issuance.

78. 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.
79. Fire extinguisher location(s) to be determined by the Montclair Fire Department.
80. 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.
81. Three (3) 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.
82. 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 FEBRUARY, 2015.

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 9th day of February, 2015, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

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