



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

REGULAR ADJOURNED MEETING
Monday, August 10, 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

None.

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 2015-14
 - Project Address: 8920 Vernon Avenue
 - Project Applicant: Schmit Family Trust
 - Project Planner: Silvia Gutiérrez, Associate Planner
 - Request: Conditional Use Permit for a microbrewery
 - CEQA Assessment: Categorically Exempt (Section 15301)

- a. PUBLIC HEARING - CASE NUMBER 2014-21
 - Project Address: 10601 Oak Glen Avenue
 - Project Applicant: Ngoc Trac Pham
 - Project Planner: Michael Diaz, City Planner
 - Request: Conditional Use Permit and Precise Plan of Design for an 11,300 square-foot warehouse building
 - 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

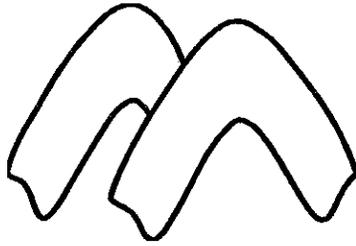
Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of August 24, 2015 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California.

CERTIFICATION OF AGENDA POSTING

I, Steve Lustro, Community Development Director 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 August 6, 2015.



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 08/10/15

AGENDA ITEM 6.a

Case No.: 2015-14

Application: Request for a Conditional Use Permit (CUP) to allow the establishment and operation of a microbrewery (Dragon's Tale Brewery) with ancillary tasting area

Project Address: 8920 Vernon Avenue, Suite 122 and 124

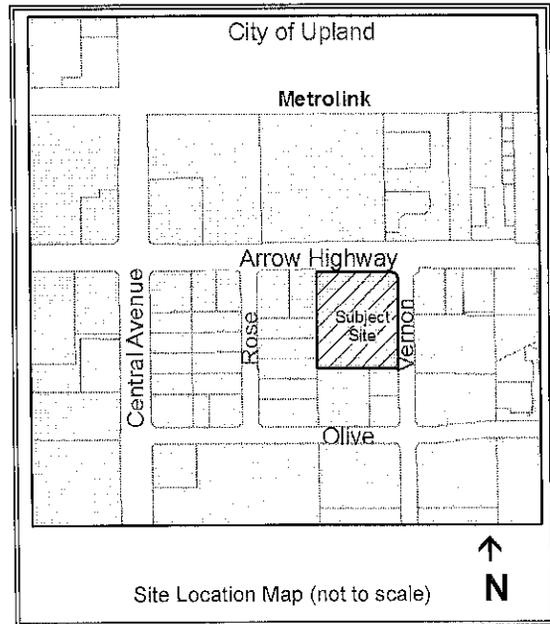
Property Owner: Schmit Family Trust

General Plan: Business Park

Zoning: MIP (Manufacturing Industrial) per North Montclair Specific Plan

Assessor Parcel No.: 1008-041-05

Site Parking: 136 standard parking spaces and 4 disabled-accessible spaces



ADJACENT LAND USE DESIGNATIONS/USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	Business Park	MIP (Manufacturing Industrial Park) per North Montclair Specific Plan	Multi-tenant business park
North	Business Park	MIP (Manufacturing Industrial Park) per North Montclair Specific Plan	Industrial warehouse
East	Industrial Park	MIP (Manufacturing Industrial Park) per North Montclair Specific Plan	Vacant parcel/ multi-tenant business park
South	Business Park	MIP (Manufacturing Industrial Park) per North Montclair Specific Plan	Multi-tenant industrial building
West	Business Park	MIP (Manufacturing Industrial Park) per North Montclair Specific Plan	Multi-tenant industrial buildings

Report on Item Number 6.a

PUBLIC HEARING – CASE NUMBER 2015-14

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	Schmit Family Trust
LOCATION OF PROPERTY	8920 Vernon Avenue, Suites 122 and 124
GENERAL PLAN DESIGNATION	Business Park
ZONING DESIGNATION	"MIP" (Manufacturing Industrial Park) per North Montclair Specific Plan
EXISTING LAND USE	Multi-tenant industrial building
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Silvia Gutiérrez

Project Description

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow the establishment and operation of a microbrewery (Dragon's Tale Brewery) with an ancillary tasting area in an approximately 1,900 square-foot tenant space within a business park at the southwest corner of Arrow Highway and Vernon Avenue. A Type 23 ABC license (Small Beer Manufacturer) would be required for the proposed business.

Dragon's Tale Brewery proposes to establish its first microbrewery and tasting business at the subject location. The proposed microbrewery would feature small batches of craft style beers brewed using a small pilot brewery system. The pilot brewery system would consist of two or three natural gas fueled burners with a 180-gallon kettle set over each burner. The beers would also be available for wholesale distribution. A small, 600 square-foot tasting/sampling area (approximately 21' by 29') is proposed to allow the direct tasting and purchase of the on-site brewed beer. No food would be prepared on site, but free pretzels, crackers, and peanuts would be offered.

The sampling of beer would be restricted only to products manufactured on-site. No other spirits would be allowed for tasting or sale on the premises. The beer tasting process would depend on the size of the drinking glass. Samples would be offered in four-ounce and pint tasters, with one-liter and half-gallon (1.89 liters) "growlers" available for off-site consumption. The microbrewery manufacturing hours are proposed to be from 9 a.m. to 10 p.m. daily. The proposed hours for the tasting area are 1 p.m. to 10 p.m. Wednesday through Sunday. In addition to the owners, it is anticipated that two employees would assist with the operation of the business.

Background

- In 1984, a Precise Plan of Design (PPD) approval was granted by the Planning Commission to construct two commercial/industrial buildings of 17,875 and 16,056 square feet on the subject site.

- The subject property is approximately 2.5 acres in area and has 136 standard parking spaces and four (4) disabled-accessible spaces.
- In June 2015, the City Council adopted Ordinance No. 15-949, amending the Land Use Matrix of the North Montclair Specific Plan and Chapter 11.78 of the Montclair Municipal Code to conditionally permit microbreweries with ancillary on-site tasting in the MIP land use district of the North Montclair Specific Plan.

ABC License

The California Department of Alcoholic Beverage Control (ABC) is the state entity that has the authority to grant, renew and revoke alcoholic beverage licenses. Dragon's Tale Brewery would be located within Census Tract 2.01, which is generally bound by Huntington Drive, Benson Avenue, Interstate 10, and Mills Avenue. If approved, Dragon's Tale Brewery would be the first Type 23 ABC license issued in the City of Montclair.

Planning Division Comments

Staff has evaluated the applicant's business proposal and floor plan, conducted a site inspection of the proposed premises, and visited a similar microbrewery with ancillary tasting in Upland and is satisfied that the applicants can manage their business in a satisfactory manner. Alcoholic beverages would be stored behind the tasting bar counter and sold only to tasting customers (identification would be required). As previously stated, four-ounce and pint tasters would be offered, along with one-liter and half-gallon "growlers" available for sale for off-site consumption.

The sale and consumption of craft beer that is manufactured on-site at the subject location would be a compatible and consistent land use when compared to the other commercial retail-type businesses in the neighboring cities of Upland, Chino and Ontario. Accordingly, conditions of approval have been included that would ensure the safety and general welfare of the surrounding area would be maintained. Moreover, Dragon's Tale Brewery would not rely on potentially problematic elements such as a dance floor, entertainment, or pool tables as part of its business format.

