



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

REGULAR ADJOURNED MEETING
Monday, February 23, 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 February 9, 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 2014-32
Project Address: 4480 Holt Boulevard
Project Applicant: KZMB LLC, 4480 Holt Investors LLC et al
Project Planner: Michael Diaz, City Planner
Request: Precise Plan of Design for construction of a 46,060 square-foot, multi-tenant commercial center and Conditional Use Permit to allow a drive-thru lane in conjunction with a 5,280 square-foot pad building
CEQA Assessment: Mitigated Negative Declaration

7. INFORMATION ITEMS

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

8. PUBLIC INSPECTION OF MATERIALS

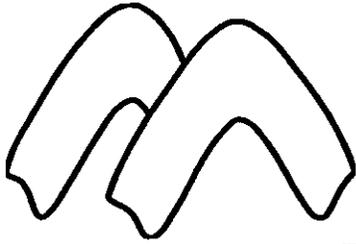
Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of March 9, 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 19, 2015.



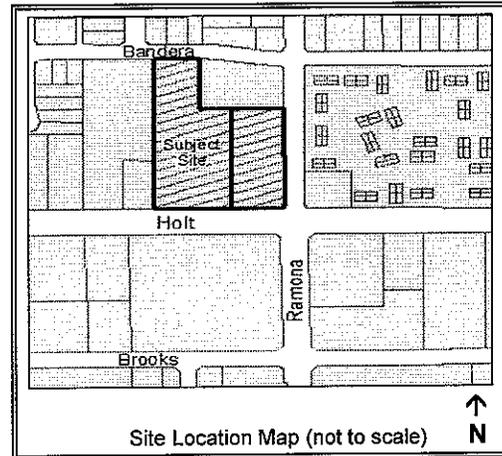
CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 02/23/15

AGENDA ITEM 6.a

CASE NUMBER: 2014-32

Application: Precise Plan of Design to construct a 46,060 square-foot, multi-tenant retail commercial development on 4.28 acres of vacant land at the northwest corner of Holt Boulevard and Ramona Avenue; and a Conditional Use Permit to allow a drive-thru lane in conjunction with a 5,280 square-foot pad building. The project would have three (3) buildings, with the northernmost portion of the site reserved for a future building.



Project Address: 4480 Holt Boulevard

Assessor Parcel Nos.: 1009-493-06 and 1009-493-08

Property Owners: Holt Investors LLC, Holt Blvd. Montclair LLC, & KZMB LLC

General Plan: General Commercial

Zoning: "Commercial" per Holt Boulevard Specific Plan

ADJACENT LAND USE DESIGNATIONS AND USES

Adjacent Land Use Designations and Existing Uses			
	<i>General Plan</i>	<i>Zoning</i>	<i>Existing Use of Property</i>
Site	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Vacant
North	General Commercial Medium Density Residential (8-14 du/ac)	"Commercial" per Holt Boulevard Specific Plan R-3 (Multiple-Family Residential)	Multi-Tenant Commercial w/ Laundromat/Market/Restaurant Multiple-Family Residential (Pinebrook Apartments)
East	General Commercial Medium Density Residential (8-14 du/ac)	"Commercial" per Holt Boulevard Specific Plan R-3 (Multiple Family Residential)	7-Eleven Store Townhomes
South	General Commercial	"Business Park" per Holt Boulevard Specific Plan	Multi-tenant commercial/industrial park
West	Medium Density Residential (8-14 du/ac)	"Commercial" per Holt Boulevard Specific Plan "Mobile Home Park" per Holt Boulevard Specific Plan	Scuba Rental/Lessons Mobile Home Park

Report on Item Number 6.a

PUBLIC HEARING – CASE NUMBER 2014-32

APPLICATION TYPE(S)	Precise Plan of Design Conditional Use Permit
NAME OF APPLICANTS	Holt Investors LLC Holt Blvd Montclair LLC KZMB LLC
LOCATION OF PROPERTY	4480 Holt Boulevard
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	"Commercial" per Holt Boulevard Specific Plan
EXISTING LAND USE	Vacant Property
ENVIRONMENTAL DETERMINATION	Mitigated Negative Declaration (MND)
PROJECT PLANNER	Michael Diaz

Project Description

The applicants are requesting approval of a Precise Plan of Design to construct a 46,060 square-foot, multi-tenant retail commercial development on 4.28 acres of vacant land at the northwest corner of Holt Boulevard and Ramona Avenue. Approval of a Conditional Use Permit (CUP) is also being requested for a drive-thru lane.

Site Plan

The project would have three (3) buildings, including a freestanding, 5,280 square-foot pad building designed with a drive-thru lane for a future fast food restaurant. A portion of the northernmost end of the site is reserved for a potential future building that would most likely to be occupied by a build-to-suit non-retail user. No specific tenants have been identified for the major tenant spaces identified on the plan or for the drive-thru restaurant use anticipated within Building C.

The table below provides a summary of the project:

Orchard Plaza		
<i>Building</i>	<i>Size</i>	<i>Description</i>
Building A	10,422 s.f.	Major A Tenant space
Shops A	5,480 s.f.	In-line shops for smaller tenants (5 max)*
Building B	13,958 s.f.	Major B Tenant space
Shops B	10,920 s.f.	In-line shops for smaller tenants (10 max)*
Building C	5,280 s.f.	Drive-thru with additional tenants or Full Service Restaurant for entire building
Building D (future)	3,800 s.f. (est.)	Future Build-to-Suit Tenant
Total	46,060 s.f.	

