



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

REGULAR ADJOURNED MEETING  
Monday, April 11, 2016  
7:00 p.m.

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*It is respectfully requested that you please silence your cell phones and other electronic devices while the meeting is in session. Thank you.*

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**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Chair Tenice Johnson, Vice Chair Luis Flores, Commissioner Manny Martinez, Commissioner Sergio Sahagun, and Commissioner Don Vodvarka

**4. APPROVAL OF MINUTES**

The minutes of the March 28, 2016 Planning Commission meeting are presented for consideration.

**5. ORAL AND WRITTEN COMMUNICATIONS ON NON-AGENDA ITEMS**

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

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

## **6. AGENDA ITEMS**

- a. PUBLIC HEARING - CASE NUMBER 2016-5  
Project Address: 9359 Central Avenue, Suite C  
Project Applicant: Montclair, LLC  
Project Planner: Silvia Gutiérrez, Associate Planner  
Request: Conditional Use Permit to allow the on-premises sale of beer and wine in conjunction with a bona fide eating establishment  
CEQA Assessment: Categorically Exempt (Section 15301)
- b. CASE NUMBER 2016-3  
Project Address: 8949 Monte Vista Avenue  
Project Applicant: CFC-Montclair, LLC  
Project Planner: Michael Diaz, City Planner  
Request: Precise Plan of Design for a 23-unit multi-family residential project  
CEQA Assessment: Consistent with the NMDSP EIR; no further analysis required pursuant to Section 15182 of the CEQA Guidelines

## **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**

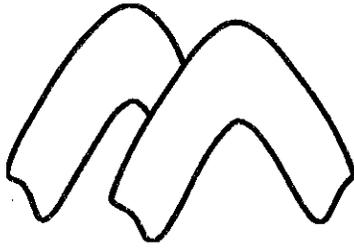
The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of April 25, 2016 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California.

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**CERTIFICATION OF AGENDA POSTING**

I, Laura Embree, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda was posted on the bulletin board adjacent to the north door of Montclair City Hall on April 7, 2016.



CITY OF MONTCLAIR  
**PLANNING COMMISSION**

**MEETING DATE: 04/11/16**

**AGENDA ITEM 6.a**

**Case No. 2016-5**

**Application:** Conditional Use Permit (CUP) to allow on-sale of beer and wine (Type 41 ABC license) in conjunction with a bona fide eating establishment

**Project Address:** 9359 Central Avenue, Unit C

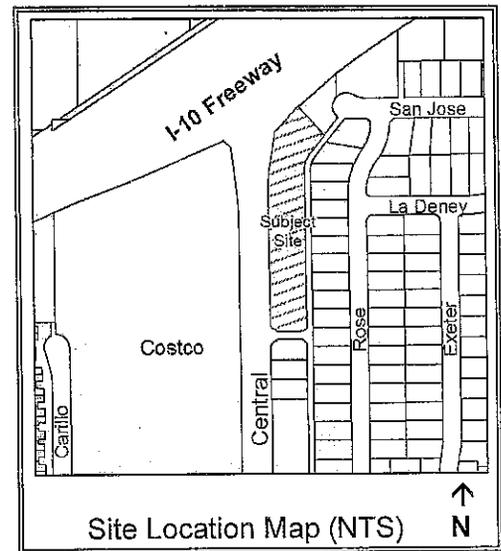
**Property Owner:** Montclair, LLC on behalf of Burgerim, a gourmet burger restaurant

**General Plan:** General Commercial

**Zoning:** C-2 (Restricted Commercial)

**Assessor Parcel No.:** 1008-371-20

**City/Public Utility Easements:** None



<b>Adjacent Land Use Designations and Existing Uses</b>			
	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
<b>Site</b>	General Commercial	C-2 (Restricted Commercial )	Multi-tenant commercial center (Montclair Shoppes)
<b>North</b>	General Commercial	C-2 (Restricted Commercial )	Medical office building and Interstate 10
<b>East</b>	Low Density Residential (3-7 units/acre)	R-1 (Single-Family Residential)	Single-family residences
<b>South</b>	General Commercial	C-2 (Restricted Commercial )	Wienerschnitzel and other commercial retail uses
<b>West</b>	General Commercial	C-3 (General Commercial) per North Montclair Specific Plan	Costco

## Report on Item Number 6.a

### PUBLIC HEARING – CASE NUMBER 2016-5

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	Montclair, LLC
LOCATION OF PROPERTY	9359 Central Avenue, Unit C
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	C-2 (Restricted Commercial)
EXISTING LAND USE	Vacant tenant space within retail center
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 on-premises sale of beer and wine (Type 41 ABC license) in conjunction with a new eating establishment. Burgerim, which specializes in gourmet mini burgers, would be located in an inline lease space within the newly constructed Montclair Shoppes commercial center located on the east side of Central Avenue south of Interstate 10.

Burgerim is a "fast casual" restaurant where guests can customize their orders at the counter, are given a pager and then find their own seating. Customers can order 2, 3, 8, or 16 mini gourmet burgers and various sides including onion rings and fries. A variety of salads are also on the menu. The subject lease space is approximately 1,400 square feet and is located at the north portion of the recently-completed 12,000 square-foot building.

Proposed business hours are 10:00 a.m. to 10:00 p.m. Sunday through Thursday, and 10:00 a.m. to 1:00 a.m. on Friday and Saturday.

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

#### Background

- Section 11.42.040.A of the Montclair Municipal Code requires approval of a CUP for the on-premises sale of beer and wine in conjunction with a bona fide eating establishment.
- On February 15, 2015, the Planning Commission approved the construction of an 18,892 square-foot, multi-tenant commercial development at the southeast quadrant of Central Avenue and Interstate 10 (between the south side of the eastbound I-10 on-ramp and the public alley north of 9419 Central Avenue). Current and pending tenants at the Montclair Shoppes include Original Tommy's Hamburgers, Dickey's

BBQ, Jersey Mike's Subs, a nutrition store, an ice cream shop, and national retailer of cell phones, Starbucks Coffee, and Sleep Number, a specialty mattress retailer.

- Burgerim was first established and opened in Israel in 2008. By 2011, corporate decided to expand franchises to Europe and at present over 100 locations operate in Europe. The proposed Montclair location would be the first Burgerim in the Inland Empire and the second planned location in the United States. The other Burgerim location at Western and Melrose Avenues in Los Angeles is currently undergoing tenant improvements.

### **Planning Division Comments**

Staff is supportive of the request to offer beer and wine in conjunction with meals to be served at the establishment. Burgerim's business model typically includes on-premises alcohol sales as an incidental portion of the restaurant business. Alcoholic beverages are stored behind the counter, sold only to food customers (identification is required), and are not allowed to be taken off the premises, even for "to go" orders.

The sale and consumption of alcoholic beverages in conjunction with a bona fide restaurant at this location is a compatible and consistent land use when compared to the other commercial retail type businesses in the surrounding area. Accordingly, conditions of approval have been included that would ensure that the safety and general welfare of the surrounding area would be maintained. Moreover, Burgerim is a restaurant and does not rely on more 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 new restaurant use, staff finds them to be appropriate. The interior improvements are modest in nature and except for a new sign, they do not impact the exterior appearance of the new building and center. As part of this request, staff has added a condition of approval that requires used fats, fry oil, or grease (FOG) be stored within the building rather than outside in the trash enclosure or behind the building where it would otherwise be susceptible to spills, vermin infestation, and vandalism. FOG materials would be collected and regularly removed from the site by a company that specializes in their removal.

Section 11.66.010 MMC requires that restaurants provide one parking stall for every four permanent seats in the dining area. Based on the proposed floor plan, staff has calculated that the restaurant use will require a minimum of 11 of the 87 available on-site parking spaces in the center. With access to 18 reciprocal parking spaces located on the property adjacent to the north of the project site, the total amount of parking increases to 105 spaces. Restaurant uses typically have peak business activity during the lunch and dinner hours but activity soon drops off considerably for the remainder of the day so that more parking is available to support the proposed restaurant use and other uses in the center. The center does have other food uses, but two of them have their own drive-thru lanes (i.e., Starbucks and Tommy's), which accounts for a significant portion of their respective business activities and reduces the

need for individuals to park their vehicles to obtain food. As such, staff expects parking to be adequate for the proposed businesses in the center.

Finally, the Police Department reviewed the proposed application and did not object to the proposal to allow the sale of beer and wine in conjunction with the proposed food use because the sale of alcoholic beverages is not intended to be a major portion of the business, such as would be the case with a bar or nightclub. The Police Department provided conditions of approval that include the requirement for video surveillance of the premises, which is consistent with recent City approvals allowing the on-premises sale and service of alcoholic beverages for restaurant uses.

### **Conditional Use Permit Findings**

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

- A. The proposed on-premises sale of beer and wine (Type 41 ABC license) in conjunction with the full menu and food service provided within a bona fide eating establishment (restaurant) is essential and desirable to the public convenience and public welfare, in that the new restaurant use increases the variety of food uses offered within the community that allows patrons the option of purchasing alcoholic beverages to consume with their meal. Moreover, the proposed restaurant is located within a new commercial center in an area of the City where other restaurants also offer alcoholic beverages to its customers.
- B. That granting the CUP for the proposed restaurant with on-premises sale of beer and wine will not be materially detrimental to the public welfare and to other property in the vicinity, in that the proposed use will be located in properly developed lease space within a new retail commercial development with adequate parking, security, lighting, etc. Moreover, the proposed restaurant use is compatible with surrounding commercial uses and will not negatively impact any sensitive land uses in the surrounding area.
- C. That the proposed restaurant with the on-premises sale of beer and wine at the subject site conforms to good zoning practice, in that the Municipal Code permits the on-premises sale of beer and wine in the C-2 (Restricted Commercial) zoning district, subject to CUP approval. The CUP allows the City to place reasonable conditions to govern the overall operation of the use, so that the sale of beer and wine does not detract from the general quality of the subject use, commercial center, or the surrounding area.
- D. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages a wide range of retail and service uses (including food uses) within the retail commercial area.

## **Concentration of Businesses Serving Alcoholic Beverages**

The project site is located within Census Tract Number 2.05, which allows up to three (3) on-sale ABC licenses. According to Department of Alcoholic Beverage Control (ABC) records, as of 2015, there are currently two (2) on-sale licenses within the census tract: a Type 41 license at Tokyo Japanese Restaurant at 9513 Central Avenue (in the Stater Bros. Center), and a Type 47 license at Fu Lin Restaurant, 9645 Central Avenue. Therefore, ABC a finding of public convenience or necessity is not required in order to issue a new license.