With respect to the proposed physical improvements related to the microbrewery use, staff finds them to be appropriate. All changes proposed will occur within the interior of the tenant space. The interior changes are modest in nature, will not be in conflict with the design of the remainder of the building, and appear to be proposed with durable materials. Lastly, staff is pleased to see that all activities are proposed to take place within the building. Future special events with food trucks are planned and would be approved administratively in compliance with the Special Outdoor Event permit application. Such application would require review and approval by the Planning and Building Divisions, Environmental Manager, and Police and Fire Departments.

Staff has calculated that the subject use will require a minimum of eight (8) parking spaces. The site has a total of 140 parking spaces that are shared by all the tenants. Since the proposed microbrewery would be located in a business park where the majority

of tenants have a limited number of employees and customers or visitors, staff does not anticipate any issues with regard to parking. Further, the expected peak hours of the business would be when most of the other businesses in the complex are closed. Therefore, staff expects adequate on-site parking to be readily available to support the proposed microbrewery use as well as the other uses in the multi-tenant center.

City staff and the Police Department support this request for a microbrewery with ancillary tasting area, with the belief that it would provide an enjoyable experience for the general public of legal drinking age and would be the first microbrewery in Montclair. Lastly, local law enforcement indicated that the area in which the microbrewery is located has not had significant calls for service within the last 12 months. Conditions of approval have been included that would ensure the safety and general welfare of the surrounding area would be maintained.

Conditional Use Permit Findings

Staff believes the necessary findings for granting the CUP for a microbrewery with ancillary tasting area can be made, as follows:

- A. The proposed microbrewery with ancillary tasting area would be beneficial to the public convenience and public welfare, in that the provision of specialty craft beers would provide the general public of legal drinking age a unique venue to sample and purchase locally brewed beers. Such availability of alcoholic beverages is common among other microbreweries in adjacent cities.
- B. Granting the CUP for the proposed microbrewery with ancillary tasting area will not be materially detrimental to the public welfare and to other property in the vicinity, in that the proposed brewing and ancillary tasting of limited amounts of craft beer will be conducted entirely within an existing tenant space in a business park that has adequate lighting and operational maintenance standards. Lastly, such use is compatible with surrounding light industrial uses and, with the proposed conditions of approval, is not anticipated to negatively impact any sensitive land uses in the surrounding area.
- C. The proposed microbrewery with ancillary tasting area at the subject location conforms to good zoning practice, in that the Montclair Municipal Code and North Montclair Specific Plan permit microbreweries with on-site tasting in the "MIP" (Manufacturing Industrial Park) land use district of the North Montclair Specific Plan, subject to CUP approval. The CUP allows the City to place reasonable conditions to govern the overall operation of the use, hours of operation, and the sale of alcoholic beverages so that it does not detract from the general quality of the business park and surrounding area.
- D. The subject use in the proposed location is not contrary to the objective of any part of the adopted General Plan, in that the General Plan encourages a wide range of retail and service uses.

Department of Alcoholic Beverage Control (ABC) Finding

ABC requires that a Determination of Public Convenience or Necessity (PCN) be made for businesses that sell alcohol for off-premises consumption when those uses are in areas that have a crime rate higher than the City average or where there is an overconcentration of off-sale licenses in the census tract where the business is proposed. The Planning Commission would be making the PCN determination as part the Conditional Use Permit review of a proposed microbrewery use and would be considered concurrently with the CUP at the public hearing.

Comments from the Public

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on July 31, 2015, as prescribed by law for this discretionary land use entitlement, and public hearing notices were mailed to all property owners within 300 feet of the boundaries of the subject property. In addition, courtesy notices were also mailed to all of the tenants within the subject center. At the time this staff report was prepared, staff had not received any comments or correspondence from the public regarding this application.

Environmental Assessment

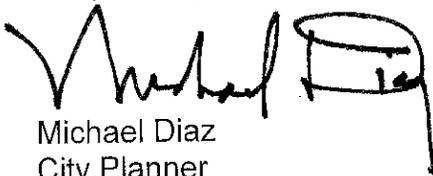
The project qualifies as Class 1 exempt under State CEQA Guidelines Section 15301, which exempts projects involving little to no expansion of existing structures or uses. The proposed project does not involve any site changes.

Planning Division Recommendation

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

- A. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301.
- B. Move to approve a Conditional Use Permit under Case No. 2015-14 approving a microbrewery with ancillary tasting area at 8920 Vernon Avenue, Suites 122 and 124, per the submitted plans and as described in the staff report, subject to the conditions of approval in attached Resolution No. 15-1841.

Respectfully Submitted,



Michael Diaz
City Planner

Z:\COMMDEV\SGUTIERREZ\CASES\2015-14RPT\DRAGON'S TALE MICROBREWERY

RESOLUTION NO. 15-1841

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2015-14 TO ALLOW A MICROBREWERY (ABC TYPE 23 LICENSE) WITH AN ANCILLARY ON-SITE TASTING AREA WITHIN THE "MIP" (MANUFACTURING INDUSTRIAL PARK) LAND USE DISTRICT OF THE NORTH MONTCLAIR SPECIFIC PLAN AT 8920 VERNON AVENUE, SUITES 122 AND 124 (APN 1008-041-05).

A. Recitals.

WHEREAS, on July 8, 2015, Schmit Family Trust, property owner, on behalf of Dragon's Tale Brewery, filed an application for a Conditional Use Permit (CUP) to allow the establishment and operation of a microbrewery (Dragon's Tale Brewery) with ancillary tasting area in an approximately 1,900 square-foot tenant space at 8920 Vernon Avenue, Suites 122 and 124. A Type 23 ABC license (Small Beer Manufacturer) would be required for the proposed business; and

WHEREAS, Table 3-1 of Chapter III ("Development Criteria") of the North Montclair Specific Plan allows a microbrewery with ancillary tasting within the "MIP" (Manufacturing Industrial Park) land use district of the Specific Plan, subject to approval of a CUP; and

WHEREAS, a microbrewery is a small-scale brewery operation that is dedicated solely to the production of specialty beers. In most cases, a tasting room at the manufacturing plant is an integral element of the business; and

WHEREAS, "Beer" is an alcoholic drink brewed mainly from malted barley, hops, yeast and water, although other sources of fermentable carbohydrate (e.g., maize and wheat) and other natural ingredients may be added to create different styles and flavors. Beer comes in many styles, the most common of which are ales, porters, browns, stouts, or lagers; and

WHEREAS, a microbrewery use is subject to the requirements of California Department of Alcoholic Beverage Control (ABC). According to ABC, a Brew Pub or Microbrewery is considered a small beer manufacturer and requires the issuance of a Type 23 license. As a "small manufacturing facility," ABC controls its size of operation, either through the area allowed for production or through a cap on the volume of daily or annual production. Production is measured in barrels and the maximum number of barrels that can be produced is capped at 60,000 per year. A producer of more than 60,000 barrels is considered to be a large scale manufacturer and requires a different ABC license; and

WHEREAS, the Department of Alcoholic Beverage Control (ABC) requires that only beverages produced at that location can be served within the tasting room; and

WHEREAS, a microbrewery operation is subject to the County Health Department review and periodic inspections; and

WHEREAS, City staff has determined that the proposed craft beer manufacturing establishment meets the requirements for a microbrewery to allow the brewing and ancillary tasting of craft beer; and

WHEREAS, the proposed microbrewery meets the applicable development standards of the "MIP" (Manufacturing Industrial Park) land use district of the North Montclair Specific Plan and the criteria set forth in Chapter 11.42 of the Montclair Municipal Code ("Alcoholic Beverages – Regulation of Sale"); and

WHEREAS, staff has determined that the proposed microbrewery with ancillary tasting area is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1), in that the project involves no expansion or significant change to the subject property to accommodate the proposed use; and

WHEREAS, a Notice of Public Hearing was duly given and posted in the manner and for the time frame prescribed by law; and

WHEREAS, on August 10, 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 CUP were heard, and said CUP was fully studied.