Building "A" would be situated at the north property line and Building "B" would be located at the west property line. The "Shops B" building would have a setback of ten (10) feet from the westerly property line. The "Shops A" building would have a 16-foot setback from the northerly property line. An eight-foot high masonry wall is to be constructed along the western property line abutting the existing mobile home park. Four (4) masonry trash enclosures are proposed, one adjacent to each building.

Building heights are as follows:

Orchard Plaza	
<i>Building</i>	<i>Building Height(s)*</i>
Building A (Major Tenant)	Average parapet 22' / Main entry 26'
Shops A	Average parapet 21' / Highest point 24'
Building B (Major Tenant)	Average parapet 24' / Entry 30' / Tower 35'
Shops B	Average parapet 21' / Highest point 24'
Building C	Average parapet 18' / Highest point 20'-6"
Building D	--- future ---
*As measured from finish floor	

The proposed site plan provides for a total of 219 on-site parking spaces. Vehicular access to the proposed project is planned to be provided from Holt Boulevard, Ramona Avenue, and Bandera Street. Construction activities for the project would consist of site preparation, grading, building construction, paving, and landscaping.

Building Elevations

The design of the buildings for the project is a contemporary urban design largely with an emphasis on horizontal lines. Each building would be primarily stucco-over-wood frame construction and includes cornices, integrated pilasters, ledge stone accents, bracketed canopies at lease space entrances, and typical storefront glazing. Reveals in the stucco are utilized to add visual interest and reduce the scale of the building. Proposed colors for the project are deep desert earth tones.

Building "B" is the largest of the buildings and is designed with a tower element on its southeast corner which differentiates it from the other buildings in the center. The major identification signs for the major tenant in Building "B" would be located on the tower. The notable feature of Building "C" is the drive-through lane which would be covered at the pick-up window.

Landscaping

Plant materials include a mix of trees and low growing shrubs distributed around the site, including a tree-lined main drive aisle from Holt Boulevard into the center of the site. The drive-thru lane at Building "C" would have low shrubs to help mitigate the presence of queued vehicles in the lane. New street trees will be placed along Holt Boulevard and Ramona Avenue where they can be accommodated. 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

A drive-thru lane requires the approval of a Conditional Use Permit (CUP). As described above, the project includes a drive-thru lane for Building "C" that wraps around the south and east sides of the building. The drive-thru lane would be 12 feet wide and the pick-up window would be covered by a canopy.

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.

Background

- The project site is approximately 4.28 acres in area and currently consists of vacant, disturbed land that was formerly home to a gardening center/plant nursery. No structures are present on the site.
- The property is located on a fully developed street and surrounded by urban development that includes residential, commercial, and industrial developments and uses.
- In 2008, the City approved a plan to develop the site under Case No. 2008-15. The proposed 49,340 square-foot multi-tenant retail commercial project was not constructed as a result of the economic downturn. All previous entitlements have expired.

Planning Division Comments

The submitted project represents a renewed effort to assemble a design and site plan superior to that reviewed and approved in 2008. Staff has worked with the applicants for close to two years refining the design for the project, and believes this proposal to be well done.

Site Plan

The site is of sufficient size and configured in a way that does not require any 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. Access to and from the site will be relatively easy from three directions/streets. When street widening along the Ramona Avenue side of the property is completed with this project, traffic flow in the area will be improved as well as access to and from the site. Trash enclosures are also evenly placed around the site, where they can be adequately utilized and maintained.

With regard to on-site parking, staff finds it to be well distributed around the site. No area appears to have less parking 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. The proposed retail development would require a minimum of 184 parking spaces for all retail and/or service-type uses at the 1:250 ratio. As designed, the proposed project would provide 219 on-site parking spaces, which is 35 spaces more than required. The surplus spaces would be essential for accommodating a limited number of medical or food uses with higher parking requirements. Surplus spaces would be allocated on a first-come, first-served basis. When parking spaces are all accounted for, no further uses with higher parking requirements would be allowed. The above discussion has been addressed with a condition of approval for the project.

Lastly, new masonry block walls along the west property line and behind the Shops "A" building will be instrumental in appropriately separating abutting uses, screening and securing back areas of the buildings, and help create a finished look for the center.

Architectural Design

Overall, staff is pleased with the modern architecture of the buildings and finds them to be attractive. The amount of detail provided on each building in the form of varied parapet heights, cornice treatments, bracketed canopies, etc., help to give the buildings depth and visual interest in an appropriate and up-to-date manner without being too trendy. The proposed colors, finishes, and materials are fairly stylish and fit the proposed architecture well. When the project is completed it will provide a much-needed visual boost to the overall appearance of the site and Holt Boulevard.

The slight design variations for each building work well together as a whole and provide a good amount of visual interest. Staff believes the tower element on Building "B" is unique to the project and its design fits in well with the other buildings. To ensure that the tower remains a quality element of architecture for the project, any proposed sign for the tower must be of the highest quality and be in proportion to the sign area available. Staff is working with the applicant on a comprehensive sign program, which is a condition of approval for the project. When the final design details for the sign program have been further refined, it will be submitted separately for formal review by the Planning Commission.

