



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

REGULAR ADJOURNED MEETING
Monday, June 27, 2016
7:00 p.m.

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

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

4. APPROVAL OF MINUTES

The minutes of the May 9, 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 2016-9
 - Project Address: Citywide
 - Project Applicant: City of Montclair
 - Project Planner: Michael Diaz, City Planner
 - Request: Amendment to Chapter 11.72 MMC regarding Electronic Message Center signs
 - CEQA Assessment: Categorically Exempt (Sections 15305 and 15311)

- b. PUBLIC HEARING - CASE NUMBER 2015-19
 - Project Address: NEC corner of Ramona Avenue and Brooks Street
 - Project Applicant: Realogic Investment, LLC
 - Project Planner: Silvia Gutiérrez , Associate Planner
 - Request: A Precise Plan of Design for the site plan and architectural design related to the development of two (2) industrial buildings (facing Brooks Street) totaling 40,714± square feet in building area, and two (2), 3,000 square foot restaurant buildings facing Holt Boulevard. A Conditional Use Permit is requested to allow wholesale, indoor storage, and distribution in the Business Park zone of the subject site. A second Conditional Use Permit is requested to allow outdoor dining in a covered patio area between the proposed restaurant buildings.
 - CEQA Assessment: Categorically Exempt (Sections 15305 and 15311)

- c. CAPITAL IMPROVEMENT PROGRAM (CIP) FISCAL YEARS 2016-21
 - Project Address: Citywide
 - Project Applicant: City of Montclair
 - Project Planner: Michael Diaz, City Planner
 - Request: Proposed schedule of expenditures to build and maintain public infrastructure
 - CEQA Assessment: Not a project

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

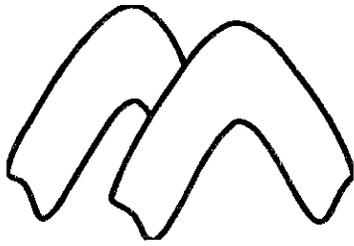
Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of July 11, 2016 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California.

CERTIFICATION OF AGENDA POSTING

I, Laura Embree, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda was posted on the bulletin board adjacent to the north door and the bulletin board adjacent to the south door of Montclair City Hall on June 23, 2016.



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 06/27/16

AGENDA ITEM 6.b

Case No. 2015-19

Application: A Precise Plan of Design for the site plan and architectural design related to the development of two (2) industrial buildings (facing Brooks Street) totaling approximately 42,818± square feet in building area, and two (2), 3,000 square foot restaurant buildings facing Holt Boulevard. A Conditional Use Permit is requested to allow wholesale, indoor storage, and distribution in the Business Park zone of the subject site. A second Conditional Use Permit is requested to allow outdoor dining in a covered patio area between the proposed restaurant buildings.

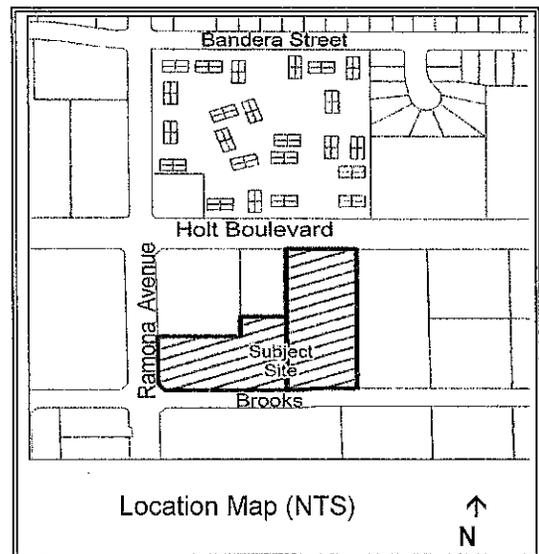
Project Address: NEC corner of Ramona Avenue and Brooks street, a portion of the 4500 Block of Holt Boulevard.

Property Owner: Realogic Investment, LLC

General Plan: Business Park and General Commercial

Zoning: "Business Park", "Industrial", and "Commercial" zones per the Holt Boulevard Specific Plan (HBSP)

Assessor Parcel Nos.: 1012-081-01 and 1012-071-04



Adjacent Land Use Designations and Existing Uses			
	<i>General Plan</i>	<i>Zoning</i>	<i>Existing Use</i>
Site	Business Park and General Commercial	"Business Park", "Industrial", "Commercial" zone per the Holt Boulevard Specific Plan (HBSP)	Existing warehouse building to be demolished
North	Medium 8 to 14 units/per acre	R-3 Multiple Family Residential on north side of Holt Boulevard	Residential Condominiums on north side of Holt Boulevard
East	Business Park	"Commercial" and "Industrial" per HBSP	Commercial and Industrial buildings
South	Industrial	M-2 General Manufacturing	Industrial Warehouse Uses and Railroad Tracks
West	Business Park	"Business Park" per HBSP	Jack in the Box Restaurant and CVS Pharmacy

Report on Item Number 6.b

PUBLIC HEARING - CASE NUMBER 2015-19

APPLICATION TYPE(S)	Precise Plan of Design Conditional Use Permit
NAME OF APPLICANT	Realogic Investment, LLC
LOCATION OF PROPERTY	NEC Brooks Street and Ramona Avenue and 4500 Block of Holt Boulevard
GENERAL PLAN DESIGNATION	Business Park and General Commercial
ZONING DESIGNATION	"Business Park", "Industrial Park", and "Commercial" per Holt Boulevard Specific Plan
EXISTING LAND USE	One parcel is vacant and one parcel is developed with an industrial building that is proposed to be demolished
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15332)
PROJECT PLANNER	Silvia Gutiérrez

Project Description

Summary

The proposed project involves the development of two adjoining parcels with street frontages on Ramona Avenue, Brooks Street, and a portion of Holt Boulevard. The project site also has a unique combination of 3 zoning designations as depicted on Exhibit A. The overall size for both properties is approximately 3.94 acres.

The new development will consist of the following major improvements:

- Two (2) industrial buildings (facing Brooks Street) totaling approximately 42,818 square feet in building area; and
- Two (2), 3,000 square foot restaurant buildings facing Holt Boulevard; and
- On-site parking for 163 total vehicles; and
- Trash enclosures and site fencing in key locations.

The project requires approval of a Precise Plan of Design (PPD) for the site plan and architectural design of the development, and approval of a Conditional Use Permit (CUP) to allow wholesale, indoor storage, and distribution in the "Business Park" zone district (per HSP) of the subject site. A second Conditional Use Permit is requested to allow outdoor dining in a covered patio area between the proposed restaurant buildings. No zone changes or General Plan amendments are requested.

Plans for the project are included in the Commission packets for reference. A color rendering of the project and color and material samples will be available for viewing at the Planning Commission meeting.

Site Plan

As mentioned above, the project site consists of two adjacent properties with three street frontages and three zoning designations, as summarized in the table below:

Property Information			
<i>Parcel</i>	<i>Lot Size</i>	<i>Zoning</i> Holt Boulevard Specific Plan (HBSP)	<i>Existing Condition(s)</i>
Parcel 1 - Brooks Street & Ramona Avenue street frontages APN 1012-071-04	1.74 acres	Business Park per HBSP	Vacant
Parcel 2 - Holt Boulevard & Brooks Street frontages APN 1012-081-01	2.2 acres	"Commercial" (north half) per HBSP "Industrial" (south half) per HBSP	Existing warehouse building (south half)*
* The existing warehouse is proposed for demolition to accommodate the new development			

- Parcel 1 will be developed with one (1) industrial building and on-site parking. The full length of this building will directly face Brooks Avenue.
- Parcel 2 will be developed with two (2) restaurant pads on the north half with the "Commercial" zoning designation and the south half with the Industrial zoning designation will contain the second industrial building envisioned with the project. This industrial building will be oriented in a north/south direction on the site. The existing warehouse structure on the south half of Parcel 2 will be removed to accommodate the new industrial building.

Industrial Buildings

Each industrial building will be approximately 22,200 square feet in size, and be divided into two (2) equal (e.g., 10,625 square feet) sized lease spaces. Each lease space will have a recessed truck dock and roll up garage doors. Building height for the structures is 28-feet. No industrial users have been identified at this time.

The proposed industrial building will be constructed of concrete tilt-up walls. The upper level of the walls will be treated with a decorative finish to give the building walls architectural interest as depicted on the proposed elevations. Commercial windows and door assemblies are also part of the design. Proposed colors for the buildings will be light neutrals and accent "green/blue" trim.

As part of this proposal, the applicant is seeking approval of a conditional use permit to allow wholesale, storage, and distribution uses in the warehouse building that will be constructed in the portion of the site that is zoned "Business Park." According to the

HBSP wholesale, storage, and distribution uses in the "Business Park" require the approval a CUP.

Restaurant Buildings

The two freestanding restaurant buildings proposed for the north half of Parcel 2 will be 3,000 square feet each and arranged to create a common covered outdoor dining area between them. The proposed patio will be 30-feet in width and have approximately 2,250 square feet of dining space. The patio will be constructed of steel supports and frame, with horizontal laid wood roof rafters. The patio will be separated from the street and parking areas by an open, 3-foot tall, coated steel railing. Primary access to the covered patio would be from the interior of the restaurants. No restaurant operators have been identified at this time. A conditional use permit (CUP) is required to allow outdoor dining in the patio.

The proposed restaurant buildings feature a modern exterior design featuring a simple set of projecting horizontal wall planes of various heights which are accented with a decorative cornice, a dark toned 3-foot high brick base, and the use of fabric awnings over windows and doors. The exterior building materials include stucco walls in two (2) earth tone colors, dark toned brick veneer, and black at the cornice. Fabric awnings will be burgundy color. The architectural treatment would be consistently applied to all four sides of the building. The tallest walls of the building will be 19-feet in height to screen roof mounted equipment (e.g. air conditioner condensers, vents, hoods, etc.) associated with a restaurant operation.

Site Access and Circulation

The project is designed to have full internal access and circulation with no intervening walls or fences between the properties. Vehicular access is provided via two 26-foot wide driveways on Brooks Street, and a third driveway on Holt Boulevard. Total on-site parking for the project is 163 total spaces, including 95 standard parking stalls (with 8 disabled accessible parking spaces) for the industrial warehouse buildings and 68 spaces (with 2 disabled accessible parking spaces) for the two commercial restaurant buildings. To ensure that parking remains available for all uses within the project boundaries, a shared parking and access agreement will be required as a condition of approval.