## **Public Notice and Comments from the Public**

This item was published as a public hearing in the Inland Valley Daily Bulletin newspaper on April 1, 2016, as prescribed by law for this discretionary land use entitlement. Public hearing notices were mailed to all property owners within 300 feet from the boundaries of the subject property and courtesy notices were distributed to tenants within the adjacent portion of the center in which the property is located. As of the time preparation of this agenda report was completed, no comments had been received from the public or neighboring businesses regarding this application.

## **Environmental Assessment**

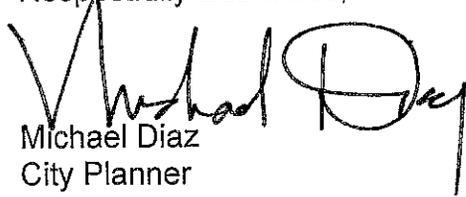
The proposed on-premises of beer and wine in conjunction within a bona fide eating establishment is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines. The project qualifies because it is on a fully developed site involving minor interior and exterior improvements and no site changes involving grading.

## **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, because it is on a fully developed site and involves only minor interior and exterior improvements.
- B. Move to approve a Conditional Use Permit under Case No. 2016-5 for the on-premises sale of beer and wine (Type 41 ABC license) in conjunction with a bona fide eating establishment and related tenant improvements at 9359 Central Avenue, Unit C, per the submitted plans and as described in the staff report, subject to the conditions of approval in attached Resolution 16-1857.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Diaz". The signature is stylized with a large, looped "M" and a "D" that has a long, vertical tail extending downwards.

Michael Diaz  
City Planner

MD/le

Z:\COMMDEV\SC\CASES\2016-5\BURGERIM RESTAURANT\2016-5PCRP

RESOLUTION NUMBER 16-1857

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING CASE NO. 2016-5, A CONDITIONAL USE PERMIT TO ALLOW THE ON-PREMISES SALE OF BEER AND WINE (ABC TYPE 41 LICENSE) IN CONJUNCTION WITH A BONA FIDE EATING ESTABLISHMENT AT 9359 CENTRAL AVENUE, UNIT C, IN THE C-2 (RESTRICTED COMMERCIAL) ZONING DISTRICT (APN 1008-371-20).

A. Recitals.

**WHEREAS**, on March 14, 2016, Montclair, LLC, property owner, filed an application for a Conditional Use Permit (CUP) on behalf of a restaurant tenant to allow the on-premises sale of beer and wine (Type 41 ABC license) in conjunction with a bona fide eating establishment; and

**WHEREAS**, this application applies to a lease space of approximately 1,400 square feet in floor area and located at 9359 Central Avenue, Unit C; and

**WHEREAS**, the proposed food use is a "fast casual" restaurant serving mini gourmet burgers, various side orders, and salads; and

**WHEREAS**, the proposed restaurant is a permitted use in the underlying C-2 (Restricted Commercial) zoning district; and

**WHEREAS**, Chapter 11.42.040.A of the Montclair Municipal Code requires a CUP for the on-premises sale of beer and wine in conjunction with a bona fide eating establishment (restaurant); and

**WHEREAS**, staff has determined that the proposed on-premises sale of beer and wine in conjunction with a bona fide eating establishment meets the intent and applicable requirements of Chapter 11.42 MMC ("Alcoholic Beverages – Regulation of Sale"); and

**WHEREAS**, the Planning Division has determined that the proposed on-premises sale of beer and wine (Type 41 ABC license) in conjunction with a bona fide eating establishment with related interior building improvements is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines because the proposed project is located on a fully developed site and involves only minor interior improvements; 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 April 11, 2016, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a public hearing at which time all persons wishing to testify in connection with said CUP were heard, and said CUP was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all the facts set forth in the Recitals, Part A of this Resolution are true and correct.
2. Based upon the substantial evidence presented to the Planning Commission during the above-referenced public hearing on April 11, 2016, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:
  - a. The proposed on-premises sale of beer and wine (Type 41 ABC license) in conjunction with the full menu and food service provided within a bona fide eating establishment (restaurant) is essential and desirable to the public convenience and public welfare, in that the new restaurant use increases the variety of food uses offered within the community that allows patrons the option of purchasing alcoholic beverages to consume with their meal. Moreover, the proposed restaurant is located within a new commercial center in an area of the City where other restaurants also offer alcoholic beverages to its customers.
  - b. That granting the CUP for the proposed restaurant with on-premises sale of beer and wine will not be materially detrimental to the public welfare and to other property in the vicinity, in that the proposed use will be located in properly developed lease space within a new retail commercial development with adequate parking, security, lighting, etc. Moreover, the proposed restaurant use is compatible with surrounding commercial uses and will not negatively impact any sensitive land uses in the surrounding area.
  - c. That the proposed restaurant with the on-premises sale of beer and wine at the subject site conforms to good zoning practice, in that the Municipal Code permits the on-premises sale of beer and wine in the C-2 (Restricted Commercial) zoning district, subject to CUP approval. The CUP allows the City to place reasonable conditions to govern the overall operation of the use, so that the sale of beer and wine does not detract from the general quality of the subject use, commercial center, or the surrounding area.

- d. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages a wide range of retail and service uses (including food uses) within the retail commercial area.
3. The Planning Commission has reviewed the Planning Division's determination that the proposed on-premises of beer and wine in conjunction within a bona fide eating establishment and related interior building improvements are categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines, and based on its own independent judgment, concurs with staff's determination of said exemption and finding of no significant effect on the environment.
4. Based upon the findings and conclusions set forth in paragraphs 1, 2, and 3 above, this Commission hereby approves the application subject to the conditions set forth below:

Planning

1. This Conditional Use Permit (CUP) approval is hereby granted to allow the on-premises sale of beer and wine (Type 41 ABC license) in conjunction with a bona fide eating establishment (with no bar) in a 1,400 square-foot lease space identified as 9359 Central Avenue, Unit C.
2. Maximum seating capacity for the restaurant space shall not exceed 44 patrons. No outdoor dining shall be allowed with this approval.
3. Any substantial changes to the operation, increase in floor area of the demised space, or physical location shall require prior City review and approval. Any discontinuation or substantial changes to the full service restaurant without City approval shall be a violation of this CUP and may be cause for revocation.
4. The Type 41 ABC license (on-premises sale of beer and wine) may be modified or revoked for failure to abide by the conditions of this approval or in the event the use is determined to be a nuisance to surrounding properties, businesses or the community at large.
5. 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.

6. 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.
7. 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 \$619.46, made payable to "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.
8. 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.
9. 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.
10. Prior to the commencement of business activities, the business owner shall apply for and obtain a City of Montclair Business License, and shall maintain a valid City business license at all times. Should such licensing be denied, expire or lapse at any time in the future, this permit shall become considered a violation of this condition and the use shall be subject to revocation proceedings.
11. During all hours of business operation, the permittee shall have a "manager" present at the establishment and on duty. The permittee and manager shall be responsible for the conduct of all employees and shall not cause, permit, allow, aid, abet, or suffer any violation of the conditions of this permit or of any provision of the Montclair Municipal Code. Failure to comply with any or all of the conditions of approval shall be deemed sufficient grounds to initiate revocation proceedings regarding the Conditional Use Permit approval.
12. The on-site manager shall take whatever steps are deemed necessary to assure the orderly conduct of employees, patrons, and visitors on the premises.

13. The restaurant shall be operated, maintained and open to the general public as a full service (bona fide) eating establishment, serving meals at all times that beer and wine are offered for sale and consumption on the premises.
14. Approved hours of operation for the restaurant are 10:00 a.m. to 10:00 p.m. Sunday through Thursday, and 10:00 a.m. to 1:00 a.m. Friday and Saturday. The applicant may close the restaurant earlier than the hours stated herein. Any extension of the restaurant hours beyond the limits stated herein shall require written notification to the Planning Division and is subject to City approval.
15. At no time shall the premises be converted into other uses where minors are generally excluded, such as a bar, sports bar, entertainment venue, night club, dance hall or banquet hall operated by either the restaurant owner or outside vendors or promoters.
16. At no time shall happy hour, drink specials, or private drinking areas be permitted.
17. Live entertainment is not included as part of this approval. Entertainment activities as defined in Section 4.52.010 of the Montclair Municipal Code shall require separate review and approval from the City.
18. No window signs either inside or outside, or signs placed inside the business directed toward the outside shall advertise the availability of beer and wine.
19. No outdoor display areas for merchandise are allowed at any time.
20. All graffiti and vandalism and/or damage to the subject site and/or structure shall be removed or repaired within 72 hours of notice from the City.
21. The following mandatory conditions are hereby imposed as part of the CUP approval:
  - 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 alcoholic beverages shall be offered for sale for off-premises consumption. Alcoholic beverages shall not be allowed outside of the permitted premises, which shall consist of the demised lease space described herein as permitted by the Planning Commission. Applicant shall post notification of this limitation within plain view of employees and customers.

- d. The exterior appearance of the premises shall be maintained in a manner consistent with the exterior appearance of commercial properties already constructed within the immediate neighborhood so as to not cause blight or deterioration, or to substantially diminish or impair property values within the neighborhood.
  - e. The permittee shall comply with all California Department of Alcohol Beverage Control statutes, rules and regulations relating to the sale, purchase, display, possession and consumption of alcoholic beverages.
  - f. The permittee shall acknowledge and agree the City has a legitimate and compelling governmental interest in permittee's strict compliance with all conditions imposed upon the permit, including adherence to State statutes, rules and regulations as specified in subsection (e) above. The permittee shall further acknowledge and agree, in writing, that any violation of a State statute, rule or regulation concerning the sale to or consumption of alcoholic beverages by a minor has been determined by the City to have a deleterious secondary effect upon:
    - i. The specific land use requested by the permittee and authorized by the City;
    - ii. The compatibility of permittee's authorized land use with adjacent land uses;
    - iii. The welfare and safety of the general public within the City.

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.
22. No outdoor amplified sound shall be allowed at the exterior of the lease space. Exterior doors shall remain closed during hours of operation.
23. All rooftop or roof-mounted equipment shall be fully screened from view to the satisfaction of the City Planner.

24. All satellite dish antennas, microwave receivers and transmitters, and other forms of communication equipment shall be located in a manner in accordance with the provisions of Chapter 11.46 of the Montclair Municipal Code.
25. Mechanical equipment including, but not limited to, utility meters, air conditioners, kitchen vents or hoods, repair equipment, etc., shall be located within the building or screened in a manner that is compatible with the architectural design of the building to the satisfaction of the Planning Division. Wooden lattice or fence-like screens/covers are not appropriate within the context of a commercial development and are therefore not allowed.
26. No surface-mounted exposed conduit or electrical lines shall be allowed. Electrical switchgear, meters, etc. must be screened or housed in an enclosure, to the extent allowed by the utilities.
27. No public telephones, vending machines, children's rides or other coin-operated machines shall be located on the exterior of any building within the center.
28. At no time shall any storage occur in the area outside the rear exit of the tenant space, including shelving, boxes, supplies, etc., as said area is a designated emergency exit path for the subject building.
29. 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 a banner permit 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.
30. Prior to occupancy and the installation of any signs, the applicant shall submit an application for a Sign Permit to the Planning Division for review and approval, subject to the following:
  - a. All signs shall comply with the approved sign program for the center and City of Montclair Sign Code (Chapter 11.72 MMC).
  - b. Wall signs shall utilize individual channel letters.