B. Resolution.

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

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

SECTION 2. Based upon the substantial evidence presented to the Planning Commission during the above-referenced public hearing on August 10, 2015, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:

- a. The proposed microbrewery with ancillary tasting area would be beneficial to the public convenience and public welfare, in that the provision of specialty craft beers would provide the general public of legal drinking age a unique venue to sample and purchase locally brewed beers. Such availability of

alcoholic beverages is common among other microbreweries in adjacent cities.

- b. Granting the CUP for the proposed microbrewery with ancillary tasting area will not be materially detrimental to the public welfare and to other property in the vicinity, in that the proposed brewing and ancillary tasting of limited amounts of craft beer will be conducted entirely within an existing tenant space in a business park that has adequate lighting and operational maintenance standards. Lastly, such use is compatible with surrounding light industrial uses and, with the proposed conditions of approval, is not anticipated to negatively impact any sensitive land uses in the surrounding area.
- c. The proposed microbrewery with ancillary tasting area at the subject location conforms to good zoning practice, in that the Montclair Municipal Code and North Montclair Specific Plan permit microbreweries with on-site tasting in the "MIP" (Manufacturing Industrial Park) land use district of the North Montclair Specific Plan, subject to CUP approval. The CUP allows the City to place reasonable conditions to govern the overall operation of the use, hours of operation, and the sale of alcoholic beverages so that it does not detract from the general quality of the business park and surrounding area.
- d. The subject use in the proposed location is not contrary to the objective of any part of the adopted General Plan, in that the General Plan encourages a wide range of retail and service uses.

SECTION 3. The Planning Commission finds the proposed microbrewery with ancillary tasting area (Type 23 ABC License) to be desirable to the public convenience in that it would provide an enjoyable experience for the general public of legal drinking age and would be the first microbrewery in Montclair. The Montclair Police Department has indicated that the area in which the microbrewery is proposed has not had significant calls for service within the last 12 months. Conditions of approval have been included that would ensure the safety and general welfare of the surrounding area would be maintained.

SECTION 4. Based upon the facts and information contained in the application, together with all written and oral reports included for the environmental assessment for the application, the Planning Commission concurs with staff's determination that the project is exempt from additional environmental review pursuant to CEQA in connection with the City's consideration of Case No. 2015-14 for the Conditional Use Permit for a microbrewery with ancillary tasting area (Type 23 ABC license). Further, the Planning Commission directs staff to prepare a Notice of Exemption.

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

C. Conditions of Approval.

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

Planning

1. This Conditional Use Permit (CUP) approval is for a microbrewery (Type 23 ABC license) with a 600 square-foot tasting area in a 1,900 square-foot lease space at 8920 Vernon, Suites 122 and 124. Any substantial changes to the operation, increase in floor area or change of ABC license shall require prior City review and approval.
2. Approval of this CUP shall not waive compliance with any regulations as set forth in the California Building Code, City Ordinances, San Bernardino County Health Department, and/or California State Department of Alcoholic Beverage Control (ABC).
3. This CUP approval shall be valid for a period of six months (180 calendar days) from the date of Planning Commission approval and shall automatically expire on the six-month anniversary date of Planning Commission action, unless the applicant is diligently pursuing building plan check toward eventual construction or implementation of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date.
4. This decision or any aspect of this decision may be appealed to the City Council within 15 days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
5. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
 - a. A check in the amount of **\$50.00**, payable to "Clerk of the Board of Supervisors," to cover the County administrative fee for filing a Notice of Exemption as required by the California Environmental Quality Act (CEQA).
 - b. A check payable to "City of Montclair," in the amount of **\$482.40** 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.

6. The approved microbrewery operation shall be conducted entirely within an enclosed building per approved plans by the City of Montclair. No storage of any kind shall occur outside the building.
7. The alcoholic beverages served on, or sold from, the premises shall be limited to the products that are authorized to be manufactured and sold by the alcoholic beverage manufacturer under its license issued by the California Department of Alcoholic Beverage Control.
8. The 600 square-foot tasting area is, and at all times shall remain, an ancillary use to the alcoholic beverage manufacturing use.
9. The sale and/or consumption of alcoholic beverages produced by the manufacturer shall be limited to the approved 600 square-foot tasting area.
10. All persons serving alcoholic beverages shall be a minimum of 21 years of age and have completed LEADS alcohol safety training through the Department of Alcoholic Beverage Control (ABC) prior to working in the tasting area.
11. No person under 21 years of age shall be served or allowed to consume alcoholic beverages of any kind on the subject premises governed by this approval or allowed to purchase any alcoholic beverages for off-site consumption.
12. No admission fee, cover charge, minimum purchase amounts, or drinking contests shall be allowed.
13. No video, electronic or other amusement devices or games shall be permitted.
14. There shall be no live entertainment, amplified music or dancing permitted on the premises at any time without issuance of proper permits as required by the City of Montclair.
15. Any food vendors shall comply with applicable city, state and federal regulations, and must obtain any necessary permits, including a business license and environmental health permits to ensure food safety and handling. In addition, the food vendor shall obtain a Seller's Permit from the California Board of Equalization.
16. The applicant shall take all reasonable and feasible measures to eliminate perceptible odor at the property line and/or reduce noise to within City's Noise Ordinance standards.

17. All rooftop equipment, including, but not limited to, ducts, vents, hoods, filters, air conditioners, utility meters, and repair equipment etc., shall be fully screened from view in a manner that is compatible with the architectural design of the building. Wooden lattice or fence-like screens/covers are not acceptable.
18. All graffiti and vandalism and damage to the subject site and structures shall be removed and/or repaired upon its discovery.
19. The following mandatory conditions are hereby imposed as part of the CUP approval for microbreweries with ancillary tasting:
 - a. The premises shall be maintained at all times in a neat and orderly manner.
 - b. Trash receptacles shall be provided in such number and at such locations as may be specified by the Planning Commission.
 - c. No beer shall be sold, dispensed or offered for consumption outside of the permitted premises, which shall consist of a wholly enclosed building, except as otherwise manufactured on the premises in the form of one-liter and half-gallon (1.89 liters) growlers. Applicant shall post notification of this limitation in English and Spanish within plain view of employees and customers.
 - d. The exterior appearance of the premises shall be maintained in a manner consistent with the exterior appearance of existing commercial and industrial properties within the immediate neighborhood so as to not cause blight or deterioration, or to substantially diminish or impair property values within the neighborhood.
 - e. The permittee shall comply with all California Department of Alcoholic Beverage Control (ABC) statutes, rules and regulations relating to the sale, purchase, display, possession and consumption of alcoholic beverages.
 - f. The permittee shall acknowledge and agree the City has a legitimate and compelling governmental interest in permittee's strict compliance with all conditions imposed upon the permit, including adherence to State statutes, rules and regulations as specified in subsection (e), above. The permittee shall further acknowledge and agree, in writing, that any violation of a State statute, rule or regulation concerning the sale to or consumption of alcoholic beverages by a minor has been determined by the City to have a deleterious secondary effect upon:

- i. The specific land use requested by the permittee and authorized by the City;
 - ii. The compatibility of permittee's authorized land use with adjacent land uses;
 - iii. The welfare and safety of the general public within the City.
 - iv. In view of such deleterious secondary effects, permittee shall acknowledge the City has specifically reserved the right and authority to impose sanctions, including suspension or revocation of the CUP, as a consequence of one or more violations of a State statute, rule or regulation concerning the sale to or consumption of beer and wine by a minor.
- g. The permit shall, after notice to the permittee and an opportunity to be heard, be subject to the imposition of such additional conditions as may be reasonable and necessary to address problems of land use compatibility, security, or crime control that have arisen since the issuance of the permit.
20. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including, but not limited to the following:
- a. Temporary banners for the purpose of announcing the grand opening or advertising promotions shall require banner permits from the Planning Division prior to installation.
 - b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
 - c. At no time shall pennants, inflatable signs, "human" signs, or other similar advertising devices be utilized on the property or off-site.
21. A copy of the CUP approval letter and resolution with all conditions of approval related to the application shall be conspicuously posted alongside the establishment's Business License and Certificate of Occupancy, and shall be made available to law enforcement officers, and/or fire, building, and code enforcement inspectors in the course of conducting inspections of said premises.
22. This CUP allowing a microbrewery with ancillary on-site tasting may be modified or revoked for failure to abide by these conditions or in the event the use is determined to be a nuisance to surrounding properties, businesses or the community at-large.

23. The applicant shall defend, indemnify, and hold harmless, the City of Montclair, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul any approval of the City, whether by its City Council, Planning Commission, or other authorized board or officer of this subdivision. Pursuant to California Government Code Section 66474.9, the subdivider and applicant also agrees to defend, indemnify, and hold harmless, the City of Montclair, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul any map approval of the City, whether by its City Council, Planning Commission, or other authorized board or officer of this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. The City shall promptly notify the subdivider and applicant of any such claim, action, or proceeding; and the City shall cooperate fully in the defense.

Building

24. Submit four complete sets of plans including the following:
- a. Site/Plot Plan;
 - b. Floor Plan;
 - c. Reflected Ceiling Plan;
 - d. Electrical Plans, including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
 - e. Plumbing plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning;
 - f. Existing plan of the building, including all walls to be demolished;
 - g. Waste recycling program, demonstrating that a minimum of 50% of construction waste will be recycled.
25. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
26. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
27. The applicant shall comply with the latest adopted California Building Code, and other applicable codes, ordinances and regulations in effect at the time

of permit application. These applicable codes shall be indicated on the first page of submitted plans.

28. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
29. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
30. Clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
31. Construction drawings submitted to the Building Division for plan review shall comply with the Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. Install the numerical suite number(s) over the entrance(s) to the tenant space. Suite numerals shall be in Helvetica font, a minimum of six (6) ten inches in height and be in color that adequately contrasts with the background to which they are attached.
 - b. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.
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. Electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside the building.
34. Plans for food preparation areas shall be approved by County of San Bernardino Department of Environmental Health Services prior to issuance of building permits.
35. The occupant load of the tenant space shall be posted at or near the exit door stating the maximum occupant load shall be no more than 46 persons at any time.
36. A Certificate of Occupancy is required prior to the occupancy of the building. Issuance of a Certificate of Occupancy shall be contingent upon the Fire

Department inspection and the final approvals from other departments and/or agencies.

Environmental

37. 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.
38. 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.
39. The business shall not at any time discharge wastewater consisting of beer/hops/yeast to the City of Montclair Sanitary Sewer System prior to special approval by the Environmental Manager. For more information contact Nicole deMoet, Environmental Manager, at (909) 625-9446.

Police

40. A security plan for the interior and exterior of the subject premises shall be submitted to the Montclair Police Department for approval prior to commencement of operations. The security plan, which may include proactive measures such as adequate lighting, security cameras, signage, and visibility into and out of the subject tenant space, shall be formulated to deter unlawful conduct of employees and patrons, to promote the safe and orderly assembly and movement of persons and vehicles, and to prevent disturbances to surrounding uses and the neighborhood by excessive noise created by patrons entering or leaving the alcoholic beverage manufacturer's licensed premises.
41. Should calls for Police service or response at the microbrewery exceed a level reasonably considered normal and customary by the Police Chief for the size and nature of the business during any consecutive two-month period, the business operator may be required to provide, at his or her expense, uniformed security guards employed by a State-licensed security company during regular business hours and for a period of time to the satisfaction of the Police Chief. The approval of such a State-licensed security company shall not be unreasonably withheld.

Fire

42. The proposed commercial structure(s) shall require an approved fire alarm and automatic fire sprinkler system. The system shall conform to all local and national standards. 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.

43. Three (3) sets of plans shall be submitted to Montclair Fire Department for approval prior to the relocation or addition of sprinklers for tenant improvements.
44. Three (3) sets of plans shall be submitted to the Montclair Fire Department for approval prior to the upgrade of a fire alarm system for a tenant improvement.

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

APPROVED AND ADOPTED THIS 10TH DAY OF AUGUST, 2015.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, Chair

ATTEST: _____
Steve Lustro, Secretary

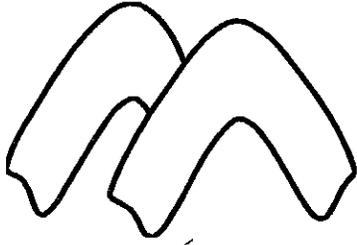
I, Steve Lustro, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 10th day of August, 2015, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SGUTIERREZ\2015-14 MICROBREWERY\RESO15-1841



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 08/10/15

AGENDA ITEM 6.b

Case No. 2014-21

Application: A Conditional Use Permit (CUP) and Precise Plan of Design (PPD) for a proposed 11,300 square-foot industrial/warehouse building and associated site improvements on a vacant, 38,769 square-foot (0.89 acres) site

Project Address: 10601 Oak Glen Avenue

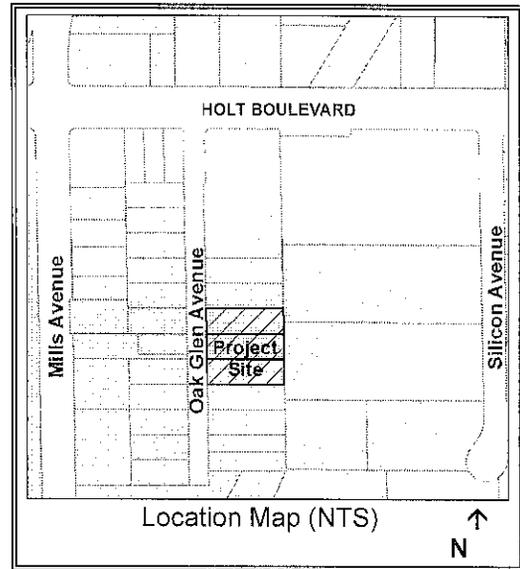
Property Owner: Ngoc Trac Pham

General Plan: Specific Plan

Zoning: "Business Park" (Holt Boulevard Specific Plan)

Assessor Parcel Nos.: 1012-021-37, 38, & 39

City/Public Utility Easements: None



Adjacent Land Use Designations and Existing Uses			
	<i>General Plan</i>	<i>Zoning</i>	<i>Existing Use of Property</i>
Site	Business Park	"Business Park" per Holt Boulevard Specific Plan	Vacant
North	Business Park	"Business Park" per Holt Boulevard Specific Plan	Legal non-conforming residential
East	Business Park	"Business Park" per Holt Boulevard Specific Plan	San Antonio Wash and industrial buildings w/outdoor storage
South	Business Park	"Business Park" per Holt Boulevard Specific Plan	Legal non-conforming residential
West	Business Park	"Business Park" per Holt Boulevard Specific Plan	Legal non-conforming residential