Lighting and Security

The project proposes to use a combination of wall and freestanding lighting fixtures to provide standard illumination around the site. The applicant has prepared a preliminary photometric plan for the project which will be fully evaluated during the plan check process. A standard condition of approval has been included requiring that a photometric analysis be prepared to demonstrate compliance with the City of Montclair's Security Ordinance.

The rear sides of the industrial buildings will be secured by means of decorative walls or fences, approximately 7-8 feet in height. The walls/fences will be designed to be coordinated with the buildings and include measures to deter graffiti as much as possible.

Landscape Plan

A landscape and irrigation plan for the site is included. The project provides ample landscaping materials along the project street frontages, at both vehicle entries, within off-street guest parking area. A 30-foot landscaped setback is proposed along the Brooks Street and Holt Boulevard frontages measured from the property line to the building face. The Water Quality Management Plan (WQMP) prepared for the project requires the use of bio-retention basins that will be incorporated into landscape setback areas on the Brooks Street. Additionally, pervious pavers are proposed in various locations of the parking area to allow for water infiltration.

The landscape plan is also designed to comply with the City's Water Efficient and Landscape Conservation ordinance and does not propose to use turf as part of the design. Plant materials include the combined use of groundcovers, shrubs, and a variety of 24-inch box size accent and shade trees (e.g., Camphor Trees, Bottle Tree, Purple Trumpet and Sweet Shade).

Signs

Sign details were not provided as part of this application. The signs shown on the building elevations are conceptual only. A sign program for the project will be required for staff review and approval prior to installation of any signs.

Background

- The subject site is located in the Holt Boulevard Specific Plan, which was adopted in 1991. As mentioned above the property has three land use designations including Commercial, Business Park, and Industrial. Parcel 2 exhibits an unusual feature of the HBSP where some of the "through lot" parcels on the south side of Holt Boulevard were assigned two different zoning designations.
- The HBSP contains the following zoning classifications:
 - "Commercial" land use district is intended for conveniently located retail, commercial service and restaurant needs of residents and businesses in the area.
 - "Business Park" land use district is intended for a mix of light manufacturing, research and development, sales agencies, and office-based firms seeking an attractive and pleasant working environment. Wholesale, storage, and distribution uses in the Business Park district are permitted subject to the approval of a CUP.

- “Industrial” land use district is to provide for a mixed of light and medium manufacturing, research and development, and warehousing and distribution uses. In addition, administrative and professional office will be permitted where they support the primary industrial land uses category. Limitations of the extent of warehouse uses such as the prohibition of outdoor storage maybe established. Buildings with this designation are intended for a single tenant user.
- The project site is located within the Airport Influence Area of Los Angeles-Ontario International Airport (ONT) and is subject to the ONT Airport Land Use Compatibility Plan (ALUCP). Policy Map 2-2: Safety Zones of the ONT ALUCP identifies the geographic locations of Safety Zones; however, the proposed project is located outside the established Safety Zones and would not result in safety hazards for people residing or working in the project area.
- The present owner acquired the subject site in 2014 and has been working with staff to develop the present proposal for the property.

Planning Division Comments

Overall, staff finds the proposed project to be appropriately situated on the subject site, given the unique circumstances involved. The combined area and shape of both parcels is adequate to accommodate the proposed site plan layout and meet applicable development standards of the Holt Boulevard Specific Plan. The new project will result in a positive improvement to the Holt Boulevard and Brooks Street frontages over the view of the existing vacant lots and the dilapidated commercial building which currently exist on the project site. Further, this project continues will tie in with the Orchard Plaza development on the NWC of Holt Boulevard and Ramona Avenue which is nearing completion.

More specifically, the project is in compliance with the applicable development standards of the "Business Park", "Industrial", and "Commercial" land use districts of the Holt Boulevard Specific Plan, which comprise the three zoning designations of the project site. The proposed 28-foot building height complies with the maximum 28-foot height limit, and on-site parking is sufficient and properly distributed around the site to support the proposed development.

Access to the site and on-site circulation is appropriate to support the proposed development and future uses. Moreover, the site plan, drive aisle widths and turn radii meet Fire Department requirements.

Building Design and Landscaping

Restaurant Buildings

Staff worked with the architect on the design of both the restaurant and warehouse buildings and is generally pleased with their respective designs and details. The design for the restaurant buildings is relatively simple in form, but the colors and the arrangement of design elements on the building give the building visual interest, especially to the street. The new restaurant buildings will be in scale with and complementary to the design of the existing Jack in the Box fast food eating establishment next door. Staff believes that the outdoor patio area between the restaurant pads is good way to utilize the area between the buildings and offers the ability to provide outdoor dining options in a central and sheltered location.

Industrial Buildings and Future Uses

The design of the industrial buildings along the south portion of the site, staff finds them to be appropriately designed to be in size and in scale with the existing and new development along the street. The tilt-up concrete building type is well done and will be consistent with recently completed 130,000 square foot industrial building across the street at the SEC of Brooks and Ramona Avenue.

Further, since the size of the industrial lease spaces are relatively small, the nature of new uses will be relatively low key operations with fairly low impacts, provided all major activities at the site occur within the building. As standard procedure all future business(es) and use(s) within the building would be subject to the land use provisions contained in the Holt Boulevard Specific Plan and the Montclair Municipal Code, including the requirement to obtain and maintain a valid business license. As part of the routine review process for any new business application, the property would be inspected to ensure compliance with all applicable codes, including property maintenance and the provision of adequate on-site parking. To ensure that the future uses are appropriate, a condition of approval has been added to the draft resolution of approval.

In regard to the proposed CUP request to allow wholesale, storage, and distribution uses in the warehouse building to be built on the portion of the site (west half of Parcel 1) that is zoned "Business Park", staff believes the request is appropriate. The CUP would only apply to one building in the project and allows the applicant to utilize the building in the same manner as the other industrial building in the project that is similarly designed and where wholesale, storage, and distribution uses are permitted by right. If approved, the CUP for the subject building will include appropriate conditions of approval to ensure that future uses are appropriately operated on the site. Outdoor storage would be strictly prohibited.

Landscaping

Landscaping for the project is appropriate and well distributed around the site where planter areas are proposed. The setback areas from the streets will allow ample area to install plant materials to improve the appearance of the street and surrounding area. The proposed irrigation system is also designed to be water efficient.

Precise Plan of Design Findings

Pursuant to Chapter 11.80 of the Montclair Municipal Code, the following findings for the Precise Plan of Design can be made:

- A. The proposed commercial and warehouse development is consistent with the applicable zoning standards and land uses allowed within the respective "Business Park", "Industrial", and "Commercial" districts of site as designated by the Holt Boulevard Specific Plan (HBSP).
- B. At 3.94 acres in area, the overall shape and size of the site is sufficient to accommodate the proposed industrial and commercial development without need for any variances from applicable development standards of the HBSP or Municipal Code. The site is designed with ample onsite parking that will be available to support all on site uses, via a reciprocal access and parking agreement.
- C. The general arrangement of buildings, massing, heights, landscaping and respective architectural designs as indicated in submitted plans is attractive and up-to-date. When the project is completed the this site will provide a much needed visual boost and image enhancement to the site and to what passersby see from the south side of the Holt Boulevard corridor that extends south to Brooks Street.

Conditional Use Permit Findings For Outdoor Dining

Staff believes that the required findings for granting a Conditional Use Permit to allow outdoor dining in the "Commercial" land use district of the Holt Boulevard Specific Plan the site can be made as follows:

- A. The proposed 2,250 square foot outdoor dining patio use associated with anticipated restaurant uses for the site, is an essential and desirable feature made available as a public convenience for future patrons. The outdoor patio area provides a central and sheltered environment for individuals desiring to patronize the adjacent food uses and enjoy meals outdoors.
- B. That granting the permit 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

central location between two restaurant uses on property that is appropriately developed to support such uses.

- C. That such use in such location conforms to good zoning practice, in that the proposed outdoor dining area is a consistent with the type of uses allowed in the Commercial zone of the Holt Boulevard Specific Plan, subject to CUP approval. The CUP allows the City to place reasonable conditions to govern the overall operation of the outdoor dining area and restaurant use do not detract from the general quality of adjacent uses and 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 within the commercially zoned properties, including restaurant uses with outdoor dining areas.

Conditional Use Permit Findings For Warehouse Uses in the Business Park District

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

- A. That said use is essential or desirable to the public convenience and public welfare, in that the development of and use of the site by a wholesale, storage, and distribution use will result in new improvements and expansion of business activity in the community and the potential for employment opportunities for local residents.
- B. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity, in that the project involves the development of a modern warehouse building on a site that has been appropriately developed to support such uses. Moreover, the proposed use of the site for wholesale, storage, and distribution activities is a relatively low key operation operated within a building designed for that purpose.
- C. That such use in such location conforms to good zoning practice, in the proposed CUP request to allow wholesale, storage, and distribution uses applies to one building (two lease spaces) on the small portion of the subject property that is designated as "Business Park" that is within the same development that has the identical building type where wholesale, storage, and distribution uses are permitted by right. Approval of the CUP for the portion of the site and building in the "Business Park" zone will not negatively affect the surrounding uses within the development. Conditions of approval addressing future wholesale, storage, and distribution uses in the affected building and site will be added to ensure these potential uses are appropriately operated.

- D. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages orderly development with respect to adopted land use plans, and the continual improvement of the City as place for attractive industrial development while minimizing potential detrimental impacts on surrounding properties. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages a wide range of retail and service uses within the retail commercial area, including restaurant uses.

Environmental Assessment

The project is categorically exempt from environmental review pursuant to State CEQA Guidelines Section 15332 (In-Fill Development Projects), in that the proposed project is consistent with the applicable General Plan land use designation and meets all applicable general plan policies and zoning regulations of the Holt Boulevard Specific Plan. Further, the project site and proposed development is surrounded by urban uses and the project site is less than 5 acres. The site is disturbed and has no known habitat for endangered or threatened species; and will not result in any significant traffic, noise, air quality or water quality impacts or result in any significant negative environmental effects on the surrounding area. Lastly, the site is adequately served by all required utilities and public services to support the project.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on June 17, 2016. Public hearing notices were also mailed to property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary zoning entitlement. As of the completion of this report, no public comments have been received regarding the proposed project.