- c. Exposed raceways shall be prohibited on all building-mounted and freestanding signs. An architectural sign backing/raceway may be allowed on the commercial building subject to review and approval by the City Planner.
- 31. All signs shall be maintained at all times in a safe and secure manner. Exposed surfaces shall be cleaned and painted as necessary. Broken and defective parts shall be repaired or replaced.
- 32. 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, Code Enforcement officers, and/or fire and building inspectors in the course of conducting inspections of said premises.
- 33. 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.

Building

- 34. Prior to issuance of building permits, the applicant shall:
  - a. Submit five complete sets of plans for the project, including electrical, plumbing, mechanical, lighting, accessibility details, and Title 24 calculations for review and approval by the Building and Planning

Divisions. Contact the Building Division at (909) 625-9477 for an appointment to submit plans.

- b. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
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. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number.
39. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.

Fire

40. An approved, emergency keyed access system shall be required to facilitate access by Fire Department personnel in the event of an emergency during non-business hours. Forms are available at Montclair Fire Department Headquarters, 8901 Monte Vista Avenue, for those occupancies requiring such a system.
41. Commercial occupancies with cooking areas require an approved, fixed fire extinguishing system for protection of the hood and duct system and overall cooking areas. This system shall be equipped with an automatic fuel shutoff to all equipment protected by this system. Three (3) complete sets of drawings of this system shall be submitted to the Fire Marshal's office prior to issuance of a permit.
42. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of electrical service.
43. Fire extinguisher location(s) to be determined by the Montclair Fire Department.

44. Three (3) sets of plans shall be submitted to the Montclair Fire Department for approval prior to the relocation or addition of sprinklers for tenant's improvements.
45. 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.
46. All Montclair Fire Department fees are due prior to any permit issuance.

Environmental/Engineering

47. The business owner shall ensure that used fry oil is stored within the building in a grease caddy or similar equipment that would be picked up and replaced with an empty container. Such container may also be pumped monthly by a recycling vendor to the satisfaction of the Environmental Manager.
48. No barrels for grease or merchandise shall be stored outside of the building at any time, including within the trash enclosures. Failure to comply with this condition will result in issuance of a Notice to Correct and possible citation. All business activities including the preparation of meals shall occur within the kitchen area of the lease space.
49. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
50. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact Michael Hudson, Public Works Director/City Engineer, at (909) 625-9441 for fees.
51. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA). Contact Michael Hudson, Public Works Director/City Engineer, at (909) 625-9441 for fees.

Police

52. The applicant shall install and maintain a closed circuit video surveillance (CCVS) system. The system shall, at minimum, be capable of monitoring all entrances/exits to the premises and be positioned so as to allow for identification of patron facial features and physical characteristics. A minimum of one camera shall be placed in a position to monitor the parking lot of the premises, positioned in a manner which allows for the widest view from the entrance, without significant lens distortion. Typical acceptable camera angles range from 50-130 degrees. Cameras shall be capable of no less a resolution than 1920 by 1080 pixels, otherwise known as 1080p. IR

(night vision) is preferred; however, cameras shall at minimum be capable of low-light operation.

Audio recording is desirable, but not a requirement. Camera footage shall be retained for a period no less than 90 days. To conserve storage space, cameras may be motion activated. When active, cameras shall record no less than 30 frames per second. Motion sensors shall be configured to activate properly in all areas covered including the parking area. Motion sensors may be configured to prevent incidental activation from hanging or moving displays. Depending on the nature of the premises, additional cameras may be required, but not limited to, areas such as cash registers, or access to restroom areas.

53. Alarm systems are encouraged to complement the CCVS system. Current responsible party information shall be on file with the Police Department for appropriate response and notifications.

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

APPROVED AND ADOPTED THIS 11TH DAY OF APRIL, 2016.

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 11th day of April, 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:



MONTCLAIR

# MEMORANDUM

**To:** Montclair Planning Commission  
**From:**  Steve Lustro, AICP, Community Development Director  
**Date:** April 6, 2016  
**Subject:** Agenda Item No. 6-b, 8949 Monte Vista Avenue

On April 5, 2016, staff received electronic correspondence from Bruce Culp, a resident of The Paseos at Montclair North, regarding the proposed 23-unit Vista Court project at 8949 Monte Vista Avenue. The concerns Mr. Culp cites in his email are with respect to density and parking related to the proposed project, both of which are in compliance with the development standards of the North Montclair Downtown Specific Plan and are addressed in the agenda report.

Also attached for the Commission's reference is a formal response prepared in September 2015 to the City Council regarding parking at The Paseos after Mr. Culp raised the issue during the "Public Comment" portion of the September 8, 2015 Council meeting.

Mr. Culp has indicated he intends to address the Commission at Monday's meeting. If the Commission has any questions of staff regarding Mr. Culp's issues, we would be pleased to address your questions before or at the meeting.

Attachments - Electronic correspondence from Bruce Culp, April 5, 2016  
Response to City Council, September 21, 2015



## Steve Lustro

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From: Bruce Culp [lakerboy526@gmail.com]  
Sent: Tuesday, April 05, 2016 4:49 PM  
To: Steve Lustro  
Subject: Property at 8949 Monte Vista Ave

Good Afternoon Mr. Lustro,

I am saddened by the news that you'll be retiring at the end of the month. As I've started living in Montclair a couple years ago and have seen the work you and your staff have put into developing our community I have appreciated all you have done while you are here. The Paseos apartment complex, where I live, is a great example of your hard work and efforts.

Last night at the end of the city council meeting you had mentioned that at the next planning commission meeting, the project at the old oil change property on Monte Vista will be presented. I had really hoped that maybe you would have made it to retirement before this was presented, as I'm going to have to regrettably oppose this project.

I know you've been studying and working on this property for quite a while. And, I'm sure it will be a nice development in the end. However, my opposition revolves around the density and number of units on this very small lot.

I know you're already aware of the parking issues at Paseos and have worked with the property management to try and reduce the problems. However, as with any apartment complex, there will always be issues. My concern is that this will be exacerbated with the addition of 23 more units, which will invariably introduce about 40 more vehicles to the area.

In this day and age, it requires two incomes to rent or buy in the area and therefore two vehicles. Until the gold line is built, there are limited public transportation options to the job centers in the Pasadena and San Gabriel valley area. I don't see how there will not be a shortage of parking on this .68 acre lot for that many vehicles. When they run out of parking spots, they will look to public streets for their parking. Olive Street and Sycamore Ave. within Paseos are the closest public streets and these are already filled to capacity with Paseos residents.

I have other concerns about the number of units being proposed on this property, but I wanted to keep this email brief. Please know that I fully support Montclair's plan to develop North Montclair into a viable transit district and I understand that this includes higher density residential development. However, I don't believe this is a good fit for this particular piece of property.

I hope we can continue to discuss this further and maybe I'm not seeing the "big picture" yet.

I appreciate your time.

Sincerely,

Bruce Culp

## AGENDA REPORT

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**SUBJECT:** RESPONSE TO PUBLIC COMMENT AT THE  
SEPTEMBER 8, 2015, REGULAR MEETING  
OF THE CITY COUNCIL REGARDING  
PARKING ISSUES AT THE PASEOS AT  
MONTCLAIR NORTH

**DATE:** September 21, 2015

**SECTION:** RESPONSE

**ITEM NO.:** A

**FILE I.D.:** CYC225

**DEPT.:** COMMUNITY DEV.

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**REASON FOR CONSIDERATION:** During the "Public Comment" portion of the City Council meeting on September 8, 2015, resident Bruce Culp addressed the City Council regarding parking problems at The Paseos at Montclair North. Mr. Culp stated now that the development is at approximately 95 percent occupancy, parking for residents is at a premium and it is sometimes difficult for residents to find a parking space. Among his extensive comments, Mr. Culp suggested that the City had reduced parking requirements for the project in order to allow the developer to build more units on the site.

**BACKGROUND:** An overarching goal of the North Montclair Downtown Specific Plan (NMDSP) is to provide the framework for a transit-oriented district (TOD) in close proximity to the amenities of the Montclair Transcenter, including access to Metrolink, the future Metro Gold Line, Omnitrans and Foothill Transit buses, and also to Montclair Plaza. Accordingly, a form-based code appropriate for a TOD was developed by the lead consultant for the Specific Plan, Moule & Polyzoides Architects and Urbanists.

Notwithstanding the fact that the Specific Plan requires a minimum of one (1) parking space per dwelling unit irrespective of floor area or number of bedrooms, the developer of The Paseos, GLJ Partners/Trammell Crow Residential, chose to provide parking as follows for marketing purposes:

Studio and 1-bedroom units - 1 covered parking space  
2- and 3-bedroom units - 1 covered parking space and 1 uncovered parking space

While the developer embraced the City's long-term goal of creating a viable TOD, it was felt that early projects such as The Paseos would need to provide parking over and above the minimum required to make units marketable, at least until the Metro Gold Line was extended to Montclair and a more critical mass of development creating a "sense of place" was completed. Accordingly, The Paseos was developed with over 800 parking spaces, including those along Olive Street and Sycamore Avenue, the two public streets within the project boundary.

As an integral part of the conditions of approval for The Paseos, a Parking Management Plan was prepared by the developer and the project's original property manager,

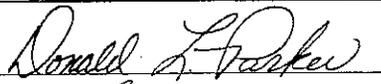
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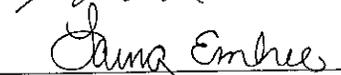
Prepared by:



Fiscal Impact  
Finance Review:



Proofed by:



Reviewed and  
Approved By:



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Alliance Residential Company. The Plan, developed in March 2012 and reviewed by Community Development Department staff, set forth the guidelines for resident and guest parking, including a map illustrating where each assigned space was to be located. Based on the unit counts of each floor plan, staff calculated that 157 parking spaces would be required for the studio and 1-bedroom units (at one space per unit), and 456 parking spaces would be required for the 228 2- and 3-bedroom plans, for a total of 613 assigned parking spaces. Approximately 200 parking spaces would be available as "open" parking or could be designated as guest parking.