Report on Item Number 6.b

PUBLIC HEARING - CASE NUMBER 2014-21

APPLICATION TYPE(S)	Precise Plan of Design Conditional Use Permit
NAME OF APPLICANT	Ngoc Trac Pham
LOCATION OF PROPERTY	10601 Oak Glen Avenue
GENERAL PLAN DESIGNATION	Business Park
ZONING DESIGNATION	"Business Park" per Holt Boulevard Specific Plan
EXISTING LAND USE	Vacant/undeveloped
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15332)
PROJECT PLANNER	Michael Diaz

Project Proposal

The proposed project involves the development of an 11,300 square-foot industrial/warehouse building on an 0.89-acre site on the east side of Oak Glen Avenue, approximately 500 feet south of Holt Boulevard. The site is located in the "Business Park" land use district of the Holt Boulevard Specific Plan and is currently comprised of three adjacent vacant lots that would be merged together into a single parcel for the project. A street dedication of five feet would be required to widen Oak Glen Avenue and allow for the addition of a public sidewalk, street trees, streetlight, and undergrounding of existing overhead utility conveyances along the property's street frontage.

The proposed single-story building is rectangular in shape and would be 24 feet in height. The interior of the building would be divided as follows:

Proposed Warehouse Building – 10601 Oak Glen Avenue	
<i>Use</i>	<i>Square Footage</i>
Office Space	1,100 SF
Warehouse Area	10,200 SF
<i>Total</i>	<i>11,300 square feet</i>

The office area would be comprised of a reception area, three offices, restrooms, a copier/storage room, and break area.

Access to the site would be from a single 26-foot wide drive aisle along the north side of the property leading to 23 on-site parking spaces (including one disabled-accessible space) and two truck loading spaces. A trash enclosure is proposed in the northeast corner of the site. Six-foot high block walls are proposed for the north and south

boundaries of the site, and a six-foot high combination wall and fence is proposed along the east boundary adjacent to the San Antonio Wash.

Design

The building would be constructed of both split-face concrete block and precision block with a stucco finish. The building elevations incorporate offsets, varied heights, and horizontal reveals to add depth and architectural interest. Required fire exit doors are also shown as part of the overall building design. The proposed building height is 24 feet as measured to the tallest wall planes of the structure.

Fixed commercial grade windows are proposed on the north end of the building facing Oak Glen Avenue where the offices and main entry will be located. Windows would be tinted black with dark gray metal frames. Three (3) tall window details comprised of black-colored spandrel glass/dark gray frames are incorporated into the middle of the remainder of the building façade to add further visual interest. Proposed exterior wall colors for the building are gray-toned split face block, white for plastered areas, and black glass accents.

Landscape Plan

A landscape and irrigation plan for the site is included. The bulk of landscaping for the site is provided in a 35-foot landscaped front setback area along the frontage of the property. The landscape plan is designed to comply with the City's Water Efficient and Landscape Conservation ordinance and to accommodate the requirements of a required Water Quality Management Plan (WQMP). The plan features a river rock dry stream bed, boulders, and drought tolerant shrubs and groundcovers. The landscape plan includes 20 trees, five of which are street trees along Oak Glen Avenue. No turf is proposed.

Conditional Use Permit

In addition to a Precise Plan of Design (PPD), a Conditional Use Permit (CUP) is also required by the Holt Boulevard Specific Plan to allow wholesale, storage, and distribution uses in the Business Park land use district of the Holt Boulevard Specific Plan.

The anticipated user of the building is a wholesale shutter and blind company with manufacturing facilities in Chino. The proposed building in Montclair would serve as a warehouse to store both raw materials and finished product for eventual distribution. No retail sales of products would occur at the site. Approximately ten employees would be at the site during normal business hours, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m. All deliveries and pick-ups would occur Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m.

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

Background

- According to Building Division records, a single-family residence was demolished and removed in 1991 from 10603 Oak Glen Avenue (APN 1012-021-37), the southernmost parcel of the three properties that comprise the subject site.
- The subject site is located in the "Business Park" land use district of the Holt Boulevard Specific Plan (HBSP), adopted in 1991. According to the HBSP, the "Business Park" land use district is intended for a mix of light manufacturing, research and development, sales agencies, and office-based firms seeking an attractive and pleasant working environment. Wholesale, storage, and distribution uses in the Business Park district are permitted subject to the approval of a CUP.
- With the adoption of the HBSP in 1991, the existing single-family residential structures and uses on Oak Glen Avenue became legal non-conforming with respect to the land use designation for the area. However, according to the HBSP, existing single-family residential uses within the Specific Plan area as of the date of adoption of the Specific Plan are permitted to continue.
- The property is affected by a 25-foot wide easement associated with the San Antonio Wash, located along the site's easterly side. In 2012, the U.S. Army Corps of Engineers granted its consent (Consent No. DACW09-9-12-0103) for the property owner to use the easement for surface parking and a fence as shown on the proposed plans.
- The proposed project is located within the Airport Influence Area of Los Angeles/Ontario International Airport (ONT) and was evaluated and found to be consistent with the Airport Land Use Compatibility Plan (ALUCP) for ONT. The project has no issues with height and is only located within the Real Estate Transaction Disclosure Area, which has a noticing requirement that has been made a condition of approval.
- The present owner acquired the subject site in August 2013.

Planning Division Comments

The proposed development of the property has been in process for several years and has finally been revised and modified sufficiently to meet updated codes and requirements to the point that it can be brought forward for consideration. Overall, staff finds the proposed project to be appropriately situated on the subject site. The merged parcels will form a site that is of adequate size and shape to support the proposal as designed with required site improvements such as access, parking, landscaping, and required elements of the approved Water Quality Management Plan (WQMP). Moreover, the site has direct frontage to Oak Glen Avenue. Consistent with City policy

and to avoid confusion with past development on the property, a new street address of 10601 Oak Glen Avenue will be assigned to the property if the project is approved.

The project is in compliance with the applicable development standards of the "Business Park" land use district of the Holt Boulevard Specific Plan, including setbacks, building height, and parking as generally described above. With regard to setbacks, the front of the building would be 35 feet back from the front (west) property line. Moreover, the proposed 24-foot building height for the project is less than the maximum 28-foot height limit. On-site parking is sufficient and properly distributed around the site.

Oak Glen Avenue is a relatively short length street (approximately 900' long), with the northern and southern ends of the street being developed with commercial uses and vacant property, respectively. In between there is a mix of vacant land, a paved parking lot with vehicle storage, and 13 residential properties. In 1991, when the Holt Boulevard Specific Plan was adopted, the land use designation of the Oak Glen Avenue properties was changed to "Business Park," thereby making the residential uses legal non-conforming with respect to zoning. Per the Specific Plan, the existing residences can continue in perpetuity unless the use ceases for a period of at least six (6) consecutive months, or a private developer purchases properties to assemble into a large parcel to support another commercial or industrial project consistent with the land use designation. Eventually the street will continue to change and become more commercial and/or industrial in nature as the present zoning for the area would allow. The streets on either side of Oak Glen Avenue (Mills and Silicon Avenues) south to the railroad tracks are already largely developed (or re-developing) with commercial and industrial uses.