Planning Division Recommendation

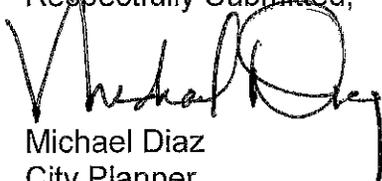
Staff recommends the Planning Commission take the following actions:

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

restaurant and industrial building development on the 3.94 acre site at NEC Brooks and Ramona Avenue and 4500 block of Holt Boulevard per the submitted plans and as described in the staff report, by adopting Resolution No. 16-1861.

- C. Move to approve Conditional Use Permit under Case No. 2015-19 approving an outdoor dining patio in conjunction with the development of two freestanding restaurant buildings in 4500 block of Holt Boulevard, within the "Commercial" zoning district of the Holt Boulevard Specific Plan, per the submitted plans and as described in the staff report, subject to the conditions of approval in attached Resolution 16-1862.
- D. Move to approve Conditional Use Permit under Case No. 2015-19 approving the wholesale, storage, and distribution uses in the "Business Park" land use district of the Holt Boulevard Specific Plan at the NEC of Brooks Street and Ramona Avenue per submitted plans and as described in the staff report, subject to the conditions of approval in attached Resolution 16-1863.

Respectfully Submitted,



Michael Diaz
City Planner

Attachments: Draft Resolution No. 16-1861, Draft Resolution No. 16-1862, Draft Resolution No. 16-1863

c: Steve Chuang, property owner, Realogic Investment, LLC 5423 G Street, Chino, CA 91763
Ellen Wu, JWL Associates Inc., 1221 South Hacienda Boulevard, Hacienda Heights, CA 91745

Z:\COMMDEV\SG\CASES\2015-19\2015-19 PCRPT

RESOLUTION NO. 16-1861

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR GRANTING APPROVAL FOR CASE 2015-19 FOR A PRECISE PLAN OF DESIGN FOR THE SITE PLAN, BUILDING ELEVATIONS, AND LANDSCAPING, ARCHITECTURAL DESIGN FOR A COMMERCIAL AND INDUSTRIAL DEVELOPMENT OF 3.9-ACRES OF LAND IN THE "COMMERCIAL", "BUSINESS PARK", AND "INDUSTRIAL" LAND USE DISTRICTS OF THE HOLT BOULEVARD SPECIFIC PLAN, AT THE NORTHEAST CORNER OF RAMONA AVENUE AND BROOKS STREET AND IN THE 4500 BLOCK OF HOLT BOULEVARD (APNs 1012-071-04 and 1012-081-01).

WHEREAS, on November 14, 2015, Realogic Investment, LLC, property owner, filed an application for a Precise Plan of Design (PPD) and Conditional Use Permits (CUP) under Case No. 2015-19, to allow the development of two adjoining parcels with frontages at the NEC of Ramona Avenue and Brooks Street, and for a portion of Holt Boulevard, and

WHEREAS, the Precise Plan of Design pertains to the site plan, floor plans, building elevations, colors and materials, landscaping, and other site related improvements of the proposed development project on the subject site; and

WHEREAS, the overall site area of the two subject parcels comprising the project site is approximately 3.94 acres; and

WHEREAS, the project site is located in the Holt Boulevard Specific Plan (HBSP) that was adopted in 1991; and

WHEREAS, the subject project site has three (3) separate land use designations including "Commerical", "Business Park" and "Industrial" classifications affecting the development of the project site; and

WHEREAS, according to the HBSP, the "Commerical" land use district is intended to provide for a broad range of commercial activities, including retail sales, food uses, offices, and wholesale establishments; and

WHEREAS, the "Business Park" land use district of the HBSP is intended for a mix of light manufacturing, research and development, sales agencies, and office-based firms seeking an attractive and pleasant working environment; and

WHEREAS, the "Industrial" land use district of the HBSP is intended for a mix of light and medium manufacturing, research and development, and warehousing and

distribution uses. In addition, administration and professional offices will be permitted when they support the industrial land uses of the subject building; and

WHEREAS, the project proposes the development of two (2) industrial buildings (facing Brooks Street) totaling approximately 42,818 square feet in building area; and two (2), 3,000 square foot restaurant buildings and a 2,250 square foot outdoor dining patio between restaurant facing Holt Boulevard, with associated on-site improvements for parking, trash, enclosures, landscaping, exterior lighting, and fences/walls; and

WHEREAS, the project requires the approval of two Conditional Use Permit (CUP) requests to allow outdoor dining associated with the proposed restaurant uses in the Commercial zoning district, and a CUP to allow warehousing and distribution uses in the Business Park zoning district; and

WHEREAS, the subject development proposal is in compliance with the applicable development standards of the "Business Park", "Industrial" and "Commerical" land use district of the Holt Boulevard Specific Plan, including setbacks, building height, and parking; and

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

WHEREAS, the Planning Division has determined the project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines, which covers infill projects in significantly developed areas. The proposed development of two contiguous lots is consistent with the applicable policies of the General Plan, the Holt Boulevard Specific Plan requirements, is less than five acres in area, has utilities present in the area to serve the development, and is similar to other existing industrial and commercial developments and uses in the vicinity. As such, there is no substantial evidence the project will pose a potential significant impact to the environment; and

WHEREAS, on June 27, 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 application were heard, and said application was fully studied; and

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

SECTION 1. RECITALS. The Planning Commission hereby finds that that the foregoing recitals are true and correct and incorporated herein as substantive findings of this Resolution.

SECTION 2. FINDINGS FOR PRECISE PLAN OF DESIGN.

Precise Plan of Design Findings

Pursuant to Chapter 11.80 of the Montclair Municipal Code, the following findings for the Precise Plan of Design can be made:

- A. The proposed commercial and warehouse development is consistent with the applicable zoning standards and land uses allowed within the respective Business Park, Industrial, and Commercial districts of site as designated by the Holt Boulevard Specific Plan (HBSP).
- B. At 3.94 acres in area, the overall shape and size of the site is sufficient to accommodate the proposed industrial and commercial development without need for any variances from applicable development standards of the HBSP or Municipal Code. The site is designed with ample onsite parking that will be available to support all onsite uses, via a reciprocal access and parking agreement.
- C. The general arrangement of buildings, massing, heights, landscaping and respective architectural designs as indicated in submitted plans is attractive and up-to-date. When the project is completed, this site will provide a much needed visual boost and image enhancement to the site and to what passersby see from the south side of the Holt Boulevard corridor that extends south to Brooks Street.

SECTION 3. ADOPTION OF THE PROJECT. Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing on June 27, 2016 including written and oral staff reports together with public testimony, the Planning Commission hereby finds the proposal to be consistent with the overall objectives of the City of Montclair General Plan, the Holt Boulevard Specific Plan, the Montclair Municipal Code, and good planning principles, and approves the application subject to each and every condition set forth below.

Planning

- 1. This approval shall be for a Precise Plan of Design for the site plan, floor plans, elevations, colors, materials, and landscaping associated with the development of two (2) industrial buildings (facing Brooks Street) totaling approximately 42,818 square feet in building area, and two (2), 3,000 square foot restaurant buildings (facing Holt Boulevard) as depicted on the submitted plans and as described in the staff report.

2. PPD approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check and building permits to allow eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
3. No changes to the approved set of plans, including the exterior design and materials/finishes, shall be permitted without prior City review and approval. Any modification, intensification, or expansion of the use and design plan beyond that which is specifically approved with this PPD shall require review and approval by the Planning Commission.
4. Approval of this PPD shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances, the San Bernardino County Health Department, the State of California, or United States Government.
5. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
 - a. A check in the amount of **\$50.00**, payable to "Clerk of the Board of Supervisors," to cover the 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 **\$519.36**, made payable to the "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.
7. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
8. The applicant and/or property owner shall ensure that a copy of the Planning Commission Resolution, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
9. Any future business(es) occupying the completed buildings shall be required to obtain and maintain valid business licenses and comply with all applicable City regulations at all times. As part of the routine review process for each new business, the property and subject lease spaces will

be inspected to ensure compliance with all applicable codes, including the provision of adequate on-site parking.

10. The applicant and subsequent property owners and users shall comply with the following operational standards for the site:
 - a. Outdoor storage of merchandise and personal or other items (including motor vehicles) shall not be allowed.
 - b. No outdoor pay telephones, loudspeakers, or vending machines shall be installed or used on the property.
 - c. No outdoor storage of raw materials, finished products, pallets, equipment and/or other supplies of any kind on the ground, on racks, or within storage containers shall be allowed.
 - d. Materials delivery and outdoor noise caused by the use of forklifts, loading and unloading, or moving of materials and/or finished products shall also be restricted to standard workday hours, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., and on Saturdays between the hours of 8:00 a.m. and 3:00 p.m.
11. A reciprocal access and parking agreement for the project shall be required to ensure access and parking is appropriately maintained. The applicant shall prepare and submit a reciprocal access and parking agreement for review and approval by the City Planner and City Attorney. The approved agreement shall be recorded with the County of San Bernardino Recorder's Office prior to issuance of building permits.
12. The applicant shall provide area and install one (1) public transit stop shelter at the existing bus stop located on Parcel 1 adjacent to Ramona Avenue prior to the issuance of a Certificate of Occupancy. The design public transit stop shelter each along the Ramona Avenue frontage of the site in a location to the satisfaction of the City Planner, City Engineer, and Omnitrans and in a design to the satisfaction of the City Planner.
13. Prior to the issuance of building permits, the applicant shall provide the following of plans submitted for plan check:
 - a. Fencing/wall/gate plan for the entire site. The design of the decorative metal fence and gates shall be complementary to overall appearance of the new building and constructed of durable and easily maintained materials as follows:

- b. Fencing shall have a durable finish (e.g., powder coat) in a color that complements the building or black subject to the approval of the City Planner.
 - c. The face or finished side of any fence or wall on the property shall be directed toward the street or where it is directly visible to the street or adjacent properties. Any posts and stringers used to support a fence shall be placed on the inside facing the subject property.
 - d. The maximum height of the fence shall not exceed eight feet (8'-0") in height along any side or rear property line as adjusted for existing grade conditions and subject to the satisfaction of the City Planner.
 - e. The maximum height of the interior property fence shall not extend to the street frontages and shall not exceed a height of three feet (3'-0") in along any street side or street rear property line as adjusted for existing grade conditions and subject to the satisfaction of the City Planner.
 - f. The use of chain-link fencing and security deterrents such as barbed or concertina wire are expressly prohibited.
 - g. Fences and gates shall be prohibited within required street setbacks or where their placement interferes with access by on duty Police and Fire Department personnel. Contact the Montclair Fire Department for further information and requirements.
14. All parking lot and other freestanding light fixtures shall incorporate the following elements:
- a. Only 90-degree cut-off style luminaires and flat lenses so as to direct illumination downward to the surface shall be permitted. Light fixtures shall not adversely affect public rights-of-way and properties adjacent to the subject site. Cut-off or "house-back" shields may be required to ensure illumination does not adversely impact adjacent properties to the greatest extent possible.
 - b. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be clad in a color coordinated stucco finish to complement the main building.
15. The trash enclosure(s) shall have a solid roof cover and be designed to complement the overall architecture of the main building. Contact Burrtec

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

16. All automobile parking spaces shall be clearly delineated with double-line (e.g. "hairpin") striping.
17. Signage on the building shall be limited to the name of the business only and numerical address. A separate Sign Permit Application shall be submitted by the property owner (or licensed sign contractor) for the above-mentioned sign(s) to the Planning and Building Divisions for review, approval, and issuance of all necessary permits prior to installation of any sign(s).
18. The use of temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code. Temporary banners for the purpose of announcing a grand opening or promotional event shall require a banner permit from the Planning Division prior to installation.
19. No portable flags, pennants, spinners, painted-on signs, off-premise signs, trailer-mounted electronic sign/message boards or other similar types of portable signs shall be allowed.
20. No exterior surface-mounted exposed ducts, conduit or electrical lines shall be allowed on walls, awnings, or other exterior faces of the building. In addition, all electrical switchgear, meters, etc., shall be screened or housed in an enclosure to the extent allowed by the utilities.
21. All roof-mounted mechanical equipment (e.g., vents, meters, HVAC units, ducts, conduit, satellite dishes, photovoltaic systems, etc.), enclosures or equipment screen walls shall not project above the roof parapet.
22. Screening of roof-mounted equipment, including solar panels, shall be accomplished with mechanical roof wells recessed below the roof line or by solid and permanent roof-mounted screens. Screening shall be compatible with the architectural style, materials, and color of the building upon which the equipment is located, subject to the approval of the City Planner.
23. Ground-mounted mechanical equipment shall be fully screened from view from streets or surrounding residential or commercial uses by a combination of decorative walls and an evergreen hedge equal to or exceeding the height of the equipment.
24. Access to the roof of the building shall be from within the structure and not be means of roof access ladders mounted to the exterior of the building.

25. All on-site ground-mounted mechanical equipment, including, but not limited to, utility meters, air conditioners, condenser units, and repair equipment shall be located within the building or on the exterior of the building only when necessary and screened in a manner that is compatible with the architectural design of the building subject to the satisfaction of the City Planner.
26. Freestanding electrical transformers and Fire Department double check detector assembly (DCDA) equipment shall be screened with masonry walls compatible with the building architecture and/or landscaping to the satisfaction of the City Planner and Fire Marshal. Efforts shall be made to place these elements in locations that are as visually unobtrusive as possible.
27. The property owner shall be responsible for maintaining all buildings, yards, structures, signs, parking areas and other improvements in such a manner that does not detract from the appearance of the surrounding area. Parking lots shall be maintained in an attractive and suitable fashion with any potholes, significantly cracked or uneven paving, and any other significant damage repaired in a timely fashion throughout the life of the project.
28. Graffiti or etching of glass areas on the building or on other site improvements shall be removed/replaced immediately by the applicant/property owner upon notification by the City.
29. Prior to issuance of a Certificate of Occupancy, the applicant shall install approved landscaping materials on the site, subject to the satisfaction of the City Planner. The following standards shall apply:
 - a. All shrubs shall be minimum five-gallon container size (except herbaceous perennials and woody spreading shrubs on slopes).
 - b. All trees shall be minimum 24-inch box size and double-staked.
 - c. A minimum of 3 inches of bark mulch (shredded or chips) shall be provided on all planted areas.
 - d. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
 - e. All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency.

30. Any plant material that does not survive or is removed or destroyed shall be replaced upon its demise or removal with plant material of a like type and size as that originally approved and installed.
31. Plant material shall not be severely pruned such that it stunts or deforms its natural growth pattern or characteristic feature(s). Trees shall be pruned to ISA (International Society of Arboriculture) standards and only as necessary to promote healthy growth and for aesthetic purposes (i.e., to enhance the natural form of the tree). Improperly or severely pruned trees, including topping as defined by the Water Conservation Ordinance, that results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with a tree of similar size and maturity as that which was removed or, as required by the Community Development Director.
32. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
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.

Airport Influence Area - Maximum Interior Noise Level

34. The project applicant shall demonstrate compliance with Policy N4b of the LA/Ontario International Airport Land Use Compatibility Plan (ALUCP), ensuring that interior noise levels for the proposed offices and industrial facility do not exceed 50 dB. An acoustical analysis prepared by a certified acoustical engineer shall be submitted to the Building Division during plan check with recommendations incorporated into the plan indicating how the standard is met.

Building

35. Submit four complete sets of plans including the following:
 - a. Site/Plot Plan;
 - b. Floor Plan;
 - c. Reflected Ceiling Plan;
 - d. Electrical Plans, including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
 - e. Plumbing Plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning;
 - f. Waste recycling plan, recycling a minimum of 50 percent of all construction debris.
36. Submit two sets of structural calculations, if required and two sets energy conservation calculations.
37. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
38. 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.
39. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
40. All utility services to the project shall be installed underground.

41. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number.
42. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
43. Prior to issuance of building permits for a new commercial or industrial development project or major addition, the applicant shall pay development fees at the established rate. Such fees may include but are not limited to: Permit and Plan Check Fees, Sewer fees.
44. Construct trash enclosure(s) per City Standard (available at the Building Division's public counter).
45. All construction work carried out under the review of the Building Division shall be of good quality. The Building Official shall have the authority to enforce the installation of work that is straight, level, plumb, square, etc., as the situation requires. All work shall be well fit and of a durable nature. Paint and stucco in all cases shall not be below standard for the use applied.
46. Provide and clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
47. Construction drawings submitted to the Building Division for plan review shall comply with the Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. Install a numerical address on the building elevation facing the street or as designated by the Planning Division. Address numerals shall be in a font acceptable to the Planning Division, a minimum of ten inches in height, a minimum of 1 ½ inches in depth, and be in contrasting color which adequately contrast to the background to which they are attached.
 - b. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn everyday.
 - c. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.

- d. All automobile parking spaces shall be clearly delineated with double-line (e.g. "hairpin") striping. Parking stalls shall be a minimum of 9'-0" in width as measured to the center of the "hairpin," and a minimum of 20'-0" in length.
48. A Certificate of Occupancy is required prior to the occupancy of the building. Issuance of the Certificate of Occupancy shall be contingent upon the Fire Department inspection and the final approvals from other departments and/or agencies.
49. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
50. A Commissioning Plan will be required per the Green Building Standards Code as adopted by the City of Montclair.
51. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
52. 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.
53. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
54. Separate permits are required for fencing and/or walls.
55. All utility services to the project shall be installed underground.
56. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number.
57. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
58. Prior to issuance of building permits for a new commercial or industrial development project or major addition, the applicant shall pay development fees at the established rate. Such fees may include but are not limited to: Transportation Development Fee, Permit and Plan Check Fees, and School Fees. Required school fees shall be paid directly to the Ontario-Montclair School District and Chaffey Joint Union High School District. Applicant shall provide a copy of the school fees receipts to the Building Division prior to permit issuance.

59. Construct trash enclosure(s) per City Standard (available at the Building Division's public counter).
60. Electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside the building.
61. 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.
62. Provide and clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
63. Construction drawings submitted to the building division for plan review shall comply with the Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. Address numerals shall be in font acceptable to the Planning Division, a minimum of ten inches in height, a minimum of 1½ inches in depth, and be in a color that adequately contrasts with the background to which they are attached.
 - b. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn every day.
 - c. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.
64. Striping of the parking lot shall be cane or "hairpin"-style striping.
65. Temporary construction and storage trailers intended to be placed shall be reviewed and approved by the Planning and Building Divisions prior to their placement. Permits are required for all trailers. Plans and structural calculations will be required for the tie-down devices. Trailers to be used by the public (and not used for construction only) are required to be accessible by disabled persons. Such trailer(s) will require access to the facility by way of ramps in compliance with the California Building Code

(CBC) 2013 edition, Chapter 11B, in addition to access to each feature of the trailer.

66. A Certificate of Occupancy is required prior to the occupancy of the building. Issuance of the Certificate of Occupancy shall be contingent upon the Fire Department inspection and the final approvals from all other departments and/or agencies.

Water Quality Management Plan

67. The property owner shall be responsible to contract with a qualified firm to inspect and maintain any stormwater treatment devices specified by the approved WQMP, following all WQMP recommendations. It shall also be the responsibility of the property owner to maintain inspection reports and have them readily available for review by City staff upon request. In the event that any stormwater treatment device fails due to lack of, or insufficient maintenance and/or inspection, or some other unforeseen circumstance, it shall be the responsibility of the property owner to correct the deficiency and restore the stormwater treatment device(s) to its original working condition.
68. Prepare and submit plans for erosion and sediment control. Plans shall include all phases of the construction project, including rough grading, utility and road installation, and vertical construction to the satisfaction of the Public Works Director/City Engineer. Contact Joe Rosales, NPDES Coordinator, at (909) 625-9470.
69. Prior to receiving a grading permit a State Construction General permit must be obtained and proof provided (WDID number) to the Building Division.
70. At the time of grading permit issuance, post-construction Best Management Practices (BMP) inspection permit fees associated with the approved WQMP shall be paid. Contact Joe Rosales, NPDES Coordinator, at (909) 625-9470 for further information regarding permit and fees.
71. Prior to issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Engineering Division an electronic copy of the approved WQMP in PDF format.
 - b. Submit to the Engineering Division as-built drawings as they relate to the WQMP.