While staff is satisfied with the overall design of Building "C," staff has a few concerns with the ultimate appearance of the south-facing (Holt Boulevard) elevation. The south side of the building is the rear side of the proposed tenant spaces and a utility room, all of which have rear exit doors facing Holt Boulevard. While the proposed elevation shows what could occur with up to four tenants, staff has added a condition of approval that requests the applicants to work with staff to further refine the design of the building as it relates to the number and placement of exit doors on the south elevation once tenants are identified. It appears that at least two (2) doors can be relocated to the west elevation where their presence would be less conspicuous. Lastly, on the exposed wall areas staff is requesting the applicants and their architect consider using landscape

grow screens against the building to soften the hard surfaces of the building and provide additional visual interest.

Conditional Use Permit for Drive-Through Lane

A drive-thru lane for quick-serve, fast casual, or 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 lane for Building "C" is adequately separated from the majority of the site and is of sufficient length to minimize adverse traffic/circulation conflicts within the site caused by waiting vehicles during peak business hours.

A concern related to Building "C" is with the number and placement of directional signs, speakers, menu boards, etc., associated with the drive-thru business. Staff believes that all such items, as mentioned above, need to be minimized in number and placed on the building side of the drive-thru lane rather than being placed in the landscape setback along Holt Boulevard.

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, no comments had been received regarding the project.

Conditional Use Permit Findings for Drive-Through Lane

Staff believes that the required findings for granting a Conditional Use Permit allow a drive-through lane at Building "C" 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 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 lane associated with Building "C" will not cause on- and/or off-site traffic conflicts, and that the drive-thru queue lane and speakers will be positioned so as to minimizing potential noise impacts.
- C. That such use in such location conforms to good zoning practice, in that drive-thru lanes are permitted in the "Commercial" land use district of the Holt Boulevard Specific Plan, 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.

Environmental Assessment

An Initial Study was prepared for the project and released for public review and comment on February 2, 2015. At the time this report was prepared, no comments or inquiries had been received by staff regarding the Initial Study or the development proposal. Based on the findings of the Initial Study, staff has determined that the project could have a potential significant adverse environmental impact unless reduced to a level of less than significance by the implementation of proposed mitigation measures. Areas identified as subject to potential environmental impacts requiring mitigation were Air Quality (short term during site preparation), Cultural Resources, and Noise. Proposed mitigation measures have been included as conditions of approval for the project. Therefore, a Mitigated Negative Declaration is proposed for the project.

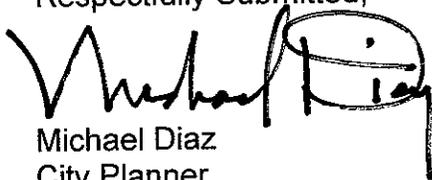
Planning Division Recommendation

Staff recommends the Planning Commission find the proposal to construct a new, 46,060 square-foot, multi-tenant retail commercial center and associated parking and landscaping improvements at 4480 Holt Boulevard to be well-designed and compatible with surrounding land uses. Accordingly, staff recommends approval of Case No. 2014-32 by taking the following actions:

- A. For environmental review, take the following actions as responsible agency:
1. Certify that the Commission has reviewed and considered the environmental assessment based upon the findings and proposed mitigation measures in the Initial Study prepared for the project, and that there will be no significant impact on the environment as a result of the construction of the proposed 46,060 square-foot, multi-tenant retail commercial development and associated parking and landscaping improvements; and
 2. Adopt the proposed Mitigated Negative Declaration and finding that there will be a DeMinimis impact on fish and wildlife; and
 3. Direct staff to file a Notice of Determination (NOD) and the applicant to pay appropriate fees within five (5) days of this action.
- B. Approve a Precise Plan of Design request under Case No. 2014-32 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. 15-1824.

- C. Approve a Conditional Use Permit request under Case No. 2014-32 to allow a drive-thru lane at Building "C," by adopting Resolution No. 15-1825.

Respectfully Submitted,



Michael Diaz
City Planner

MD/le

Attachments: Draft Resolution of Approval for Case No. 2014-32

- c: Holt Investors LLC, 606 S. Olive Street, Suite 600, Los Angeles, CA 90014
- Holt Blvd Montclair LLC, 606 S. Olive Street, Suite 600, Los Angeles, CA 90014
- KZMB LLC, 606 S. Olive Street, Suite 600, Los Angeles, CA 90014
- Robin Hanasab, Robhana Group, 606 S. Olive St., Suite 600, Los Angeles, CA 90014
- Alan Kabaker, Partners Capital, Inc. 11661 San Vicente Blvd., Suite 609, Los Angeles, CA 90049
- Gerald Shingleton, Architecture3, One East Camelback Road, Suite 550, Phoenix, AZ 85012

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RESOLUTION NO. 15-1824

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A PRECISE PLAN OF DESIGN UNDER CASE NO. 2014-32 FOR THE SITE PLAN, FLOOR PLANS, ELEVATIONS, COLORS, MATERIALS, CONCEPTUAL LANDSCAPE PLAN, AND DRIVE-THRU LANE FOR A NEW MULTI-TENANT RETAIL DEVELOPMENT AT 4480 HOLT BOULEVARD, IN THE "COMMERCIAL" LAND USE DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN (APNs 1009-493-06 & 1009-493-08).