Staff believes the scale and development of the proposed warehouse project is appropriate and will set the standard for future development of the street and surrounding area. Further, the nature of the new use will be a relatively low key operation with fairly low impacts, provided all major activities at the site occur within the building, outdoor operations are conducted during standard daytime hours, and outdoor storage is restricted. To ensure that the transition of the area goes as smoothly as possible, conditions of approval addressing these potential issues have been added to the draft resolution of approval.

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

Building Design and Landscaping

Staff worked with the architect on the design of the building and is generally pleased with its overall design. The Oak Glen Avenue street elevation is the most detailed and

does not look overdone. The level of detail elements incorporated into the exterior design appears to be appropriate, including the incorporation of horizontal reveals into the block pattern of the walls. The use of wall offsets and varied wall heights work well on all sides of the building and will provide visual interest. The remaining building elevations would be less visible to most passersby due to existing development and the separation from properties to the east across the San Antonio Wash. Staff also finds the proposed color palette of a light shade of gray, white plaster, and gray/black windows to be suitable for the area.

The raised parapet is also tall enough to provide appropriate screening of any rooftop equipment from street level and adjacent properties to a reasonable degree. With this project, only skylights and required vents are anticipated with no other roof top equipment such as air conditioners or duct runs. The office portion of the project will be air conditioned and equipment associated with it will need to be screened from view. Staff has added a condition of approval requiring that all future equipment (including solar panels) be fully screened and/or placed on the ground behind the building and screened from view to the greatest extent possible.

In regard to landscaping, staff finds the selected plant materials to be appropriate and evenly distributed around the site where planter areas are proposed. The new street improvements coupled with new street side landscaping will improve the function and appearance of the street and surrounding area. The proposed irrigation system is also designed to be water efficient.

Conditional Use Permit Findings

Staff believes that the required findings for granting a Conditional Use Permit to allow wholesale, storage, and distribution uses in the "Business Park" land use district of the Holt Boulevard Specific Plan can be made as follows:

- A. That said use is essential or desirable to the public convenience and public welfare, in that the development of and use of the site by a wholesale, storage, and distribution use will result in new improvements and expansion of business activity in the community and the potential for employment opportunities for local residents.
- B. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity, in that the project involves the development of a modern warehouse building with site/street improvements on a vacant parcel of land. Moreover, the proposed use of the site for wholesale, storage, and distribution activities is a relatively low key operation that will be conditioned to minimize potential adverse impacts to existing nearby residential uses.
- C. That such use in such location conforms to good zoning practice, in that the project and eventual use of the property for wholesale, storage, and distribution

purposes is consistent with the "Business Park" 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 orderly development with respect to adopted land use plans, and the continual improvement of the City as place for attractive industrial development while minimizing potential detrimental impacts on surrounding properties.

Environmental Assessment

The Planning Division has determined the 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 development of three contiguous lots is consistent with the applicable policies of the General Plan, the Holt Boulevard Specific Plan requirements, is less than five acres in area, has utilities present in the area to serve the development, and is similar to other existing industrial and commercial uses in the vicinity. Further, the property is less than one acre 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.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on July 31, 2015. Public hearing notices were also mailed to property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, staff received one phone call from an Oak Glen Avenue resident who was interested in the project and its impact on his property.

Planning Division Recommendation

Staff recommends the Planning Commission take the following actions:

- A. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). The project qualifies as a Class 32 exemption under State CEQA Guidelines in that the project is consistent with the applicable policies of the General Plan, the development policies and criteria of the adopted Holt Boulevard Specific Plan, is less than five acres in size, has utilities present in the area to serve the development, and is similar to other existing industrial and commercial developments and uses in the vicinity. As such, there is no substantial evidence the project will pose a potential significant impact to the environment.
- B. Approve the Conditional Use Permit and Precise Plan of Design request for the site plan, floor plan, elevations, colors, materials, conceptual landscape plan, and

use of a new 11,300 square-foot warehouse/industrial building on an 0.89-acre site at 10601 Oak Glen Avenue (new address), in the "Business Park" land use district of the Holt Boulevard Specific Plan, by adopting Resolution No. 15-1842.

Respectfully Submitted,



Michael Diaz
City Planner

Attachment: Draft Resolution No. 15-1842

c: Ngoc Trac Pham, 4833 Schaefer Avenue, Chino, CA 91710
Paul Berger, Paul Berger & Associates, 9264 SVL Box, Victorville, CA 92392
Victoria Chadbourne, Harvel & Associates, 5144 Arden Drive, Temple City, CA 91780

Z:\COMMDEV\MD\CASES\2014-21 NEW INDUSTRIAL BLDG ON OAK GLEN\2014-21 PC1RPT

RESOLUTION NO. 15-1842

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT AND PRECISE PLAN OF DESIGN UNDER CASE NO. 2014-21 FOR THE SITE PLAN, FLOOR PLANS, ELEVATIONS, COLORS, MATERIALS, CONCEPTUAL LANDSCAPE PLAN, AND WAREHOUSE USE OF AN 11,300 SQUARE-FOOT WAREHOUSE/INDUSTRIAL BUILDING ON AN 0.89-ACRE SITE AT 10601 OAK GLEN AVENUE, IN THE "BUSINESS PARK" LAND USE DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN (APNs 1012-021-37, 38, & 39).

WHEREAS, on August 18, 2014, Ngoc Trac Pham, property owner, filed an application for a Conditional Use Permit and Precise Plan of Design (PPD) under Case No. 2014-21, to allow the development of a single-story, 11,326 square-foot industrial building and surface parking on vacant property located on Oak Glen Avenue; and

WHEREAS, the proposed development and use of the property is for wholesale, storage, and distribution associated with a manufacturer of wood shutters and window blinds; and

WHEREAS, the subject site consists of three (3) contiguous parcels that will be merged to create a single site of approximately 38,769 square feet in area (0.89 acres); and

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

WHEREAS, the project site is located "Business Park" land use district of the Holt Boulevard Specific Plan; and

WHEREAS, the "Business Park" land use district of the Holt Boulevard Specific Plan (HBSP) was adopted in 1991. According to the HBSP, the "Business Park" land use district is intended for a mix of light manufacturing, research and development, sales agencies, and office-based firms seeking an attractive and pleasant working environment; and

WHEREAS, wholesale, storage, and distribution uses in the Business Park district requires the approval of a Conditional Use Permit (CUP); and

WHEREAS, the subject development proposal is in compliance with the applicable development standards of the "Business Park" land use district of the Holt

Boulevard Specific Plan, including setbacks, building height, and parking as generally described above; and

WHEREAS, the project site is of adequate size and shape to support the proposal as designed with required site improvements such as access, parking, landscaping, and required elements of the approved Water Quality Management Plan (WQMP); and

WHEREAS, the Planning Division has determined the 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 development of three contiguous lots is consistent with the applicable policies of the General Plan, the Holt Boulevard Specific Plan requirements, is less than five acres in area, has utilities present in the area to serve the development, and is similar to other existing industrial and commercial developments and uses in the vicinity. As such, there is no substantial evidence the project will pose a potential significant impact to the environment; 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, on August 10, 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 substantial evidence presented to this Commission during the above-referenced public hearing on August 10, 2015, including written and oral staff reports, together with public testimony, this Commission hereby finds with respect to the Conditional Use Permit request as follows:
 - A. That said use is essential or desirable to the public convenience and public welfare, in that the development of and use of the site by a wholesale, storage, and distribution use will result in new improvements

and expansion of business activity in the community and the potential for employment opportunities for local residents.

- B. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity, in that the project involves the development of a modern warehouse building with site/street improvements on a vacant parcel of land. Moreover, the proposed use of the site for wholesale, storage, and distribution activities is a relatively low key operation that will be conditioned to minimize potential adverse impacts to existing nearby residential uses.
 - C. That such use in such location conforms to good zoning practice, in that the project and eventual use of the property for wholesale, storage, and distribution purposes is consistent with the "Business Park" 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 orderly development with respect to adopted land use plans, and the continual improvement of the City as place for attractive industrial development while minimizing potential detrimental impacts on surrounding properties.
3. Based upon the substantial evidence presented to this Commission during the above-referenced hearing on August 10, 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, Holt Boulevard Specific Plan, and good planning principles, and approves the application subject to each and every condition set forth below.

Planning

- 1. This approval shall be for the following:
 - a. A Conditional Use Permit to allow a wholesale, storage, and distribution use at 10601 Oak Glen Avenue (new address) as described in the staff report; and
 - b. A Precise Plan of Design for the site plan, floor plans, elevations, colors, materials, and landscaping associated with the development of an 11,300 square-foot warehouse/industrial building at 10601 Oak Glen Avenue (new address) as depicted on the submitted plans and as described in the staff report.
- 2. CUP approval shall be valid for a period of six months (180 calendar days) from the date of Planning Commission approval and shall

automatically expire on the six-month anniversary date of Planning Commission action, unless the applicant is diligently pursuing building plan check toward eventual construction or implementation of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date.

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, the State of California, or United States Government.
6. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
 - a. A check in the amount of **\$50.00**, payable to "Clerk of the Board of Supervisors," to cover the fee for filing a Notice of Exemption for the project as required by the California Environmental Quality Act (CEQA).
 - b. A check in the amount of **\$516.28**, made 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. Any future business(es) occupying the completed building shall be required to obtain and maintain valid business licenses and comply with all applicable City regulations at all times. As part of the routine review process for each new business, the property and subject lease spaces will be inspected to ensure compliance with all applicable codes, including the provision of adequate on-site parking.
10. The applicant and subsequent property owners and users shall comply with the following operational standards:
 - a. Outdoor storage of personal or other items (including motor vehicles) not directly related to the primary use of the property shall not be allowed.
 - b. No outdoor pay telephones, loudspeakers, or vending machines shall be installed or used on the property.
 - c. No outdoor storage of raw materials, finished products, pallets, equipment and/or other supplies of any kind on the ground, on racks, or within storage containers shall be allowed.
 - d. Materials delivery and outdoor noise caused by the use of forklifts, loading and unloading, or moving of materials and/or finished products shall also be restricted to standard workday hours, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., and on Saturdays between the hours of 8:00 a.m. and 3:00 p.m.
11. 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 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.

12. All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency.
13. 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.
14. 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.
15. Prior to the issuance of building permits, the applicant shall provide the following of plans submitted for plan check:
 - a. Fencing/wall/gate plan for the entire site. The design of the decorative metal fence and gates shall be complementary to overall appearance of the new building and constructed of durable and easily maintained materials as follows:
 - i. Fencing shall have a durable finish (e.g., powder coat) in a color that complements the building or black subject to the approval of the City Planner.
 - ii. The face or finished side of any fence or wall on the property shall be directed toward the street or where it is directly visible to the street or adjacent properties. Any posts and stringers used to support a fence shall be placed on the inside facing the subject property.
 - iii. The maximum height of the fence shall not exceed eight feet (8'-0") in height along any side or rear property line as adjusted for existing grade conditions and subject to the satisfaction of the City Planner. The use of chain-link fencing and security deterrents such as barbed or concertina wire are expressly prohibited.

- iv. Gates shall be made accessible to emergency personnel (Police and Fire) during times when they are closed. Contact the Montclair Fire Department for further information and requirements.
- b. An exterior lighting and photometric plan for the entire site. The plans shall indicate the location of all exterior light fixtures (area, building, parking lot, etc.) and the overall illumination levels across the site. All proposed exterior lighting shall comply with the following standards:
- i. Provide a minimum maintained illumination level of one (1) foot-candle across the site.
 - ii. All lighting fixtures shall be vandal-resistant and of a design that complements the architecture of the building.
 - iii. All parking lot and other freestanding light fixtures shall incorporate 90-degree cut-off style luminaires and flat lenses so as to direct illumination downward to the surface to be illuminated and away from public rights-of-way and properties adjacent to the subject site. Cut-off or "house-back" shields may be required to ensure illumination does not adversely impact adjacent properties to the greatest extent possible.
 - iv. Freestanding light fixtures and poles shall not exceed a maximum height of 20'-0" as measured from adjacent grade to top of luminaires.
 - v. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be clad in a color coordinated stucco finish to complement the main building.
 - vi. Wall-mounted fixtures shall be shielded. The use of unshielded wall packs, barn lighters, other similar unshielded luminaires, and/or decorative lighting installed solely for the purpose of illuminating the roof shall be permitted.
 - vii. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.
- c. The trash enclosure(s) shall have a solid roof cover and be designed to complement the overall architecture of the main building. Contact Burrtec Waste Industries to determine the

number of required bins to support the most likely end user(s) of the building.

16. All automobile parking spaces shall be clearly delineated with double-line (e.g. "hairpin") striping.
17. Signage on the building shall be limited to the name of the business only and numerical address. A separate Sign Permit Application shall be submitted by the property owner (or licensed sign contractor) for the above-mentioned sign(s) to the Planning and Building Divisions for review, approval, and issuance of all necessary permits prior to installation of any sign(s).
18. 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.
19. 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.
20. 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.
21. 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.
22. Screening of roof-mounted equipment, including solar panels, 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.
23. 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.
24. Access to the roof of the building shall be from within the structure and not be means of roof access ladders mounted to the exterior of the building.

25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative, or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void or annul, the any action of, or permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities, thereof (including actions approved by the voters of City), for or concerning the project, whether such Actions, are brought under the California Environmental Quality Act, the Planning and

Zoning Law, the Subdivision Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any action brought and City shall cooperate with the applicant in the defense of the Action.

Airport Influence Area - Maximum Interior Noise Level

31. The project applicant shall demonstrate compliance with Policy N4b of the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP), ensuring that interior noise levels for the proposed offices and industrial facility 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 recommendations incorporated into the plan indicating how the standard is met.

Building

32. Submit four complete sets of plans including the following:
 - a. Site/Plot Plan;
 - b. Floor Plan;
 - c. Reflected Ceiling Plan;
 - d. Electrical Plans, including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
 - e. Plumbing Plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning;
 - f. Waste recycling plan, recycling a minimum of 50 percent of all construction debris.
33. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
34. A Commissioning Plan will be required per the Green Building Standards Code as adopted by the City of Montclair.

35. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
36. 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.
37. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
38. Separate permits are required for fencing and/or walls.
39. All utility services to the project shall be installed underground.
40. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number.
41. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
42. 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. Required school fees shall be paid directly to the Ontario-Montclair School District and Chaffey Joint Union High School District. Applicant shall provide a copy of the school fees receipts to the Building Division prior to permit issuance.
43. Construct trash enclosure(s) per City Standard (available at the Building Division's public counter).
44. Electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside the building.
45. 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.
46. 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%).

47. The new address for the new building shall be **10601 Oak Glen Avenue**. The address shall be listed on each page of the submitted plans.
48. 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 west-facing building elevation. Address numerals shall be in font acceptable to the Planning Division, 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.
49. Striping of the parking lot shall be cane or "hairpin"-style striping.
50. Temporary construction and storage trailers intended to be placed shall be reviewed and approved by the Planning and Building Divisions prior to their placement. Permits are required for all trailers. Plans and structural calculations will be required for the tie-down devices. Trailers to be used by the public (and not used for construction only) are required to be accessible by disabled persons. Such trailer(s) will require access to the facility by way of ramps in compliance with the California Building Code (CBC) 2013 edition, Chapter 11B, in addition to access to each feature of the trailer.
51. A Certificate of Occupancy is required prior to the occupancy of the building. Issuance of the Certificate of Occupancy shall be contingent upon the Fire Department inspection and the final approvals from all other departments and/or agencies.

Water Quality Management Plan

52. The property owner shall be responsible to contract with a qualified firm to inspect and maintain any stormwater treatment devices specified by the approved WQMP, following all WQMP recommendations. It shall also be

the responsibility of the property owner to maintain inspection reports and have them readily available for review by City staff upon request. In the event that any stormwater treatment device fails due to lack of, or insufficient maintenance and/or inspection, or some other unforeseen circumstance, it shall be the responsibility of the property owner to correct the deficiency and restore the stormwater treatment device(s) to its original working condition.

53. Prepare and submit plans for erosion and sediment control. Plans shall include all phases of the construction project, including rough grading, utility and road installation, and vertical construction to the satisfaction of the Public Works Director/City Engineer. Contact Joe Rosales, NPDES Coordinator, at (909) 625-9470.
54. Prior to receiving a grading permit a State Construction General permit must be obtained and proof provided (WDID number) to the Building Division.
55. At the time of grading permit issuance, post-construction Best Management Practices (BMP) inspection permit fees associated with the approved WQMP shall be paid. Contact Joe Rosales, NPDES Coordinator, at (909) 625-9470 for further information regarding permit and fees.
56. Prior to issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Engineering Division an electronic copy of the approved WQMP in PDF format.
 - b. Submit to the Engineering Division as-built drawings as they relate to the WQMP.
 - c. Record the WQMP Maintenance Agreement with the County of San Bernardino and provide evidence of said recording to the Engineering Division.
57. Prior to release of the Certificate of Occupancy for the building, the person or corporation responsible for the preparation of the WQMP shall certify in writing to the Building Official that all conditions and requirements of the WQMP have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the Building Official that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the WQMP.

58. 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

59. A Parcel Merger shall be required to combine the three subject lots into a single lot. Developer shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code.
60. Payment of transportation-related development impact fees is required. Fees shall be assessed at the rate in effect at the time the fees are paid.
61. Dedicate additional right-of-way for Oak Glen Avenue. Half-street right-of-way width shall total 30 feet, requiring a five-foot (5') dedication.
62. Construct curb, gutter, and sidewalk improvements throughout the frontage of the property. Curb face shall be 20 feet east of centerline of Oak Glen Avenue.
63. Street improvement plans are required for all public streets. Construction drawings shall be 24" by 36" with City standard title block.
64. Sidewalk shall meet ADA requirements including accessibility through or around drive approaches.
65. Install one streetlight within property frontage at a location to be determined by the Public Works Director/City Engineer. Streetlights will be owned and maintained by Southern California Edison. The minimum lighting level shall be to the satisfaction of the City Engineer.
66. All existing overhead utilities within project boundaries and within street frontages adjacent to project shall be placed underground. All existing or new guy wires required to anchor end poles shall be located beyond the project limits. No poles or guy wires shall be permitted to remain with property frontage.
67. 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.
68. Property shall be connected to the public sewer in Oak Glen Avenue.

69. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
70. Developer shall pay all outstanding sewer reimbursement fees or assessments as imposed by a district or reimbursement agreement, if any.
71. Payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by the Inland Empire Utilities Agency shall be required.
72. A Water Quality Management Plan (WQMP) is required for this project. Approval of the WQMP is required prior to the preparation of grading and/or other improvement plans. Requirements for the WQMP may be obtained from the City NPDES Coordinator Joseph Rosales at (909) 625-9470. Requirements of the WQMP may require significant modifications to the approved site plan. If significant modifications are required, a resubmittal to the Planning Commission may be required.
73. A grading plan shall be prepared subject to the approval of the Public Works Director/City Engineer. An erosion control plan is to be included and considered an integral part of the grading plan. Grading plans shall be designed in accordance with City standards and guidelines, and shall be on 24" by 36" sheets.
74. 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.
75. Proposed site plan shows encroachment into United States Army Corps of Engineers right-of-way for drive aisle, parking spaces, and block wall. Developer shall submit written evidence of Corps approval of encroachments, and the conditions under which the encroachment is allowed.
76. All drainage facilities shall comply with requirements of the approved WQMP.
77. 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.

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

Environmental

79. 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.
80. 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

81. 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. A 26-foot width is required for roadways servicing buildings more than 30 feet in height to allow two-way vehicle traffic and the passing of other emergency vehicles. This access is required to be maintained unobstructed throughout construction. Roadway is subject to Fire Department approval prior to construction. *Sections 503.2.1 & 503.2.2, CA Fire Code, 2013 Edition.*
82. The developer/general contractor is responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris. *Section 304.1, CA Fire Code, 2013 Edition.*
83. The inside turning radius for an access road shall be 20 feet or greater. The outside turning radius for an access road shall be 45 feet or greater. **Architect must demonstrate turn radii for driveway and fire department turnaround on site plan(s).**
84. 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. *Section D103.6, CA Fire Code, 2013 Edition.*
85. The proposed commercial structure shall require an approved fire alarm and automatic fire sprinkler system. The system shall conform to all local and national standards. Three (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.

86. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
87. A fire hydrant system shall be required to provide the necessary water flow to the proposed structure(s). Every automatic fire sprinkler system shall have at least one fire department connection within 50 feet of a fire hydrant. 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. *Section 507.5.1 CA. Fire Code 2013 Edition.*
88. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of normal lighting.
89. 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 the Montclair Fire Department Headquarters for those occupancies requiring such a system. Facilities with gated drive approaches shall contact Fire Marshal's Office for additional key and strobe requirement. Fire Department requests a keyed access pedestrian gate on southwest corner of the building to facilitate firefighting operations on the south side of the building. *Section D103.5 CA. Fire Code 2013 Edition.*
90. Vehicle security gates shall be approved only with the use of hold-open devices to allow for emergency vehicles access. Contact the Fire Marshal's Office for specific requirements. *Section D103.5 CA. Fire Code 2013 Edition.*
91. All Montclair Fire Department fees are due prior to any permit issuance.
92. 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 5 feet of combustible construction. *Section 10.28.060 J(2) Montclair Municipal Code.* **All trash containers within the trash enclosure shall be covered.**
93. Fire extinguisher location(s) to be determined by the Montclair Fire Department.
94. Parapet access ladders shall be provided as a means of Fire Department roof access on commercial and industrial building roofs less than 75 feet above the level of the fire apparatus access road. Buildings with a parapet greater than 30 inches tall shall provide approved parapet access ladders and approved ladder point placards. Number of roof access

points and locations shall be determined by the Fire Marshal's Office during the plan check process.

95. 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 10TH DAY OF AUGUST, 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 10th day of August 2015, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MDIAZ\CASES\2014-21 PC RESOLUTION