During the early stages of the project as buildings were gradually released for occupancy, a minimal number of complaints about resident parking came to staff's attention, but it was determined that the issues were a result of the ongoing construction of the latter phases of the project that impacted the availability of parking. As construction came to a conclusion in late 2014, the issue of parking availability resolved itself.

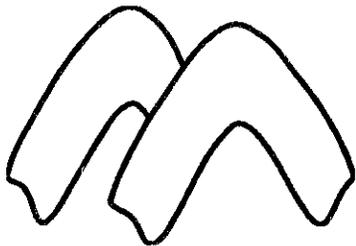
In April 2015, The Paseos was acquired by 4914 Olive Street Properties LLC, which assumed the leasing and day-to-day management of the development. As lease-up of the remaining units accelerated, staff was contacted by the new property manager requesting a meeting to discuss parking problems that were being experienced by residents. In summary, it was explained to staff that the prior property management had issued more than the maximum of two parking permits to a considerable number of dwelling units and in at least one case, issued five parking permits to a single unit. In response, staff provided a copy of the original Parking Management Plan to the property manager and subsequently, the accompanying maps corresponding to the Plan. The property manager indicated that she and her staff would be meeting with residents to discuss the parking problems and developing strategies for resolving them.

While the enclosed garages at The Paseos are identified by a numbered plaque over each garage door and the reserved parking spaces on both levels of the parking garage in the podium building (4961 Arrow Highway) are identified by a number painted on the concrete parking surface, staff observed during a site visit on September 10, 2015 that the uncovered parking spaces throughout the rest of the project site are not designated or identified with a parking space number pursuant to the approved Parking Management Plan.

It is clear that the current property management staff at The Paseos has a challenge ahead to correct the parking predicament created by the former management company. However, Community Development staff continues to believe that if the Parking Management Plan is implemented as originally approved, there will be sufficient parking available for residents and guests at The Paseos. While resolution of the parking issues is the responsibility of the property management company, staff will remain available to answer any questions or offer its assistance as appropriate.

**FISCAL IMPACT:** Council's acceptance of this agenda report would create no fiscal impact on the City's General Fund.

**RECOMMENDATION:** Staff recommends the City Council receive and file this report.



# CITY OF MONTCLAIR PLANNING COMMISSION

**MEETING DATE: 04/11/16**

**AGENDA ITEM 6.b**

## Case No.: 2016-3

**Application:** Precise Plan of Design

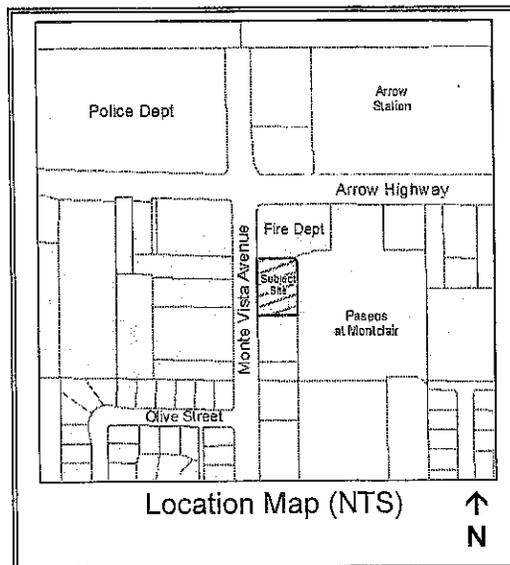
**Applicant/Property Owner:**  
CFC-Montclair, LLC

**General Plan:** Planned Development

**Zoning:** "Corridor Residential" per the North Montclair Downtown Specific Plan (NMDSP)

**Project Address:**  
8949 Monte Vista Avenue

**APN:** 1008-011-24



<b>Adjacent Land Use Designations and Existing Uses</b>			
	<i>General Plan</i>	<i>Zoning</i>	<i>Existing Use of Property</i>
<b>Site</b>	"Planned Development"	"Corridor Residential" per NMDSP	Former quick lube business
<b>North</b>	"Planned Development"	"Corridor Residential" per NMDSP	Montclair Fire Station #1
<b>East</b>	"Planned Development"	"Neighborhood Residential" per NMDSP	The Paseos at Montclair North
<b>South</b>	"Planned Development"	"Corridor Residential" per NMDSP	The Paseos at Montclair North
<b>West</b>	"Business Park"	"M-1" (Limited Manufacturing)	Various industrial uses

## Report on Item Number 6.b

### CASE NUMBER 2016-3

APPLICATION TYPE(S)	Precise Plan of Design
NAME OF APPLICANT	CFC-Montclair, LLC
LOCATION OF PROPERTY	8949 Monte Vista Avenue
GENERAL PLAN DESIGNATION	Planned Development
ZONING DESIGNATION	Corridor Residential (CR) Zone within the North Montclair Downtown Specific Plan (NMDSP)
EXISTING LAND USE	Former quick lube business (Grease Monkey)
ENVIRONMENTAL DETERMINATION	Consistent with the Adopted EIR prepared for the North Montclair Downtown Specific Plan (NMDSP) pursuant to CEQA Guidelines Sections 15162 and 15182.
PROJECT COORDINATOR	Michael Diaz

### Project Proposal

CFC-Montclair, LLC is proposing to build a 23-unit residential apartment project on a 0.65-acre site, presently known as 8949 Monte Vista Avenue. The new development is tentatively named Vista Court and when completed, would be the third residential development project within the boundaries of North Montclair Downtown Specific Plan (NMDSP). Since the project involves no subdivision of land area, the project only requires the approval of a Precise Plan of Design (PPD).

When the North Montclair Downtown Specific Plan was adopted, the City Council determined that it would be the final review authority for all entitlements within the Specific Plan boundaries. Therefore, the Planning Commission is requested to review the project and forward its recommendations to the City Council for its consideration.

Copies of the site plan, floor plans, elevations, renderings, and conceptual landscape plan are included in the Commission packets. Color boards and an audio-visual simulation will be presented during the meeting.

### Precise Plan of Design

The proposed project consists of a single, 3-story, U-shaped building surrounding an exterior landscaped courtyard. The 3-story building would be approximately 20,162 square feet in area, 37 feet in height, and set back 17 feet from the face of curb on Monte Vista Avenue. The 17-foot setback would accommodate a six-foot deep landscaped parkway (for street trees), a five-foot wide public sidewalk, and

approximately six feet of private landscaping planter area at the front of the new building.

The common courtyard space at the middle of the site would feature a combination of concrete walkways and permeable brick paving, freestanding and built-in tile seating, decorative urns and pots, and a barbecue area. Access to the courtyard would be from the south. On the north side of the building the developer proposes a garden area with seats for use by the tenants. Each unit would also have a private patio or balcony space suitable in size for a small café table and chairs. Patios at ground level would be defined by low decorative walls and landscaping.

A covered trash enclosure is proposed for the project and would be located at and integrated into the southeast corner of the new building where it could be easily accessed by solid waste providers from the private driveway on the southerly boundary of the site.

### Unit Size

The proposed building is designed to provide a combination of living unit types which are summarized in the following table:

<b>Summary of Proposed Unit Sizes</b>		
<i>Floor Plan</i>	<i>Size Range</i>	<i>Number of Units</i>
1 BR/1 BA Flat	665 s.f.	6
1 BR/1 BA Flat	786 s.f.	3
2 BR/2 BA Flat	956 s.f.	2
2 BR/2 BA Townhouse	1,050 s.f.	6
2 BR/2 BA Townhouse	1,084 s.f.	3
2 BR/2 BA Flat	1,085 s.f.	2
1 BR/1 BA Flat	810 s.f.	1
<b>Total</b>		<b>23 Units</b>

The new building also includes a ground level lounge room that would provide a seating area with TV, game tables, a kitchenette, and restroom.

### Parking

A total of 28 parking spaces are proposed along the east side of the site, some of which are tucked under or partially covered by the east end of the building. A breakdown of the proposed parking spaces includes 25 standard size parking stalls, one van-accessible disabled space, and two tandem stalls for a total of 28 spaces. Access to the parking area would be from a driveway portal on the south side of the building facing the existing private driveway between the subject site and The Paseos development to the south. The parking requirement for residential units in the NMDSP is a minimum of one (1) space per unit (Section 5.2.030.C.3).

## Architecture

The architectural design for the building is generally categorized as Mediterranean in nature which features a number of characteristic elements: smooth plaster walls, articulation at corners and main entries, functional balconies, tiled pitched roof, decorative use of ornamental (wrought iron) metal at balconies and gates, awnings, etc. Proposed architectural elements/details are applied to all sides of the building.

The main color for the stucco building will be tan with doors and windows being complementary gray and brown. The concrete tile roof will be a blend of burnt orange and brown colors.

## Landscaping/Hardscape

The applicant has submitted comprehensive landscape and irrigation plans for the project site. The selection and distribution of plant materials are intended to complement the architecture of the buildings and highlight the central courtyard space. The proposed tree and shrub palettes feature a wide variety of plant materials, the majority of which are drought tolerant. The proposed tree list includes several accent selections such as Tree Aloes, King Palms, and a 60-inch Magnolia tree to be planted within the courtyard area. Crape Myrtle, Tristiana, and Cypress trees round out the selections proposed for the perimeter of the site. Tree sizes range from 24- to 60-inch box size. The shrub list includes combination of succulents, lilies, roses, Bird of Paradise, Rosemary, Raphiolepis, Westringia, etc. No turf areas are proposed for the project.

Lastly, the landscape plan indicates the parkway area along Monte Vista Avenue as continuing the installation of Canary Island Pines (*Pinus canariensis*) with Crape Myrtle (*Lagerstroemia indica*) street trees as established along the street frontage for the adjacent Paseos project.

## Background

- The subject property is located within the planning area of North Montclair Downtown Specific Plan (NMDSP), adopted in 2006. The objective of the NMDSP is to introduce urban style residential projects to the area and begin the process of creating a "downtown" environment with walkable neighborhoods, local retail and service businesses, and convenient access to rail transit.
- The project site is rectangular in shape and approximately 28,300 square feet (0.65 acres) in area. The property was developed in 1991 as a "lube and tune" business known as Grease Monkey, under Case No. 89-27. The property has been vacant since 2012.
- The subject property contains a 14-foot wide easement on the south side of the property forming a portion of the existing private driveway that it shares with the

adjacent Paseos project. The easement is approximately 138 feet in length and ends at a perimeter wall constructed for the Paseos project.

- In May 2010, the City Council approved the 385-unit Paseos at Montclair North residential community, which abuts the subject site on its east and south boundaries. The Paseos project was completed in 2015.
- On March 21, 2016, the project was reviewed by the Real Estate Committee, which found the project to be well done.