- c. Record the WQMP Maintenance Agreement with the County of San Bernardino and provide evidence of said recording to the Engineering Division.
72. Prior to release of the Certificate of Occupancy for the building, the person or corporation responsible for the preparation of the WQMP shall certify in writing to the Building Official that all conditions and requirements of the WQMP have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the Building Official that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the WQMP.
73. The applicant shall ensure that all requirements of the approved WQMP for the project are incorporated and consistent with the approved landscape and irrigation plans for the project. All required Best Management Practices (BMPs) shall be duly noted and shown on the landscape plans per the approved WQMP.

Engineering

74. If a future parcel map or parcel merge is contemplated, the developer shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code.
75. Payment of transportation-related development impact fees is required. Fees shall be assessed at the rate in effect at the time the fees are paid.
76. All sidewalks shall be ADA compliant within and through the frontages of the development, including the existing and proposed driveway approaches.
77. Streetlights will be owned and maintained by Southern California Edison. The minimum lighting level shall be to the satisfaction of the City Engineer. One streetlight is required along the Holt Boulevard frontage. Four to five streetlights are required along the Brooks Street frontage. No Additional Street streetlights are anticipated along the Ramona Avenue frontage.
78. All existing overhead utilities within project boundaries and within street frontages adjacent to project shall be placed underground. All existing or new guy wires required to anchor end poles shall be located beyond the project limits. No poles or guy wires shall be permitted to remain with property frontage.
79. All proposed utilities within development boundaries shall be placed underground. This requirement applies to electrical services, transformers

and switches, and where technology exists, telephone and cable television facilities as well.

80. Developer shall pay all outstanding sewer reimbursement fees or assessments as imposed by a district or reimbursement agreement, if any.
81. Payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by the Inland Empire Utilities Agency shall be required.
82. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
83. A Water Quality Management Plan (WQMP) is required for this project. Approval of the WQMP is required prior to the preparation of grading and/or other improvement plans. Requirements for the WQMP may be obtained from the City NPDES Coordinator Joseph Rosales at (909) 625-9470. Requirements of the WQMP may require significant modifications to the approved site plan. If significant modifications are required, a resubmittal to the Planning Commission may be required.
84. 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.
85. 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.
86. All drainage facilities shall comply with requirements of the approved WQMP.
87. All on- and off-site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
88. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at (800) 422-4133.

Environmental

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

Fire

91. Additional requirements may be necessary to comply with all applicable codes and will be determined during the Fire Department plan check process. The Fire Department requires three sets of plans be submitted with an application and all fees pre-paid.
92. 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).
93. Provide four (4) complete architectural, structural, fire alarm and fire sprinkler plans, including all specifications, shall be submitted 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)
94. 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)
95. Contractor's license number, including expiration date, wet stamp and signature of the contractor licensee on each plan (California Business & Professions Code Sec. 7031.5).
96. Provide an accurate description of the scope of work for the project.
97. Show all exterior and interior building dimensions on the plans.

98. The plan check application can be found on the City of Montclair web site: <http://www.cityofmontclair.org> and clicking on following Departments, Fire, Fire Prevention, lan check and permit process.
99. 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.
100. All fees are required to paid in full prior to any permit issuance.
101. 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).
102. 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.
103. Provide additional fire apparatus access roads (2013 CFC 503.1.2). Show fire apparatus access on all sides of the building on the plans.
104. 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)
105. 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 shows a minimum road width of 26 feet beginning 10 feet before the fire hydrant and ending 10 feet after the fire hydrant. The minimum 26 foot wide road is a minimum of 20 feet long, centered on the fire hydrant] (2013 CFC D103.1).
106. Provide a site plan using a 20-30-40- scale to show turning radiuses for all corners, using a minimum 20 feet inside & 45 feet outside. (2013 CFC 503.2.4 and D103.3.)
107. Need to show fire apparatus turn-around dimensions (hammerhead, boot, or cul-de-sac) where fire apparatus access roads and driveways exceed 150 feet (2013 CFC 503.2.5)
108. 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)
109. Fire apparatus access roads shall not exceed 10 percent in grade. Exception: Grades steeper than 10 percent with mitigating protection measures as approved by the fire code official. (CFC 2013 D103.2)

110. The angles of approach and departure for any means of access shall not exceed the design limitations of the fire apparatus of the fire department, subject to the approval of the fire chief. (CFC 2013 D103.7)
111. Fire apparatus access roads 20 feet wide to less than 28 feet wide shall be posted on both sides of the road as a fire lane with "NO PARKING – FIRE LANE" signs, red curbs and curb lettering (CFC 2013 D103.6).
112. Commercial and industrial buildings or facilities exceeding 30 feet or three stories in height shall have at least three means of fire apparatus access for each structure (2013 CFC D104.1).
113. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of a building more than 30 feet in height (2013 CFC D105.2).
114. Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerials fire apparatus access roadway (2013 CFC D105.1).
115. At least one of the required access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one side of the building (2013 CFC D105.3).
116. Fire Department roads in excess of 150 feet in length provided with approved provisions for the turning around of fire apparatus. Acceptable turn-arounds are Cul-De-Sac, Hammerheads and Boots. CFC 2013 D103.4
117. Fire apparatus access road gates shall have a minimum gate width of 20 feet, and must comply with other requirements of 2013 CFC D103.5.
118. A Knox Box is required and shall be of an approved type and shall contain Master keys to allow the fire department to gain necessary access (2013 CFC 506.1).
119. Exterior doors and openings shall be maintained readily accessible for emergency access by firefighters. An approved ramped access walkway leading from the fire apparatus road to exterior openings is required (2013 CFC 504.1).
120. Install parapet ladders and emblems. Locations to be determined by the fire department during plan check.

121. Trees, signs, poles and similar obstructions shall not be placed near buildings so as to interfere with the operation of an aerial device on an aerial fire apparatus. (CFC 2013 D105.4)
122. Signs shall be 12 inches by 18 inches with a white background and red letters and shall be a maximum of seven feet in height from the roadway to the bottom part of the sign. The sign shall be within sight of the traffic flow and be a maximum of 60 feet apart or by painting a red striped line along the edge of the roadway and imprinted in white "NO PARKING FIRE LANE". Section (CFC 2013 D103.6)
123. Must meet all city water standards. Contact the Water Department. 909-624-0035
124. Exact number, location, and design of hydrants shall be determined by Fire Department.
125. Must comply with the NFPA 24 standard and the 2010 California Fire Code. Must install a Fire Department Connection (FDC) located at the DDCA/ OS&Y to act as a Fire Department Boost. The combination FDC shall be equipped with two 2 ½ -inch NST female swivel inlets and one 7-inch NST female swivel and the riser to this FDC must be at least 6 inches in diameter.
126. An approved water supply capable of providing the required fire flow for fire protection shall be provided (2013 CFC 508.1).
127. Fire Department Connections (FDC) and Post Indicator Valves (PIV) locations to 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)).
128. The installation of check valves is required between fire hydrants and Fire Department Connections (FDC).
129. Show pipe size of the fire water system on the plans.
130. Provide a site plan showing on-site fire hydrants and mains shall be provided when the exterior of a facility or building is more than 300 feet from a fire hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building. (CFC 2013 508.5.1)
131. Provide a site plan showing all fire hydrants and distances to nearest fire hydrants in all directions along fire apparatus access roads.
132. Minimum underground fire service supply pipe shall be 6 inches in diameter. (MMC 10.28.060K(5))

133. An approved automatic fire sprinkler system shall be provided throughout, as defined by the most current edition of NFPA 13, in all newly constructed buildings of any occupancy group. (CFC 2013 903.2). Provide four (4) sets of plans must be submitted to the Montclair Fire Department for approval prior to starting work.
134. 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 5 feet of combustible construction. (MMC 10.28.060) Provide four (4) sets of plans must be submitted to the Montclair Fire Department for approval prior to starting work.
135. Fire sprinkler system plans are required to be a separate plan submittal with a completed application and all fees pre-paid.
136. Commercial cooking equipment that produces grease laden vapors shall be provided with a Type 1 hood, in accordance with the California Mechanical Code, and an automatic fire-extinguishing system that is listed and labeled for its intended use. (2013 CFC 904.11)
137. 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 detections system plans are required to be a separate plan submittal with a completed application and all fees pre-paid.
138. 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" by 6'-8".
139. 2013 CFC Chapter 33 conditions shall apply to this project during construction and demolition (2013 CFC 3301.1).
140. 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).
141. Fire Apparatus access road and water supply must be inspected and approved by the Montclair Fire Department prior to lumber being dropped

at the project site. A 2" thick, 20' wide (minimum) paved asphalt road through-out the project. (CFC 2013 503.2.3)

142. Approved vehicle access fire fighting shall be provided to all construction or demolition 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).
143. Fire apparatus roads shall not be obstructed in any manner, including the parking of vehicles (CFC 2013 503.4).
144. Buildings and structures under construction shall post temporary 8-10" inch address signs meeting fire department standards and at locations determined by the Fire Code Official (CFC 2013 505.1.2).
145. Structures under construction, alterations or demolition shall be provided with not less than one approved portable fire extinguisher (2013 CFC 1415.1).
146. KNOX boxes are required and shall be of an approved type and shall contain keys to gain necessary access as required by the Fire Code Official (2013 CFC 1410.2 & 506).
147. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
148. A fire hydrant system shall be required to provide the necessary water flow to the proposed structure(s). Every automatic fire sprinkler system shall have at least one fire department connection within 50 feet of a fire hydrant. Exact number, location, and design of hydrants shall be determined by the Fire Marshal's Office when building plans are received. Hydrants shall be active prior to the framing stage of construction. Section 507.5.1 CA. Fire Code 2013 Edition.
149. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of normal lighting.
150. An approved emergency keyed access system shall be required to facilitate access to buildings or gates by Fire Department personnel in the event of an emergency during non-business hours. Forms are available at the Montclair Fire Department Headquarters for those occupancies requiring such a system. Facilities with gated drive approaches shall contact Fire Marshal's Office for additional key and strobe requirement. Fire Department requests a keyed access pedestrian gate on southwest

corner of the building to facilitate firefighting operations on the south side of the building. Section D103.5 CA. Fire Code 2013 Edition.