WHEREAS, on December 23, 2014, Holt Investors LLC, Holt Blvd Montclair LLC, and KZMB LLC, joint property owners, filed an application for a Precise Plan of Design (PPD) and a Conditional Use Permit under Case No. 2014-32, to allow the development of a new, multi-tenant retail commercial center and associated on-site improvements at the northwest corner of Holt Boulevard and Ramona Avenue; and

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

WHEREAS, said property is approximately 4.28 acres in size and has frontage along, and access from Holt Boulevard, Ramona Avenue, and Bandera Street; and

WHEREAS, the subject property is located in the "Commercial" zoning district of the Holt Boulevard Specific Plan (HBSP); and

WHEREAS, the proposed multi-tenant commercial retail center complies with the guidelines and applicable development standards of the Holt Boulevard Specific Plan; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the City prepared an Initial Study for the project and released it for public review and comment on February 2, 2015. Based on the findings of the Initial Study, staff has determined that the project could have a potential significant adverse environmental impact unless reduced to a level of less than significance by the implementation of proposed mitigation measures. Areas identified as subject to potential environmental impacts were Air Quality (short term during site preparation), Cultural Resources, Greenhouse Gas, and Noise (short term during construction). Eleven (11) mitigation measures have been proposed and are included as conditions of approval for the project. Therefore, a Mitigated Negative Declaration is proposed for the project; and

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

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

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

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

WHEREAS, on February 23, 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 hearing on February 23, 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, the Holt Boulevard Specific Plan, the Montclair Municipal Code, and good planning principles, and approves the application subject to each and every condition set forth below.

Planning

1. This Precise Plan of Design (PPD) approval is for multi-tenant commercial project at the northwest corner of Holt Boulevard and Ramona Avenue, currently identified as 4480 Holt Boulevard. The project consists of three (3) buildings, one of which would have a drive-thru lane for an anticipated quick-serve or fast casual restaurant (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. PPD approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check and building permits to allow eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
4. 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.
5. Approval of this PPD shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances, the San Bernardino County Health Department, or the State of California.
6. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
 - a. A check in the amount of **\$2,231.50**, payable to "Clerk of the Board of Supervisors," to cover the California Department of Fish and Wildlife (CDFW) fee for filing a Notice of Determination for the proposed Mitigated Negative Declaration as required by the California Environmental Quality Act (CEQA).
 - b. A check in the amount of **\$537.84**, payable to the "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.
7. The applicant 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.
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. Execute a lot line adjustment to allow for the development of the project per approved plans. Said lot line adjustment shall be coordinated with the Public Works Director/City Engineer, and duly recorded with the County of San Bernardino. No building permits shall be issued until said lot line adjustment has been recorded and evidence of such recording has been provided to the Building Official.
10. 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 application for the center and obtain City review and approval. All wall signs shall use individual, dimensional channel letters.
11. No outdoor display or storage areas for merchandise or equipment 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.
12. No outdoor storage of used fats, oils, or grease (FOG) shall be allowed in trash enclosures or behind buildings. 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.
13. No outdoor storage of furniture, boxes, racks, trash cans, supplies, etc., shall be permitted outside the building of any lease space. All such items shall be stored indoors or properly disposed of in an approved trash receptacles for regular pick-up by an authorized solid waste disposal company.
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. A final elevation design for Building "C" showing how the new quick-serve/fast casual food tenant will be accommodated and how the south elevation of the building would be enhanced to reduce the number and placement of rear exit doors.
 - b. Revise site plan to add the following enhancements:

- i. Black-colored concrete shall be used for the entire length of the drive-thru 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.
- c. A final wall plan for the site to be reviewed and approval by the City Planner. 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 precision block shall be allowed.
- i. A masonry block wall of eight feet (8'-0") in height shall be provided along the westerly property line to separate the project site from the existing mobile home park. At its northerly terminus, the wall shall step down to meet the existing six-foot high masonry wall along the Bandera Street frontage of said mobile home park to the satisfaction of the City Planner.
 - ii. A masonry block wall of eight feet (8'-0") in height shall be provided along the northerly property line directly behind the Shops "A" building to screen rear side of said building to the satisfaction of the City Planner.
 - iii. A temporary fencing plan for the undeveloped, northerly portion of the site shall be developed to the satisfaction of the City Planner.
- d. Modify landscape plan to add the following refinements:
- i. Add vines to any walls having direct exposure to the public 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 trash receptacles, or other site furniture, etc., for City Planner review and approval. All site furniture shall be made of high quality, durable materials. No plastic furniture shall be allowed. All site furniture shall be properly maintained with any damaged items being promptly repaired or replaced within 72 hours.
 - iii. Adjust placement of trees on site to ensure clearance for Fire Department access.
 - iv. Provide enhanced landscape treatment to areas around drive-thru lane and south side of Building "C."
- e. 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.
- f. Submit details for trash enclosure(s) as follows:
- 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.
15. The use of shopping carts shall be prohibited for any business within the center, unless a cart containment system is approved by the City and installed for said business(es) pursuant to Chapter 11.67 of the Montclair Municipal Code.
16. No exterior security bars and roll-up doors shall be installed on windows and pedestrian building entrances.
17. Any future business(es) occupying the buildings shall be required to obtain and maintain valid business licenses and comply with all applicable City regulations at all times. As part of the routine review process for each new business, the property and subject lease spaces will be inspected to ensure compliance with all applicable codes, including the provision of adequate on-site parking.
18. Prior to issuance of a Certificate of Occupancy, the applicant shall install approved landscaping materials on the site, including the exterior setback area along the Bandera Street frontage of the property and the undeveloped pad at the northerly portion of 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 shall be minimum 24-inch box size and double-staked.
 - c. A minimum of three (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.
19. All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency.
20. 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.
21. 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.