### **Planning Division Comments**

Overall, staff finds the project to be very well designed and consistent with the intent and design goals of the North Montclair Downtown Specific Plan. Staff has worked closely with the applicant's architect and the City's design consultant for nearly a year to ensure the project was developed in accordance with the development standards and guidelines of the Specific Plan. The project represents a good solution to a fairly small site and a good example of careful planning and good architecture. When completed, the new units will add to the City's housing stock of new market rate, high quality dwelling units in various sizes and configurations.

At 23 dwelling units on slightly more than one-half acre, the project density is consistent with the "Corridor Residential" density range of 30-50 dwelling units per acre. The project is also consistent with the intent of the "Corridor Residential" land use designation for the site, which states in part, "The...zone is intended to establish a denser fabric of residential buildings, appropriate for locations on arterial roads. It is therefore the portion of the plan where the more intense residential development is expected." The proposed building directly faces Monte Vista Avenue and contributes to the development of an attractive and continuous streetscape along the street.

Although the project directly faces Monte Vista Avenue, entering and exiting the site and parking area will be relatively easy from the existing short length private driveway located on the south side of the project site. The private driveway will be posted as "No Parking" to meet Fire Department access requirements and facilitate trash pickup by solid waste trucks.

### **Architecture and Landscaping**

Staff finds the proposed "Mediterranean" architecture for the project to be well done, visually attractive, and complementary to the Paseos project which abuts the project site. The design of the new building is relatively simple in form and utilizes an appropriate range of architectural details and application of durable materials that will be long lasting. Architectural design and details are extended to all sides of the buildings. Staff believes the project architecture and colors selected for the project will help provide a comfortable level of distinction from the adjacent developments.

The courtyard area is relatively small but well designed to serve as the key focal point and social area for the complex. The proposed number and quality of the improvements within the courtyard area will serve and enhance the quality of life for the project residents, who will share the common open space area. Courtyard areas of ground floor patios will be properly defined and separated from the courtyard by means of low plaster walls.

Staff believes the proposed landscaping plan, including hardscape elements, is well done and appropriate for the proposed architecture and size of the property. Plant materials are well distributed around the site; many are drought tolerant, provide shade, and add visual interest. The use of specimen-sized trees (e.g., Magnolia, Palms, Aloe) in the courtyard and in key areas along the perimeter of the site will add immediate impact. Lastly, parkway landscaping along Monte Vista Avenue will continue the street theme and appearance established by the Paseos project to the south of the subject site.

#### Property Maintenance/Management

As with all new development in the NMDSP project area, proper property maintenance and management is a key goal for the City. As a condition of approval, the proposed apartment development would be managed by an institutional quality professional management company with an on-site manager. As part of the above condition, the applicant will be required to record an Operations Agreement against the entire property providing for the perpetual maintenance of all buildings and improvements, including roadways, retaining walls, drainage facilities, and water and sewer systems.

City staff is also working with a consultant to lay groundwork and implement a Community Facilities District (CFD), which would overlay the subject site. Establishment of the CFD, which has been anticipated since the NMDSP was adopted, would provide the vehicle for collecting funds to maintain public improvements such as curb, gutter and sidewalk, paving, streetlights, street sweeping, signage, street furniture, landscaping in the public right-of-way. Completion and City approval of the CFD will be a condition of approval before any grading and/or building permits are issued on the project.

#### Findings

- The proposed 23-unit residential apartment project is consistent with the "Planned Development" land use designation of the City's General Plan Land Use Map, and the CR ("Corridor Residential") land use designation of the North Montclair Downtown Specific Plan. The CR land use district is intended to establish a denser fabric of residential buildings, appropriate for locations on arterial roads. It is therefore the portion of the plan where the more intense residential development is expected. The proposed building directly faces Monte Vista Avenue and contributes to the development of an attractive and continuous streetscape.

- The proposed project makes efficient use of the small site while complying with applicable development standards of the NMDSP. The 23 dwelling units proposed with this project are within the "Corridor Residential" density range of 30-50 dwelling units per acre.
- The site plan, building form, massing, and height will contribute to the ongoing formation of the streetscape and development pattern envisioned by the NMDSP. The proposed 3-story building and its placement on the site near Monte Vista Avenue are consistent with the intent of the CR land use district and represents a good design solution for a fairly small site.
- The proposed "Mediterranean" inspired architectural design of the project as indicated on the submitted plans is well done, attractive, and complementary to recent development in the area. The design is consistent with the architectural style guidelines depicted in the NMDSP, and features high quality exterior materials and finishes and incorporates appropriate lighting and landscape materials to give the project a distinctive and pleasing appearance.

### **Public Comment from Adjoining Property Owners**

No public hearing is required for this project. However, on April 1, 2016, courtesy notices were mailed out to property owners within a 300-foot radius from the boundaries of the subject property. At the time this report was prepared, one comment had been received by staff regarding this proposal.

### **Environmental Assessment**

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the City certified an Environmental Impact Report (EIR) on August 15, 2006 in connection with the City's approval of the North Montclair Downtown Specific Plan and anticipated improvements. According to CEQA Guidelines Sections 15162 and 15182, no subsequent or supplemental EIR or Negative Declaration is required in connection with subsequent discretionary approvals of the same project unless: (i) substantial changes are proposed to the project that indicate new or more severe impacts on the environment; (ii) substantial changes have occurred in the circumstances under which the project was previously reviewed that indicates new or more severe environmental impacts; or (iii) new important information shows the project will have new or more severe impacts than previously considered; or (iv) additional mitigation measures are now feasible to reduce impacts or different mitigation measures can be imposed to substantially reduce impacts.

Staff finds that the current application for the proposed 23-unit residential apartment project is substantially consistent with the anticipated impacts evaluated in the previously certified EIR for the North Montclair Downtown Specific Plan and its anticipated improvements. Staff further believes that the project will not have one or more significant effects not discussed in the previously certified EIR, not have more severe effects than previously analyzed, and that additional or different mitigation

measures are not required to reduce the impacts of the project to a level of less than significant. As such, none of the conditions listed in Section 15162 of the CEQA Guidelines requiring the preparation of a subsequent or supplemental EIR are present and the project qualifies for the exemption for residential projects described in Section 15182 of the state CEQA Guidelines.

### **Planning Division Recommendation**

Staff recommends that the Planning Commission find the proposal to construct a 23-unit residential apartment development at 8949 Monte Vista Avenue to be consistent with the General Plan and the goals and development standards of North Montclair Downtown Specific Plan. Accordingly, staff recommends that the Commission take the following actions:

- A. Move that, based upon evidence submitted, the Planning Commission finds that the application for the proposed 23-unit residential apartment development is substantially consistent with the anticipated impacts evaluated in the previously certified EIR for the North Montclair Downtown Specific Plan and its anticipated improvements. The Commission further finds that the project will not have one or more significant effects not discussed in the previously certified EIR, not have more severe effects than previously analyzed, and that additional or different mitigation measures are not required to reduce the impacts of the project to a level of less than significant.
- B. Recommend the City Council approve a Precise Plan of Design request under Case No. 2016-3 for the site plan, floor plans, elevations, colors, materials, and conceptual landscape plan associated with the proposed 23-unit residential apartment development at 8949 Monte Vista Avenue, and associated on- and off-site improvements per the submitted plans and as described in the staff report, subject to the conditions in Planning Commission Resolution No. 16-1856.

Respectfully Submitted,



Michael Diaz  
City Planner

MD/le

Attachments: Draft Resolution of Approval for Case No. 2016-3

- c: Tom Lee, CFC-Montclair, LLC, 1807 S. San Gabriel Boulevard, Suite A, San Gabriel, CA 91776  
Eric Van Wechel, Summa Architecture, 5256 S. Mission Road, Suite 404, Bonsall, CA 92003  
Steven Shirrel, BMLA Landscape Architecture, 310 N. Joy Street, Corona, CA 92879  
Deborah Loughlin, Paseos at North Montclair, 4914 Olive Street, Montclair, CA 91763  
Garth Erdossy, Trammell Crow Residential, 5790 Fleet Street, Suite 140, Carlsbad, CA 92008  
Chris Encheff, Westminster Development, 9665 Wilshire Boulevard, Beverly Hills, CA 90212

Z:\COMMDEV\MD\CASES\2016-3 MONTE VISTA APARTMENTS\2016-3 PC RPT

**RESOLUTION NUMBER 16-1856**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING APPROVAL OF A PRECISE PLAN OF DESIGN UNDER CASE NUMBER 2016-3 FOR THE SITE PLAN, FLOOR PLANS, ELEVATIONS, COLORS AND MATERIALS, AND CONCEPTUAL LANDSCAPE PLAN FOR THE PROPOSED 23-UNIT RESIDENTIAL APARTMENT COMMUNITY DEVELOPMENT AT 8949 MONTE VISTA AVENUE (APN 1008-011-24).**

A. Recitals.

**WHEREAS**, on February 9, 2016, CFC-Montclair LLC, owner of property at 8949 Monte Vista Avenue, filed an application for a Precise Plan of Design (PPD), to build a proposed 23-unit residential apartment development on the subject site; and

**WHEREAS**, the subject property is 0.65 acres in size; and

**WHEREAS**, the General Plan land use designation for the site is "Planned Development"; and

**WHEREAS**, the North Montclair Downtown Specific Plan (NMDSP) was adopted in 2006, with the objective of introducing urban style residential projects to the area and begin the process of creating a "downtown" environment with walkable neighborhoods, local retail and service businesses, and convenient access to rail transit; and

**WHEREAS**, the NMDSP designates the subject site as being located in the Corridor Residential (CR) land use district, which allows a density range of 30-50 dwelling units per acre; and

**WHEREAS**, the proposed project intends to construct 23 units on 0.65 acres, resulting in a density of approximately 35 dwelling units per acre, consistent within the 30-50 dwelling units per acre density range of the CR land use district; and

**WHEREAS**, staff has determined the proposed project is consistent with the intent and requirements of the General Plan and the NMDSP; 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:

- a. Pursuant to the California Environmental Quality Act (CEQA), the City certified an Environmental Impact Report (EIR) on August 15, 2006, in connection with the City's approval of the North Montclair Downtown Specific Plan and its anticipated improvements. Pursuant to CEQA Guidelines Sections 15162 and 15182, no subsequent or supplemental EIR or Negative Declaration is required in connection with subsequent discretionary approvals of the same project unless: (i) substantial changes are proposed to the project that indicate new or more severe impacts on the environment; (ii) substantial changes have occurred in the circumstances under which the project was previously reviewed that indicates new or more severe environmental impacts; or (iii) new important information shows the project will have new or more severe impacts than previously considered; or (iv) additional mitigation measures are now feasible to reduce impacts or different mitigation measures can be imposed to substantially reduce impacts.
- b. The Planning Commission finds, in connection with the proposed 23-unit project (Case No. 2016-3), that substantial changes to the project or the circumstances surrounding the proposed project have not changed which would create new or more severe impacts than those evaluated in the previously certified EIR. The subject 23-unit Vista Court residential apartment development conforms to the requirements of the NMDSP and is consistent with land use designations and density standards for the subject site. Staff further finds that the project will not have one or more significant effects not discussed in the previously certified EIR, not have more severe effects than previously analyzed, and that additional or different mitigation measures are not required to reduce the impacts of the project to a level of less than significant.
- c. The Planning Commission finds there is no substantial evidence the project may have a significant effect on the environment, and directs staff to prepare a Notice of Exemption.
- d. Based on these findings and all evidence in the record, the Planning Commission concurs with staff's determination that no additional environmental review is required pursuant to CEQA in connection with the City's consideration of Case No. 2016-3 for the 23-unit Vista Court residential apartment development; and

**WHEREAS**, no public hearing is required for this project. However, courtesy notices were mailed out to property owners within a 300-foot radius of the boundaries of the subject property; and

**WHEREAS**, on April 11, 2016, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a hearing at which time all persons wishing to testify in connection with said application were heard, and said application was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced hearing on April 11, 2016, including written and oral staff reports, together with public testimony, this Commission hereby finds the proposal to be consistent with the overall objectives of the City of Montclair General Plan, the North Montclair Downtown Specific Plan, and good planning principles for the following reasons:
  - The proposed 23-unit residential apartment project is consistent with the "Planned Development" land use designation of the City's General Plan Land Use Map, and the CR ("Corridor Residential") designation of the North Montclair Downtown Specific Plan. The CR land use district is intended to establish a denser fabric of residential buildings, appropriate for locations on arterial roads. It is therefore the portion of the plan where the more intense residential development is expected. The proposed building directly faces Monte Vista Avenue and contributes to the development of an attractive and continuous streetscape.
  - The proposed project makes efficient use of the small site while complying with applicable development standards of the NMDSP. The 23 dwelling units proposed with this project are within the "Corridor Residential" density range of 30-50 dwelling units per acre.
  - The site plan, building form, massing, and height will contribute to the ongoing formation of the streetscape and development pattern envisioned by the NMDSP. The proposed 3-story building and its placement on the site near Monte Vista Avenue are consistent with the intent of CR land use district and represents a good design solution for a fairly small site.
  - The proposed "Mediterranean" inspired architectural design of the project as indicated on the submitted plans is well done, attractive, and complementary to recent development in the area. The design is consistent with the architectural style guidelines depicted in the

NMDSP, and features high quality exterior materials and finishes and incorporates appropriate lighting and landscape materials to give the project a distinctive and pleasing appearance.

3. This Commission recommends the City Council approve the proposed Precise Plan of Design under Case No. 2016-3 for the 23-unit residential apartment community at 8949 Monte Vista Avenue as being consistent with development objectives and standards of North Montclair Downtown Specific Plan, subject to each and every condition set forth below.

### Planning

1. This approval is for a Precise Plan of Design (PPD) approving the site plan, floor plans, elevations, colors and materials, and landscaping associated with the construction of 23 apartment dwelling units on the subject site as described in the staff report and depicted on approved plans on file with the Planning Division.
2. The above entitlements shall be valid only upon final approval by the City Council. Minor modifications that are determined by the City Planner to be in substantial conformance with the approved plans and which do not intensify or change the uses approved, or require deviation from adopted policies and standards may be approved by the City Planner. Any modification, intensification, or expansion of the use beyond that which is specifically approved with this action shall require review and approval by the City Council.
3. The applicant and/or property owner shall ensure that a copy of this Resolution is reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project. In the event the plans, drawings, and exhibits are inconsistent with the approved conditions, the approved conditions shall prevail.
4. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval, unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
5. Within five days of City Council approval, the applicant shall submit a check in the amount of \$50 to cover the County administrative fee for filing a Notice of Exemption as required by the California Environmental Act (CEQA). The check shall be made payable to "Clerk of the Board of Supervisors."

6. The applicant shall agree to the formation of a Community Facilities District ("CFD") pursuant to the terms of Government Code Section 53311, et seq., the territory of which shall include the Project, for the purposes of the payment of maintenance and operation costs associated with the common landscaping, lighting and other improvements located within the Project. The applicant shall consent to the formation of the CFD prior to the issuance of building permits for the Project. The applicant further expressly agrees that failure to form such CFD will result in disapproval of the Project.

The applicant shall also agree that additional areas may be annexed into the CFD, provided, however, that after giving effect to such annexation, the owner, subdivider and applicant is subject only to its fair share of the obligations and costs incurred as a result of the annexation. The subdivider and applicant agree to cooperate fully in any such annexation proceedings.

If, for any reason whatsoever, the Property or portion thereof does not become part of a CFD or if any such CFD that is formed does not provide for the maintenance of the entirety of the improvements within the Property, or any portion thereof, then such improvements shall be maintained by a private property owner, or an adequate alternative reasonably acceptable to the City, to undertake such work. Costs to implement the CFD shall be reimbursed to the City pursuant to a Reimbursement Agreement between the applicant and the City.

7. Prior to the issuance of building permits for the approved project, the property owner shall complete and record an Operations & Management Regulatory Agreement (hereafter "Regulatory Agreement") with the City for providing for the perpetual maintenance of all buildings and improvements on the subject multi-family residential project ("the Project") developed in the City for rental purposes. The Regulatory Agreement shall be recorded as a condition, covenant and restriction on the property in perpetuity unless the City Council agrees to the removal of such covenant in the event of a change in land use. The Regulatory Agreement will address the management, operations and maintenance of the multifamily residential project and be a Covenant that will run with the land. Depending on the specific details of any proposed project, other conditions may be included in the Operations and Management Regulatory Agreement. Costs for development of the Operations and Management Agreement shall be reimbursed to the City pursuant to a Reimbursement Agreement between the applicant and the City.

- a. On-Site Management

The Owner shall be required to retain the services of a California Certified Residential Property Manager to operate and maintain the project. Any manager or Management Company retained to act as

an agent for the Owner shall obtain the prior written approval of the Police Chief, which approval shall not be unreasonably withheld or delayed, provided the person assigned from the management company is a California Certified Property Manager or an employee of a California Certified Property Manager. Changes to the Management Company shall be subject to the prior written approval of the Police Chief, which approval shall not be unreasonably withheld.

In exercising his/her approval rights hereunder, the Police Chief may require proof of ability and qualifications of the manager and/or management company based upon (i) prior experience, (ii) assets, and (iii) other factors determined by the Police Chief as necessary. Furthermore, upon sixty (60) days prior written demand from City with cause, Owner shall remove and replace a property manager and/or property management company. In any agreement with a property manager or property management company ("Management Agreement"), the Owner shall expressly reserve the right to terminate such agreement upon written demand of City with cause. That notwithstanding, City agrees that a request for removal of a property manager or management company shall be subject to a thirty (30)-day notice of default and a reasonable opportunity to cure before any such termination is effective.

Subsequent changes in the Management Company or manager of the Project shall obtain the prior written approval of the Police Chief as so indicated above.

- i. Management Obligations. The Owner shall maintain the legally required presence of an on-site manager pursuant to California Code of Regulations, Title 25, Section 42. The Management Company shall ensure that tenant application and screening practices are developed and enforced, that all rules and regulations are developed and enforced and that use of all facilities are managed. The Owner, through the Property Management Company, will ensure that the Project is well maintained pursuant to the standards developed in the Agreement.
- ii. Registration and Management of Rentals. The Owner, with its Management Company, shall develop all rules, documents and procedures to assure all rental occupancies of units are professionally managed including but not limited to:

- Application(s)
  - Crime-Free Addendum and other required addenda to application
  - Tenant screening tools including, but not limited to, (1) credit check including unlawful detainer, and (2) criminal background check.
- iii. Alcoholic Beverages/Controlled Substances. Tenant rules shall prevent the consumption of alcoholic beverages or controlled substances in public view anywhere in the Project.

b. Security Requirements

Owner shall provide the following security and security monitoring measures during the term of this Agreement:

- i. Owner shall develop a "Safety and Security Plan" acceptable to the Police Department which, at a minimum, shall include the installation, operation and maintenance of security cameras throughout the Project.
- ii. At any time during the term of the Agreement, should the calls for Police service or response at the Project exceed a level reasonably considered normal and customary for the size of the Project by the Police Chief, during any consecutive two-month period, the Owner shall be required to provide a State-licensed security patrol through a company retained by the Owner.

The State-licensed security patrol company shall be retained by the Owner, with the prior approval of the Police Chief, for a period of time to be determined by the Police Chief. The approval of such a State-licensed security company shall not be unreasonably withheld.

c. Balconies, Patios and Porches

Balconies, patios and porches are approved for use as private usable open space and may not be used for storage purposes. Storage of materials that detract from the appearance of buildings is prohibited in the above-mentioned locations as well as anywhere that is directly visible to the public. The project owners shall include in all rental agreements/leases for the project that storage of boxes, indoor furniture, the hanging of clothing, and other similar items that detract from the appearance of the building is prohibited.

d. Cable and Satellite Service Equipment

Placement of antennas for radio and television reception may be permitted within a balcony, terrace, deck or patio that is intended for exclusive use of the subject tenant, subject to the following criteria:

- i. For the purpose of this Section, the word "antenna" shall include a single dish antenna, usually in a circular shape with a parabolic curve design constructed of a solid or open mesh surface, not more than two feet (2'-0") in diameter, either surface-mounted or by means of a freestanding tripod that is placed entirely within the permitted areas; and
- ii. Only one (1) antenna per dwelling unit shall be permitted; and
- iii. The method of attachment and or arrangement of said antenna shall be shall be accomplished in the least visually distracting manner as possible.
- iv. No antennas shall be placed, attached or installed in any common areas of the development including the roof, hallways, common courtyards, walkways, or the exterior walls of the apartment building.
- v. No overhead external wiring of the antennas shall be permitted.

e. Parking

The Agreement shall provide for the following:

- i. Development of an on-site "Parking Management Plan" shall be required. The Parking Management Plan shall identify the parking space(s) for every unit in the Project. With the exception of a garage attached to an identified unit, all parking spaces shall be identified with a unique number that shall be stenciled on the pavement and regularly maintained. The Parking Management Plan shall be submitted to the City and must be approved by the Community Development Director prior to occupancy of the Project. Subsequent changes to the Parking Management Plan shall have the prior written approval of the Community Development Director.
- ii. The Agreement shall stipulate that no utility trailers, commercial or construction vehicle of any length, watercraft, or recreational vehicles shall be permitted to be stored or

parked overnight on any private street and/or parking areas within the complex. "Recreational Vehicle" shall mean recreational vehicles, motor homes, campers, utility trailers, watercraft, travel trailer, truck camper, camping trailer, off-road vehicles, land conveyances, vessels, aircraft, boats, trailers, van conversions, customized trucks, and other similar type vehicles that are designed for human habitation for recreational or emergency purposes, or that require a special driver's license (e.g., noncommercial Class A or Class B) to operate.

- iii. The Agreement shall stipulate that any garage units or covered parking spaces provided shall, at all times, be assigned to units within the Project pursuant to the Parking Management Plan. Storage within garages shall be allowed only to the extent the unit includes a dedicated storage cabinet or storage area and any storage may not impede access to the parking space(s) within the garage.
- iv. The Agreement shall stipulate payment of an additional rental fee or separate fee to secure parking or an additional parking space(s) is prohibited.

f. Maintenance, Operation, Preservation, and Repair of Property

Owner, through its management company, shall keep the Project well-maintained (including, without limitation, the buildings; signage; sidewalks; parking lots; lighting; landscaping; onsite storm drain system, fencing; and pool, if any; and other Improvements) and shall operate the Project in a businesslike manner; shall prudently preserve and protect both its own and City's interests in connection with the Project, shall not commit or permit any waste or deterioration of the Project; shall not abandon any portion of the Property; and shall not otherwise act in such a way as to unreasonably increase the risk of any damage to the Project. Such maintenance shall include, without limitation, the following:

- i. Keeping the exterior surfaces of buildings painted, plastered or otherwise appropriately treated;
- ii. Replacing broken windows and other glass surfaces promptly;
- iii. Keeping the Project free from any accumulation of debris, graffiti, and waste materials;
- iv. Keeping trees, ground cover, shrubs and other plant materials trimmed and in healthy condition;

- v. Keeping paved surfaces and other hardscape in good condition, free of potholes, significant surface cracks, dangerous uplifted walkways, or other conditions which impede paths of travel; and
- vi. Keeping the on-site storm drain system in working order and in good repair at all times.

g. Remedial Actions

In the event an Owner fails to act or perform pursuant to the terms found in the Operations and Management Regulatory Agreement, the City reserves the right to enforce the restrictions imposed by the Agreement at the expense of the Owner. The Agreement shall make provisions to allow the City enforce the Conditions, Covenants and Restrictions.

h. Sale or Transfer

Owner will covenant not to sell, transfer or dispose of any land or building within the Project, or any portion of a building unless such sale is either: (a) a sale of the entire project to a purchaser, or (b) as part of a condominium sales effort where individual units are sold to individual purchasers, on a building-by-building or unit-by-unit basis, consistent with the rules of the California Department of Real Estate.

- 8. All dwelling units (e.g., living room and bedrooms) shall be pre-wired with phone, cable and satellite connections.
- 9. Ground-mounted air conditioning condenser units shall be located in the least conspicuous area as possible and screened with appropriate landscape or architecturally integrated low walls/screens subject to the satisfaction of the City Planner.
- 10. Prior to the issuance of a building permit, the applicant shall prepare the following items and submit for plan check review:
  - a. A photometric plan for the entire site. The photometric plan shall include the location of all exterior light fixtures (area, building, parking areas, etc.) and the overall illumination levels across the site. All proposed exterior lighting fixtures (not including required street lights) shall comply with the following standards:
    - i. Lighting fixtures shall be vandal-resistant and of a design that complements the architecture of the building.

- ii. All 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 or adjacent residential properties/uses.
- b. An acoustical report demonstrating how sound attenuation measures for the proposed units will achieve an interior noise attenuation level of 45 CNEL or less, and the building materials and construction techniques (e.g., dual-paned glazing, upgraded insulation, etc.) proposed for the project. The building plans will be checked for conformance with the mitigation measures contained in the final report.
- c. A sidewalk layout plan incorporating required square scoring pattern for all public and private streets. The sidewalk layout plans shall comply with the following items:
  - i. The sidewalk plan for this project shall match the existing sidewalk scoring pattern established on Monte Vista Avenue for the Paseos project; and
  - ii. Coordinate square scoring pattern with curb and gutter control joints; and
  - iii. Include sidewalk ramps, driveways, streetlights, and other utility boxes to demonstrate how the square scoring pattern can be implemented to greatest extent possible with only minor to no disruption of said pattern; and
  - iv. The proper scoring shall be achieved by creating a narrow tooled joint in the wet cement; and
  - v. Finish quality and workmanship shall be to the satisfaction of the Public Works Director/City Engineer and City Planner. Unacceptable work shall be removed and reinstalled in an appropriate and acceptable fashion.
- 11. Approval of this PPD shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances, the San Bernardino County Health Department, or the State of California.
- 12. Prior to the installation of any signs, the applicant shall submit a sign program proposal and Sign Permit Application for the entire project to the Planning Division for review and approval.

13. No changes to the approved set of plans, including the exterior design and materials/finishes, shall be permitted without prior City review and approval.
14. No outdoor pay telephones or vending machines shall be permitted on the project site, except that vending machines may be allowed in the outdoor recreational area adjacent to the Community Building if installed in an alcove architecturally integrated with a building to the satisfaction of the City Planner.
15. Masonry wall heights, materials, and finishes shall be to the satisfaction of the City Planner. Double wall or fence/wall conditions shall not be permitted.
16. The street tree specifications for the project shall conform to the following requirements:
  - a. Monte Vista Avenue – *Pinus canariensis* (Canary Island Pine) and *Lagerstroemia indica* (Crape Myrtle), following as close as possible the alternating pattern established along the Monte Vista Avenue for the Paseos project.
  - b. All street trees shall be minimum 24-inch box size and double-staked per City standards. If planted in turf areas, trees shall be planted within a 4'-0" diameter circle in which turf does not encroach. The circle shall be left natural or minimally improved with decomposed granite, a thin layer of wood chips or similar moisture-retaining material.
17. Streetlights shall be constructed on all public and private streets. Streetlights within and on the perimeter of the subdivision shall be as follows and as illustrated in "City Nights...City Lights," a publication of Southern California Edison:
  - a. Interior streets (public and private) – "Nostalgic Fluted Pole" with single acorn pole top fixture.
  - b. Monte Vista Avenue - "Nostalgic Fluted Pole" with double acorn pole top fixture.
  - c. Poles shall be black concrete and approximately 18 feet in height.
  - d. Fixtures shall be fitted with up-light shielding and house-side shielding (where necessary).

The spacing of streetlights and minimum lighting level for all streets shall be to the satisfaction of the Public Works Director/City Engineer. Streetlights on public streets shall be owned and maintained by Southern California

Edison. Streetlights on private streets may be owned and maintained by developer or Southern California Edison.

18. The proposed locations for neighborhood mailboxes within the project shall be subject to City review and approval prior to installation. Community mailboxes shall be located entirely within a building or as part of a structure providing suitable weather protection to the satisfaction of the City Planner. The applicant shall also ascertain any requirements for such mailboxes from the United States Postal Service.
19. No exterior surface-mounted exposed ducts, conduit or electrical lines shall be allowed on walls, awnings, or other exterior faces of the building. In addition, all electrical switchgear, meters, etc., shall be screened or housed in an enclosure to the extent allowed by the utilities.
20. Roof-mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts and exhaust vents, meters, pumps and filters, transformers and generators, conduit, satellite dishes and similar equipment, but excluding solar collectors and related equipment) shall be recessed below the roof line or by solid and permanent roof-mounted screens and not visible in any direction (360 degrees) from a public right-of-way or adjacent residential property, as may be seen from a point six (6) feet above ground level. In addition, screening of the top of roof-mounted mechanical equipment may be required by the Director, if necessary, to protect views from a higher elevation. Screening of roof-mounted equipment shall be accomplished by means of raised parapets, mechanical roof wells, or roof-mounted screens, all of which shall be integrated into the architecture (e.g., architectural style, materials, and color) of the main building/structure to which it is attached, subject to the approval of the City Planner.
21. Access to the roof of any building shall be from within the subject structure and not be means of roof access ladders mounted to the exterior of the building.
22. 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.
23. 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.

24. All landscaping on the project site shall be regularly maintained in a healthy and vigorous living condition at all times. This shall include proper pruning, weeding, removal of litter, fertilizing, and the regular watering of all plants. Dead vegetation shall be promptly replaced with healthy, living plants, in accordance with standard seasonal planting practices. The property owner shall also be responsible to keep the landscaped areas reasonably free of weeds, trash, and debris.
25. All new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA). Trees shall only be pruned as necessary to promote healthy growth and for aesthetic purposes (i.e., to enhance the natural form of the tree) according to established horticultural standards. Improperly or severely pruned trees, including topping which results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with trees of similar size and maturity as that which was removed or as required by Director of Community Development.
26. All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan and in full accordance with Chapter 11.60 of the Montclair Municipal Code to ensure water use efficiency.
27. To ensure compliance with the conditions of approval, a final inspection is required from the Building and Planning Divisions upon completion of construction and all improvements. The applicant shall contact the City to schedule an appointment for such inspections.
28. 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.

29. The conditions of project approval include certain fees, dedication requirements, reservation requirements, and/or other exactions more specifically described in the conditions of approval. The applicant is hereby notified that the 90-day protest period to challenge such items has begun as of the date of the project approval or the date of the Impact Fee imposition, which is also the date of final project approval. If the applicant fails to file a protest regarding any of the fees, dedications, reservations, inclusionary housing requirements or other exaction requirements as specified in Government Code §66020, the applicant shall be legally barred from later challenges.

Building

30. Submit four complete sets of plans including the following:
- a. Site/Plot Plan;
  - b. Floor Plan;
  - c. Electrical Plans, including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
  - d. Plumbing Plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning.
  - e. Plan of any existing structures on the site, including all walls to be demolished.
  - f. Waste Recycling Plan, demonstrating the recycling of a minimum of 50% of all construction debris.
31. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
32. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.

33. 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.
34. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
35. Separate permits are required for fencing and/or walls.
36. All utility services to the project shall be installed underground.
37. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number.
38. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
39. Prior to issuance of building permits for a new development project or major addition, the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to, Inclusionary Fees, Parkland Development Fee, Transportation Development Fee, Permit and Plan Check Fees, School Fees, and Sewer Fees. School fees shall be paid directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District. Applicant shall provide a copy of the school fees receipt to the Building Division prior to permit issuance.
40. 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.
41. 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 areas. 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%).
42. Install numerical addresses on each building in a location determined by the Planning Division. Address numerals shall be in a font acceptable to the Planning Division, a minimum of eight (8) 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.

43. A Certificate of Occupancy is required prior to the occupancy of the building(s). Issuance of the Certificate of Occupancy shall be contingent upon Fire Department inspection and final approvals from other departments and/or agencies.
44. Striping of all parking spaces shall be cane or "hairpin"-style striping.
45. Electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside the building.
46. Placement of temporary construction and storage trailers on the property shall require approval from the Building and Planning Divisions prior to placement and permits from the Building Division. If any trailers will be used for public access, disabled-accessibility requirements shall apply. Such trailer(s) will require access to the facility by way of ramps that comply with California Building Code (CBC) 2013 edition, Chapter 11B, in addition to access to each feature of the trailer. Plans and structural calculations will be required for tie-down devices.
47. Construct trash enclosure(s) per City Standard (available at the Building Division's public counter) or to the satisfaction of the Building Official and City Planner.
48. The use of decorative foam on the exterior of buildings shall be limited to installations above the first floor. If foam is to be installed at the first floor, a minimum two-coat stucco application over mesh shall be applied. The strength of the stucco applied foam shall be substantial for longevity in wear.
49. An accessible path of travel in and around the project shall be a minimum width of four feet (4'-0"). Consideration of underground utilities and the effect they have on the path of travel shall be of high importance.
50. When permits are ready to be issued, the new permanent address of the project will be **8951 Monte Vista Avenue**. Plans shall be labeled with this address.

Water Quality Management Plan

51. The applicant shall comply with all requirements of the approved Water Quality Management Plan (WQMP) for this project.
52. The applicant/developer/homeowners association shall be responsible to contract with a qualified firm to inspect and maintain any and all manufactured stormwater treatment devices specified by the approved WQMP, following all manufacturers' recommendations. It shall also be the

responsibility of the applicant/developer/homeowners association 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 applicant/developer/homeowners association 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, vertical construction, and final stabilization to the satisfaction of the Public Works Director/City Engineer. Contact Joe Rosales, NPDES Coordinator, at (909) 625-9470.
54. 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. Have the WQMP Maintenance Agreement recorded with the County of San Bernardino and provide evidence of said recording to the NPDES Coordinator.
55. Prior to release of occupancy for any of the dwelling units in the subdivision, 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 ongoing maintenance responsibilities with respect to the requirements of the WQMP.

#### Engineering

56. A parkland development fee shall be paid to the City. This fee is payable prior to issuance of any Certificate of Occupancy.
57. Payment of transportation-related development impact fees shall be required. Fees shall be assessed at the rate in effect at the time the fees are paid.
58. Access to the site is shown to be from Monte Vista Avenue via a driveway with overlapping ownership. Verify that rights of mutual ingress and egress over the adjacent property exist. If not, secure such rights.

59. Post "NO PARKING" signs along the north side of the east-west driveway to the satisfaction of the Public Works Director/City Engineer.
60. Reconstruct sidewalk through the Monte Vista Avenue frontage of the property using the scoring pattern per City of Montclair Standard Plan SP-1. Provide ADA compliance at drive approach and show path of travel from Monte Vista Avenue into the site. On-site sidewalks shall also use SP-1 for scoring pattern.
61. Install three new nostalgic twin luminaire streetlights per North Montclair Downtown Specific Plan standards along Monte Vista Avenue frontage, including the replacement of one existing cobra head fixture at north end of property. Streetlights shall be owned and maintained by Southern California Edison. Install two new nostalgic single luminaire streetlights per North Montclair Downtown Specific Plan standards along the north side of the entry driveway. The minimum lighting level for all streets shall be to the satisfaction of the Public Works Director/City Engineer.
62. All existing overhead utilities and poles within the project boundaries and within street frontages adjacent to project shall be placed underground. All existing or new guy wires required to anchor end poles shall be located beyond the project limits. No poles or guy wires shall be permitted to remain within the property frontage.
63. All utilities within the 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.
64. Pay all outstanding sewer reimbursement fees or assessments as imposed by a district or reimbursement agreement, if any.
65. Pay local and Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency (IEUA).
66. On-site sewers shall be designed and constructed per California Building Code and City of Montclair Building Division requirements and shall be privately maintained. All sewer design shall be subject to the approval of the Public Works Director/City Engineer.
67. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
68. A Water Quality Management Plan (WQMP) is required for this project. Approval of the WQMP is required prior to the preparation of grading and/or other improvement plans. Requirements for the WQMP may be obtained from the City NPDES Coordinator Joe Rosales at (909) 625-9470. Requirements of the WQMP may require significant modifications to the

approved tentative map. If significant modifications are required, a resubmittal to the Planning Commission and City Council may be required.

69. 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.
70. 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.
71. All drainage facilities shall comply with requirements of the approved WQMP.
72. All on- and off-site trenching and excavation shall conform to CAL-OSHA standards. Excavations exceeding five feet in depth require a CAL-OSHA permit.
73. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at (800) 422-4133.

#### Fire

74. Permits are required for the plan review and inspection of fire detection, fire sprinkler, hood and duct, and occupancy plan reviews. Fees shall be collected by the Fire Department at the time an application for permit is filed (CFC 2013 105.3.8).
75. Submit four (4) complete sets of architectural, structural, fire alarm and fire sprinkler plans, including all specifications, to the Fire Department for review prior to the issuance of any building permits. These plans and specifications shall include, but are not limited to, construction type, exits, fire protection equipment, building protection, and interior finish. The developer is responsible for, and shall apply for and receive, all Fire Department permits, paying all necessary fees prior to beginning construction. (CFC 2013 105.4.1)
76. Construction documents and calculations for all fire protection systems and permits are required for the installation, rehabilitation or modification of any fire protection system. Construction documents for fire protection systems

shall be submitted for review and approval prior to system installation. (2013 CFC 105.4.2.1 and Chapter 9)

77. Contractor's license number, including expiration date, wet stamp and signature of the contractor licensee shall be provided on each plan (California Business & Professions Code Sec. 7031.5).
78. Provide an accurate description of the scope of work for the project.
79. Show all exterior and interior building dimensions on the plans.
80. The plan check application can be found on the City of Montclair website: <http://www.cityofmontclair.org/depts/fire/prevention/permits.asp>.
81. This project is required to comply with the 2013 California Fire Code as amended in the Montclair Municipal Code, and Montclair Fire Department development standards.
82. All fees are required to be paid in full prior to any permit issuance.
83. Fire apparatus access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility (2013 CFC 503.1.1). Dimension may be increased if the building is equipped throughout with an approved automatic sprinkler system installed in accordance with 2013 CFC Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
84. Fire apparatus roads shall have an unobstructed width of not less than 20 feet. (D103.6.1) and vertical clearance of not less than 13 feet 6 inches. Show all dimensions on the plans. (2013 CFC 503.2.1)
85. Where a fire hydrant is located on a fire apparatus road, the minimum road width shall be 26 feet. The minimum clearance around a fire hydrant (Figure D103.1) requires a minimum road width of 26 feet beginning 10 feet before the fire hydrant and ending 10 feet after the fire hydrant. Accordingly, the minimum 26-foot wide road shall be a minimum of 20 feet in length, centered on the fire hydrant (2013 CFC D103.1).
86. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. (2013 CFC 503.2.3)
87. Fire apparatus access roads 20 feet wide to less than 28 feet wide shall be posted on both sides as a fire lane with "NO PARKING – FIRE LANE" signs, red curbs and curb lettering (CFC 2013 D103.6).

88. The project shall meet all City water standards. Contact the Monte Vista Water District at (909) 624-0035.
89. Exact number, location, and design of hydrants shall be determined by Fire Department.
90. The project shall comply with the NFPA 24 standard and the 2013 California Fire Code. The applicant shall install a Fire Department Connection (FDC) located at the DCDA/OS&Y to act as a Fire Department Boost. The combination FDC shall be equipped with two, 2½-inch NST female swivel inlets and one 7-inch NST female swivel. The riser to this FDC shall be at least six (6) inches in diameter.
91. An approved water supply capable of providing the required fire flow for fire protection shall be provided (2013 CFC 508.1).
92. Private fire service mains and appurtenances shall be installed in accordance with NFPA 24 (508.2.1). Submit plans to the Fire Department showing fire water system detail.
93. Fire Department Connection (FDC) and Post Indicator Valve (PIV) locations shall be determined by the Fire Department during plan check. Every sprinkler system shall have at least (1) fire department connection located within 50 feet of a fire hydrant. (MMC 10.28.060K(1)).
94. The installation of check valves is required between fire hydrants and Fire Department connections (FDCs).
95. Show pipe size of the fire water system on the plans.
96. Minimum underground fire service supply pipe shall be six (6) inches in diameter. (MMC 10.28.060K(5))
97. Trash enclosures shall be fully enclosed and shall have fire sprinklers installed should any one of the following conditions exist; the trash enclosure has a combustible roof covering, the trash enclosure contains two or more individual trash containers, or the trash enclosure is under or within five (5) feet of combustible construction. (MMC 10.28.060) Four (4) sets of plans shall be submitted to the Montclair Fire Department for approval prior to starting work.
98. Outdoor detached facilities greater than 200 square feet in area are required to install an approved fire sprinkler system. (MMC 10.28.060 J(3))

99. Fire sprinkler system plans are required to be a separate plan submittal with a completed application and all fees pre-paid.
100. The application, installation, performance and maintenance of fire alarm systems and their components in new and existing buildings and structures shall be in compliance with 2013 CFC Chapter 9 (2013 CFC 907.1). Fire alarm and detection system plans are required to be a separate plan submittal with a completed application and all fees pre-paid.
101. When automatic fire sprinkler systems or fire alarm systems are installed in buildings constructed for multiple tenants and these systems protect multiple tenant spaces, the main controls and control appurtenances, such as risers, fire alarm control panels, and valves for such systems, shall be located in an attached or included room or an approved weather resistant enclosure with at least one exterior access door of not less than 3'-0" in width and 6'-8" in height.
102. 2013 CFC Chapter 33 conditions shall apply to this project during construction and demolition (2013 CFC 3301.1).
103. An approved water supply for fire protection, either temporary or permanent, shall be made available prior to combustible materials arriving on-site. The water supply, including mains and hydrants, shall be acceptably tested, painted, and approved by the water and fire departments prior to the issuance of permits (2013 CFC).
104. Approved vehicle sites. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections. Vehicle access shall be provided by temporary or permanent roads, capable of supporting imposed loads of fire apparatus under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available (2013 CFC 1410.1).
105. Buildings and structures under construction shall post temporary address signs meeting Fire Department standards and at locations determined by the Fire Marshal (CFC 2013 505.1.2).
106. Structures under construction, alterations or demolition shall be provided with not less than one approved portable fire extinguisher (2013 CFC 1415.1).

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

APPROVED AND ADOPTED THIS 11TH DAY OF APRIL, 2016.

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 11th day of April, 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

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