151. Vehicle security gates shall be approved only with the use of hold-open devices to allow for emergency vehicles access. Contact the Fire Marshal's Office for specific requirements. Section D103.5 CA. Fire Code 2013 Edition.
152. All Montclair Fire Department fees are due prior to any permit issuance.
153. Covered trash enclosures shall have fire sprinklers installed should any one of the following conditions exist; the trash enclosure has a combustible roof covering, the trash enclosure contains two or more individual trash containers, or the trash enclosure is under or within 5 feet of combustible construction. Section 10.28.060 J(2) Montclair Municipal Code. **All trash containers within the trash enclosure shall be covered.**
154. Fire extinguisher location(s) to be determined by the Montclair Fire Department.
155. All Double Check Detector Assemblies (DCDA) shall be painted and maintained by the property owner with the following paint color specifications: Rust-Oleum satin interior/exterior acrylic latex paint, "Hunt Club Green" No. 794452 (quart). This condition is subject to Fire Department inspection and approval when work is completed.

Police

156. The applicant shall submit a security camera plans for all proposed buildings for review and approval by the Chief of Police or designated representative.
157. The applicant/developer shall install and maintain a closed circuit video surveillance (CCVS) system prior to insuance of a Certificate of Occupancy. The system shall, at minimum, be capable of monitoring all entrances/exits to the premises, and the proposed 2,250 square foot outdoor dining area. Such system shall 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.

158. 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.
159. 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.
160. In the event security problems occur at the approved subject use and at the request of the Police Department, the business owner at his or her own expense , shall provide a California licensed, uniform security guard(s) on the subject premises, during such hours and in such number as requested by the Police Department.

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

APPROVED AND ADOPTED THIS 27th DAY OF JUNE, 2016.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, Chair

ATTEST: _____
Michael Diaz, Secretary

I, Michael Diaz, 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 27th day of June 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SGUTIERREZ\CASES\2015-19 PC RESOLUTION\VBH

RESOLUTION NO. 16-1862

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR GRANTING APPROVAL OF A CONDITIONAL USE PERMIT UNDER CASE 2015-19 TO ALLOW WAREHOUSE, INDOOR STORAGE AND DISTRIBUTION USES FOR THE PROPOSED WAREHOUSE BUILDING IN THE "BUSINESS PARK" ZONED PORTION OF THE PROPERTY RELATED TO THE APPROVED PROJECT AT THE NORTHEAST CORNER OF RAMONA AVENUE AND BROOKS STREET (APN 1012-071-04).

WHEREAS, on November 14, 2015, Realogic Investment, LLC, property owner, filed an application for a Precise Plan of Design (PPD) and Conditional Use Permits (CUP) under Case No. 2015-19, to allow the development of two adjoining parcels with frontages at the NEC of Ramona Avenue and Brooks Street, and for a portion of Holt Boulevard, and.

WHEREAS, the project site is located in the Holt Boulevard Specific Plan (HBSP) that was adopted in 1991; and

WHEREAS, a PPD for the development of the subject 3.94-acres project site was approved by the Montclair Planning Commission at its regularly scheduled meeting on June 27, 2016; and

WHEREAS, said PPD included the approval of two (2) warehouse buildings, approximately 21,200 square feet in size and situated along the south side of the project site; and

WHEREAS, the subject development proposal is in compliance with the applicable development standards of the "Business Park", "Industrial", and "Commerical" land use district of the HBSP, to support anticipated land uses allowed by the specific plan; and

WHEREAS, the HBSP requires the approval of CUP for warehousing and distribution uses in the Business Park zoning district in which the new warehouse building will be located; and

WHEREAS, the building affected by this CUP approval is located at the NEC of Ramona Avenue and Brooks Street and is further identified on approved plans as Warehouse/Office 3 and 4; and

WHEREAS, the project site development as approved by the Precise Plan of Design is of in compliance with the applicable development standards of the "Business

Park", "Industrial", and "Commerical" land use district of the Holt Boulevard Specific Plan, including setbacks, building height, and parking; and

WHEREAS, the Planning Division has determined the project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines, which covers infill projects in significantly developed areas. The proposed development of three contiguous lots is consistent with the applicable policies of the General Plan, the Holt Boulevard Specific Plan requirements, is less than five acres in area, has utilities present in the area to serve the development, and is similar to other existing industrial and commercial developments and uses in the vicinity. As such, there is no substantial evidence the project will pose a potential significant impact to the environment; and

WHEREAS, on June 27, 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 application were heard, and said application was fully studied; and

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

SECTION 1. RECITALS. The Planning Commission hereby finds that that the foregoing recitals are true and correct and incorporated herein as substantive findings of this Resolution.

SECTION 2. FINDINGS FOR CONDITION USE PERMITS.

- A. That said use is essential or desirable to the public convenience and public welfare, in that the development of and use of the site by a wholesale, storage, and distribution use will result in new improvements and expansion of business activity in the community and the potential for employment opportunities for local residents.
- B. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity, in that the project involves the development of a modern warehouse building on a site that has been appropriately developed to support such uses. Moreover, the proposed use of the site for wholesale, storage, and distribution activities is a relatively low key operation operated within a building designed for that purpose.
- C. That such use in such location conforms to good zoning practice, in the proposed CUP request to allow wholesale, storage, and distribution uses applies to one building (two lease spaces) on the small portion of the subject property that is designated as "Business Park" that is within the same development that has the identical building type where wholesale, storage, and distribution uses are permitted by right. Approval of the CUP for the portion of the site and building in

the "Business Park" zone will not negatively affect the surrounding uses within the development. Conditions of approval addressing future wholesale, storage, and distribution uses in the affected building and site will be added to ensure these potential uses are appropriately operated.

- D. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages orderly development with respect to adopted land use plans, and the continual improvement of the City as place for attractive industrial development while minimizing potential detrimental impacts on surrounding properties. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages a wide range of retail and service uses within the retail commercial area, including restaurant uses

SECTION 3. APPROVAL OF CONDITIONAL USE PERMIT. Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing on June 27, 2016 including written and oral staff reports together with public testimony, the Planning Commission hereby finds the proposal to be consistent with the overall objectives of the City of Montclair General Plan, the Holt Boulevard Specific Plan, the Montclair Municipal Code, and good planning principles, and approves the proposed CUP application subject to each and every condition set forth below.

Planning

1. This Conditional Use Permit shall allow wholesale, storage, and distribution uses within the warehouse building to be constructed in the portion of the project site with the "Buisness Park" zoning district as designated by the Holt Boulevard Specific Plan. Further, this CUP approval shall apply to the warehouse building identified as Warehouse/Office 3 and 4 on approved plans associate with the Precise Plan of Design for the project under Case No. 2015-19.
2. CUP approval shall be valid for a period of six months (180 calendar days) from the date of Planning Commission approval and shall automatically expire on the six-month anniversary date of Planning Commission action, unless the applicant is diligently pursuing building plan check toward eventual construction or implementation of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date.
3. Approval of this CUP shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances, the San Bernardino County Health Department, the State of California, or United States Government.

6. 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.
7. 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.
8. Any future business(es) occupying the warehouse building affected by this CUP approval shall be required to obtain and maintain valid business licenses and comply with all applicable City regulations at all times. As part of the routine review process for each new business, the property and subject lease spaces will be inspected to ensure compliance with all applicable codes, including the provision of adequate on-site parking.
9. The applicant and subsequent property and business owners shall comply with the following operational standards for the site:
 - a. Outdoor storage of merchandise and personal or other items (including motor vehicles) shall not be allowed.
 - b. No outdoor pay telephones, loudspeakers, or vending machines shall be installed or used on the property.
 - c. No outdoor storage of raw materials, finished products, pallets, equipment and/or other supplies of any kind on the ground, on racks, or within storage containers shall be allowed.
 - d. Materials delivery and outdoor noise caused by the use of forklifts, loading and unloading, or moving of materials and/or finished products shall also be restricted to standard workday hours, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., and on Saturdays between the hours of 8:00 a.m. and 3:00 p.m.
17. Graffiti or etching of glass areas on the building or on other site improvements shall be removed/replaced immediately by the applicant/property owner upon notification by the City.
18. 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.

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

APPROVED AND ADOPTED THIS 27th DAY OF JUNE, 2016.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, Chair

ATTEST: _____
Michael Diaz, Secretary

I, Michael Diaz, 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 27th day of June 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

RESOLUTION NO. 16-1863

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR GRANTING APPROVAL OF A CONDITIONAL USE PERMIT UNDER CASE 2015-19 TO ALLOW OUTDOOR DINING AND PATIO FOR THE PROPOSED RESTAURANT BUILDINGS IN THE "COMMERCIAL" ZONED PORTION OF THE PROPERTY RELATED TO THE APPROVED PROJECT AT THE 4500 BLOCK OF HOLT BOULEVARD (APN 1012-081-01).

WHEREAS, on November 14, 2015, Realogic Investment, LLC, property owner, filed an application for a Precise Plan of Design (PPD) and Conditional Use Permits (CUP) under Case No. 2015-19, to allow the development of two adjoining parcels with frontages at the NEC of Ramona Avenue and Brooks Street, and for a portion of Holt Boulevard, and.

WHEREAS, the project site is located in the Holt Boulevard Specific Plan (HBSP) that was adopted in 1991; and

WHEREAS, a PPD for the development of the subject 3.94-acres project site was approved by the Montclair Planning Commission at its regularly scheduled meeting on June 27, 2016; and

WHEREAS, said PPD included the approval of two (2) 3,000 square-foot restaurant buildings to face Holt Boulevard, with an outdoor dining area of approximately 2,250 square feet in size for use by patrons of said restaurant uses; and

WHEREAS, the subject development proposal is in compliance with the applicable development standards of the "Business Park", "Industrial" and "Commerical" land use district of the HBSP, to support anticipated land uses allowed by the specific plan; and

WHEREAS, the HBSP requires the approval of CUP for outdoor dining; and

WHEREAS, the area affected by this CUP approval is located on the Holt Boulevard frontage of the project site, as shown and identified on approved plans; and

WHEREAS, the Planning Division has determined the overall project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines, which covers infill projects in significantly developed areas. The proposed development of three contiguous lots is consistent with the applicable policies of the General Plan, the Holt Boulevard Specific Plan requirements, is less than five acres in area, has utilities present in the area to serve the development, and is similar to other existing industrial

and commercial developments and uses in the vicinity. As such, there is no substantial evidence the project will pose a potential significant impact to the environment; and

WHEREAS, on June 27, 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 application were heard, and said application was fully studied.