22. No outdoor pay telephones or vending machines shall be installed or used on the property.
23. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code. Temporary banners for the purpose of announcing a grand opening or promotional event shall require a banner permit from the Planning Division prior to installation.
24. No portable flags, pennants, spinners, painted-on signs, off-premise signs, trailer-mounted electronic sign/message boards or other similar types of portable signs shall be allowed.
25. No exterior surface-mounted exposed ducts, conduit or electrical lines shall be allowed on walls, awnings, or other exterior faces of the building. In addition, all electrical switchgear, meters, etc., shall be screened or housed in an enclosure to the extent allowed by the utilities.
26. All roof-mounted mechanical equipment (e.g., vents, meters, HVAC units, ducts, conduit, satellite dishes, photovoltaic systems, etc.), enclosures or equipment screen walls shall not project above the roof parapet.
27. Screening of roof-mounted equipment shall be accomplished with mechanical roof wells recessed below the roof line or by solid and permanent roof-mounted screens. Screening shall be compatible with the architectural style, materials, and color of the building upon which the equipment is located, subject to the approval of the City Planner.
28. Ground-mounted mechanical equipment shall be fully screened from view from streets or surrounding residential or commercial uses by a combination of decorative walls and an evergreen hedge equal to or exceeding the height of the equipment.
29. Access to the roof of any building shall be from within the structure and not be means of roof access ladders mounted to the exterior of the building.
30. All on-site ground-mounted mechanical equipment, including, but not limited to, utility meters, air conditioners, condenser units, and repair equipment shall be located within the building or on the exterior of the

building only when necessary and screened in a manner that is compatible with the architectural design of the building subject to the satisfaction of the City Planner.

31. Freestanding electrical transformers and Fire Department double check detector assembly (DCDA) equipment shall be screened with masonry walls compatible with the building architecture and/or landscaping to the satisfaction of the City Planner and Fire Marshal. Efforts shall be made to place these elements in locations that are as visually unobtrusive as possible.
32. The property owner shall be responsible for maintaining all buildings, yards, structures, signs, parking areas and other improvements in such a manner that does not detract from the appearance of the surrounding area. Parking lots shall be maintained in an attractive and suitable fashion with any potholes, significantly cracked or uneven paving, and any other significant damage repaired in a timely fashion throughout the life of the project.
33. 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.
34. 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.
35. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

Environmental – Initial Study Mitigation Measures

36. Air Quality (Mitigation Measure A) - Prior to the issuance of a grading permit, the City Engineer and the Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in SCAQMD's Rules and Regulations. In addition, SCAQMD

Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. Implementation of the following measures would reduce short term fugitive dust impacts on nearby sensitive receptors.

- All active portions of the construction site shall be watered every three hours during daily construction activities and when dust is observed migrating from the project site to prevent excess amounts of dust.
- Pave or apply water every three hours during daily construction activities or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas. More frequent watering shall occur if dust is observed migrating from the site during disturbance.
- Any on-site stockpiles of debris or on-site haul roads, dirt, or other dusty material shall be enclosed, covered, or watered twice daily or non-toxic soil binders shall be applied.
- All grading and excavation operations shall be suspended when wind speeds exceed 25 miles per hour.
- Disturbed areas shall be replaced with ground cover or paved immediately after construction is completed in the affected area.
- Track-out devices such as gravel bed track-out aprons (3 inches deep by 25 feet long, 12 feet per lane and edged by rock berm or row of stakes) shall be installed to reduce mud/dirt track-out from unpaved truck exit routes. Alternatively, a wheel washer shall be used at truck exit routes.
- On-site vehicle speed shall be limited to 15 miles per hour.
- All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site.
- Re-route construction trucks away from congested streets or sensitive receptor areas.
- Dispose of surplus excavated material in accordance with local ordinances and use sound engineering practices.
- Sweep all streets once per day if visible soil materials are carried to adjacent streets (recommended water sweepers using reclaimed water).

37. Air Quality (Mitigation Measure B) - All trucks that are to haul excavated or graded material on-site shall comply with State Vehicle Code Section 32114 (Spilling Loads on Highways), with special attention to Sections 32114(b)(F), (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads. Prior to the issuance of grading permits, the applicant shall demonstrate to the City Engineer how the project will be operated subject to the provisions set forth in Sections 23114(b)(F),(e)(4).
38. Air Quality (Mitigation Measure C) - All construction equipment used for the project shall be maintained in good operating condition so as to reduce operational emissions. The contractor shall ensure that all construction equipment is being properly serviced and maintained per manufacturers' specifications. Upon request, maintenance records shall be available at the construction site for City verification.
39. Air Quality (Mitigation Measure D) - All paints and coatings shall meet or exceed performance standards noted in SCAQMD Rule 1113. Paints and coatings shall be applied either by hand or high volume, low-pressure spray, or by using pre-coated/natural-colored building materials, water-based or low volatile organic compound (VOC) coating, and coating transfer or spray equipment with high transfer efficiency.
40. Cultural Resources (Mitigation Measure E) - If any prehistoric archaeological resources are encountered before or during grading, the developer shall retain a qualified archaeologist to monitor construction activities to take appropriate measures to protect or preserve them for study. With the assistance of the archaeologist, the City of Montclair will:
- Enact interim measures to protect undesignated sites from demolition or significant modification without an opportunity for the City to establish its archaeological value.
 - Propose mitigation measures and recommend conditions of approval to eliminate adverse project effects on significant, important, and unique prehistoric resources, following appropriate CEQA guidelines.
 - Prepare a technical resources management report, documenting the inventory, evaluation, and proposed mitigation of resources within the project area. Submit one copy of the completed report with original illustrations to the City of Montclair, which will then determine the location for permanent archiving.
41. Cultural Resources (Mitigation Measure F) - If any paleontological resource (i.e. plant or animal fossils) are encountered before or during grading, the developer will retain a qualified paleontologist to monitor construction activities, to take appropriate measures to protect or preserve

them for study. The paleontologist shall submit a report of findings that will also provide specific recommendations regarding further mitigation measures (i.e., paleontological monitoring) that may be appropriate. Where mitigation monitoring is appropriate, the program must include, but not be limited to, the following measures:

- Assign a paleontological monitor, trained and equipped to allow the rapid removal of fossils with minimal construction delay, to the site full-time during the interval of earth-disturbing activities.
- Should fossils be found within an area being cleared or graded, divert earth-disturbing activities elsewhere until the monitor has completed salvage. If construction personnel make the discovery, the grading contractor should immediately divert construction and notify the monitor of the find.
- Prepare, identify, and curate all recovered fossils for documentation in the summary report and transfer to an appropriate depository (i.e., San Bernardino County Museum).
- Submit summary report to City of Montclair.

42. Greenhouse Gases (Mitigation Measure G) - The proposed project shall include, but not be limited to, the following list of potential design features. These features shall be incorporated into the project design to ensure consistency with adopted statewide plans and programs. The project applicant shall demonstrate the incorporation of project design features prior to the issuance of building or occupancy permits, as noted below.

Energy Efficiency

- Install high efficiency lighting that would reduce lighting energy consumption by 20 percent (building permit).
- Design buildings to be energy efficient, 15 percent above Title 24 requirements (building permit).

Water Conservation and Efficiency

- Install water-efficient irrigation systems (building permit).
- Comply with Montclair Municipal Code Chapter 11.60 (Water-Efficient Landscaping and Conservation) (building permit).
- Install water-efficient fixtures (e.g., faucets, toilets, showers, etc.) (building permit).

Solid Waste

- Provide interior and exterior storage areas for recyclables and adequate recycling containers located in public areas (occupancy permit).
43. Noise (Mitigation Measure H) - The project contractor shall properly maintain and tune all construction equipment to minimize emissions.
- a. The contractor shall fit all equipment with properly operating mufflers, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.
 - b. The contractor shall locate all stationary noise sources (e.g., generators, compressors, staging areas) as far from noise sensitive receptors as feasible.
 - c. Materials delivery, soil haul trucks, and equipment servicing shall also be restricted to the hours set forth in City of Montclair Municipal Code. The Municipal Code limits grading and construction associated with the improvement of real property to take place only between the hours of 7 a.m. and 8 p.m. daily.
44. Noise (Mitigation Measure I) - The project applicant shall demonstrate compliance with Policy N4 of the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP), ensuring that interior noise levels for the proposed retail center do not exceed 50 dB. An acoustical analysis prepared by a certified acoustical engineer shall be submitted to the Building Division during plan check with recommendation incorporated into the plan indicating how the standard is met.
45. Public Services (Mitigation Measure J) - In addition to the standard requirement to install fire sprinklers and a fire alarm system, the applicant shall incorporate the following requirements from the Fire Department to ensure sufficient fire protection is achieved for the project:
- Adjust internal vehicle circulation drive aisle to meet minimum required turning radii; and
 - Add Ladder Access Point(s) to any building as determined by the Fire Department; and
 - Add a fire alarm activated skylight vent system.
46. Utilities and Service Systems (Mitigation Measure K) - The applicant shall contact Burrtec Waste Industries to ascertain the appropriate number of trash bins required for the project, including bins to accommodate recyclable materials. When the number of trash bins is established the

applicant shall work with the City Planner and Building Official on an acceptable trash enclosure design that is consistent with City standards.

Building

47. Submit four complete sets of plans including the following:
 - a. Site/Plot Plan;
 - b. Floor Plan;
 - c. Reflected Ceiling Plan;
 - d. Electrical Plans, including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
 - e. Plumbing Plans, including isometrics, underground diagrams, water and waste diagrams, fixture units, gas piping, and heating and air conditioning;
 - f. Waste recycling plan, demonstrating the recycling of a minimum of 50% of all construction debris.
48. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
49. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
50. 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.
51. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
52. Separate permits are required for fencing and/or walls.
53. All utility services to the project shall be installed underground.
54. Plans shall be submitted for plan check and approved prior to construction.
55. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.

56. Prior to issuance of building permits for a new commercial or industrial development project or major addition, the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to: Transportation Development Fee, Permit and Plan Check Fees, and School Fees. All required school fees shall be paid directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District. Applicant shall provide a copy of the school fees receipt to the Building Division prior to permit issuance.
57. Construct trash enclosure(s) per City Standard (available at the Building Division public counter).
58. 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.
59. 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%).
60. Construction drawings submitted to the building division for plan review shall comply with Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. Provide a plan depicting the location(s) of a numerical address on each building to the satisfaction of the City Planner. 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.

61. Electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside the building.
62. Temporary construction and storage trailers placed on the property shall first obtain approval from the Planning and Building Divisions. If any trailers will include uses for public access, disabled-accessibility requirements shall apply. Such trailers 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. Before any trailer is set in its location, permits shall be obtained from the Building Division. Plans and structural calculations will be required for the tie-down devices.
63. A Certificate of Occupancy is required prior to the occupancy of the buildings. Issuance of each Certificate of Occupancy shall be contingent upon the Fire Department inspection and the final approvals from other departments and/or agencies.

Water Quality Management Plan

64. 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.
65. 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.
66. 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.
67. 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.

68. 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.
69. 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.
70. The applicant shall ensure that all requirements of the approved WQMP for the project are incorporated and consistent with the approved landscape and irrigation plans for the project. All required Best Management Practices (BMPs) shall be duly noted and shown on the landscape plans per the approved WQMP.

Engineering

71. Should a lot line adjustment, parcel merger, or parcel map be required, developer shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code.
72. Payment of transportation-related development impact fees shall be required. Fees shall be assessed at the rate in effect at the time the fees are paid.
73. No modifications shall be permitted to the Holt Boulevard median.
74. Disabled-accessibility shall be provided throughout the Holt Boulevard, Ramona Avenue, and Bandera Street frontages of the development, including all drive approaches. Additional street right-of-way dedication may be required at drive approaches.
75. Additional right-of-way dedication for Ramona Avenue from Holt Boulevard north to the proposed drive approach may be required to accommodate the proposed widening of Ramona Avenue. Dedicate

sufficient right-of-way to the satisfaction of the Public Works Director/City Engineer.

76. Relocate/replace signal poles and equipment as necessary at the northwest corner of Holt Boulevard and Ramona Avenue to accommodate the widening of Ramona Avenue. Prepare signal timing plan based on revised intersection. Signal plans shall be drawn on 24" x 36" sheets at a minimum scale of 1" = 20' with City standard title block.
77. Relocate/replace catch basins as necessary to accommodate the widening of Ramona Avenue.
78. A disabled-accessible path-of-travel from the public sidewalk to the buildings on-site shall be shown on the grading plan. Sidewalks, pathways, signage, 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%.
79. Street improvement plans are required for improvements proposed to all public streets. Construction drawings shall be 24" by 36" with City standard title block.
80. Install streetlights along the Ramona Avenue and Bandera Street frontages of the property to the satisfaction of the Public Works Director/City Engineer. 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.
81. All existing overhead utilities within project boundaries and within street frontages adjacent to project shall be placed underground. All existing or new guy wires required to anchor end poles shall be located beyond the project limits. No poles or guy wires shall be permitted to remain within the property frontage.
82. All utilities within development boundaries shall be placed underground. This requirement applies to electrical services, transformers and switches, and where technology exists, telephone and cable television facilities as well.
83. Payment of all outstanding sewer reimbursement fees or assessments as imposed by a district or reimbursement agreement, if any. Contact Nicole deMoet at 909/625-9446 for fees/assessments.
84. Payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by the Inland Empire Utilities Agency shall be required.

85. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code. Restaurant uses may require the use of grease interceptors. The minimum size of a grease interceptor shall be 750 gallons. Contact Nicole deMoet at 909/625-9446 for additional requirements.
86. Sanitary sewers serving this development shall be designed to City standards and shall be privately maintained.
87. Approval of the WQMP is required prior to the preparation of grading and/or other improvement plans. Requirements for the WQMP may be obtained from the City NPDES Coordinator Joe Rosales at 909/625-9470.
88. A grading plan shall be prepared subject to the approval of the City Engineer. An erosion and sediment control plan shall 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.
89. No soil may be imported or exported to or from the project site from any adjacent building site or from other sources for construction purposes without first obtaining approval from the 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. The plan shall include provisions for street sweeping and cleanup. Contractor(s) shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements.
90. All drainage facilities shall comply with requirements of the approved WQMP.
91. Drainage runoff from the property located at the southwest corner of Bandera Street and Ramona Avenue is currently tributary to the subject property. Developer shall include provisions for intercepting this drainage and conveying it through or around the subject property.
92. 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.
93. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at 800/422-4133 or 811.
94. No construction equipment, vehicles, materials, etc., shall be permitted to access the site from Bandera Street, except as may be necessary to construct any street or street-related improvements for Bandera Street. Construction fencing shall be constructed along the north property line with no gates or openings.

Environmental

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

Fire

97. 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.
98. 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.
99. Planter areas in the center of drives and adjacent to entrances should be of low profile type, not to exceed eight feet in height when mature.
100. 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.
101. 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.
102. The proposed commercial structures shall require an approved fire alarm and automatic fire sprinkler system. The system shall conform to all local and national standards. Three complete sets of the sprinkler system plans shall be submitted directly to the Fire Marshal's Office for approval prior to installation of the system in commercial structures. The system shall be so equipped as to provide a signal to a UL-listed monitoring station in the event of water flow or tampering.
103. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.

104. Commercial occupancies with cooking areas require an approved, fixed fire extinguishing system for protection of the hood and duct system and overall cooking areas. This system shall be equipped with an automatic fuel shutoff to all equipment protected by this system. Three complete sets of drawings of this system shall be submitted to the Fire Marshal's Office prior to issuance of a permit.
105. 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.
106. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
107. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of normal lighting.
108. 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.
109. Vehicle security gates shall be approved only with the use of hold-open devices to allow for emergency vehicle access. Contact the Fire Marshal's office for specific requirements.
110. All Montclair Fire Department fees are due prior to any permit issuance.
111. 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.
112. Fire extinguisher location(s) to be determined by the Montclair Fire Department.
113. Contact the Fire Marshal's Office for further requirements.

114. All Double Check Detector Assemblies (DCDA) and risers 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 23RD 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 23rd day of February 2015, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MDIAZ\CASES\ORCHARDPLAZA\2014-32 PC RESOLUTION

RESOLUTION NUMBER 15-1825

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2014-32 TO ALLOW A DRIVE-THRU LANE RELATED TO THE DEVELOPMENT OF A NEW MULTI-TENANT RETAIL CENTER AT 4480 HOLT BOULEVARD, IN THE "COMMERCIAL" LAND USE DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN (APNs 1009-493-06 & 1009-493-08).

A. Recitals.

WHEREAS, on December 23, 2014, Holt Investors LLC, Holt Blvd Montclair LLC, and KZMB LLC, joint property owners, filed an application for a Conditional Use Permit under Case No. 2014-32, to allow a drive-thru lane in conjunction with the development of Building "C" of a new, multi-tenant retail commercial center at the northwest corner of Holt Boulevard and Ramona Avenue; and

WHEREAS, the subject site is within the "Commercial" land use district of the Holt Boulevard Specific Plan; and

WHEREAS, said property is approximately 4.28 acres in size and has frontage along, and access from Holt Boulevard, Ramona Avenue, and Bandera Street; and

WHEREAS, the proposed project consists of three (3) new buildings totaling 46,060 gross square feet of leasable retail space, with on-site parking, exterior lighting, and landscaping; and,

WHEREAS, one of the new buildings, Building "C", would be constructed with a drive-thru lane for an anticipated quick-serve or fast casual restaurant; and

WHEREAS, Chapter 11.78.030.D of the Montclair Municipal Code requires a CUP for drive-thru lanes 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 "Commercial" land use district of the Holt Boulevard Specific Plan; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the City prepared an Initial Study for the project and released it for public review and comment on February 2, 2015. Based on the findings of the Initial Study, staff has determined that the project could have a potential significant adverse environmental impact unless reduced to a level of less than significance by the implementation of

proposed mitigation measures. Areas identified as subject to potential environmental impacts were Air Quality (short term during site preparation), Cultural Resources, Greenhouse Gas, and Noise (short term during construction). Eleven (11) mitigation measures have been proposed and are included as conditions of approval for the project. Therefore, a Mitigated Negative Declaration is proposed for the project; and

WHEREAS, 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 23, 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 23, 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 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 lane associated with Building "C" will not cause on- and/or off-site traffic conflicts, and that the drive-thru queue lane and speakers will be positioned so as to minimizing potential noise impacts.
 - C. That such use in such location conforms to good zoning practice, in that drive-thru lanes are permitted in the "Commercial" land use district of the Holt Boulevard Specific Plan, 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 is for a drive-thru lane in conjunction with Building "C" of the proposed multi-tenant commercial retail development at 4480 Holt Boulevard, 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. The pick-up window associated with the 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.
4. No limitation shall be placed on the hours of operation for the drive-thru; however, if a traditional speaker ordering system is used and it becomes a noise nuisance to surrounding properties, operation of the traditional speaker system shall be limited to 6:00 a.m. to 11:00 p.m. daily. If the restaurant desires to operate the drive-thru outside of those hours, a speakerless system shall be employed outside of the stated hours to the satisfaction of the City Planner.
5. Speakers at the drive-thru ordering position 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.
6. If a quick-serve or fast casual food tenant utilizing the drive-thru lane is not established in Building "C," or the Director of Community Development determines that the drive-thru that has been installed has been abandoned or no longer needed, said lane shall be removed and replaced with landscaping within a timeframe satisfactory to the City.

7. The business operating the drive-thru lane shall submit plans for all signs, menu boards, speakers, etc., to the City for review and approval. The use of the smallest practical signs and menu/ordering boards is highly encouraged. All signs, menu boards, speakers shall be allowed only on the building side of the drive-thru lane. Only high quality design and materials for these items shall be approved and thereafter maintained in good appearance and operating condition.
8. The drive-thru lane shall be constructed of black concrete for the entire length of the lane. The condition of the drive-thru lane shall be maintained in a clean and sound condition at all times.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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 23RD 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 23rd day of February, 2015, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

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