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

SECTION 1. RECITALS. The Planning Commission hereby finds that the foregoing recitals are true and correct and incorporated herein as substantive findings of this Resolution.

SECTION 2. FINDINGS FOR CONDITIONAL USE PERMIT.

- A. The proposed outdoor dining patio use associated with anticipated restaurant uses for the site, is an essential and desirable feature made available as a public convenience for future patrons. The outdoor patio area provides a central and sheltered environment for individuals desiring to patronize the adjacent food uses and enjoy meals outdoors.
- B. That granting the permit 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 central location between two restaurant uses on property that is appropriately developed to support such uses.
- C. That such use in such location conforms to good zoning practice, in that the proposed outdoor dining area is a consistent with the type of uses allowed in the Commercial zone of the Holt Boulevard Specific Plan, subject to CUP approval. The CUP allows the City to place reasonable conditions to govern the overall operation of the outdoor dining area and restaurant use do not detract from the general quality of adjacent uses and 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 within the commercially zoned properties, including restaurant uses with outdoor dining areas.

SECTION 3. ADOPTION OF THE PROJECT. Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing on June 27, 2016 including written and oral staff reports together with public testimony, the Planning Commission hereby finds the proposal to be consistent with the overall objectives of the City of Montclair General Plan, the Holt Boulevard Specific Plan, the

Montclair Municipal Code, and good planning principles, and approves the application subject to each and every condition set forth below.

Planning

1. This Conditional Use Permit approval shall permit the creation and use of an outdoor dining area/patio for the undivided use of the adjacent restaurant businesses approved under Precise Plan of Design Case No. 2015-19. The outdoor dining area/patio shall be limited to the area, approximately 2,250 square feet in size, between the aforementioned restaurant uses as depicted on approved plans and as described in the staff report.
2. CUP approval shall be valid for a period of six months (180 calendar days) from the date of Planning Commission approval and shall automatically expire on the six-month anniversary date of Planning Commission action, unless the applicant is diligently pursuing building plan check toward eventual construction or implementation of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date.
3. No changes to the approved set of plans, including the exterior design and materials/finishes, shall be permitted without prior City review and approval. Any modification, intensification, or expansion of the use and design plan beyond that which is specifically approved with this PPD shall require review and approval by the Planning Commission.
4. Approval of this CUP shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances, the San Bernardino County Health Department, the State of California, or United States Government.
6. 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.
7. 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.

8. The applicant and subsequent property owners and users of the outdoor dining area shall comply with the following operational standards:
 - a. The outdoor dining area shall be for common use of patrons of both restaurant uses and shall not physically divided into areas for exclusive by either restaurant.
 - b. Both restaurant uses shall be responsible for daily clean up and maintenance of the outdoor dining area, including approved patio furniture, light fixtures, fences, floor surfaces, etc.
 - c. The storage of merchandise and/or personal items in the outdoor dining area shall not be allowed.
 - d. No outdoor pay telephones, loudspeakers, or vending machines shall be installed or used in the outdoor dining area.
 - e. No portable flags, pennants, spinners, painted-on signs, off-premise signs, trailer-mounted electronic sign/message boards or other similar types of portable signs shall be allowed.
9. The property owner shall provide catalog cuts for proposed exterior tables and chairs, umbrellas, trash receptacles, etc., for City Planner review and approval. All patio furniture and umbrellas shall be made of high quality, durable materials. No plastic furniture shall be allowed. All patio furniture shall be properly maintained with any damaged items being promptly repaired or replaced within 72 hours.
10. Prior to the issuance of building permits, the applicant shall provide the following of plans submitted for plan check:
 - a. Fencing/wall/gate plan for the outdoor dining patio area. The design of the 3-foot tall decorative metal fence and gates shall be complementary to overall appearance of the new building and constructed of durable and easily maintained materials. Fencing shall have a durable finish (e.g., powder coat) in a color that complements the building or black subject to the approval of the City Planner.
 - b. Catalog cuts for all exterior lighting fixtures within the patio area. All light fixtures shall be shielded and complementary to the design of adjacent buildings.
 - c. An after-business hours security plan for the outdoor dining area to deter or prevent unauthorized access/activity or vandalism. Contact the City Planner and Montclair Police Department for

guidance on preparing the plan, including but not limited to the installation of video surveillance cameras.

17. 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.
18. Graffiti or etching of glass areas on the building or on other site improvements shall be removed/replaced immediately by the applicant/property owner upon notification by the City.
19. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
20. 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.

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

APPROVED AND ADOPTED THIS 27th DAY OF JUNE, 2016.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, Chair

ATTEST: _____
Michael Diaz, Secretary

I, Michael Diaz, 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 27th day of June 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SGUTIERREZ\CASES\2015-19 PC RESOLUTION CUP OUTDOOR DINING

Report on Item Number 6.c

GENERAL PLAN CONSISTENCY REPORT FOR CAPITAL IMPROVEMENT PROGRAM (CIP) FISCAL YEARS 2016-2021

Background

The Capital Improvement Program (CIP) is a proposed schedule of expenditures to build and maintain public infrastructure throughout the City. The proposed CIP for fiscal years 2016-2021 has been prepared by the City of Montclair Engineering Division in consultation with other City departments and the City Council's Public Works Committee. The CIP identifies projects that reflect the desires of the community as well as projects that serve operational and maintenance needs. Projects are funded from a variety of sources, including Development Impact Fees, Measure I, Gas Tax, and miscellaneous grants.

California law, pursuant to Government Code Section 65401, requires that the City's CIP conform to the City's adopted General Plan (1999). The Planning Commission is the hearing body charged with the responsibility of making that determination.

Project Description and General Plan Consistency

A total of seventeen (17) projects have been proposed for Fiscal Years 2016-2021. These projects have been generally categorized by type of project improvements (e.g., Street, Buildings/Facilities, or other infrastructure, etc.) and evaluated accordingly with respect to the General Plan goal and/or policy that staff believes is applicable to each project. The year in which the project is shown is tentative and the order or time of construction may be altered to reflect City needs.

In reviewing the City's General Plan document, staff found that the proposed CIP projects are supported by a specific General Plan goal or policy. As such, staff finds the proposed projects of the 2016-2021 CIP to be consistent with the provisions of the Montclair General Plan (1999).

The projects and goals and policies identified for each project are summarized below:

Fiscal Year 2016-2017 Projects

1. **4700-4900 San Bernardino Street/Harvard Street Alley Improvement Project** – Reconstruct existing alley way, including new PCC curb ramps and ribbon gutter.

Circulation Element

- CE-1.1.0 – To promote a circulation and transportation system, including freeways, all classes of streets, accommodations for public mass transportation

and pedestrian walkways, and bicycle routes that will serve traffic needs efficiently and safely, and be attractive in appearance.

Community Design Element

- CD-1.1.11 – To encourage the design of road and street improvements that protects or enhances the scenic values along the City’s roadsides.
2. **9100-9200 Mills Avenue Alley Way Improvement Project** - Reconstruct existing alley way, including new PCC curb ramps and ribbon gutter.

Circulation Element

- CE-1.1.0 – To promote a circulation and transportation system, including freeways, all classes of streets, accommodations for public mass transportation and pedestrian walkways, and bicycle routes that will serve traffic needs efficiently and safely, and be attractive in appearance.

Community Design Element

- CD-1.1.11 – To encourage the design of road and street improvements that protect or enhance the scenic values along the City’s roadsides.
3. **Reeder Citrus Ranch Roof Replacement** – Remove and replace the existing roof, including minor wood repairs.

Community Design Element

- CD-1.1.19 – All efforts should be made to identify, protect, and enhance all historical and archaeological points of interest.

Conservation Element

- CO-1.3.0. – Promote the conservation of significant cultural and historic resources located in or presumed to be located in the City of Montclair.
4. **Demolition of Residential Properties at 4304 and 4324 Kingsley Street, and 11244 Vernon Avenue** – Demolition of dilapidated and vacant residential properties owned by the City to accommodate future development.
- PF-1.1.5. – Continue a program of land acquisition and development for parks and open space in areas which are not presently served or where the need for additional facilities is indicated by population growth or higher density.
5. **City Hall Renovations** – This project includes interior painting, replacement of flooring, constructing security measures at the Finance Department counter,

refurbishing Council Chamber seating, and re-organizing the Administration Department lobby.

Public Facilities and Utilities Element

- PF – 1.7.0 – Ensure the Civic Center area will be maintained to provide space and facilities for the efficient administration of the city of government and thus remain the major focal point of community activities.
- PU-1.0.0 – To provide adequate public facilities to the community that are safe, efficient, attractive, reliable and always available.

6. **Orchard Street Rehabilitation** - This project will resurface Orchard Street from Benson Avenue to Mills Avenue adding a bicycle lane and replacing uplifted PCC curb, gutter, sidewalk, and ADA pedestrian ramps.

Circulation Element

- CE-1.1.0. – To promote a circulation and transportation system, including freeways, all classes of streets, accommodations for public mass transportation and pedestrian walkways, and bicycle routes that will serve traffic needs efficiently and safely, and be attractive in appearance.
- CE-1.1.9. – Ensure, where possible, the development and maintenance of adequate, efficient, safe and attractive pedestrian walkways between major pedestrian generators.

Community Design Element

- CD-1.1.11 – To encourage the design of road and street improvements that protect or enhance the scenic values along the City's roadsides.

7. **San Bernardino Street Rehabilitation Project** – This project will resurface San Bernardino Street from Benson Avenue to Mills Avenue. Scope of work includes PCC curb, gutter and sidewalk replacement, ADA pedestrian ramps, block wall replacement between Monte Vista Avenue and Fremont Avenue.

Circulation Element

- CE-1.1.9. – Ensure, where possible, the development and maintenance of adequate, efficient, safe and attractive pedestrian walkways between major pedestrian generators.

Community Design Element

- CD-1.1.11 – To encourage the design of road and street improvements that protect or enhance the scenic values along the City's roadsides.

8. **Central Avenue Street Rehabilitation Project Zone 1-2** – This project will resurface Central Avenue from the I-10 Freeway to Palo Verde Street. Scope of work includes PCC curb, gutter, sidewalk replacement, and ADA pedestrian ramp upgrades.

Circulation Element

- CE-1.1.9. – Ensure, where possible, the development and maintenance of adequate, efficient, safe and attractive pedestrian walkways between major pedestrian generators.

Community Design Element

- CD-1.1.11 – To encourage the design of road and street improvements that protect or enhance the scenic values along the City's roadsides.

9. **Central Avenue Street Rehabilitation Project Zone 3-4** – This project will resurface Central Avenue from Palo Verde Street to Holt Boulevard. Scope of work includes PCC curb, gutter, sidewalk replacement, and ADA pedestrian ramp upgrades.

Circulation Element

- CE-1.1.9. – Ensure, where possible, the development and maintenance of adequate, efficient, safe and attractive pedestrian walkways between major pedestrian generators.

Community Design Element

- CD-1.1.11 – To encourage the design of road and street improvements that protect or enhance the scenic values along the City's roadsides.

10. **Zone 3 Central Montclair Street Rehabilitation Project** – This project will resurface residential streets within an area generally bound by San Bernardino Street on the north, Monte Vista Avenue on the west, Orchard Street on the south and Central Avenue on the east. Scope of work includes PCC repairs and ADA pedestrian ramp upgrades.

Circulation Element

- CE-1.1.9. – Ensure, where possible, the development and maintenance of adequate, efficient, safe and attractive pedestrian walkways between major pedestrian generators.

Community Design Element

- CD-1.1.11 – To encourage the design of road and street improvements that protect or enhance the scenic values along the City's roadsides.

- 11. Zone 3 Western Montclair Street Rehabilitation Project** – This project will resurface residential streets within an area generally bound by San Bernardino Street on the north, Monte Vista Avenue on the east, Orchard Street on the south, and Mills Avenue on the west. Scope of work includes PCC repairs and ADA pedestrian ramp upgrades.

Circulation Element

- CE-1.1.7 – Continue promotion of the construction of sidewalks in residential areas to provide safe pedestrian circulation.

Community Design Element

- CD-1.2.0. - To encourage the design of road and street improvements that protect or enhance the scenic values along the city's roadsides.

Fiscal Year 2017-2018 Projects

- 1. North Montclair Downtown Specific Plan Street Improvements** – This project includes design and construction of related street improvements associated with the North Montclair Downtown Specific Plan. Improvements may include street width adjustments, traffic signals, curb and gutter, sidewalks, and landscaping.

Circulation Element

- CE-1.1.7 – Continue promotion of the construction of sidewalks in residential areas to provide safe pedestrian circulation.

Community Design Element

- CD-1.2.0. - To encourage the design of road and street improvements that protect or enhance the scenic values along the city's roadsides.

- 2. Central Avenue/I-10 Freeway Landscape Improvements** - This project includes the planning and construction costs to enhance the I-10/Central Avenue exists by enhancing the landscape located at the east and westbound I-10 freeway on- and off-ramps.

Circulation Element

- CE-1.1.5. – Promote the beautification of streets by promoting and maintaining tree planting, tree replacement, tree maintenance, and landscaping on all streets,

with special emphasis on the entrance to the City, to screen the view to service road areas, and along major/minor roadway corridors and median dividers.

Community Design Element

- CD-1.1.11 – To encourage the design of road and street improvements that protect or enhance the scenic values along the City’s roadsides.

Fiscal Year 2018-2019 Projects

1. **Zone 4 Western Montclair Street Rehabilitation Project Phase 1** – This project will resurface residential streets within an area generally bound by Orchard Street on the north, Ramona Avenue on the east, Holt Boulevard on the south, and Mills Avenue on the west. Scope of work includes PCC repairs and ADA pedestrian ramp upgrades.

Circulation Element

- CE-1.1.7 – Continue promotion of the construction of sidewalks in residential areas to provide safe pedestrian circulation.

Community Design Element

- CD-1.2.0. - To encourage the design of road and street improvements that protect or enhance the scenic values along the city’s roadsides.

2. **Zone 4 Western Montclair Street Rehabilitation Project Phase 2** – This project will resurface residential streets within an area generally bound by Orchard Street on the north, Monte Vista Avenue on the east, Holt Boulevard on the south, and Ramona Avenue on the west. Scope of work includes PCC repairs and ADA pedestrian ramp upgrades.

Circulation Element

- CE-1.1.7 – Continue promotion of the construction of sidewalks in residential areas to provide safe pedestrian circulation.

Community Design Element

- CD-1.2.0. - To encourage the design of road and street improvements that protect or enhance the scenic values along the city’s roadsides.

Fiscal Year 2019-2020 Project

1. **Zone 4 Western Montclair Street Rehabilitation Project Phase 3** – This project will resurface residential streets within an area generally bound by Holt Boulevard on the north, Monte Vista Avenue on the east, State Street on the south, and Mills

Avenue on the west. Scope of work includes PCC repairs and ADA pedestrian ramp upgrades.

Circulation Element

- CE-1.1.7 – Continue promotion of the construction of sidewalks in residential areas to provide safe pedestrian circulation.

Community Design Element

- CD-1.2.0. - To encourage the design of road and street improvements that protect or enhance the scenic values along the city's roadsides.

Fiscal Year 2020-2021 Project

1. **Zone 4 Western Montclair Street Rehabilitation Project Phase 4** – This project will resurface residential streets within an area generally bound by State Street on the north, Monte vista Avenue on the east, Howard Street on the south, and Kadota Avenue on the west. Scope of work includes PCC repairs and ADA pedestrian ramp upgrades.

Circulation Element

- CE-1.1.7 – Continue promotion of the construction of sidewalks in residential areas to provide safe pedestrian circulation.

Community Design Element

- CD-1.2.0. - To encourage the design of road and street improvements that protect or enhance the scenic values along the city's roadsides.

Public Notice

Public notification was achieved by posting the agenda at least 72 hours prior to the meeting, with this agenda item being listed.

Environmental Assessment

The CIP program is not considered a "project" under the California Environmental Quality Act (CEQA) and is, therefore, not subject to CEQA review. However, the potential environmental impacts associated with each project identified in the 2016-2021 CIP will be assessed in specific environmental documents prepared for each individual project at the time of implementation.

Planning Division Recommendation

Staff recommends the Planning Commission find the Capital Improvement Program for Fiscal Years 2016-2021 to be in conformance with the Montclair General Plan (1999), and move to adopt Resolution No. 16-1860 affirming the City of Montclair Capital Improvement Program (CIP) for Fiscal Years 2016-2021 is consistent with the General Plan, as recommended therein.

Respectfully Submitted,



Michael Diaz
City Planner

MD/le

Attachments: Resolution No. 16-1860

c: Michael C. Hudson, Public Works Director/City Engineer
Donald Parker, Finance Director
Marilyn Staats, Deputy City Manager

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RESOLUTION NUMBER 16-1860

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MONTCLAIR FINDING THAT THE
PROJECTS CONTAINED IN THE CAPITAL
IMPROVEMENT PROGRAM (CIP) FOR FISCAL
YEARS 2016-2021 ARE CONSISTENT WITH THE
MONTCLAIR GENERAL PLAN (1999)**

A. Recitals.

WHEREAS, the Capital Improvement Program (CIP) for the City of Montclair is a proposed schedule of expenditures for the construction and maintenance of public infrastructure throughout the City; and

WHEREAS, the CIP is a vital piece of the City's Annual Operating Budget as it dictates major capital expenditures obligated in any given year; and

WHEREAS, the proposed CIP for Fiscal Years 2016-2021 was prepared by the City of Montclair Engineering Division in consultation with other City departments and the City Council's Public Works Committee; and

WHEREAS, the CIP identifies projects that reflect the desires of the community as well as projects that serve operational and maintenance needs. Projects are funded from a variety of sources, including Development Impact Fees, Measure I, Gas Tax, and miscellaneous grants; and

WHEREAS, California law, pursuant to Government Code Section 65401, requires that the City's Capital Improvement Program conform to the City's adopted General Plan, and the Planning Commission is the hearing body charged with the responsibility of making that determination; and

WHEREAS, each year the Planning Commission must review all capital projects that will be planned, initiated or constructed during the ensuing fiscal year for conformity with the General Plan; and

WHEREAS, the seventeen (17) projects proposed for the 2016-2021 CIP are summarized in the staff report prepared for this item with an identified goal and/or policy from the applicable elements of the Montclair General Plan (1999); and

WHEREAS, the proposed 2016-2021 CIP is deemed to be consistent with the City's General Plan as described in the staff report prepared for the CIP, in promoting the orderly development of the City; and

WHEREAS, the projects proposed in the 2016-2021 CIP will not adversely affect the public health, safety, or welfare in that they collectively provide for orderly and consistent development in the City; and

WHEREAS, on June 27, 2016, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a meeting at which time all persons wishing to testify in connection with said project were heard and said proposal was fully studied; and

WHEREAS, the Planning Commission's determination that the proposed 2016-2021 CIP program is consistent with the General Plan and is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15061(b)(3), since it can be deemed certain that there is no possibility the determination of General Plan consistency will have a significant effect on the environment; and

WHEREAS, each project within the 2016-2021 CIP must undergo separate environmental review and determination before each project is implemented.

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 June 27, 2016, including written and oral staff reports together with public testimony, this Commission hereby finds and determines the proposed 2016-2021 CIP to be consistent with the overall objectives of the City of Montclair General Plan (1999), and the proposed CIP will advance the attainment of these goals and policies for the benefit of the residents of the City of Montclair.

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

APPROVED AND ADOPTED THIS 27TH DAY OF JUNE, 2016.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, Chair

ATTEST: _____
Michael Diaz, Secretary

I, Michael Diaz, 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 27th day of June, 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT: