



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

REGULAR ADJOURNED MEETING  
Monday, July 25, 2016  
7:00 p.m.

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

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**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

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

**4. APPROVAL OF MINUTES**

The minutes of the June 27, 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  
(continued from June 27, 2016 meeting)  
Project Address: Citywide  
Project Applicant: City of Montclair  
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 2013-17 ‘A’  
Project Address: 9377 Autoplex Drive  
Project Applicant: Montclair Dealership Group Prop LLC  
Project Planner: Michael Diaz, City Planner  
Request: Amendment to the existing Conditional  
Use Permit and a Precise Plan of Design  
for the remodel and minor addition to the  
Metro Acura building  
CEQA Assessment: Categorically Exempt (Section 15301(e)(1))
  
- c. PUBLIC HEARING - CASE NUMBER 2016-1  
Project Address: 4950 San Bernardino Street  
Project Applicant: Montclair SB Investment LLC  
Project Planner: Silvia Gutiérrez , Associate Planner  
Request: Tentative Tract Map, Conditional Use  
Permit, Variance, and Precise Plan of  
Design to convert an existing two-story  
office building into medical office  
condominiums  
CEQA Assessment: Categorically Exempt (Section 15301)
  
- d. PUBLIC HEARING - CASE NUMBER 2016-12  
Project Address: 5515 Holt Boulevard  
Project Applicant: Spirit SPE Portfolio CA C-Stores, LLC  
Project Planner: Silvia Gutiérrez , Associate Planner  
Request: Conditional Use Permit and Precise Plan  
of Design to allow Circle K to re-establish  
a drive thru car wash, convenience store,  
and Mobil gas station and oil change  
facility  
CEQA Assessment: Categorically Exempt (Section 15332)

**7. INFORMATION ITEMS**

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

**8. PUBLIC INSPECTION OF MATERIALS**

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

**9. ADJOURNMENT**

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

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**CERTIFICATION OF AGENDA POSTING**

I, Laura Embree, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda was posted on the bulletin board adjacent to the north door and the bulletin board adjacent to the south door of Montclair City Hall on July 21, 2016.

## PUBLIC HEARING - CASE NUMBER 2016-9

APPLICATION TYPE(S)	Amendment to Chapter 11.72 MMC re: Electronic Message Center signs
NAME OF APPLICANT	City of Montclair
LOCATION OF PROPERTY	Citywide
ENVIRONMENTAL DETERMINATION	Exempt pursuant to Sections 15305 and 15311 of the California Environmental Quality Act (CEQA) Guidelines
PROJECT PLANNER	Michael Diaz

### Update

On May 9, 2016, the Planning Commission reviewed and recommended approval of proposed Ordinance No. 16-957, an ordinance designed to allow the use of Electronic Message Centers (EMCs) for more uses/businesses in the City provided they could meet new minimum development standards and regulations.

Due to a recent Supreme Court decision, Reed v. Town of Gilbert (2015), which invalidated content-based regulations of noncommercial signs, cities throughout the country have been forced to reevaluate sign codes to ensure consistency with the high court's ruling. According to the City Attorney, portions of the proposed Ordinance regarding EMCs needed further refinement to ensure that the provisions therein would be in compliance with the decision. Staff reworked the proposed ordinance to remove content-based distinctions as recommended by the City Attorney, and further refine the organization of the ordinance.

### Project Proposal

In late 2014, the City was approached by an automobile dealership on Holt Boulevard about its desire to install an electronic message center (EMC) sign on its property. As a result of LED (Light Emitting Diode) technology, clearer displays, and lower manufacturing costs, EMCs have become more economical and energy efficient and, thereby, more attractive to potential users.

The City's current sign ordinance prohibits EMCs except for new auto and recreational vehicles uses along the I-10 freeway corridor. In order for the City to establish new standards for where other EMCs could be utilized, the current Code would need to be amended. The proposed Ordinance would allow, subject to approval of a Conditional Use Permit (CUP), EMCs for more uses/businesses in the City provided they meet new minimum development standards and regulations contained in the proposed Ordinance (Exhibit "A").

## **Current Ordinance**

The City's zoning code currently restricts the use of EMCs, limiting their use to new auto uses along the I-10 Freeway corridor or to other uses which meet the following criteria provided below:

### **Section 11.72.370 - Electronic Message Board Sign**

- A. Electronic Message Board Signs may be permitted only by CUP and shall be subject to the following limitations:
1. Only uses or businesses which are regional in nature and consist of a minimum 20 acres in land area shall qualify;
  2. It shall be located a minimum 1200 feet from another existing or planned electronic message board sign, unless the Planning Commission makes a finding that a lesser distance would not create visual cluttering, traffic hazards or unsafe conditions to the public;
  3. For signs designed primarily for freeway exposure, all applicable laws and regulations of federal, State and local agencies shall be complied with;
  4. Signs shall meet the size and height limitations of the zones in which they are located, unless a higher and larger sign structure is approved by the Planning Commission through variance procedures.
- B. Time and temperature signs incorporated into the building wall signage or monument signs may be permitted for certain commercial or institutional uses, subject to Precise Plan of Design (PPD) review and approval and subject to all provisions of this Chapter.

### **Summary of Revised Ordinance No. 16-957**

As mentioned above, staff has reworked the proposed Ordinance to refine its organization and remove any content based language. The revised Ordinance is provided in the Commission packets and is summarized below:

- Replace the existing term and definition of Electronic Message Board with the new term of Electronic Message Center (EMC), which is simply defined as:  

"Electronic Message Centers (EMCs) are programmable digital signs or message boards that utilize computer-generated messages, text and/or images, or some other electronic means of changing copy."
- Require the approval of a Conditional Use Permit for the installation and use of all EMCs; and

- Limit the number of EMCs to a maximum of one (1) per parcel or business minimum qualifying site criteria; and
- Establish new minimum qualifying site criteria for properties/uses seeking approval for an EMC on their respective sites. Also, prescribe a minimum separation requirement between EMCs located on separate properties; and
- Require the design and proportion/scale of EMCs be complementary to the design and scale of the main building located on the subject site for which the sign is proposed; and
- Allow only static message displays, typically 4-8 seconds in duration. Scrolling or flashing messages would be prohibited; and
- Mandate brightness controls and a light-sensing device that will automatically adjust the brightness as ambient light conditions change; and
- Require all new and existing EMCs (formerly known as electronic message boards) to be turned off between the hours of 12:00 a.m. and 5:00 a.m. daily.

### **Background**

- On July 20, 2015, the City Council approved Agreement No. 15-57 allowing staff to retain the services of a sign consultant to provide staff the technical expertise and assistance needed to develop the proposed Ordinance.
- Young Electric Sign Company (YESCO) was selected as the consultant for the project because of its expertise and experience in providing specific sign assistance to public agencies. YESCO was founded in 1920 and is a leader in designing and developing LED signs both nationally and globally.
- Existing electronic message signs in Montclair are located along the I-10 Freeway corridor for the Metro Honda/Acura, Metro Nissan/Infiniti of Montclair, and Giant RV businesses.
- In 2013, the Chino Basin Water Conservation District (CBWCD) was granted approval for a new monument identification sign/electronic message board at its 4594 San Bernardino Street campus. A variance from the 20-acre requirement was also approved (CBWCD combined acreage is 18.44 acres). The approval of the EMC recognized the key role CBWCD plays in promoting water conservation and efficiency for the region that includes the cities of Chino, Chino Hills, Montclair, Ontario, Rancho Cucamonga, and Upland, and the unincorporated areas of San Bernardino County.

## Analysis

Staff recognizes that more uses and/or businesses desire to utilize advancements in technology that permit signs to change copy electronically (e.g., utilizing an LED type of sign). The expanded use of EMCs would provide the area with a means to advertise businesses that have visibility issues as well as provide an opportunity to advertise services and products offered by the business.

However, the current City zoning code provisions that regulate the use of EMCs are fairly limited in scope and reflect a somewhat dated approach to their placement and usage. In Montclair, as with most cities, electronic changeable copy signs were initially prohibited or restricted due to concerns with undesirable secondary effects such as intense brightness, distracting images and movements, and visual clutter/overconcentration.

The potential adverse effects mentioned above remain as valid concerns, but the intent of the proposed Ordinance is to allow for some flexibility in potential locations and the operation of, EMCs within the community, while adding additional standards to minimize (or eliminate) adverse secondary effects that current code does not address.

### Minimum Site Criteria & CUP Review Requirement

The new ordinance proposes specific site criteria to ensure that EMCs are appropriately located and do not proliferate throughout the community. The site criteria requirements include minimum lot sizes, separation distances between similar signs on adjacent properties, minimum setbacks, and height and screen size limits. If a property qualifies, the request would be subject to the approval of a CUP.

The CUP review process was determined to be the proper manner to analyze future requests for an EMC and was retained from the current zoning regulations. The CUP review process allows the City to consider proposed applications on a case-by-case basis and determine if a proposed site is suitable for the installation and operation of an EMC. In addition to reviewing the specific characteristics of the proposed EMC, other site conditions that may need attention could also be factored into the decision to approve or deny a CUP request.

As such, the approval of a CUP request is discretionary and not guaranteed. If a CUP is approved, conditions of approval (general and specific) would apply to ensure that the EMC would be operated in a manner that is compatible with surrounding uses. The CUP process would also give the City the ability to modify conditions or revoke a CUP approval if the applicant fails to dependably operate in accordance with the approved conditions of approval. Staff believes the total number of potential EMCs within the City will remain relatively low, given the moderate number of qualifying sites and the cost for such signs.

## Illumination/Graphic Displays

The main concern related to the display of electronic information on an EMC sign is the brightness and movement of sign copy on the screen. EMCs that are too bright can be offensive and ineffective. The goal for using an EMC is for the sharing of clear and readable information. Most new electronic displays are designed to produce sufficient brightness to ensure clear legibility during daylight hours without excessive glare.

However, daytime brightness is not appropriate for nighttime viewing. Research conducted by the International Sign Association (ISA), in consultation with Dr. Ian Lewin of Lighting Sciences, Inc., found the target brightness level for an on-premise EMC should be no more than 0.3 foot-candles above ambient light conditions surrounding the sign. To address this issue, the Ordinance requires that approved EMCs have appropriate technology built into their units to automatically and continuously adjust illumination to the 0.3 foot-candle level as ambient lighting levels change throughout the day. Since the advent of LED technology and advanced software, the above concern is easier to address and regulate.

The other main operational concern associated with an EMC is the potential for distracting images and special effects (e.g., pulsating, flash, scrolling or flashing movements, etc.) being displayed on the electronic screens. Not only would this cause visual blight, it would have adverse impacts on adjacent uses. The primary purpose for utilizing an electronic message is to provide relevant information without causing undue distractions.

To address this concern, the Ordinance would prohibit such special effects, as noted above, and limit displayed sign copy/images to a static display lasting a minimum of 4 seconds in duration before it changes to new copy or new image. The EMC would also be designed to freeze the device in one position or turn off the entire sign if a malfunction occurs. In this way, surrounding properties and uses will have a higher degree of protection from signage that has the potential to be too bright or malfunction. Prior to issuing any necessary permits for an EMC sign, the applicant shall be required to submit to the City written verification from the manufacturer that the EMC is so designed and equipped.

## Conclusion

Allowing a limited expansion in the use of electronic message centers (EMCs) could benefit the community by helping direct customers to their destination and may even mitigate visual clutter by eliminating the need for temporary signage promoting on-site businesses and/or events. The proposed Ordinance includes new development standards and operational measures which are aimed at controlling the more undesirable effects of EMCs that are not fully addressed by the current zoning code. Having these new regulations in place would help protect adjacent properties and drivers. As such, the standards contained within the proposed Ordinance would not be detrimental to the public, interest, health, safety, convenience, or welfare of the City.

## **Public Notice**

A notice of public review was advertised in the Inland Valley Daily Bulletin newspaper on April 29, 2016, inviting public comment. At the time this report was prepared, no comments or inquiries had been received by staff regarding this proposal.

A second notice for the revised ordinance proposal was published in the Inland Valley Daily Bulletin newspaper on June 17, 2016 to consider a revised ordinance proposal. At the Planning Commission's June 27, 2016 meeting the item was continued at staff's request to the July 25, 2016 public hearing date.

## **Environmental Determination**

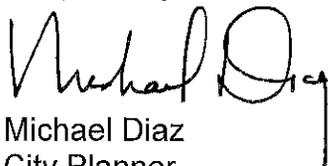
This proposed Ordinance is exempt from CEQA pursuant to CEQA Guidelines, Sections 15305 and 15311. Under CEQA Section 15305, minor alterations in land use limitations in areas with an average slope of less than 20% that do not result in any changes in land use or density and Section 15311(s) which exempts from environmental review the construction of minor structures on commercial, industrial, and institutional facilities, including the installation of on-premise signs.

## **Recommendation**

The City's Office of Economic Development recommends that the Planning Commission:

- A. Move that, based upon evidence submitted, the Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent judgment, concurs with staff's determination of exemption and directs staff to prepare a Notice of Exemption; and,
- B. Move adoption of Resolution No. 16-1869, recommending approval to the City Council of revised Ordinance No. 16-957, amending Section 11.72.370 of the Montclair Municipal Code addressing the use of Electronic Message Centers (EMCs) within the City limits.

Respectfully Submitted,



Michael Diaz  
City Planner

Attachments: Exhibit "A" – Revised Draft Ordinance No. 16-957  
PC Revised Resolution No. 16-1869

c: David Jones, YESCO Electric Sign Company, 19325 Bellegrave Avenue, Jurupa Valley, CA 91752

Z:\COMMDEV\MD\2016-9 EMC\2016-9 EMC ORDINANCE PC RPT JULY 25, 2016

**RESOLUTION NUMBER 16-1869**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING CITY COUNCIL ADOPTION OF REVISED ORDINANCE NO. 16-957 UNDER CASE NO. 2016-9, AMENDING SECTION 11.72.370 OF THE MONTCLAIR MUNICIPAL CODE ADDRESSING THE USE OF ELECTRONIC MESSAGE CENTERS (EMC) WITHIN CITY LIMITS.**

A. Recitals.

**WHEREAS**, in July 20, 2015, City staff initiated a review of the City Sign Code to determine the feasibility of allowing additional institutional uses to install Electronic Message Boards; and

**WHEREAS**, Young Electric Sign Company (YESCO) was selected as the consultant for the project because the company's expertise and experience in providing specific sign assistance to public agencies. YESCO was founded in 1920 and is a leader in designing and developing Light Emitting Diode (LED) signs both nationally and globally; and

**WHEREAS**, the City's zoning code currently restricts the use of Electronic Message Center (EMCs), limiting their use to new car auto uses along the I-10 Freeway corridor or to other uses which meet the criteria set forth in Section 11.72.370 of the Montclair Municipal Code; and

**WHEREAS**, based upon the input provided by the sign consultant retained for the project, staff prepared an amendment to the Montclair Municipal Code pertaining to Electronic Message Boards in the City; and

**WHEREAS**, the proposed Ordinance includes new development standards and operational measures, which are aimed at controlling the undesirable effects of EMCs that are not fully addressed by the current zoning code; and

**WHEREAS**, the proposed Ordinance contains language requiring the approval of a Conditional Use Permit (CUP) prior to the installation of any Electronic Message Center Board within the City. The Conditional Use Permit process and conditions of approval will insure compatibility with surrounding uses in those zones; and

**WHEREAS**, pursuant to the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, City Staff has determined that adoption of Ordinance 16-957 is exempt from CEQA pursuant to Sections 15305 and 15311 of the State CEQA Guidelines; and

**WHEREAS**, on April 29, 2016, A notice of public review was advertised in the Inland Valley Daily Bulletin newspaper in the manner and for the time frame prescribed by law; and

**WHEREAS**, on May 9, 2016, the Planning Commission of the City of Montclair conducted a duly noticed public hearing on proposed Ordinance 16-957. At the hearing, all interested persons were given an opportunity to be heard. The Planning Commission received and considered the staff report and all the information, evidence, and testimony presented in connection with this project; and

**WHEREAS**, on May 9, 2016, the Planning Commission reviewed and unanimously recommended approval of proposed Ordinance No. 16-957, and

**WHEREAS**, due to the recent Supreme Court decision, Reed v. Town of Gilbert (2015), which invalidated content-based regulations of noncommercial signs, cities throughout the country have been forced to reevaluate sign codes to ensure consistency with the high court's ruling. According to the City Attorney, portions of the proposed Ordinance regarding EMCs needed further refinement to ensure that the provisions therein would be in compliance with the decision.

**WHEREAS**, staff reworked the proposed ordinance to remove content-based distinctions as recommended by the City Attorney, and further refine the organization of the ordinance; and

**WHEREAS**, a second notice for the revised ordinance proposal was published in the Inland Valley Daily Bulletin newspaper on June 17, 2016 to consider a revised ordinance proposal.

**WHEREAS**, at the Planning Commission's June 27, 2016 meeting the item was continued at staff's request to the July 25, 2016 public hearing date.

**WHEREAS**, the Planning Commission has reviewed the proposed EMC Ordinance and, based upon the whole record before it, in the exercise of its independent judgment and analysis, concurs that City Staff has correctly concluded that it can be seen with certainty that there is no possibility that the adoption of the Ordinance may have a significant effect on the environment, and independently, that adoption of the Ordinance meets the qualifications of a Class 5 and Class 11 categorical exemptions; and

**WHEREAS**, the proposed amendment to the Municipal Code is consistent with the City's General Plan and each element thereof, which seek to guide and direct the orderly development of the City; and

**WHEREAS**, Ordinance No.16-957 will not adversely affect the public health, safety, or welfare in that it will provide for orderly and consistent development in the City; and

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

**WHEREAS**, on July 25, 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 code amendment were heard, and said code amendment was fully studied; and,

**WHEREAS**, the custodian of records for all materials that constitute the record of proceeding upon which this decision is based is the Planning Division Manager. Those documents are available for public review in the Planning Division located at 5111 Benito Street, Montclair, California 91763.

## **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. Adoption of Ordinance No. 16-957 will not have a significant effect on the environment.
3. This Commission recommends that the City Council adopt the finding that proposed Ordinance No. 16-957 is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15305 and 15311 of the State CEQA Guidelines.
4. Based upon the findings and conclusions set forth above, the Planning Commission hereby recommends approval of Ordinance No.16-957 to the City Council as set forth in "Exhibit A" attached hereto and incorporated herein by this reference

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

APPROVED AND ADOPTED THIS 25TH DAY OF JULY, 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 25<sup>th</sup> day of July, 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MDI\2016-9 EMC ORDINANCE PC RESO FOR JULY 25, 2016

ORDINANCE NO. 16-957

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR, CALIFORNIA AMENDING SECTION 11.02.010 DEFINITIONS, SIGNS NO. 16 AND REPEAL AND REPLACE SECTION 11.72.370 OF THE MONTCLAIR MUNICIPAL CODE, RELATED TO ELECTRONIC MESSAGE CENTER SIGNS

Chapter 11.72.370

ELECTRONIC MESSAGE CENTER SIGNS

**Definitions**

**Current**

11.02.010. Definitions, Signs No.16.

**Electronic message display** means a sign or message board having the capacity of presenting variable message displays by projecting an electronically controlled light pattern against a contrasting background, and which can be programmed to change the message by electronic processes or by remote control.

**New Definition**

"Electronic Message Centers (EMCs) are programmable digital signs or message boards that utilize computer-generated messages, text and/or images, or some other electronic means of changing copy."

**11.72.370 Electronic Message Center Displays.**

Electronic Message Centers (EMCs) are programmable digital signs or message boards that utilize computer-generated messages, text and/or images, or some other means of changing copy. EMCs shall be allowed in specific locations and subject to the criteria set forth in this Section, subject to approval of a Conditional Use Permit (CUP) by the Planning Commission. The criteria in this Section shall be for freestanding EMCs. Building- and wall-mounted EMCs are prohibited.

**A. Locational Criteria**

EMCs shall be permitted on developed parcels within the City with a legally established land use and/or business, subject to the following locational criteria:

1. Non-Freeway-Oriented Signs. Non-Freeway-Oriented EMCs are subject to the following restrictions:

a. Shall be located on parcels having a minimum of 200 feet of lineal frontage on any of the following public arterial streets: Holt Boulevard, Mission Boulevard, Central Avenue, and Monte Vista Avenue; and

b. Shall be located on a parcel or adjoining parcels under common use and/or ownership cumulatively totaling a minimum of three (3) acres. If a parcel, or adjoining parcels, is being leased, the lease must have a minimum of five (5) or more years remaining on the term of the lease, calculated from the date a complete application is received by the City, and as evidenced by a copy of an executed lease agreement; and

c. Shall not be located within 200 lineal feet of any other permitted EMC, or within 50 lineal feet of any existing freestanding identification (monument) sign located on a separate parcel which is not associated with the subject site.

2. Freeway-Oriented Signs. Freeway-Oriented EMCs are subject to the following restrictions:

a. Shall be located on parcels, commercial businesses, regional centers, auto centers, or contiguous shopping centers occupying a minimum of seven (7) acres with a minimum of 700 lineal feet of continuous frontage along the Interstate 10 right-of-way; and

b. Shall be located on a parcel or adjoining parcels under common use and/or ownership cumulatively totaling a minimum of three (3) acres. If a parcel, or adjoining parcels, is being leased, the lease must have a minimum of five (5) or more years remaining on the term of the lease, calculated from the date a complete application is received by the City, and as evidenced by a copy of an executed lease agreement; and

c. Shall not be located within 1,200 lineal feet of any other permitted EMC ; and

d. Shall be located within 50-feet of the freeway right-of-way line of Interstate 10.

3. EMCs On City-Owned Property.

The City may construct and maintain civic signs for community entrance, identification, direction, and information, which are located on City-owned property or off premises in the public right-of-way, including but not limited to electronic, digital, programmable, and/or illuminated signs.

**B. EMC Structure Height and Display Size Limits.**

1. Non-Freeway-Oriented EMCs shall be subject to the following maximum dimensions/limits:

a. Maximum height: 14'-0" above adjacent finished grade or adjacent sidewalk elevation.

b. Maximum area of EMC display: 60 square feet.

2. Freeway-Oriented EMCs shall be subject to the following maximum dimensions/limits:

a. Maximum height: 65'-0" above adjacent finished grade for the structure to which an EMC is attached. In addition, the top of the EMC display screen shall be a maximum of 50'-0" above adjacent finished grade to ensure safe readability to motorists on Interstate 10.

b. Maximum area of EMC display: 260 square feet.

The height and EMC display size limits are summarized in the following table:

<b>EMC Structure Height and Display Size Limits</b>			
<i>Location/Type</i>	<i>Number of EMCs</i>	<i>EMC Display</i>	<i>Structure Height*</i>
<u>Non-Freeway-Oriented</u>	1	60 s.f. max.	14'-0" max
<u>Freeway-Oriented</u>	1	260 s.f. max.	65'-0" max
*Measured from adjacent finished grade or adjacent finished sidewalk or roadway.			

**C. Combination EMC/business identification sign.**

EMCs located on Non-freeway parcel(s) described in subsection (A1) shall be required to include the name of the business(es)/entity(ies)/use(s) on the same monument structure as the EMC. The sign area for the business identification sign shall be subject to the criteria set forth in this Chapter for freestanding monument signs. Parcels with an EMC shall not be entitled to a second monument sign on the same street frontage to identify the name(s) of the business(es) on the property. Any existing pylon or monument sign on a qualified site and on the same street frontage as a proposed EMC, which would cause the business(es) to be in violation of this Section, shall be permanently removed prior to a final inspection for the EMC.

**D. Illumination and Display Requirements**

**Exhibit "A"**

1. Maximum Illumination. No EMC sign display shall exceed a maximum illumination level of 0.3 foot-candles (fc) above ambient light level when measured at the recommended distance, based on the EMC size. All signs shall be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to continually comply with this requirement. If brightness levels exceed the above standard, an adjustment shall be made within one (1) business day upon Notice of Non-Compliance from the City, or the sign shall be immediately turned off until the adjustment is completed.

a. Pixel pitch (resolution): All EMC display components shall be full color with a minimum pitch resolution of 20 millimeter spacing or better.

b. Pixel calibration. Pixel-to-pixel, module-to-module pixel calibration.

2. Measurement criteria. The illuminance of an EMC shall be measured with an illuminance meter set to measure foot-candles accurate to at least two (2) decimals. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image. Measurements shall be taken after sunset with the site fully illuminated by installed site lighting. All measurements shall be taken perpendicular to the face of the EMC at the distance determined by the total area of the EMC display as set forth in the table below:

<i>EMC sign area (square feet)</i>	<i>Distance (feet)</i>	<i>EMC sign area (square feet)</i>	<i>Distance (feet)</i>	<i>EMC sign area (square feet)</i>	<i>Distance (feet)</i>
10	32	65	81	140	118
15	39	70	84	150	122
20	45	75	87	160	126
25	50	80	89	170	130
30	55	85	92	180	134
35	59	90	95	190	138
40	63	95	97	200	141
45	67	100	100	220	148
50	71	110	105	240	155
55	74	120	110	260	161
60	77	130	114	---	---

a. Illumination limits. The difference between the "off" and "solid white" image measurements using the EMC measurement criteria shall not exceed 0.3 foot-candles on either side of the sign. If the measurement of illumination levels on each side of the sign is different, the side of the sign facing residentially-zoned properties shall take precedent.

b. Dimming capabilities. All EMC displays shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim the EMC display according to ambient light conditions, or that can be continuously adjusted to comply with the 0.3 foot-candle measurements.

c. Annual Certification. An annual certification of the brightness levels emitted by an approved EMC sign shall be prepared and submitted in writing to the City for review, at owner expense. Testing shall be conducted by a licensed and independent sign contractor to certify that brightness levels of the EMC are in conformance with the brightness levels specified in this ordinance.

#### **E. Architectural and Siting Standards.**

All EMCs shall be subject to the following standards:

1. Design. The EMC shall be designed to complement the design of the primary building on the property, including colors and materials. The design of the EMC shall include the following elements:

a. A full/solid base structure (with no exposed poles or supports) extending the full width of the EMC; and

b. A display screen framed by no less than six (6) inches on all sides; and

c. A minimum clearance of four feet (4'-0") between the bottom edge of the display screen and adjacent finished grade.

2. City Identification Required. Freeway-Oriented EMCs shall incorporate and identify the "City of Montclair" as a permanent element in the overall design of the sign structure supporting the EMC display.

3. Street Address Required. Non-Freeway-Oriented EMCs shall display the numerical street address of the property/business in a location on the monument structure. Numerical characters shall be individual, internally or halo-illuminated characters attached to, or routed into, the base and no less than eight inches (8") in height. Numerals shall be permanently affixed to or displayed on the monument structure a minimum of 24 inches above finished grade.

4. Setbacks. EMCs shall not be located in public right-of-way and no portion of any EMC display or associated monument structure shall extend into or be located closer than five feet (5'-0") to the adjacent public right-of-way or private street sidewalk. Where no sidewalk exists, no portion of the EMC display or associated monument structure shall be closer than ten feet (10'-0") from the adjacent curb face. EMCs shall be located a minimum of 25 lineal feet away from any vehicular driveway and a minimum of 10 lineal feet away from a pedestrian path-of-travel from the public sidewalk to any building on the subject property or adjacent property.

5. Siting. EMCs shall be sited on the subject parcel in a location offering optimal visibility to motorists and shall not be located in such a manner to obstruct the sight lines of motorists or pedestrians entering or leaving the subject property or adjacent properties. Further, EMCs located at an intersection shall be sited outside of the required corner cut-off area as set forth in Chapter 11.38 of this Title.

6. EMC Display Orientation. EMCs may be single-faced or double-faced. Double-faced EMCs shall be oriented perpendicular to Interstate 10 or the street to which they are adjacent, or, if located at an intersection of two streets, shall be oriented diagonally (perpendicular to the adjacent radius of the intersection) so as to be easily visible to motorists on the street segments adjacent to the property. Single-faced EMCs may only be installed at an intersection of two streets or at the end of a cul-de-sac. Single-faced EMCs at an intersection shall be oriented diagonally (generally parallel with the adjacent radius of the intersection) so as to be easily visible to motorists on the street segments distant from the property and so that the back side of the sign is not directly visible to a public right-of-way. Single-faced EMCs at the end of a cul-de-sac shall be generally perpendicular to the adjacent street orientation.

7. Landscaping. EMCs shall be placed within a landscaped area to provide sufficient protection from unintentional damage by vehicles on the property. Landscape material shall not obstruct the EMC display, business identification sign, and/or numerical address at the time of landscape installation or at maturity. It is further recommended that non-living landscape materials, such as decomposed granite, gravel, mulch, or the like, be used in lieu of live plant materials for a distance extending 24 inches around the base of the monument structure.

8. Durability. All EMC displays shall be silicone-sealed for adequate weather protection, shall have integral protective louvers (injection molded or aluminum) to ensure optimal daytime visibility and minimize vandalism, and carry a minimum five-year warranty from the manufacturer. Detailed plans demonstrating compliance with said construction standards and evidence of said warranty shall be submitted at the time of plan check prior to issuance of building permits.

9. Maximum Number. No more than one EMC shall be permitted per qualifying parcel, including parcels with multiple street frontages.

10. Compliance with Regulations. All EMCs shall comply with all regulations related to electronic displays imposed by federal and state agencies.

#### **F. EMC Operational Standards.**

1. Digital images shall contain static messages only. Scrolling or flashing messages are prohibited.

2. EMCs shall display each static message for a minimum of four (4) seconds.

3. The only permissible transitions between static messages shall be a "cut" (an instant change from one image to the next) or a "dissolve" or "crossfade" (gradual fade from one image to the next).

4. EMCs shall display a single message at any one time. Split screens shall not be permitted.

5. Hours of operation. EMC displays may be operated anytime between the hours of 5:00 a.m. and 12:00 a.m. daily. All EMC displays shall go dark between 12:00 a.m. and 5:00 a.m. daily.

6. At least one week prior to initial use of the EMC, an inspection and calibration of the display shall be scheduled with the Community Development Department to ensure the EMC display is in compliance with the illumination measurement criteria set forth in this Section.

7. Representatives of the Community Development Department shall have the right to inspect the EMC on a periodic basis to ensure that it is operating in compliance with this Section.

8. Subject to the property owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message.

#### **G. EMC Maintenance Standards.**

1. Paint and other finishes on the EMC display and monument structure shall be maintained in good condition. Damaged or substandard finishes shall be repaired within 14 days of notification by the City.

2. Mineral deposits and stains shall be removed on a regular basis. Vandalism shall be repaired within 72 hours of its occurrence.

3. The owner of the EMC shall maintain an ongoing written maintenance agreement with a qualified licensed sign maintenance contractor. The Community Development Department shall be provided documentation of such an agreement upon request.

#### **H. Malfunction.**

EMC signs shall be designed and equipped to immediately discontinue the display of images or text if sign malfunctions. If, at any time more than 25% of the digital display lights malfunction or are no longer working, the owner of an EMC shall turn off the display until repairs are made. The owner of an EMC sign shall provide to the City of Montclair, the name and number of a contact person that is on call at all times and who is able to turn off the digital sign promptly if a malfunction occurs.

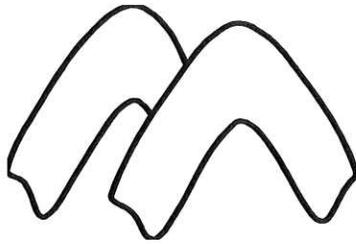
**I. Abandonment.**

EMCs that do not display messages for 30 consecutive days shall be considered abandoned. The Director of Community Development, or his or her designee, shall have the right to initiate CUP revocation proceedings for any EMC that has become abandoned, which, if the CUP is revoked by the Planning Commission, shall include a requirement to completely remove the EMC display, monument structure and all other associated improvements related to the sign.

**J. Enforcement/Penalties.**

Noncompliance with any of the provisions of this section or the conditions of approval of an EMC shall be grounds for revocation of any issued Conditional Use Permit as provided in Section 11.78.100A. Prior to initiating revocation proceedings, the City shall provide written notice of such violation(s) to the owner of the EMC and a reasonable timeframe, not to exceed 30 days from the date of written notice, to cure the noncompliant conditions.

Any person or entity violating or failing to comply with any of the requirements of this chapter shall be guilty of a violation pursuant to Chapter 1.12 of this Code.



# CITY OF MONTCLAIR PLANNING COMMISSION

**MEETING DATE: 07/25/16**

**AGENDA ITEM 6.b**

## Case No. 2013-17 'A'

**Application:** An Amendment to the existing Conditional Use Permit (Case No. 2013-17) and a Precise Plan of Design (PPD) for the remodel and minor addition to the Metro Acura Building.

**Project Address:** 9377 Autoplex Drive (Acura Building)

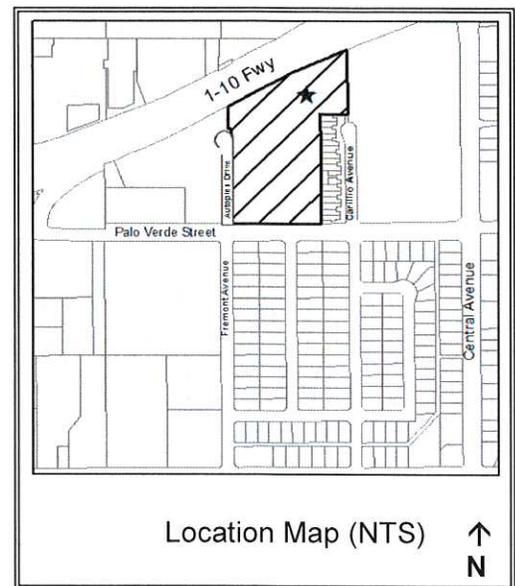
**Property Owner:** Montclair Dealership Group Prop LLC

**General Plan:** General Commercial

**Zoning:** C-3 (General Commercial) per the *North Montclair Specific Plan*

**Assessor Parcel No.:** 1008-352-34

**City/Public Utility Easements:** None



Adjacent Land Use Designations and Existing Uses			
	<b>General Plan</b>	<b>Zoning</b>	<b>Existing Use</b>
<b>Site</b>	General Commercial	C-3 (General Commercial) per North Montclair Specific Plan	Metro Honda and Metro Acura Auto Dealerships
<b>North</b>	Regional Commercial	C-3 (General Commercial) per North Montclair Specific Plan	I-10 Freeway and Montclair Place
<b>East</b>	General Commercial	R-3 (Multi-Family Residential) and C-3 (General Commercial) per North Montclair Specific Plan	Condominiums and Costco
<b>South</b>	Residential – Low (3-7 Units/Acre)	R-1 (Single Family Residential)	Single Family Residences
<b>West</b>	General Commercial	C-3 (General Commercial) per North Montclair Specific Plan	Metro Nissan and Infiniti of Montclair auto dealerships

## Report on Item Number 6b

### PUBLIC HEARING – CASE NUMBER 2013-17 ‘A’

APPLICATION TYPE(S)	Conditional Use Permit Amendment and Precise Plan of Design
NAME OF APPLICANT	Montclair Dealership Group Properties LLC
LOCATION OF PROPERTY	9377 Autoplex Drive (Acura Building)
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	"C-3" (General Commercial) per the <i>North Montclair Specific Plan (NMSP)</i>
EXISTING LAND USE	Metro Honda and Metro Acura auto dealerships (new and pre-owned car sales)
ENVIRONMENTAL DETERMINATION	CEQA Exempt - Section 15301(e)(1)
PROJECT PLANNER	Michael Diaz

#### Introduction

On August 12, 2013, the Planning Commission reviewed and approved a new conditional use permit under Case No. 2013-17 for the Montclair Dealership Group, which operates the Metro Honda and Metro Acura auto dealerships on its property at the northeast corner of Fremont Avenue and Palo Verde Street. At that time, the project involved the expansion and remodel of the existing Honda facility, which was completed in 2015. This project involves the remodel of the Metro Acura building on the site, which also includes a minor building expansion to accommodate a new covered service entry and new car inventory structure (stacked vehicle storage). Construction activities for the project would consist of minor site preparation/grading, building construction, and landscaping.

#### Project Proposal

The proposed project involves an addition of an approximate total of 7,992 square feet to the existing Metro Acura auto dealership building broken down into the following key elements as generally described in the following table:

<b><i>Metro Acura Building Additions</i></b>	
<b><i>Area of Work/Location</i></b>	<b><i>Size</i></b>
Administration/Display	2,800 square feet*
Service Drive Canopy (New)	2,340 square feet
Car Inventory Structure (New)	2,607 square feet
Enclosed Stairway	245 square feet
<b><i>Total</i></b>	<b><i>7,992 square feet</i></b>

\*Existing area already under roof to be enclosed with walls to create conditioned interior office space.

- Administration - As indicated above, approximately 2,800 square feet of the total area is already under roof and is currently the existing open/pass through reception bay area near the middle of the building. This "in-fill" space will be enclosed and converted into additional interior office area and some additional interior display area.
- Service Drive Canopy - The new canopy (26' wide by 90' long) will be added to the south side of the building to accommodate two lanes of travel for cars waiting to be checked in and sent to service bays. The canopy will align with the existing drive aisle between the Acura and Honda buildings and allow direct access to the service center located on the east side of the building via a new roll up door entry cut into the existing wall at the end of the new service drive. Four (4) visitor and four (4) display parking spaces near at the existing front doors of the Acura building will be removed to accommodate the new service canopy structure. A new 10-car bay of parking spaces (including two disabled person spaces) will be created for visitors in the area immediately west of the front of the building.
- Car Inventory Structure – A new enclosed structure providing a multi-level car storage system is proposed for the east end of the building. The storage system consists of 15 mechanical lifts designed to stack/park up to three (3) cars in the bay plus 15 spaces at ground level for a total of 60 vehicles. Cars would drive in at grade and then be lifted up. The stacked car storage structure would be approximately 33-feet high and clad in a metal panel system finished to match and complement the appearance of the adjacent Acura and Honda buildings.

### Exterior Design

The proposed exterior remodel builds upon the basic lines of the existing building and adds new wall treatments to obtain a more uniform appearance which extends more fully to all sides of the building. The colors and finishes of the building will reflect Acura's corporate branding image. The existing horizontal metal band of "Acura Blue" color will be replaced with a new metal panel and extended where possible to other building elevations, including new metal wall panels. In addition, all existing masonry walls, stucco, and other metal roof top screen panels will be repaired, power washed, and painted as necessary to complete the refurbishment of the entire building.

The new service drive canopy addition will widen the appearance of the ground floor of the building and provide additional dimension and interest. On the north and south sides of the building the "opening" in the building created by the existing pass thru service reception bay will be eliminated and filled in with new storefront windows and doors where applicable. Additionally, on the north side of the building facing the freeway, a new full height bank of decorative aluminum metal panels will be added to create visual interest and provide a background on which the Acura logo will be attached. As for the new car inventory structure on the east side of the building, it will be entirely clad (except for the base of the east elevation) in decorative aluminum metal panels and accented by the continuation of the horizontal stripe of Acura's corporate blue color.

Finally, new plant materials would be added to the existing planter areas immediately around the building and site. The landscape plan includes a variety of shrubs and groundcovers.

### Construction Period

Construction is estimated to be 10-12 months in length, and the dealership is expected to remain open for business (sales and service) as long as possible. The applicant is exploring alternatives, including the use of temporary modular units, to house sales or administrative functions of the dealership during construction, if necessary.

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

### Background

- The project site is approximately 10.2-acres in size. The site is located within the planning area of the North Montclair Specific Plan (NMSP) and is zoned C-3 (General Commercial), which allows auto sales with a CUP.
- The property is located on a fully developed street and surrounded by urban development that includes residential, office, and other large commercial developments/uses.
- The original auto center area was established in the late 1980s and has steadily expanded and improved over the years. The auto center is approximately 18.5 acres in size and is generally divided into two halves – Metro Honda and Metro Acura on the east side of Autoplex Drive and the Metro Nissan and Infiniti of Montclair dealerships on the west.
- In 2006, a lot merger was approved (Parcel Merger 2006-2) to consolidate the multiple properties of the Metro Honda and Metro Acura site into the subject 10.02-acre site.
- On April 23, 2007, the Planning Commission approved a CUP amendment request under Case No. 2007-12 to expand the existing Metro Honda vehicle sales and service facility and allow the construction of a freestanding, car wash/quick service facility. A setback variance from Palo Verde Street was also part of the 2007 approval which allowed for the development of the existing car wash/quick service building at 32 feet from the south property line. The vehicle sales expansion portion of the approved project was never initiated but the car wash/quick service facility was completed in 2009. The address for the car wash/quick service facility is 5148 Palo Verde Street.
- On August 12, 2013, the Planning Commission reviewed and approved a new conditional use permit under Case No. 2013-17 for the Montclair Dealership Group

to allow a major expansion and remodel of the existing Honda auto dealership/facility. The project was successfully completed in 2015.

### **Planning Division Comments**

Overall, staff finds the proposed project to expand and remodel the existing Metro Acura building to be appropriate and essential to improve the appearance of the dealership. The proposed changes are not intended to expand the showroom, but designed to improve the efficiency of its related auto service functions and increase vehicle inventory storage.

In general, the property is of sufficient size to accommodate the proposed project, particularly since the changes are modest in scope. The proposed changes are in compliance with the applicable development standards of C-3 land use district of the North Montclair Specific Plan (NMSP), including setbacks, building height, and required parking. The highest point of the proposed additions is 33-feet for the new stacked parking structure, which is below the maximum 50-foot height limit of the NMSP. Further, no zone changes or variances are required to implement the project. All new signs will require separate review and approval but conceptually they appear to be in keeping with City standards.

When the Honda project was approved, parking (employees, guests, and inventory) for both dealerships on the site was found to be adequate, fairly well distributed, and better organized. Required on-site parking for visitors and staff was determined to be 185 spaces for the combined operation of all uses on the site. Although this project will eliminate four (4) visitor and four (4) display parking spaces near the front door of the Acura building, the new 10-space visiting parking area will compensate with a more organized layout that provides sufficient on-site parking, and display area for the Acura dealership. As such, the new site changes affecting parking for the Acura building are appropriate and as long as both dealerships continue to properly monitor parking as conditioned in the original CUP no significant issues are expected.

### **Design**

The new service drive canopy on the south side of the building is a good and sensible element of the plan which provides a straight path to the new service reception area and eventually to the service areas. The related "in-fill" of the existing "pass through" reception area at the middle of the building eliminates an awkward site condition as well as an unsightly view from the freeway. Lastly, staff believes the addition of new stacked vehicle storage structure to the east end of the existing building will be instrumental in improving the view of the dealership as seen by west bound freeway travelers.

With regard to the proposed exterior finishes, staff finds them to be appropriate and in keeping with the upscale Acura car brand and complementary to the new look of the recently upgraded Honda building on the site. When the existing exterior materials are cleaned, repaired, and repainted, the desired update of the dealership will be realized. When completed, the Metro Acura upgrade will continue the recent trend of improvements being made to properties along the I-10 Freeway corridor.

To complete the improvement of the site, staff is recommending that the property owner evaluate the condition of the existing freestanding light fixtures on the site. The existing color of the light standards/fixtures is a greenish/brown tone which does not appear to be complementary with the new color scheme of the main building. Further, some of the fixtures are showing signs of rust and discoloration that should be addressed as well. A dark bronze or black color would be an appropriate choice and would be complementary to the new building as well as the other existing (and new) improvements on or proposed for the site.

Lastly, in many of the landscape planters around the building, staff noted that much of the plant material is in fair to poor condition and in need of attention or replacement. The applicant has submitted a proposed landscaping plan which staff believes could be further enhanced. Given the relatively small amount of landscape areas around the building, staff recommends the owner continue to work with staff on refining the plan as part of the plan check process. A condition of approval regarding the landscape plan has been made of the proposed resolution of approval.

### **Conditional Use Permit Amendment Findings**

Staff finds the request to amend the existing conditional use permit for the Metro Acura auto sales and service facility to be appropriate and believes the necessary findings for granting a CUP amendment can be made as follows:

- A. The request to amend the existing Conditional Use Permit for improvements to the Metro Acura dealership facility is essential or desirable to the public convenience and public welfare, in that the amendment allows for a reasonable expansion of the existing facility to operate more efficiently and to continue offering services to members of the public who purchase or have their vehicles serviced by the dealership.
- B. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity. The existing Metro Acura dealership is located within the larger auto center area that was established in the late 1980s and has steadily expanded and improved over the years. Except for the display of autos and inventory, the vast majority of administrative and auto servicing functions occur within an enclosed building and/or structures. Moreover, all hazardous waste materials (e.g., motor oil, transmission oil, grease, brake fluid, tires, filters, batteries, soiled rags) generated by the automotive maintenance/repair portion of the business are regulated by the State. Metro Honda currently complies with and will continue to abide with the requirements of several local, state and Federal laws and programs including, but not limited to, the Clean Water Act, California Oil Recycling Enhancement Act, Integrated Waste Management Act, and the Beverage Container Recycling and Litter Reduction Act.

- C. The existing Metro Acura auto sales and service use at the subject location conforms to good zoning practice. The existing auto sales use is located within the proper zoning district – "C-3" per the North Montclair Specific Plan (NMSP) - and has been properly established with a Conditional Use Permit (CUP). The proposed CUP amendment would allow for the proposed expansion and remodel of the existing facility, which has been found to be in compliance with the development standards contained in NMSP.
- D. That such use in such location is not contrary to the objective of any part of the adopted General Plan. The General Plan encourages the development of efficient, attractive, and safe commercial areas within the City. The expanded and remodeled Metro Acura auto sales and service facility would provide a convenient, well-designed location for the public to shop for a new or used vehicle and/or obtain services.

### **Public Notice**

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on July 15, 2016. Public hearing notices were mailed to property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law. At the time this report was prepared, no comments or inquiries had been received by staff regarding the proposal.

### **Environmental Assessment**

Pursuant to the California Environmental Quality Act ("CEQA") Guidelines, the proposed project is deemed to be exempt under Section 15301(e)(1), Existing Facilities. The proposed project is a developed site and only involves exterior façade improvements with very limited changes to the site not involving significant grading.

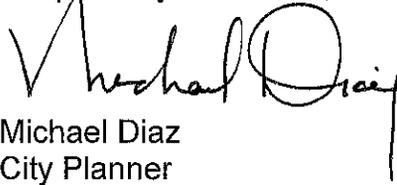
### **Planning Division Recommendation**

Staff recommends that the Planning Commission find the proposal to expand and remodel the existing building related to the Metro Acura auto dealership at the subject site. Accordingly, staff recommends approval of Case No. 2013-17 'A' by taking 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). Further, the project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301(e)(1), which exempts projects involving limited site changes to existing facilities not involving grading.
- B. Approve the Conditional Use Permit Amendment and Precise Plan of Design request under Case No. 2013-17 'A' for the site plan, elevations, colors and materials associated with the proposed exterior remodel and addition to the existing Metro Acura building at 9377 Autoplex Drive per the submitted plans and

as described in the staff report, subject to conditions of approval contained in Planning Commission Resolution No. 16-1867.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Diaz". The signature is fluid and cursive, with a large, prominent "D" at the end.

Michael Diaz  
City Planner

MD/lb

Attachments: Draft Resolution No. 16-1867

c: John Hawkins, Montclair Dealership Group LLC, Metro Honda, 9399 Autoplex Drive, Montclair, CA 91763  
Walt Wagner, Wagner Architecture Group, Inc., 815 Civic Center Drive, Suite 101, Oceanside, CA 92054

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**RESOLUTION NO. 16-1867**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT AMENDMENT AND PRECISE PLAN OF DESIGN UNDER CASE NO. 2013-17 'A' FOR THE SITE PLAN, FLOOR PLANS, ELEVATIONS, COLORS, MATERIALS, AND CONCEPTUAL LANDSCAPE PLAN FOR THE REMODEL OF AND BUILDING ADDITION TO THE METRO ACURA AUTO SALES AND SERVICE FACILITY AT 9377 AUTOPLEX DRIVE (APN 1008-352-34).**

**WHEREAS**, on July 11, 2016, Montclair Dealership Group Properties LLC, property owner, filed an application for a Conditional Use Permit Amendment and Precise Plan of Design (PPD) under Case No. 2013-17 "A" to remodel their existing Acura facility at 9377 Autoplex Drive; and

**WHEREAS**, the subject property is approximately 10.02 acres in size and is currently developed with the Metro Honda sales and service facility, the Metro Acura auto sales and service facility, a used car sales office, and a quick service/car wash facility; and

**WHEREAS**, on August 12, 2013, the Planning Commission approved a Conditional Use Permit for the 10.2-acres site under Case No. 2013-17; and

**WHEREAS**, the Precise Plan of Design under Case No. 2013-17 "A" pertains to the overall site plan, floor plans, elevations, colors, materials, and conceptual landscape plan associated with the proposed Acura facility additions and remodel; and

**WHEREAS**, the proposed project involves an addition of approximately 7,992 square feet to the existing Metro Acura auto dealership building to expand and improve its sales and service areas; and

**WHEREAS**, the project site is zoned "C-3" (General Commercial) per the North Montclair Specific Plan (NMSP); and

**WHEREAS**, staff has found that the subject proposal complies with the guidelines and applicable development standards of the NMSP; and

**WHEREAS**, Pursuant to the California Environmental Quality Act ("CEQA") Guidelines, the proposed project is deemed to be exempt under Section 15301(e)(1), Existing Facilities. The proposed project is on a developed site and only involves exterior façade improvements, less than 10,000 square feet of new building additions, and limited changes to the site not involving any significant grading; and

**WHEREAS**, a notice of public hearing was duly given, mailed out to property owners within a 300-foot radius of the project site boundaries and posted in the manner for the time frame prescribed by law; and

**WHEREAS**, on July 25, 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.

B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on July 25, 2016, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:
  - a. The request to amend the existing Conditional Use Permit for improvements to the Metro Acura dealership facility is essential or desirable to the public convenience and public welfare, in that the amendment allows for a reasonable expansion of the existing facility to operate more efficiently and to continue offering services to members of the public who purchase or have their vehicles serviced by the dealership.
  - b. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity. The existing Metro Acura dealership is located within the larger auto center area that was established in the late 1980s and has steadily expanded and improved over the years. Except for the display of autos and inventory, the vast majority of administrative and auto servicing functions occur within an enclosed building and/or structures. Moreover, all hazardous waste materials (e.g., motor oil, transmission oil, grease, brake fluid, tires, filters, batteries, soiled rags) generated by the automotive maintenance/repair portion of the business are regulated by the State. Metro Honda currently complies with and will continue to abide with the requirements of several local, state and Federal laws and programs including, but not limited to, the Clean Water Act, California Oil Recycling Enhancement Act, Integrated Waste Management Act, and the Beverage Container Recycling and Litter Reduction Act.
  - c. The existing Metro Acura auto sales and service use at the subject location conforms to good zoning practice. The existing auto sales use is

located within the proper zoning district – "C-3" per the North Montclair Specific Plan (NMSP) - and has been properly established with a Conditional Use Permit (CUP). The proposed CUP amendment would allow for the proposed expansion and remodel of the existing facility, which has been found to be in compliance with the development standards contained in NMSP.

- d. That such use in such location is not contrary to the objective of any part of the adopted General Plan. The General Plan encourages the development of efficient, attractive and safe commercial areas within the City. The expanded and remodeled Metro Acura auto sales and service facility would provide a convenient, well-designed location for the public to shop for a new or used vehicle and/or obtain services.
3. Based upon the substantial evidence presented to this Commission during the above-referenced hearing on July 25, 2016, including written and oral staff reports together with public testimony, this Commission hereby finds the proposal to be consistent with the overall objectives of the City of Montclair General Plan, Montclair Municipal Code, North Montclair Specific Plan and good planning principles, and approves the application subject to each and every condition set forth below.

Planning

- 1. This approval is for the following:
  - a. A Conditional Use Permit amendment to allow the remodel of the existing Metro Acura sales and service facility at 9377 Autoplex Drive as depicted on the submitted plans and as described in the staff report.
  - b. A Precise Plan of Design for the site plan, floor plans, elevations, colors, materials, and landscaping associated with the minor expansion and remodel of the existing Metro Acura sales and service facility at 9377 Autoplex Drive as depicted on the submitted plans and as described in the staff report, and identified in the following table.

<b>Metro Acura Building Additions</b>	
<b>Area of Work/Location</b>	<b>Size</b>
Administration	2,800 square feet*
Service Drive Canopy (New)	2,340 square feet
Car Inventory Structure (New)	2,607 square feet
Enclosed Stairway	245 square feet
<b>Total</b>	<b>7,992 square feet</b>
*Existing area already under roof to be enclosed with walls to create conditioned interior office space.	

2. All applicable conditions of approval for the Conditional Use Permit approved under Case No. 2013-17 (PC Resolution 13-1787) covering the site utilized by Metro Honda and Metro Acura shall remain in effect, in addition to new conditions as specifically developed for the Acura auto dealership project.
3. Conditional Use Permit (CUP) amendment approval shall be valid for a period of six (6) months from the date of Planning Commission approval, unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date.
4. 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.
5. 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.
6. Approval of this PPD shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances, the San Bernardino County Health Department, or the State of California.
7. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
  - a. A check in the amount of **\$50.00**, payable to "Clerk of the Board of Supervisors," to cover the fee for filing a Notice of Exemption for the project as required by the California Environmental Quality Act (CEQA).
  - b. A check in the amount of **\$417.72**, 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.

8. Prior to the installation and use of any construction trailer or temporary modular units the applicant shall submit a site plan for Planning Division review and comply with all Building Division requirements.
9. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
10. 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.
11. All new automobile parking spaces shall be clearly delineated with double-line (e.g. "hairpin") striping. Parking stalls for employees/staff and visitors/customers 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, with a maximum allowed overhang of 2'-0" into landscape areas or pedestrian paths that are a minimum of 6'-0" in width.
12. Install necessary directional signs to identify and direct customers to on-site parking as needed, subject to approval by the City Planner. The size of such signs shall be limited to the minimal size necessary to clearly convey the required information and in no case shall exceed four (4) square feet.
13. Maintain all parking lot striping and markings per approved plans at all times.
14. All inventory vehicles shall be kept only in the approved storage area in an orderly manner and shall not be allowed on landscape planter areas or in identified visitor and/or employee parking areas.
15. The outdoor storage of personal or other items (including motor vehicles) not directly related to the primary use of the property shall be prohibited.
16. No new outdoor loudspeakers shall be allowed. The applicant is encouraged to abandon the existing public address system in favor of personal mobile devices to permanently eliminate disturbances to the adjacent residential neighborhoods.
17. All unenclosed materials, equipment and/or supplies of any kind shall be stored indoors and/or maintained within the approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure.

18. Prior to the issuance of building permits, the applicant shall indicate how the condition and paint color of the existing freestanding light fixtures will be addressed.
19. Any new or replacement exterior light fixtures affixed to be affixed to the building or installed on the site, shall be reviewed and approved by the Planning and Building Divisions. All exterior lighting shall comply with the following standards:
  - a. All fixtures shall match existing or a new design that complements the architecture of the building.
  - b. All parking lot and other freestanding light fixtures shall incorporate 90-degree cut-off style luminaires and flat lenses so as to direct illumination downward to the surface to be illuminated and away from public rights-of-way or adjacent residential properties/uses located to the east of the subject site.
  - c. The use of wall packs, barn lighters, other similar unshielded luminaires, and/or decorative lighting installed solely for the purpose of illuminating the roof shall be prohibited.
  - d. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.
20. No outdoor pay telephones or vending machines shall be installed or used on the property.
21. Permanent signage for the Acura dealership shall require separate City review and approval of a sign program. The sign program shall address all permanent signs including but not limited to freestanding, wall mounted, and directional signs associated with this project and as conceptually depicted on plans submitted for PPD review and approval. Sign Permit applications shall be submitted by a licensed sign contractor to the Planning and Building Divisions for review, approval, and issuance of all necessary permits prior to installation of any sign(s).
22. Exposed raceways or conduit shall be prohibited on all building-mounted and/or freestanding signs.
23. Temporary promotional signs shall comply with provisions contained in Chapter 11.72 of the Montclair Municipal Code pertaining to signs for automobile dealerships. Trailer- or vehicle-mounted electronic message reader boards shall not be placed in a location where they are intended to be visible from a public right-of-way, including Interstate 10.

24. No exterior surface-mounted exposed conduit or electrical lines shall be allowed. Electrical switchgear, meters, etc., shall be screened or housed in an enclosure to the extent allowed by the utilities.
25. All rooftop mechanical equipment, vents, meters, HVAC units, ducts, conduit, satellite dishes, etc., shall be fully screened from view by a raised parapet wall or roof screen in a manner that is compatible with the architectural design of the building to the satisfaction of the City Planner. Wooden lattice or fencelike screens/covers are not considered appropriate materials used for screening.
26. 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.
27. 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.
28. The applicant and/or property owner shall continuously maintain in good repair and appearance all building exteriors, walls, exterior lighting, drainage facilities, driveways, and parking areas, landscaping, etc.
29. 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.
30. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
31. All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency.
32. 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.
33. 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.

34. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed for each element of the project. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
35. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative, or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void or annul, the any action of, or permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities, thereof (including actions approved by the voters of City), for or concerning the project, whether such Actions, are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any action brought and City shall cooperate with the applicant in the defense of the Action.

#### Building

36. Submit five complete sets of plans for the project, including building elevations, colors and materials, electrical, plumbing, mechanical, landscaping, lighting, and accessibility details, plus two sets of soils, structural and Title 24 calculations for review and approval by the Building and Planning Divisions. Contact the Building Division at 909/625-9477 for an appointment to submit plans.
37. Submit detailed plans for all walls and fencing associated with the project.
38. Clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way from the affected area of new construction or

renovation. 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%).

39. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
40. Exposed raceways shall be prohibited on all building-mounted and freestanding signs. An architectural sign backing/raceway may be allowed on the commercial building subject to review and approval by the City Planner.
41. Security gates to the rear of the building shall be equipped with Medeco locks or other acceptable devices to allow access by emergency personnel and utility providers at all times.
42. All mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, vents, transformers, or similar equipment, whether located on the ground or on the roof of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building and to the satisfaction of the Planning Division.
43. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner incorporated into the architectural design of the building to the satisfaction of the Planning Division.
44. Fire sprinkler risers and roof access ladders shall be located entirely within the enclosed buildings. Double-detector check facility shall be adequately screened by landscaping or an architectural screen wall.
45. All trash enclosures shall be constructed of a material consistent with the primary type and color of that used on the building. The construction of such trash enclosure(s) shall conform to City standards and shall have a solid roof complementary to the main building. Black-colored concrete shall be used for the trash enclosure floor and its apron.
46. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
  - a. The numerical address of the building shall be displayed in a maximum of two locations on the west elevation as follows:
  - b. Numerals shall be in a font acceptable to the Planning Division, minimum 10 inches in height, minimum 1½ inches in depth, and in

a color that adequately contrasts with the background to which they are attached.

- c. The facility shall be provided with a minimum maintained illumination level of one (1) foot-candle from dusk until termination of business every business day. During all other hours of darkness, a minimum of one-quarter (.25) foot-candles of illumination shall be maintained at grade.
47. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
48. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact Michael Hudson, City Engineer, at 909/625-9441 for fees.
49. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA
50. No soil shall be imported or exported to or from the project site from an adjacent building site or from other sources for construction purposes without first obtaining approval from the City Engineer. A plan satisfactory to the City Engineer shall be prepared showing the proposed haul route within the City. Subject plan shall include provisions for street sweeping and cleanup. Applicant/contractor shall comply with all NPDES requirements.
51. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
52. All off-site and on-site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
53. Prior to commencement of building framing or delivery of any combustible materials to the project site, an all-weather access roadway capable of supporting firefighting apparatus shall be constructed within 150 feet of all structures. An all-weather access is defined as base course A.C. pavement to a minimum depth of 2½ inches and having a minimum width of 20'-0". The 20-foot width shall be maintained free and clear of construction equipment, materials, and debris for the duration of construction. Roadway is subject to Fire Department approval prior to commencement of construction.
54. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.

55. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
56. An approved, emergency keyed access system shall be required to facilitate access by Fire Department personnel in the event of an emergency during non-business hours. Forms are available at Montclair Fire Department Headquarters, 8901 Monte Vista Avenue, for those occupancies requiring such a system. Contact Robert Hargett at (909) 447-3554 for more information.
57. A Certificate of Occupancy is required prior to occupancy of the subject building. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
58. Prior to issuance of a Certificate of Occupancy, the person or corporation responsible for the preparation of the Water Quality Management Plan shall certify, in writing, to the Building Official that all conditions and requirements of the Water Quality Management Plan 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 Water Quality Management Plan.
59. Prior to the issuance of the Certificate of Occupancy a Final Grade Certificate shall be provided to the Building Official issued from the Registered Civil Engineer of Record that all on-site improvements have been constructed in accordance with all City Standards, Specifications, Conditions of Approval and approved plans.
60. Temporary construction and storage trailers placed on the property shall first obtain approval from the Planning and Building Divisions. If any trailers will include uses for public access, handicap accessibility requirements shall apply. Before any trailer is set in its location, obtain all permits from the building division. Plans and structural calculations will be required for the tie-down devices. Trailers used for public use (and not used for construction only) are required to be handicapped accessible. The trailer will requires access to the facility by way of ramps which comply with the California Building Code (CBC) 2013 edition, Chapter 11B, in addition to access to each feature of the trailer.

Erosion and Sediment Control

61. Prepare and submit plans for erosion and sediment control. Plans shall include all phases of the construction project, including, if applicable, rough grading, utility and road installation, and vertical construction to the

satisfaction of the Public Works Director. Contact Joe Rosales, NPDES Coordinator, at (909) 625-9470.

### Environmental Compliance

62. All washing of vehicles, parts, and equipment must be done in an area where all wash water flows to a drain connected to the existing approved clarifier/sand-oil interceptor. No washing of vehicles, parts, or equipment is permitted outside these approved areas.
63. All raw and waste fluids must be stored properly, spill contained, indoors, or in a secondary containment pallet or structure. All waste hauling records must be retained on-site for a minimum of three years for non-hazardous materials, and a minimum of seven years for hazardous materials. Records must be available for inspection at all times.
64. All discharges to the Montclair Sanitary Sewer System must be in accordance with the provisions of Chapter 9.20 of the Montclair Municipal Code.
65. All stormwater discharges must be in accordance with the provisions of Chapter 9.24 of the Montclair Municipal Code.

### Fire

66. General plan review. This is a general plan review only and is to determine if this project should be allowed to move forward to the City Development Review and/or the Fire Department plan check phase. 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 two sets of plans be submitted with an application and all fees pre-paid.
67. Permits required. 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).
68. Plan submittal. Provide 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)

69. Construction documents for fire protection systems. 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)
70. Plan Stamp. 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).
71. Scope of work. Provide an accurate description of the scope of work for the project.
72. Dimensions. Show all exterior and interior building dimensions on the plans.
73. Plan check application. The plan check application can be found on the City of Upland web site: <http://www.cityofmontclair.org> and clicking on following Departments, Fire, Fire Prevention, Plan check and permit process.
74. Development standards. 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.
75. Fire Department Fees. All fees are required to be paid in full prior to any permit issuance.
76. Fire apparatus access roads to buildings. 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).
77. Exception: 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.
78. Access road width with a fire hydrant. 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).

79. Fire apparatus road turn radii. 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.)
80. Fire apparatus road turn radii. Provide a site plan using a 20-30-40-scale to show turning radiuses for all corners, using a minimum 32 feet inside & 45 feet outside. (CFC 2013 D103.1)
81. Roads 20 feet in width to less than 28 feet in width. 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).
82. Roads more than 28 feet in width to less than 36 feet in width. Fire apparatus access roads more than 28 feet wide to less than 36 feet wide shall be posted on one side of the road as a fire lane with "NO PARKING – FIRE LANE" signs, red curb and curb lettering (CFC 2013 D103.6).
83. Buildings exceeding 30 feet in height; three means of fire apparatus access. 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).
84. Buildings exceeding 30 feet in height; unobstructed width. 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).
85. Buildings exceeding 30 feet in height; accommodating aerial apparatus. 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).
86. Access to exterior doors and openings. 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).
87. Fire Lane signs. 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)

88. Required fire flow. An approved water supply capable of providing the required fire flow for fire protection shall be provided (2013 CFC 508.1).
89. Minimum fire-flow. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in 2013 CFC Appendix B, Table B105.1
90. Exception: A reduction in required fire flow of up to 50 percent, as approved, is allowed when the building is provided with an automatic sprinkler system installed in accordance with 2013 CFC Section 903.3.1.1, 903.3.1.2 or 903.3.1.3. The resulting fire flow shall not be less than 1,500 gallons per minute for the prescribed duration as specified in Table B105.1
91. Private water systems. Private fire service mains and appurtenances shall be installed in accordance with NFPA 24 (508.2.1). Submit plans to the fire department showing fire water system detail.
92. Pipe size. Show pipe size of the fire water system on the plans.
93. On-site fire hydrants. 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)
94. Fire hydrants. Provide a site plan showing all fire hydrants and distances to nearest fire hydrants in all directions along fire apparatus access roads.
95. Automatic fire sprinkler system; new construction. 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.
96. Fire alarm and detection systems. 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.

97. General. 2013 CFC Chapter 33 conditions shall apply to this project during construction and demolition (2013 CFC 3301.1).
98. Pre-fire plans. Develop and maintain an approved pre-fire plan in cooperation with the fire department (2013 CFC 3308.2).
99. Water supply for fire protection. 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).
100. All-Weather Access Road and Water. 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)
101. Access for fire fighting. 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 assess shall be maintained until permanent fire apparatus access roads are available (2013 CFC 1410.1).
102. Obstruction of fire apparatus access roads. Fire apparatus roads shall not be obstructed in any manner, including the parking of vehicles (CFC 2013 503.4).
103. 8-10 inch Address numbers. 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).
104. Hot work operations. Welding, cutting, open torches and other hot work operations and equipment shall comply with 2013 CFC Chapter 26 section 2601.1
105. Emergency telephone. Provide a readily accessible telephone on-site for emergency use. The street address of the construction site and the emergency telephone number of the fire department shall be posted adjacent to the telephone (2013 CFC 1409.1).
106. Portable fire extinguishers. Structures under construction, alterations or demolition shall be provided with not less than one approved portable fire extinguisher (2013 CFC 1415.1).

107. KNOX Key boxes. 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).
108. Maintain turn radius along all fire access roads.
109. All Double Check Detector Assemblies (DCDA) shall be painted and maintained by the property owner with the following paint color specifications: Rust-Oleum satin interior/exterior acrylic latex paint, "Hunt Club Green" No. 794452 (quart). This condition is subject to Fire Department inspection and approval when work is completed.

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

APPROVED AND ADOPTED THIS 25TH DAY OF JULY, 2016.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: \_\_\_\_\_  
Tenice Johnson, Chair

ATTEST: \_\_\_\_\_  
Michael Diaz, Secretary

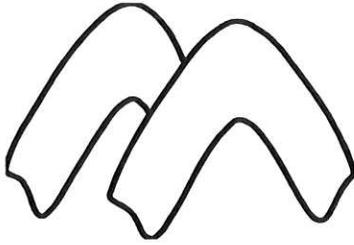
I, Michael Diaz, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 25th day of July, 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MDIAZ\CASES\2013-17 'A' PC RESOLUTION



CITY OF MONTCLAIR  
**PLANNING COMMISSION**

**MEETING DATE: 07/25/16**

**AGENDA ITEM 6.c**

**Case No. 2016-1**

**Application:** A request to convert an existing 28,126± square-foot medical office building into medical office condominiums. The project includes the following items:

- Tentative Parcel Map No. 19713 to divide the existing building into 23 office condominiums; and
- A Conditional Use Permit to subdivide air space for a 23 unit office condominium; and
- Variance – relief from MMC Sections 11.88.100 C.3 requiring the provision of separate utility services for each unit (electrical, plumbing, sewer, HVAC); and
- A Precise Plan of Design (PPD) to upgrade the building facade of the existing building, landscaping and parking lot site improvements.



**Project Address:** 4950 San Bernardino Street

**Property Owner:** Montclair SB Investment, LLC

**General Plan:** Medical Center

**Zoning:** AP (Administrative Professional)

**Assessor Parcel Nos.:** 1008-651-06

**City/Public Utility Easements:** None

Adjacent Land Use Designations and Existing Uses			
	<i>General Plan</i>	<i>Zoning</i>	<i>Existing Use of Property</i>
<b>Site</b>	Medical Center	AP (Administrative Professional)	Office Building
<b>North</b>	Office Professional	AP (Administrative Professional)	Office Building
<b>East</b>	Medical Center	AP (Administrative Professional)	Montclair Hospital
<b>South</b>	Low 3-7 units/acre	R-1 (Single Family Residential)	Single Family Residential
<b>West</b>	Senior Housing	AP (Administrative Professional)	Montclair Royale Assisted Living Facility

## Report on Item Number 6.c

### PUBLIC HEARING – CASE NUMBER 2016-1

APPLICATION TYPE(S)	Tentative Tract Map Conditional Use Permit Variance Precise Plan of Design
NAME OF APPLICANT	Montclair SB Investment, LLC
LOCATION OF PROPERTY	4950 San Bernardino Street
GENERAL PLAN DESIGNATION	Medical Center
ZONING DESIGNATION	AP (Administrative Professional)
EXISTING LAND USE	Existing Medical Office Building
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Silvia Gutiérrez

#### **Project Description**

The applicant is proposing to convert an existing 28,128 square-foot, two-story, medical office building into 23 office condominiums - each unit to be sold separately - governed by an owner's association. The unit sizes range from 819 square feet to 1,670 square feet. The property is located on the north side of San Bernardino Street between Montclair Hospital and Montclair Royale Senior Housing complex. To create the proposed office condominium units the following entitlements are requested:

- Conditional Use Permit – pursuant to the Montclair Municipal Code, a CUP is required to allow the conversion of the existing professional medical offices into individual condominiums that can be purchased and owned.
- Tentative Tract - Tentative Tract Map No. 19713 to subdivide the building air space into 23 office condominium units. The unit sizes currently range from 819 square feet to 1,670 square feet (see Attachment A). The condominiums would be governed by an owner's association and CC&Rs, and managed by a professional management company. The two public restrooms as well as the lobby, and hallways will be part of the building's common areas.
- Variance – for relief from Montclair Municipal Code Section 11.88.100C.3 regarding the provision of separate utility services for each unit (electrical, plumbing, sewer, HVAC).
- Precise Plan of Design – for the exterior site improvements including landscaping and building facade upgrades, including:

1. Removal of an existing round planter in drive aisle at west side of the building and reconfiguration of the adjacent parking area to increase parking. Further, the applicant will repair, slurry coat, and restripe the entire parking area. When completed, approximately 30 new parking spaces will be added to the site for a total of 164 spaces.
2. Addition of an accessible path of travel and ramps from San Bernardino Street to the main entrances and exits for the building
3. Reconstruction of existing trash enclosure to conform to city standards including the addition of a cover
4. Improved courtyard areas at the front and rear entry points (west and east) to the building. The courtyards will include new decorative ground surface treatments, raised and ground planters, landscaping, and new seating. Existing laboratory mailboxes will be relocated away from the west (front) entrance to the rear (east side) entry area where it will be concealed from view behind a decorative 6-foot high wood screen
5. Replacement of all wood paneling below windows and other locations on the building, with new fiber cement "HardiePanel" materials. The building will be repainted in a new two-tone grey color scheme to replace the current off-white and brown color palette.
6. New decorative exterior wall mounted light fixtures. Existing roof-mounted and other unshielded fixtures will be removed.
7. New drought tolerant landscaping in the existing planter areas around the base of the building. Drip irrigation is proposed for these planters to save water and prevent water damage to the building. In recent months, several dead or diseased trees have already been removed from the site.

Copies of the tentative map, site plan, floor plans, elevations, renderings, and conceptual landscape plan are included in the Commission packets.

### **Background**

- The new property owners purchased the property in 2015, and have a track record of purchasing and rehabilitating commercial office buildings. The company is based in the City of Industry, and has successfully completed a number of projects in nearby communities such as the cities of Chino and Diamond Bar.
- In 1972, the City approved Precise Plan of Design (PPD) No. 100-167 to allow the construction of a 12,500 square-foot medical office building and associated landscape and site improvements on the subject site. Later in 1972, the Planning

Commission approved Amendments which allowed a 14,600 square-foot addition to the project.

- Pursuant to Section 11.88 of the Montclair Municipal Code (MMC), approval of a Conditional Use Permit by the Planning Commission is required for commercial condominiums in the Administrative Professional (AP) zoning district.
- Pursuant to Section 66424 of the Subdivision Map Act and Chapter 11.88 of the Montclair Municipal Code, a Tentative Tract Map is required for the creation of condominium units on improved land for the purpose of sale, lease or financing.

**Planning Division Comments**

Staff is generally pleased with the proposed building and site improvements and the request to convert the existing offices into office condominiums. If approved, the proposed project would significantly upgrade the appearance of the site and existing buildings. Moreover, the proposed creation of office condominiums would be the first in the City.

**Conditional Use Permit and Tentative Tract Map**

Staff finds the proposed CUP request and subsequent tract map to be appropriate for the subject site. The site has easy access from the street and shared access and easement agreements with the Montclair Hospital adjacent to the east side of the site. The existing building with site improvements comply with all required setbacks and development code regulations of AP zone and no expansions to the building are proposed. The CUP and proposed tract map do not alter the type of uses permitted in the AP zone.

Parking on the site is sufficient to meet the requirements for medical uses on the site. The table below indicates that existing medical office with a storage area building requires 161 parking stalls. With the parking improvements proposed for the site, the number of parking spaces provided for this project will be 164 parking stalls which exceed the requirement by three (3) spaces.

Parking				
Use	Sq. Ft.	Parking Ratio	Parking Required	Parking Provided
Medical Office	25,139	1/160 sq. ft.	158	
Storage Area	2,987	1/1000	3	
<b>Total</b>	<b>28,126</b>		<b>161</b>	<b>164</b>

Prior to recording the final map, the CC&Rs shall expressly include reference to the existing agreement to ensure that reciprocal access and easement rights and privileges are also retained for the newly created “air space” condominiums.

## Variance

Staff supports the proposed variance request regarding the provision of separate utilities for each condominium unit, because of the extensive work that would be required to comply with this requirement for an existing building. The applicant understands the idea behind the requirement and believes that having separate utilities for each unit is a good idea and more efficient way to operate. However, complying with this development standard would be practically infeasible considering the major and extensive work that would need to occur to accomplish the task.

The existing central utility systems in the building would have to be removed and replaced with 23 separate systems for each utility. This means each unit would have separate ducting runs, wiring, meters, and other equipment, some of which would need to be added to the exterior of the building (e.g., roof, walls, and planter areas). Moreover, the existing businesses in the building would suffer during demolition and reconstruction activities with new installation of separate utilities. As such, staff believes that the requirement to install separate utilities for each unit is an undue hardship and overly difficult standard to achieve for this project.

Staff believes that when the condominium conversion ordinance was adopted, the requirement for separate utilities was likely associated with the construction of new, or conversion of vacant buildings, where the requirement for separate utilities could be more easily implemented during construction or tenant improvement phases of a project. The ordinance does not address how separate utilities for each unit could be accomplished for existing multi-tenant buildings.

## Precise Plan of Design

The building's architectural style is a fine example of the mid-century modern style for a commercial office building in the City. Its shape is a simple low rectangular form with a smaller second level mass. The key features of the building are the evenly spaced pilasters, and window pattern. The existing wood exterior siding at the base of the building is dated and in many locations in poor condition. Although, the new HardiePanels change the lines of the original siding to a flat and smooth appearance, the finished look will be complementary to the building's style and the proposed gray color scheme. The proposed hardscape and landscape improvements for the front and rear entry points appears to be appropriate and in keeping with the relatively low key design of the design of building.

Existing nonconforming exterior roof-mounted lighting fixtures will be removed as part of this project and will be replaced with sleek 90 degree shielded wall light fixtures. Parking lot light pole fixtures will be replaced as necessary to achieved .25 foot candle per the City of Montclair Security Ordinance. As a condition of approval the applicant will be required to install a High Definition exterior and interior security camera system.

The focus of new landscape plan is in landscape improvements for the front and rear entry points of the building. The planters at the base of the building and entry points will be a simple mixture of succulents and low growing drought tolerant shrubs and grasses. The proposed Agaves (*Agave attenuata*) are a nice feature plant for placement around the building because as they grow they will provide a bold, interesting appearance (and few maintenance requirements) that complements the appearance of the mid-century building and its new colors. New Blue Palo Verde trees will add visual interest and highlight building's main entry points.

### **Tentative Tract Map Findings**

Pursuant to California Government Code Section 66410, *et seq.*, the Planning Commission makes the following findings

- A. The proposed subdivision of air space associated with this condominium conversion proposal is designed, to the extent feasible, to provide for passive or natural heating or cooling opportunities. The interior of existing building will be retrofitted to provide more efficient air conditioning and each condominium unit has at least one large bank of windows which allow for adequate light to reach into the interior of the space. Moreover, the existing building is set in the middle of the subject site where ample trees are planted, and will be planted, which can provide shade, air filtering, and other environmental benefits.
- B. The proposed subdivision and the provisions for its design and improvement are consistent with the General Plan for the City of Montclair ("General Plan") and standards of the underlying Administrative Professional (AP) zoning district. The proposed subdivision of air space associated with this condominium conversion request does not involve the expansion of the existing building which already meets applicable zoning development standards (e.g., setbacks, height, parking, etc.) of the AP zone. Moreover, the proposal does not introduce new land uses which are not already allowed by right or by CUP approval onto the property in question.
- C. The subject site is physically suitable for the proposed subdivision of air space for an office condominium conversion of the existing professional building. The site is 2.88-acres in overall area and is appropriately developed with a main structure and typical site improvements such as parking, exterior lights fixtures, trash enclosure, and landscaping. No physical expansion of the existing building is proposed nor are any significant changes proposed to the general layout of the interior of the structure. The project site is also located adjacent to a fully improved street that will provide good access and allow for appropriate internal pedestrian and vehicular circulation.
- D. The subdivision of air space associated with this 23 unit condominium conversion proposal will not cause substantial environmental damage nor substantially injure fish or wildlife or their habitat. The site is surrounded by urban development and streets, does not contain any bodies of water, and is not linked to any wildlife

corridors. The site does not contain any known habitats of significance including rare or endangered species of plant, animal, or insect life.

- E. The subdivision of air space within the existing building to create 23 office condominiums does not require any improvements that would cause serious public health problems. All interior improvements associated with the condominium conversion process will be subject to all applicable standards and codes including the zoning and building codes. As a condition of approval, the applicant is required to submit interior tenant improvement plans and will comply with all Municipal Code requirements.
- F. The Tentative Tract Map for the subdivision of air space within the existing building to create office condominiums does not conflict with easements acquired by the public at large for access through or use of the subject site because no such easements exist on the subject site.
- G. The discharge of waste into the existing sanitary sewer system from the existing building will remain unchanged by the proposed Tentative Tract Map for the subject condominium conversion will not cause a violation of existing requirements prescribed by the regional water quality control board. The entire property is connected to a sanitary sewage system pursuant to California Plumbing Code and Municipal Code requirements.

#### **Conditional Use Permit Findings**

Staff believes that the required findings for granting a Conditional Use Permit (CUP) to allow a proposed office condominiums at 4950 San Bernardino Street can be made as follows:

- A. The proposed office condominiums are essential or desirable to the public convenience and public welfare, in that the proposed request allows for commercial office ownership opportunities for both existing and new businesses which are allowed in the Administrative Professional (AP) zone. The project also helps to retain existing businesses in the area.
- B. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity, in that the 23 condominium units will remain occupied by the same land uses that currently occupy the suites (medical professional offices), and the new owners of the units will be required to bring them into compliance with current Building Codes with the exception of the requested variances.
- C. That such use in such location conforms to good zoning practice, in that the Administrative Professional (AP) zoning district allows the conversion of existing office building for lease units to office condominium subject to CUP approval.

- D. The General Plan encourages private investment for the development of commercial properties to attract and retain business in the community. The proposed office condominium conversion project includes significant upgrades to the existing property that will entice current and new owners to stay and operate within the City by giving them opportunities to own real estate in the area.

### **Variance Findings**

Staff believes that the necessary findings for granting a variance from the requirement to provide separate utilities for each proposed office condominium units can be made as follows:

- A. That because of special circumstances applicable to the subject property, including its size, depth, location and surroundings, the strict application of the provisions of the Montclair Municipal Code is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications. This project is the first of its kind within the City, where an existing office professional building is converted into separate condominium units, and the requirement to provide separate utilities connections for each of the proposed 23 office condominium units is practically infeasible. Compliance with the requirement would entail major and extensive work to the building as each would need to have separate ducting runs, wiring, meters, and other equipment, some of which would need to be added to the exterior of the building (e.g., roof, walls, and planter areas). Moreover, the existing businesses in the building would suffer during demolition and reconstruction activities with new installation. As such, the requirement represents an undue hardship and is an overly difficult standard to achieve for this project.
- B. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners in the vicinity and under identical zoning classifications. This office conversion project is the first of its kind for the City and does not conflict with the rights of any adjoining or nearby property owner in the AP zone.
- C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity and zone in which the subject property is located, as the proposed office condominium does not appreciably change the operation of the existing office building as it currently functions. The overall improvement of the exterior site conditions and façade enhancement of the existing buildings will contribute positively to appearance of the streetscape.
- D. That the granting of such variance will not be contrary to the objectives of any part of the adopted General Plan, as the adopted Land Use and Community Design elements encourage variations in building placement and site layout to achieve most efficient and optimum land development plan.

## **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 exterior building and site improvements associated with the proposed condominium conversion of 4950 San Bernardino Street is consistent with the applicable zoning standards and land uses allowed within the respective Administrative Professional (AP) zone. The applicant proposes to add architectural features for the building that enhance the orderly and harmonious development of the area and will serve to encourage future renovations to existing office developments in the area.
  
- B. At 2.88 acres in area, the overall shape and size of the site is sufficient to accommodate the existing building without need for any variances from applicable development standards of the Municipal Code with the exception of the requested variance for separation of utilities. 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. Furthermore, the parking areas for the site is proposed to be reconfigured as part of the project to add additional parking spaces, improve vehicular circulation. Landscaping and irrigation plans are inclusion that would transform the site landscaping from primary turf to drought tolerant shrubs and trees that are water efficient and provide a complimentary plant palette and color scheme to the site's midcentury building architecture.
  
- C. The general arrangement of building, with respective exterior enhancement and landscaping 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 San Bernardino Street east of Monte Vista Avenue. Proposed architectural features and complimentary colors area incorporated into the design of all vertical exterior surfaces of the building in order to create an aesthetically pleasing project.

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

This item was published as a public hearing in the Inland Valley Daily Bulletin newspaper on July 15, 2016, as prescribed by law for this discretionary land use entitlement. Public hearing notices were mailed to all property owners within 300 feet from the boundaries of the subject property and courtesy notices were distributed to tenants within the adjacent portion of the center in which the property is located. The property owner notified existing tenants of the office building. As of the time preparation of this agenda report was completed, no comments had been received from the public or neighboring businesses regarding this application.

## **Environmental Assessment**

The Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301(k) (Class 1 – Existing Facilities) of the State CEQA Guidelines. The project qualifies because the proposed project is on a developed site, involves no expansion of the existing building, and the division of the existing commercial building into common-interest ownership (condominiums). Other minor exterior and interior tenant improvements, parking lot, and landscaping enhancements are also covered by Section 15301(a).

## **Planning Division Recommendation**

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

- A. Move that, based upon evidence submitted, the Planning Commission finds and recommends that the current application for the proposed 23-unit medical office Condominium Conversion is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301(k) (Class 1 – Existing Facilities) of the State CEQA Guidelines. The project qualifies because the proposed project is on a developed site, involves no expansion of the existing building, and the division of the existing commercial building into common-interest ownership (condominiums). Other minor exterior and interior tenant improvements, parking lot, and landscaping enhancements are also covered by Section 15301(a).
- B. Recommend the City Council approve Tentative Tract Map No. 19713, for condominium purposes, finding that the map is consistent with the Montclair Municipal Code and the State Subdivision Map Act and approve a Precise Plan of Design request under Case No. 2016-1 for the site plan, floor plans, elevations, colors, materials, conceptual landscape plan, associated with the proposed 23-unit medical office condominium conversion for the existing two-story office building located at 4950 San Bernardino, per the submitted plans and as described in the staff report, subject to the conditions in Planning Commission Resolution No. 16-1864; and,
- C. Recommend the City Council approve a Conditional Use Permit request under Case No. 2016-1 to allow the proposed 23-unit condominium conversion for the existing office building located at the 4950 San Bernardino Avenue, as described in the staff report and subject to the findings and conditions in Planning Commission Resolution No. 16-1865; and,
- D. Recommend that the City Council approve a Variance request under Case No. 2016-1 subject to the conditions of approval in Planning Commission Resolution No. 16-1866

Respectfully Submitted,



Michael Diaz  
City Planner

Attachments: Attachment A

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cc: Preston Chan, PE, CGM Development, LLC, 17528 Rowland Street, City of Industry, CA 91748  
Pei Chen, (property owner) Montclair SB Investment, LLC., 17528 Rowland Street, City of Industry, CA 91748

<b>Tentative Tract Map No. 19713</b>			
<b>Proposed Condominium Sizes at 4950 San Bernardino Street, Montclair</b>			
<b><i>Air Space Unit</i></b>	<b><i>Unit Number</i></b>	<b><i>Unit Size</i></b>	<b><i>Current Tenant</i></b>
1	107	1,649 s.f.	Obstetrics and Gynecology
2	105	1,166 s.f.	Pediatric Medicine
3	101A	984 s.f.	Pharmacy
4	101	1,600 s.f.	Vacant
5	200	1,595 s.f.	Medical Office for General Surgeon
6	201	1,175 s.f.	Orthopedic Medicine
7	208	981 s.f.	Vacant
8	218	1,331 s.f.	Family Medical Practice
9	106	1,137 s.f.	Orthopedic Medicine
10	108	972 s.f.	Vacant
11	103	1,621 s.f.	Vacant
12	102	1,670 s.f.	Physical Medicine
13	202	1,070 s.f.	Vacant
14	206	889 s.f.	Vacant
15	207	1,505 s.f.	Vacant
16	209	1,202 s.f.	Vacant
17	210	819 s.f.	Vacant
18	216	1,467 s.f.	Vacant
19	219	952 s.f.	Vacant
20	215	1,025 s.f.	Vacant
21	217	1,335 s.f.	Vacant
22	200	764 s.f.	Vacant
23	300	1,006 s.f.	Vacant

**RESOLUTION NO. 16-1864**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMENDING CITY COUNCIL APPROVAL OF TENTATIVE TRACT MAP NO. 19713 AND PRECISE PLAN OF DESIGN FOR THE SITE PLAN, BUILDING ELEVATIONS, AND LANDSCAPING, RELATED TO CASE NO. 2016-1, A PROPOSED CONVERSION OF AN EXISTING PROFESSIONAL OFFICE BUILDING INTO OFFICE CONDOMINIUM UNITS, AT 4950 SAN BERNARDINO STREET IN THE ADMINISTRATIVE PROFESSIONAL (AP) ZONE (APN 1008-651-06)**

**WHEREAS**, on February 1, 2016, Montclair SBI nvestment, LLC, property owner, filed an application for a Tentative Tract Map, Conditional Use Permit (CUP), Variance, and Precise Plan of Design (PPD) under Case No. 2016-1, to allow the conversion of an existing two-story office building into 23 office condominium units at 4950 San Bernardino Street, and,

**WHEREAS**, the project site is located in the Administrative Professional (AP) zone district, intended for administrative, professional, and medical offices and related services; and,

**WHEREAS**, the subject site is 2.88-acres in area and was previously developed to present form in 1972 with a 2-story, 28,128 square foot, building and surface parking area; and

**WHEREAS**, the existing building is partially occupied and utilized by professional and medically related office uses, including a pharmacy, which are in accordance with uses allowed in Administrative Professional (AP) zoning district; and,

**WHEREAS**, the subject site is developed in accordance with the applicable development standards of the Administrative Professional (AP) zone, including setbacks, building height, and parking; and

**WHEREAS**, Chapter 11.88 of the Montclair Municipal Code requires the approval of CUP for commercial condominiums in the Administrative Professional zone (AP) in which the subject site is located; and

**WHEREAS**, the proposed Tentative Tract Map would subdivide the existing 28,126 square foot professional office building into 23 numbered airspace units ranging in size from 819 square feet 1,670 square feet for condominium purposes; 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 building remodel, parking lot and landscaping site improvements on the subject site; 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

**WHEREAS**, The Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301(k) (Class 1 – Existing Facilities) of the State CEQA Guidelines. The project qualifies because the proposed project is on a developed site involves no expansion of the existing building, and the division of the existing commercial building into common-interest ownership (condominiums). Other minor exterior and interior tenant improvements, parking lot, and landscaping enhancements are also covered by Section 15301(a); and,

**WHEREAS**, public notice of this item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on July 15, 2016. Public hearing notices were mailed out to property owners within 300 feet from the boundaries of the subject property in accordance with State law for consideration of this discretionary zoning entitlement. The property owner notified existing tenants of 4950 San Bernardino Street; and,

**WHEREAS**, on July 25, 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. TENTATIVE TRACT MAP FINDINGS**

Pursuant to California Government Code Section 66410, *et seq.*, the Planning Commission makes the following findings

- A. The proposed subdivision of air space associated with this 23 unit condominium conversion proposal is designed, to the extent feasible, to provide for passive or natural heating or cooling opportunities. The interior of existing building will be retrofitted to provide more efficient air conditioning and each condominium unit has at least one large bank of windows which allow for adequate light to reach into the interior of the space. Moreover, the existing building is set in the middle of the

subject site where ample trees are planted, and will be planted, which can provide shade, air filtering, and other environmental benefits.

- B. The proposed subdivision and the provisions for its design and improvement are consistent with the General Plan for the City of Montclair ("General Plan") and standards of the underlying Administrative Professional (AP) zoning district. The proposed subdivision of air space associated with this 23 unit condominium conversion request does not involve the expansion of the existing building which already meets applicable zoning development standards (e.g., setbacks, height, parking, etc.) of the AP zone. Moreover, the proposal does not introduce new land uses which are not already allowed by right or by CUP approval onto the property in question.
- C. The subject site is physically suitable for the proposed subdivision of air space for an office condominium conversion of the existing professional building. The site is 2.88-acres in overall area and is appropriately developed with a main structure and typical site improvements such as parking, exterior lights fixtures, trash enclosure, and landscaping. No physical expansion of the existing building is proposed nor are any significant changes proposed to the general layout of the interior of the structure. The project site is also located adjacent to a fully improved street that will provide good access and allow for appropriate internal pedestrian and vehicular circulation.
- D. The subdivision of air space associated with this condominium conversion proposal will not cause substantial environmental damage nor substantially injure fish or wildlife or their habitat. The site is surrounded by urban development and streets, does not contain any bodies of water, and is not linked to any wildlife corridors. The site does not contain any known habitats of significance including rare or endangered species of plant, animal, or insect life.
- E. The subdivision of air space within the existing building to create office condominiums does not require any improvements that would cause serious public health problems. All interior improvements associated with the condominium conversion process will be subject to all applicable standards and codes including the zoning and building codes. As a condition of approval, the applicant is required to submit interior tenant improvement plans and will comply with all Municipal Code requirements.
- F. The Tentative Tract Map for the subdivision of air space within the existing building to create office condominiums does not conflict with easements acquired by the public at large for access through or use of the subject site because no such easements exist on the subject site.
- G. The discharge of waste into the existing sanitary sewer system from the existing building will remain unchanged by the proposed Tentative Tract Map for the subject condominium conversion will not cause a violation of existing requirements prescribed by the regional water quality control board. The entire property is

connected to a sanitary sewage system pursuant to California Plumbing Code and Municipal Code requirements.

### **SECTION 3. 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 exterior building and site improvements associated with the proposed condominium conversion of 4950 San Bernardino Street is consistent with the applicable zoning standards and land uses allowed within the respective Administrative Professional (AP) zone. The applicant proposes to add architectural features for the building that enhance the orderly and harmonious development of the area and will serve to encourage future renovations to existing office developments in the area.
- B. At 2.88 acres in area, the overall shape and size of the site is sufficient to accommodate the existing building without need for any variances from applicable development standards of the Municipal Code with the exception of the requested variance for separation of utilities. 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. Furthermore, the parking areas for the site is proposed to be reconfigured as part of the project to add additional parking spaces, improve vehicular circulation. Landscaping and irrigation plans are inclusion that would transform the site landscaping from primary turf to drought tolerant shrubs and trees that are water efficient and provide a complimentary plant palette and color scheme to the site's midcentury building architecture.
- C. The general arrangement of building, with respective exterior enhancement and landscaping 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 San Bernardino Street east of Monte Vista Avenue. Proposed architectural features and complimentary colors area incorporated into the design of all vertical exterior surfaces of the building in order to create an aesthetically pleasing project.

**SECTION 4. ADOPTION OF THE PROJECT.** Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing on July 25, 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 Montclair Municipal Code, and good planning principles, and approves the application subject to each and every condition set forth below.

## Planning

1. This approval is for the following:
  - a. Tentative Tract Map No. 19713, subdividing an existing 2.88-acre site into 23 condominium units with an existing building the purpose of sale of the airspace at 4950 San Bernardino Avenue; and
  - b. A Precise Plan of Design (PPD) for the site plan, floor plans, elevations, colors and materials, landscaping, associated with the conversion of the existing two story office building into 23 condominium units as described in the staff report and depicted on approved plans on file with the Planning Division.
2. The above entitlements shall be valid only upon final approval by the City Council. Any modification, intensification, or expansion of the use beyond that which is specifically approved with this action shall require review and approval by the City Council.
3. The applicant and/or property owner shall ensure that a copy of this Resolution is reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
4. The tentative tract map shall expire three years from the date of the Planning Commission resolution unless extended under Government Code §66452.6. The final parcel map shall be filed with the City Engineer and shall comply with the Subdivision Map Act of the State of California and all applicable ordinances, requirements, and resolutions of the City of Montclair.
5. 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.
6. 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.

7. 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.
8. 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 **\$531.68**, 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. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
10. 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.
11. To ensure compliance with the conditions of the approval, a final inspection is required from the Building and Planning Divisions upon completion of construction and all improvements. The applicant shall contact the City to schedule an appointment for such inspections.
12. All parking spaces shall be clearly delineated with double-line (e.g. "hairpin") striping. Parking stalls for employees/staff and visitors/customers 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, with a maximum

allowed overhang of 2'-0" into landscape areas or pedestrian paths that are a minimum of 6'-0" in width.

17. Signage on the building shall be subject to City review and approval prior to installation of any sign(s). A separate Sign Permit Application and plans shall be submitted by the property owner (or licensed sign contractor) to the Planning Division for review, approval, and issuance of all necessary permits
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 outdoor pay telephones or vending machines shall be installed or used on the property.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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.

27. Freestanding electrical transformers and Fire Department double check detector assembly (DCDA) equipment shall be screened whenever possible 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.
28. 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.
29. 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.
30. 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. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative, or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void or annul, the any action of, or permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities, thereof (including actions approved by the voters of City), for or concerning the project, whether such Actions, are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any action brought and City shall cooperate with the applicant in the defense of the Action.

#### Building

33. Submit five (5) 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. Provide an existing plan of the building including all walls to be demolished.
  - g. Waste recycling plan, recycling 50% of all construction debris
34. Submit two sets of structural calculations, if required and two sets energy conservation calculations.
  35. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
  36. The applicant shall comply with the latest adopted California Building Code, and other applicable codes, ordinances of the City of Montclair and other regulations in effect at the time of permit application. These applicable codes shall be indicated on the first page of submitted plans.
  37. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
  38. Separate permits are required for trash enclosures, accessory structures, site lighting fencing and/or enclosure walls.
  39. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number. The applicant shall comply with the latest adopted California Codes, and all other applicable codes, ordinances, and regulations in effect at the time of permit application.
  40. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
  41. Construct trash enclosure(s) per City Standard (available at the Building Division's public counter).
  42. 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.
  43. 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%). An accessible route shall be provided to all trash enclosures and other accessory buildings.

44. Construction drawings submitted to the Building Division for plan review shall comply with the Montclair Security Ordinance No. 357 as it applies.
45. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn every day. At all other hours of darkness, a minimum maintained .25 foot candle of light shall be provided at ground level.
46. Electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside the building.
47. In effort to provide more detailed Code information, a full and detailed set of plans needs to be provided.
48. Parking spaces will be required to provide the minimum number of accessible parking spaces and passenger unloading zones as dictated by the 2013 California Building Code. If the use of the building is Medical Condominiums, the minimum number of handicapped accessible stalls are 10% of the total parking stalls.
49. The current corridors are required to maintain the required fire rating and also provide the minimum required exiting.
50. All separations between units shall be one hour rated.
51. Temporary construction and storage trailers placed on the property shall first obtain approval from the Planning and Building Divisions. If any trailers will include uses for public access, handicap accessibility requirements shall apply. Before any trailer is set in its location, obtain all permits from the Building Division. Plans and structural calculations will be required for the tie-down devices. Trailers used for public use (and not used for construction only) are required to be accessible by disabled persons. The trailer will require access to the facility by way of ramps which comply with the California Building Code (CBC) 2013 edition, Chapter 11B, in addition to access to each feature of the trailer.

#### Engineering

52. Developer shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code.

53. Transportation-related development impact fees shall be assessed at the rate in effect at the time the fees are paid for any increase in building square footage.
54. Drive approach and sidewalk from and along San Bernardino Street shall be modified as necessary for full ADA compliance.
55. 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. Developer may opt for payment of an underground in lieu fee.
56. All utilities within development boundaries shall be placed underground. This requirement applies to electrical services, transformers and switches, and where technology exists, telephone and cable television facilities as well.
57. Payment of all outstanding sewer reimbursement fees or assessments as imposed by a district or reimbursement agreement, if any.
58. Payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.
59. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
60. A water quality management plan and a grading plan may be required to be prepared subject to the approval of the 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.
61. 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 City Engineer. A plan acceptable to the 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.
62. All off site and on site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.

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

Fire

64. General plan review. This is a general plan review only and is to determine if this project should be allowed to move forward to the City Development Review and/or the Fire Department plan check phase. 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 two sets of plans be submitted with an application and all fees pre-paid.
65. Fire apparatus access roads to buildings. 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).
66. Access road width with a fire hydrant. 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).
67. Roads 20 feet in width to less than 28 feet in width. 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).
68. Knox Box access. 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).
69. Access to exterior doors and openings. 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).
70. Commercial- and Multi-Family Addresses. Numbers must be 8-10" tall and automatically illuminated and facing the street. Contact Planning for further information. CFC 2013 505.1

71. Fire Lane signs. 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)
72. Fire Sprinklers for Commercial. Every Structure, except Group R, Division 3, and Group R, Division 4 occupancies, here-after remodeled, rebuilt, or renovated where such cost exceed fifty (50) percent of the assessed valuation as determined by the San Bernardino County Tax Assessor shall have an approved automatic fire sprinklers system installed throughout therein. (MMC 10.28.06 J(2))
73. Fire alarm and detection systems. 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.
74. Access to Equipment in Multi-unit Buildings. 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".
75. General. 2013 CFC Chapter 33 conditions shall apply to this project during construction and demolition (2013 CFC 3301.1).
76. All-Weather Access Road and Water. 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).
77. Access for fire fighting. 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 assess shall be maintained until permanent fire apparatus access roads are available (2013 CFC 1410.1).

78. Obstruction of fire apparatus access roads. Fire apparatus roads shall not be obstructed in any manner, including the parking of vehicles (CFC 2013 503.4).
79. 8-10 inch Address numbers. 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).
80. Hot work operations. Welding, cutting, open torches and other hot work operations and equipment shall comply with 2013 CFC Chapter 26 section 2601.1
81. Emergency telephone. Provide a readily accessible telephone on-site for emergency use. The street address of the construction site and the emergency telephone number of the fire department shall be posted adjacent to the telephone (2013 CFC 1409.1).
82. Portable fire extinguishers. Structures under construction, alterations or demolition shall be provided with not less than one approved portable fire extinguisher (2013 CFC 1415.1).
83. KNOX Key boxes. 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).

Police

84. The applicant shall submit a security camera plans for all proposed buildings for review and approval by the Chief of Police or designated representative.
85. The applicant/developer shall install and maintain a closed circuit video surveillance (CCVS) system prior to issuance of a Certificate of Occupancy. The system shall, at minimum, be capable of monitoring all entrances/exits to the premises. 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.

- 86. 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.
- 87. Alarm systems are encouraged to complement the C CVS system. Current responsible party information shall be on file with the Police Department for appropriate response and notifications.
- 88. 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 25<sup>th</sup> DAY OF JULY, 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 25th day of July 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SGUTIERREZ\CASES\2016-1 PC RESOLUTION\TTM AND PPD

**RESOLUTION NO. 16-1865**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2016-1 TO ALLOW THE CONVERSION OF AN EXISTING MEDICAL OFFICE BUILDING INTO OFFICE CONDOMINIUMS, FOR THE PROPERTY IN THE ADMINISTRATIVE PROFESSIONAL ZONE AT 4950 SAN BERNARDINO STREET (APN 1008-651-06).**

**WHEREAS**, on February 1, 2016, Montclair SB Investment, LLC, property owner, filed an application for a Tentative Tract Map, Conditional Use Permit (CUP), Variance, and Precise Plan of Design (PPD) under Case No. 2016-1, to allow the conversion of an existing two-story medical office building into 23 office condominium units at 4950 San Bernardino Street, and,

**WHEREAS**, the project site is located in the Administrative Professional (AP) zone district, intended for administrative, professional, and medical offices and related services; and,

**WHEREAS**, the subject site is 2.88-acres in area and was previously developed to present form in 1972 with a 2-story, 28,128 square foot, building and surface parking area; and

**WHEREAS**, the existing building is partially occupied and utilized by professional and medically related office uses, including a pharmacy, which are in accordance with uses allowed in Administrative Professional zoning district; and,

**WHEREAS**, the subject site is developed in accordance with the applicable development standards of the Administrative Professional zone (AP), including setbacks, building height, and parking; and

**WHEREAS**, Chapter 11.88 of the Montclair Municipal Code requires the approval of CUP for commercial condominiums in the Administrative Professional (AP) zone in which the subject site is located; and

**WHEREAS**, The Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301(k) (Class 1 – Existing Facilities) of the State CEQA Guidelines. The project qualifies because the proposed project is on a developed site involves no expansion of the existing building, and the division of the existing commercial building into common-interest ownership (condominiums). Other minor exterior and interior tenant improvements, parking lot, and landscaping enhancements are also covered by Section 15301(a); and

**WHEREAS**, public notice of this item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on July 15, 2016. Public hearing notices were mailed out to property owners within 300 feet from the boundaries of the subject property in accordance with State law for consideration of this discretionary zoning entitlement. The property owner notified existing tenants of 4950 San Bernardino Street; and,

**WHEREAS**, on July 25, 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 PERMIT.**

- A. The proposed office condominiums are essential or desirable to the public convenience and public welfare, in that the proposed request allows for commercial office ownership opportunities for both existing and new businesses which are allowed in the Administrative Professional (AP) zone. The project also helps to retain existing businesses in the area.
- B. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity, in that the condominium units will remain occupied by the same land uses that currently occupy the suites (medical professional offices), and the new owners of the units will be required to bring them into compliance with current Building Codes with the exception of the requested variances.
- C. That such use in such location conforms to good zoning practice, in that the Administrative Professional (AP) zoning district allows the conversion of existing office building for lease units to office condominium subject to CUP approval.
- D. The General Plan encourages private investment for the development of commercial properties to attract and retain business in the community. The proposed office condominium conversion project includes significant upgrades to the existing property that will entice current and new owners to stay and operate within the City by giving them opportunities to own real estate in the area.

### **SECTION 3. APPROVAL OF CONDITIONAL USE PERMIT.**

Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing on July 25, 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 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 the creation of 23 condominium units within the existing, two-story, 28,126 square-foot medical office building located at 4950 San Bernardino Street as described in the staff report and depicted on approved plans on file with the Planning Division.
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.
4. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
5. 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.
6. Prior to final map approval, the Covenants, Conditions, and Restrictions (CC&R's) for the office condominium conversion shall be submitted for review and approval by the Planning Division, Public Works/Engineering Department and City Attorney and recorded with the San Bernardino County Recorder's Office. The CCR's shall expressly include reference to the existing reciprocal access and easement agreement (Document No. 85-179364) to ensure that reciprocal access and easement rights and

privileges are also retained for the newly created office condominium units.

7. All site and building improvements shall comply with Planning Commission Resolution No. 1684 related to the approved Tract Map and Precise Plan of Design for the project.
8. All present and future land uses/businesses at the site shall comply with the uses identified in the CC&Rs and for the Administrative Professional (AP) zoning district. Massage establishments shall be explicitly prohibited.
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 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.
11. 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 25<sup>th</sup> DAY OF JULY, 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 25th day of July 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SGUTIERREZ\CASES\2016-1 PC CUP RESOLUTION

**RESOLUTION NO. 16-1866**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF MONTCLAIR APPROVING A VARIANCE  
FROM THE REQUIREMENT TO PROVIDE SEPARATE  
UTILITIES FOR EACH CONDOMINIUM UNIT  
ASSOCIATED WITH A PROPOSED 23-UNIT  
COMMERCIAL CONDOMINIUM CONVERSION  
PROJECT UNDER CASE NO. 2016-1, AT 4950 SAN  
BERNARDINO STREET (APN 1008-651-06)**

A. Recitals.

**WHEREAS**, on February 1, 2016, Montclair SB Investment, LLC, property owner, filed an application for a Tentative Tract Map, Conditional Use Permit (CUP), Variance, and Precise Plan of Design (PPD) under Case No. 2016-1, to allow the conversion of an existing two-story office building into 23 office condominium units at 4950 San Bernardino Street, and,

**WHEREAS**, the project site is located in the Administrative Professional (AP) zone district, intended for administrative, professional, and medical offices and related services; and,

**WHEREAS**, the subject site is 2.88-acres in area and was previously developed to present form in 1972 with a 2-story, 28,128 square foot, building and surface parking area; and

**WHEREAS**, the existing building is partially occupied and utilized by professional and medically related office uses, including a pharmacy, which are in accordance with uses allowed in Administrative Professional (AP) zoning district; and,

**WHEREAS**, the subject site is developed in accordance with the applicable development standards of the Administrative Professional zone (AP), including setbacks, building height, and parking; and,

**WHEREAS**, the Chapter 11.88 of the Montclair Municipal Code governs the development or conversion of commercial buildings into office condominiums and sets forth standards for condominium conversion, including a requirement for separate utilities for each air space unit; and,

**WHEREAS**, the applicant is requesting a variance from Chapter 11.88.100 C.3 which requires for separate utilities at each unit due to undue hardships created by the existing building; and

**WHEREAS**, The Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA),

pursuant to Section 15301(k) (Class 1 – Existing Facilities) of the State CEQA Guidelines. The project qualifies because the proposed project is on a developed site involves no expansion of the existing building, and the division of the existing commercial building into common-interest ownership (condominiums). Other minor exterior and interior tenant improvements, parking lot, and landscaping enhancements are also covered by Section 15301(a); and,

**WHEREAS**, public notice of this item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on July 15, 2016. Public hearing notices were mailed out to property owners within 300 feet from the boundaries of the subject property in accordance with State law for consideration of this discretionary zoning entitlement. The property owner notified existing tenants of 4950 San Bernardino Street; and,

**WHEREAS**, on July 25, 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.**

1. The Planning Commission hereby finds that that the foregoing recitals are true and correct and incorporated herein as substantive findings of this Resolution.
2. Based upon substantial evidence presented to this Commission during the above-referenced public hearing on July 25, 2016, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:

#### **SECTION 2. FINDINGS FOR VARIANCE**

Based upon substantial evidence presented to this Commission during the above-referenced public hearing on July 25, 2016, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:

- A. That because of special circumstances applicable to the subject property, including its size, depth, location and surroundings, the strict application of the provisions of the Montclair Municipal Code is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications. This project is the first of its kind within the City, where an existing office professional building is converted into separate condominium units, and the requirement to provide separate utilities connections for each of the proposed 23 office condominium units is practically infeasible. Compliance with the requirement would entail major and extensive work to the building as each would need to have separate ducting runs, wiring, meters, and

other equipment, some of which would need to be added to the exterior of the building (e.g., roof, walls, and planter areas). Moreover, the existing businesses in the building would suffer during demolition and reconstruction activities with new installation. As such, the requirement represents an undue hardship and is an overly difficult standard to achieve for this project.

- B. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners in the vicinity and under identical zoning classifications. This office conversion project is the first of its kind for the City and does not conflict with the rights of any adjoining or nearby property owner in the AP zone.
- C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity and zone in which the subject property is located, as the proposed office condominium does not appreciably change the operation of the existing office building as it currently functions. The overall improvement of the exterior site conditions and façade enhancement of the existing buildings will contribute positively to appearance of the streetscape.
- D. That the granting of such variance will not be contrary to the objectives of any part of the adopted General Plan, as the adopted Land Use and Community Design elements encourage variations in building placement and site layout to achieve most efficient and optimum land development plan.

#### **SECTION - CONDITIONS OF APPROVAL**

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

1. This variance approval shall set aside the requirement of Chapter 11.88.100.C.3 of the Montclair Municipal Code to provide separate utility connections for each office condominium unit related to the subject office condominium project at 4950 San Bernardino Street, as depicted on approved plans on file with the Planning Division and as described in the staff report prepared for the project.
2. This variance approval shall be implemented in conjunction with entitlements and all conditions of approval granted for Case 2016-1 as contained in Resolution No.'s 16-1864 and 16-1865.
3. Approval of the above variance shall be valid for a one (1) year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days

prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.

4. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
5. Approval of this variance shall not waive compliance with any applicable regulations as forth by the California Building Code and/or City Ordinances, the San Bernardino County Department of Environmental Health, or the State of California.
6. The applicant and/or property owner shall ensure that a copy of the Planning Commission Resolution, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
7. To ensure compliance with the conditions of the approval, a final inspection is required from the Building and Planning Divisions upon completion of construction and all improvements. The applicant shall contact the City to schedule an appointment for such inspections.
8. The applicant shall 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 25<sup>th</sup> DAY OF JULY, 2016.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: \_\_\_\_\_  
Tenice Johnson, Chair

ATTEST: \_\_\_\_\_  
Michael Diaz, Secretary

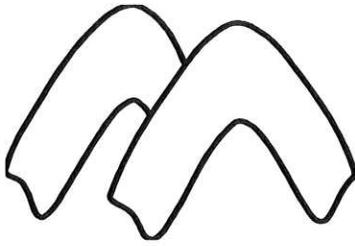
I, Michael Diaz, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 25<sup>th</sup> day of July, 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SG\CASES\2016-1\VARIANCE FROM SEPARATION OF UTILITIES REQUIREMENT RESO



CITY OF MONTCLAIR  
**PLANNING COMMISSION**

**MEETING DATE: 07/25/16**

**AGENDA ITEM 6.d**

**Case No. 2016-12**

**Application:** The project involves a request for a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) to allow Circle K re-establish a drive thru car wash, convenience store, and Mobil gas station and oil change facility at the southeast corner of Holt Boulevard and Vernon Street. The applicant also requests CUP approval to allow an ABC Type 20 off-sale license to sell beer and wine within the proposed convenience store. The PPD is for site improvements, a building addition, major remodel of the existing buildings on the site, and new landscaping.

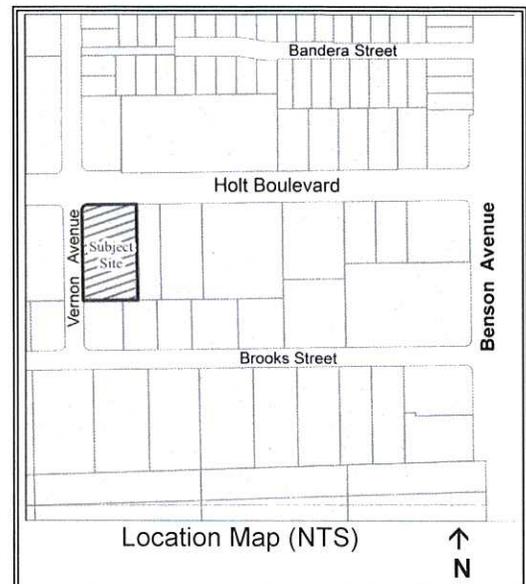
**Project Address:** 5515 Holt Boulevard

**Property Owner:** Spirit SPE Portfolio CA C-Stores, LLC

**General Plan:** General Commercial

**Zoning:** "Business Park" per the Holt Boulevard Specific Plan (HBSP)

**Assessor Parcel Nos.:** APN 1011-071-10



Adjacent Land Use Designations and Existing Uses			
	<i>General Plan</i>	<i>Zoning</i>	<i>Existing Use of Property</i>
<b>Site</b>	General Commercial	Business Park (BP) per the Holt Boulevard Specific Plan (HBSP)	Vacant Car Wash and Gas station
<b>North</b>	General Commercial	Business Park (BP) per the Holt Boulevard Specific Plan (HBSP)	Vacant Land
<b>East</b>	General Commercial/Industrial Park	"Business Park" per Holt Boulevard Specific Plan/M-1 Limited Manufacturing	Multiple Tenant Auto Service Center
<b>South</b>	Industrial Park	M-1 Limited Manufacturing	Industrial Warehouse
<b>West</b>	Business Park	"Business Park" per Holt Boulevard Specific Plan	Multiple Tenant Commercial Retail Center

## Report on Item Number 6.d

### PUBLIC HEARING - CASE NUMBER 2016-12

APPLICATION TYPE(S)	Conditional Use Permit Precise Plan of Design
NAME OF APPLICANT	Spirit SPE Portfolio CA C-Stores, LLC
LOCATION OF PROPERTY	5515 Holt Boulevard
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	"Business Park" per Holt Boulevard Specific Plan
EXISTING LAND USE	Vacant Car Wash and Gas Station
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15332)
PROJECT PLANNER	Silvia Gutiérrez

#### **Project Proposal**

The project proposes to both re-establish and perform a major renovation of a former carwash and gas station use at 5515 Holt Boulevard. The project site is a corner lot on the southeast corner of Holt Boulevard and Vernon Street and is approximately 1.24-acres in size. The current site has been vacant since 2012, and the new property owner/applicant proposes to reopen and expand the facility to include a convenience store and a request to allow an ABC Type 20 off-sale license to sell beer and wine. To reopen the businesses a new Conditional Use Permit (CUP) will be required as well as approval of a Precise Plan of Design (PPD).

#### **Conditional Use Permit**

The CUP for the project is for the following elements:

- Gas Station - Re-establish the former gas station operation at the subject site. The gas station would be operated 24 hours a day. Other than refurbishing the existing canopy cover, no major significant changes are proposed. The expected operator is Mobil, a corporate partner of Circle K.
- Car Wash – Re-open carwash in existing tunnel located on east side of the existing main building. A small, 193 square foot, building addition is proposed at the north end of the building to provide additional office space for car wash staff. Two drive aisles and a covered pay station are also proposed at the front (Holt Boulevard) side of the building.

The car wash's new entry point will be relocated from the south end of the building to the north side. When vehicles enter into the car wash tunnel, a belt transporter

would convey vehicles through the tunnel and wash/dry process. Customers will remain in their vehicles for the entire wash/dry process, reported to take less than five minutes to complete. At the end of the wash/dry process, customers may leave the site or utilize one of 11 self-serve vacuums located to the west of the building. A water recovery system is included with the system to collect, filter, and recycle wash and rinse water to the greatest extent practical.

According to the applicant, up to three (3) employees would staff the car wash during business hours seven days a week. Projected hours of operation of the car wash are between the hours of 7:00 a.m. and 9:00 p.m. daily, although the business may closer earlier at certain times of the year or during inclement weather. When the car wash operation is closed at the end of each day, the tunnel openings will be secured with decorative roll-down gates.

- Convenience Store – Operate a convenience store, with a proposed ABC Type 20 off-sale license to sell beer and wine. To accommodate the convenience store, the applicant proposes a 534 square foot building addition on the west side of the existing building. The store would provide an assortment of general merchandise items including a fresh food “island,” frozen foods, candy, fruit, sandwiches, and soft drinks. Circle K is the intended operator of the store.

If approved, the convenience store would be open seven (7) days a week, 24 hours a day. No alcoholic beverages will be for sale between the hours of 2:00 a.m. to 6:00 a.m. The store would employ approximately two (2) employees. Lastly, the store would be equipped with a security surveillance system.

- Oil Change Building – Use the existing freestanding 1,284 square foot building as a quick oil change facility that will be operated by Circle K/Mobil. Six (6) parking spaces are earmarked for this building/use.

### Precise Plan of Design

The PPD is for site improvements, building additions, exterior remodel of the existing buildings on the site, and new landscaping associated with this project. Primary access to the site would continue to be from the two existing driveways: a 40-foot wide entry from Holt Boulevard and a 40-foot wide entry from Vernon Street. All deteriorated portions of parking lot and the adjacent drive aisles will be repaired and/or replaced with new paving materials. Customer and employee parking spaces are located on the west side of the building and site. The project provides 31 parking spaces. A new covered trash enclosure will be located in the southeast corner of the parcel. No fences or walls are proposed.

As mentioned above, the existing structures on the site will be remodeled to create an entirely new look. The existing 5,992 square foot main building, would be expanded by approximately 727 square feet with additions to the north and west sides. The main change to the appearance of the existing building will be to remove the dated looking

mansard roof and replace it with a clean modern parapet roof design. Two new taller wall sections are proposed to provide visual interest on the north and west elevations. The largest and tallest of the "tower" like wall sections faces west and identifies the primary side of the building and the front door of the convenience store. The remainder of the building elevations will feature a simple cornice, bronze-colored storefront windows/doors frames, projecting awnings (with tie-back rods) over main windows and doors, and a brick base. Walls will be finished in stucco and painted in three complementary colors.

A conceptual landscape and irrigation plan prepared by a California-licensed landscape architect for the site is included. The bulk of landscaping for the site would be provided in street side planter areas, adjacent to both streets. The plan features the use of trees, drought tolerant shrubs and groundcovers. No turf areas are proposed.

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

### **Background**

- The subject site is located in the "Business Park" (BP) zoning district within the Holt Boulevard Specific Plan (HBSP). Car wash, gas station, convenience store uses and a Type 20 ABC Off-Sale of Beer and Wine license for consumption off the premises may be allowed in the BP zone subject to the approval of a CUP pursuant to Chapter 11.78 of the Montclair Municipal Code.
- The property was approved originally for use as a gas station and car wash/detail center under Case No. 88-7. After various ownership transfers over the years, the property has been vacant for almost two (2) years and is in need of attention and various site improvements.
- The applicant and owner of the property acquired the subject site in 2014.
- Circle K was founded in 1951 in El Paso, Texas. Circle K now has more than 10,000 stores in 19 countries. The store will be operated by a franchisee that will operate all businesses on site according to Circle K/Mobil corporate standards.
- An ABC Type 20 license (Off-Sale Beer & Wine) allows the sale of beer and wine for consumption off the subject premises. Minors are allowed on the premises but are not allowed to purchase beer or wine. In addition to City requirements, the applicant must comply with all applicable requirements of the Department of Alcoholic Beverage Control (ABC).
- ABC requires that the local governing agency determine that public convenience and necessity be made for the proposed alcoholic beverage license at this location.

## **Planning Division Comments**

Overall, staff finds the proposed project to be appropriate for the site and a welcomed improvement for the City. Except for the convenience store, the gas station, car wash, and auto detailing businesses were present on the property. The site is of adequate size and shape to support the proposal, access to the site is appropriate, and proposed site improvements including parking, and landscaping are consistent with applicable City development standards. Moreover, the project is in compliance with the applicable development standards of the "Business Park" zoning district of the Holt Boulevard Specific Plan, including setbacks, building height, and parking as generally described above. The building with new design elements will be 21-feet in height and well below the maximum 50-foot height limit. A concern of the oil change facility is outdoor storage and outdoor activities. A condition of approval has been added to the draft resolution of approval that requires all work to be conducted entirely within the building.

The grouping together of the proposed uses is very common, and can work well together if managed properly. Staff believes, the addition of the proposed convenience store is appropriate and will be a benefit to both customers and the general public in that quality convenience stores selling groceries, food stuffs, and various sundry products play an essential role in areas of the City where major grocery stores are non-existent. By condition, the sale of prepackaged beer and wine products will be limited to a small portion of the floor area of the store to ensure that the business does not morph into a liquor store. Fortunately, the property owner and proposed business operators have the resources and experience to properly implement and operate the businesses in question. As such, staff is confident the proposed uses can be managed in a professional manner.

On-site parking is sufficient and properly distributed around the site where it is useful for patrons. Although Montclair Municipal Code does not contain parking standards specifically for a car wash use, staff focused on the convenience store portion of the project with the highest demand for customer parking. As such, the 3,318 square foot convenience store would require 14 spaces at one (1) space per 250 square feet of gross floor area. The plan indicates 31 parking spaces (including one disabled-accessible space) with 11 spaces designated as vacuum stations. Since all the uses on the site do not require extended stays (except for employees), staff believes the parking provided is sufficient. If in the future the car wash portion of the building is converted to retail use, the 11 spaces used for vacuums would be converted to standard parking spaces to meet the need for additional parking.

Staff generally supports the proposed hours of operation of all uses proposed on site as long as the full complement of staff remains present on the site to maintain a clean and orderly operation and conduct by customers. A condition of approval has been added to the draft resolution to address this concern, as well as the requirement to post signs indicating the expected code of conduct by customers using the facility.

## Building Design & Landscaping

Staff worked with the architect on the exterior remodel to the existing the building and is generally pleased with its overall facade enhancements as proposed. After reviewing many site plan and building elevation iterations, the applicant removed the old mansard roof and added a parapet cornice design that creates a modern look to both buildings on the site. Staff is also pleased to see that the proposed architectural enhancements of the building facade are proposed to be extended to each side of both the car wash/convenience store building and oil change facility building. Further, the new parapet design for the building is tall enough to provide appropriate screening of any rooftop equipment from street level and adjacent properties to a reasonable degree. Staff has added a condition of approval requiring that all future rooftop equipment to be fully screened from view

The new design of the building will result in an attractive development on Holt Boulevard to complement the recently improved Enterprise car rental and sales facility located northwest of the subject property. This project is expected to spark further interest by other property owners in the immediate area to make needed improvements to their respective properties on Holt Boulevard.

With respect to landscaping, staff finds the selected plant materials to be appropriate and evenly distributed around the site where planter areas are proposed. The proposed irrigation system is also designed to be water efficient. As such, the landscape plan is designed to comply with the City's Water Efficient and Landscape Conservation ordinance.

## Security and Noise

As part of this approval, the applicant will be required to install interior and exterior security cameras on the building prior to occupancy in order to assist the owner and business operators in properly monitoring and maintaining the conditions of the property. The required surveillance system will utilize high-definition digital video cameras capable of retaining video records for a period of 90 days. In addition, a condition of approval has been included requiring that a photometric analysis be prepared to demonstrate compliance with the City of Montclair's security ordinance regarding on-site parking lot lighting.

In past projects, the chief concern with car wash uses has been noise, particularly that caused by dryer blowers at the end of the wash/dry cycle. However, the situation has improved somewhat with newer equipment and technology. In this case, the blowers will now face the rear of the site toward the south and the back walls industrial properties and buildings so that little to no anticipated impacts. Moreover, noise tapers off quite quickly usually to a point of non-significance within the first 50 feet from the building to normal ambient noise levels of approximately 65-70 dB for commercial and industrial-zoned properties. As for the outdoor vacuums, noise would be approximately

70 dB when in full use, and at normal noise levels for the underlying zone in which the property is locate.

### **Conditional Use Permit Findings**

Staff believes the required findings for granting a Conditional Use Permit can be made to allow the proposed automated car wash use, convenience store with off-sale beer and wine, fueling station and oil change facility in the "Business Park" zone within the Holt Boulevard Specific Plan as follows:

- A. The proposed CUP for the re-establishment of the automated car wash/convenience store/gas station/oil change facility on the subject site is essential or desirable to the public convenience and public welfare. The grouping together of the proposed uses is very common, provides a benefit to both customers and to the general public. Convenience stores selling groceries, food stuffs, and various sundry products play an essential role in areas of the City where major grocery stores are non-existent. The sale of prepackaged beer and wine products will be limited to a small portion of the floor area of the store to ensure that the business does not morph into a liquor store. The property owner and proposed business operators have the resources and experience to properly implement and operate the businesses in question in a professional manner.
- B. That granting the CUP for the re-establishment of a car wash, gasoline station use will not be materially detrimental to the public welfare and to other property in the vicinity. Except for the convenience store, the gas station, car wash, and auto detailing businesses were present on the property and the addition of a convenience store and oil change facility would complement the former uses. The project is well designed and meets all applicable development standards of the underlying zoning district. When completed, the project will have a positive impact to the area and surrounding streetscape. Lastly, conditions of approval are proposed to ensure that the operation of the automated car wash, convenience store with on-sale beer and wine, gasoline station, and oil change facility are properly operated.
- C. That such use in such location conforms to good zoning practice, in that the proposed automated car wash, convenience store with on-sale beer and wine, gasoline station, and oil change facility is consistent with the types of uses permitted in the "Business Park" zoning district of the Holt Boulevard Specific Plan, subject to CUP approval. Moreover, the project complies with the applicable development standards of the "Business Park" zoning district, including setbacks, building height, and parking.
- 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 a place for attractive commercial uses while minimizing potential detrimental impacts on surrounding properties.

### **Department of Alcoholic Beverage Control (ABC) Finding**

With regard to Public Convenience or Necessity (ABC finding), the Commission finds that the proposed ABC Type 20 license (Off-Sale Beer & Wine) associated with this proposed convenience market is not in an area with an “undue concentration” of retail off-sale alcohol outlets. There are currently five (5) off-sale licenses within the census tract and up to six (6) off-sale licenses are allowed. The convenience store provides local residents with a nearby location to purchase general groceries, including packaged beer and wine products (when desired) in an underserved portion of the City with no traditional grocery stores. Moreover, the area in which the proposed convenience market would be located is not within a geographical region identified as a high crime area by local law enforcement.

### **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 site and building improvements for the subject site are consistent with the applicable zoning standards and land uses allowed by the Business Park zoning district of the Holt Boulevard Specific Plan (HBSP).
- B. At 1.24 acres in area, the overall shape and size of the site is sufficient to accommodate the proposed site improvements and operation of the proposed uses.
- C. The proposed exterior design for the buildings on site is well done and up-to-date in appearance. When the project is completed, this project will provide a much needed visual boost to the image of the Holt Boulevard corridor and will serve to rid the area of a nuisance building that has been frequently vandalized in its current state.

### **Environmental Assessment**

The proposed re-establishment of a carwash, minor addition for a convenience store with off-sale beer and wine, gas station, oil change facility, and related exterior building and site improvements is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines. The project qualifies because it is on a fully developed site and involves minor exterior and interior improvements and limited site changes not involving grading.

## **Public Notice**

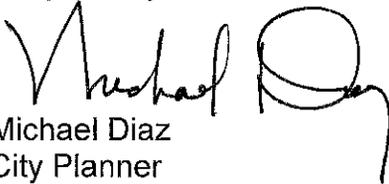
This project was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on July 15, 2016. Public hearing notices were also mailed to property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, no comments were received from the public.

## **Planning Division Recommendation**

Staff recommends the Planning Commission take the following actions:

- A. Move that, based upon evidence submitted, the project is deemed categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines. The project qualifies because it is on a fully developed site and involves minor exterior and interior improvements and limited site changes will not involving grading.
- B. Approve the Conditional Use Permit and Precise Plan of Design request for the site plan, floor plan, elevations, colors, materials, conceptual landscape plan, and per conditions of approval contained in Resolution No. 16-1868.

Respectfully Submitted,



Michael Diaz  
City Planner

Attachment: Draft Resolution No. 16-1868

c: Eddie Abedi (property owner), Spirit SPE Portfolio, CA C-Stores, LLC 6420 Wilshire Blvd #1420, Los Angeles, CA 90048  
Ulises Araujo, Strong Inc., 10373 Los Alamitos Boulevard, Los Alamitos, CA 90720

Z:\COMMDEV\SG\CASES\2016-12\5515 HOLT BOULEVARD

**RESOLUTION NO. 16-1868**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT AND PRECISE PLAN OF DESIGN UNDER CASE NO. 2016-12 FOR THE SITE PLAN, FLOOR PLAN, ELEVATIONS, COLORS, MATERIALS, AND CONCEPTUAL LANDSCAPE PLAN ASSOCIATED WITH A REQUEST TO RE-ESTABLISH A GAS STATION USE WITH A DRIVE THRU CAR WASH AND CONVENIENCE STORE WITH AN ABC TYPE 20 OFF-SALE LICENSE TO SELL BEER AND WINE, GASOLINE STATION, AND OIL CHANGE FACILITY IN THE "BUSINESS PARK" ZONING DISTRICT WITHIN THE HOLT BOULEVARD SPECIFIC PLAN AT 5515 HOLT BOULEVARD APN 1011-071-10).**

**WHEREAS**, June 27, 2016, Spirit SPE Portfolio CA C-Stores LLC, property owner, filed an application for a Conditional Use Permit and Precise Plan of Design (PPD) to re-establish a car wash, convenience store, gasoline station, and oil change facility. The applicant also requests CUP approval to allow an ABC Type 20 off-sale license to sell beer and wine within the proposed convenience store. The PPD is for site improvements, a building addition, and major remodel of the existing buildings on the site, and new landscaping at 5515 Holt Boulevard; and

**WHEREAS**, the subject site consists of a parcel approximately 50,014 square feet in area (1.24 acres); and

**WHEREAS**, the proposed development and use of the property is for a fully automated, express car wash, gas station, convenience store with an ABC Type 20 – Off Sale Beer and Wine License and automobile oil change facility; and

**WHEREAS**, the project site is located "Business Park" zoning district within the Holt Boulevard Specific Plan (HBSP); and

**WHEREAS**, car wash, convenience store with ABC Type 20 – Off sale beer and wine License, gasoline station, oil change uses and in the "Business Park" zoning district with the Holt Boulevard Specific Plan require the approval of a Conditional Use Permit (CUP); and

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

**WHEREAS**, the subject development proposal is in compliance with the applicable development standards of the "Business Park" zoning district within the Holt Boulevard Specific Plan, including setbacks, building height, landscaping, and parking; and

**WHEREAS**, the project site is of adequate size and shape to support the proposal as designed with required site improvements such as access, parking, landscaping and irrigation; and

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

**WHEREAS**, this item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on July 15, 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; and

**WHEREAS**, on July 25, 2016, commencing at 7:00 p.m. in the Council Chambers 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.

**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.**

### **Conditional Use Permit Findings**

Staff believes that the required findings for granting a Conditional Use Permit to allow the proposed automated car wash use in the "Business Park" with the Holt Boulevard Specific Plan can be made as follows:

- A. The proposed CUP for the re-establishment of the automated car wash/convenience store/gas station/oil change facility on the subject site is essential or desirable to the public convenience and public welfare. The grouping together of the proposed uses is very common, provides a benefit to both customers and to the general public. Convenience stores selling groceries, food stuffs, and various sundry products play an essential role in areas of the City where major grocery stores are non-existent. The sale of prepackaged beer and wine products will be limited to a small portion of the floor area of the store to

ensure that the business does not morph into a liquor store. The property owner and proposed business operators have the resources and experience to properly implement and operate the businesses in question in a professional manner.

- B. That granting the CUP for the re-establishment of a car wash, gasoline station use will not be materially detrimental to the public welfare and to other property in the vicinity. Except for the convenience store, the gas station, car wash, and auto detailing businesses were present on the property and the addition of a convenience store and oil change facility would complement the former uses. The project is well designed and meets all applicable development standards of the underlying zoning district. When completed, the project will have a positive impact to the area and surrounding streetscape. Lastly, conditions of approval are proposed to ensure that the operation of the automated car wash, convenience store with on-sale beer and wine, gasoline station, and oil change facility are properly operated.
- C. That such use in such location conforms to good zoning practice, in that the proposed automated car wash, convenience store with on-sale beer and wine, gasoline station, and oil change facility is consistent with the types of uses permitted in the "Business Park" zoning district of the Holt Boulevard Specific Plan, subject to CUP approval. Moreover, the project complies with the applicable development standards of the "Business Park" zoning district, including setbacks, building height, and parking.
- 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 a place for attractive commercial uses while minimizing potential detrimental impacts on surrounding properties.
- E. With regard to Public Convenience or Necessity (ABC finding), the Commission finds the proposed ABC Type 20 license (Off-Sale Beer & Wine) associated with this proposed convenience market is not in an area with an "undue concentration" of retail alcohol outlets. The convenience store provides local residents with a nearby location to purchase general groceries, including packaged beer and wine products (when desired) in an underserved portion of the City with no large grocery stores. Moreover, the area in which the proposed convenience market will be located is not within a geographical region identified as a high crime area by local law enforcement.

### **SECTION 3. 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 site and building improvements for the subject site are consistent with the applicable zoning standards and land uses allowed by the Business Park zoning district of the Holt Boulevard Specific Plan (HBSP).
- B. At 1.24 acres in area, the overall shape and size of the site is sufficient to accommodate the proposed site improvements and operation of the proposed uses.
- C. The proposed exterior design for the buildings on site is well done and up-to-date in appearance. When the project is completed, this project will provide a much needed visual boost to the image of the Holt Boulevard corridor and will serve to rid the area of a nuisance building that has been frequently vandalized in its current state.

**SECTION 4. APPROVAL OF AND CONDITIONAL USE PERMITS AND PRECISE PLAN OF DESIGN.** Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing on July 25, 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 approval shall be for the following:
  - a. A Conditional Use Permit to re-establish a fully automated car wash use at 5515 Holt Boulevard as described in the staff report; and
  - b. A Conditional Use Permit to allow a square-foot 2,674 square foot carwash and 3,318 square foot convenience store and ABC Type 20 Off Sale Beer and Wine License use at 5515 Holt Boulevard as described in the staff report; and
  - c. A Conditional Use Permit to re-establish a gasoline station use at 5515 Holt Boulevard as described in the staff report; and
  - d. A Conditional Use Permit to establish and operate a oil change facility at 5515 Holt Boulevard as described in the staff report
2. CUP approvals 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 approval shall require further review and approval by the Planning Commission.
4. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
  - a. A check in the amount of **\$50.00**, 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 **\$463.92**, 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.
5. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
6. The applicant and/or property owner shall ensure that a copy of the Planning Commission Resolution, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
7. Prior to the commencement of business activities, the business owner shall apply for and obtain a City of Montclair Business License, and shall maintain a valid City business license at all times. Should such licensing be denied, expire or lapse at any time in the future, this permit shall become considered a violation of this condition and the use shall be subject to revocation proceedings.
8. Car wash hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. daily; however, the business operator may open the business later and/or close the business earlier within the stated range of operating hours.
9. Approved hours of operation for the convenience market shall be 24 hours per day, seven days a week, subject to the following requirements:

- a. No alcoholic beverages may be sold between the hours of 2:00 a.m. and 6:00 a.m.
  - b. All alcoholic beverage displays and storage areas, and all electrical coolers containing alcoholic beverages shall be locked between the hours of 2:00 a.m. and 6:00 a.m. in order to prevent public access to alcoholic beverages during those hours.
  - c. Employees selling beer and wine between the hours of 10:00 p.m. and 2:00 a.m. shall be at least 21 years of age.
10. The sale and display of alcoholic beverages shall be subject to the following requirements:
- a. No displays of beer, wine or other alcoholic beverages shall be located on the transaction counter or within five (5) feet of any building entrance or cashier station.
  - b. Not more than 15 percent of the total floor area within the convenience market, including refrigerated coolers, shall be dedicated to the display of beer and wine products. Beer and wine products shall be generally grouped in the same area at the rear half of the store, away from exit doors, the main access aisle, and the cashier counter.
  - c. The sale of single containers of beer or malt beverages is prohibited. No beer or malt beverages shall be sold in less than manufacturer-prepackaged four-pack quantities. Wine shall not be sold in containers of less than 750 milliliters, unless sold in manufacturer-packaged, multi-unit quantities. Wine coolers and beer coolers shall not be sold in less than four-pack quantities.
  - d. No miniature bottles of any type of the alcoholic beverage may be sold.
  - e. No display of alcoholic beverages shall be made from an ice tub. Cold beer or wine shall be sold from, or displayed in, the main, permanently affixed electrical coolers only.
  - f. The sale of alcoholic beverages shall be restricted to beer and wine. The sale of Distilled spirits (hard liquor) shall be expressly prohibited.
  - g. The on-premises consumption of alcohol beverages is expressly prohibited, whether inside the store or outside in the parking lot.

11. The applicant shall install and maintain signs stating "No Loitering or Consumption of Alcoholic Beverages on the Premises" on the exterior of the building and within all parking areas in plain view of employees and customers.
12. The following mandatory conditions are hereby imposed as part of the CUP approval for off-sale beer and wine:
  - a. The premises shall be maintained at all times in a neat and orderly manner.
  - b. No beer and wine shall be sold, dispensed or offered for consumption within the permitted premises, which shall consist of a wholly enclosed building, except as otherwise permitted by the Planning Commission.
  - c. The permittee shall comply with all State statutes, rules and regulations relating to the sale, purchase, display, possession and consumption of alcoholic beverages.
  - d. The permittee shall acknowledge and agree that the City has a legitimate and compelling governmental interest in permittee's strict compliance with all conditions imposed upon the permit, including adherence to State statutes, rules and regulations as specified in subsection (c), above. The permittee shall further acknowledge and agree, in writing, that any violation of a State statute, rule or regulation concerning the sale to or consumption of alcoholic beverages by a minor has been determined by the City to have a deleterious secondary effect upon:
    - i. The specific land use requested by the permittee and authorized by the City;
    - ii. The compatibility of permittee's authorized land use with adjacent land uses;
    - iii. The welfare and safety of the general public within the City.

In view of such deleterious secondary effects, permittee shall acknowledge the City has specifically reserved the right and authority to impose sanctions, including suspension or revocation of the CUP, as a consequence of one or more violations of a State statute, rule or regulation concerning the sale to or consumption of beer and wine by a minor.

- e. The permit shall, after notice to the permittee and an opportunity to be heard, be subject to the imposition of such additional conditions as may be reasonable and necessary to address problems of land use compatibility, security, or crime control that have arisen since the issuance of the permit.
- 13. No exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be allowed.
- 14. The business owner and/or staff shall maintain the area surrounding the business in a clean and orderly manner at all times. Litter and trash receptacles shall be located at convenient locations inside and outside establishments, and operators of such establishments shall remove trash and debris from their premises, on a daily basis.
- 16. Beer and wine may be sold at the subject site only in conjunction with the operation of the approved convenience market and subject to the issuance of a valid State of California Department of Alcoholic Beverage Control Type 20 (Off-Sale Beer and Wine) license. At all times during the conduct of the permitted use the permittee shall maintain and keep in effect valid licensing approval from ABC as provided by law. Should such licensing be denied, expire or lapse at any time in the future, this approval to sell alcoholic beverages of any kind shall become null and void.
- 17. Any substantial changes to the nature or scope of the business, as approved by this permit, including, but not limited to, added services, an increase in floor area, relocation, exterior appearance, etc., shall require prior City review and approval. Any substantial changes to the establishment without City approval shall be deemed a violation of this CUP and may be cause for revocation. Upon transfer, sale or re-assignment of the establishment to another individual or entity, the applicant shall make full disclosure of these CUP requirements and restrictions to future buyers, transferees or assignees.
- 18. Approval of this CUP shall not waive compliance with any regulations as set forth in the Uniform Building Code, City Ordinances, by the San Bernardino County Health Department and/or California State Department of Alcoholic Beverage Control (ABC).
- 19. This decision, or any aspect of this decision, can be appealed to the City Council within 15 days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
- 20. During all hours of business operation, the permittee shall have a "manager" present at the establishment and on duty. The permittee and manager shall be responsible for the conduct of all employees and shall

not cause, permit, allow, aid, abet, or suffer any violation of the conditions of this permit or of any provision of the Montclair Municipal Code. Failure to comply with any or all of the conditions of approval shall be deemed sufficient grounds to initiate revocation proceedings regarding the Conditional Use Permit approval.

21. The on-site manager of the use shall take whatever steps are deemed necessary to assure the orderly conduct of employees, patrons, and visitors on the premises. No loud music, noise, or other sounds by means of radio or other broadcasting apparatus or device, or other nuisance which disturbs the quiet and peace of the premises or the neighborhood shall be permitted.
22. All oil change activities shall occur with approved enclosed oil change facility bay.
23. The applicant and subsequent property owners and users shall comply with the following operational standards:
  - a. The premises shall be maintained at all times in a neat and orderly manner consistent with this approval.
  - b. No outdoor storage on the site shall be allowed including personal or business items (including storage containers or motor vehicles) shall be allowed.
  - c. No public telephones, vending machines (except as approved with this application), collection boxes, children's rides or other coin-operated machines shall be located on the property.
  - d. Trash receptacles shall be provided in such number and at such locations as may be specified by the Planning Commission.
  - e. The exterior appearance of the premises shall be maintained in a manner consistent with the exterior appearance of commercial properties already constructed within the immediate neighborhood so as to not cause blight or deterioration, or to substantially diminish or impair property values within the neighborhood.
  - f. No alcoholic beverages may be consumed on the premises. The property owner shall post at least one (1) sign in a prominent location advising patrons that "The Consumption of Alcoholic Beverages on the Premises is Prohibited."
24. Prior to the issuance of building permits, the applicant shall submit the following plans for plan check by the Building and Planning Divisions:

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

25. All automobile parking spaces shall be clearly delineated with double-line (e.g. "hairpin") striping.
26. A separate Sign Permit Application shall be submitted by the property owner (or licensed sign contractor) for all signs installed on the site. Building mounted signs building shall be limited to the name/nature of the business only and numerical address. Building permits for installation of all signs shall be required.
27. All signs shall be maintained at all times in a safe and secure manner. Exposed surfaces shall be cleaned and painted as necessary. Broken and defective parts shall be repaired or replaced.
28. 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.
29. 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.
30. 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.
31. 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 at the towers. Roof equipment is prohibited along the standing seam roof.
32. Screening of roof-mounted equipment shall be accomplished by either raised parapet walls of adequate height or by means of a mechanical roof well recessed below the roof line. 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.
33. 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.
34. All 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.

35. 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.
36. 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.
37. Graffiti or etching of glass areas on any portion of the building or site improvements shall be removed and/or replaced immediately by the applicant/property owner upon notification by the City. Paint utilized in covering such graffiti shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
38. Prior to issuance of a Certificate of Occupancy, the applicant shall install all 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 in all planted areas.
  - d. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
39. All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency.
40. 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.

41. 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.
42. 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.
43. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative, or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void or annul, the any action of, or permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities, thereof (including actions approved by the voters of City), for or concerning the project, whether such Actions, are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any action brought and City shall cooperate with the applicant in the defense of the Action.

Building

45. 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, demonstrating the recycling of a minimum of 50 percent of all construction debris.
46. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
47. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
48. 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.
49. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
50. Separate permits are required for trash enclosures, accessory structures, site lighting, fencing and/or walls.
51. All utility services to the project shall be installed underground.
52. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number.
53. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
54. Prior to issuance of building permits for a new commercial 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, Sewer 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 fee receipts to the Building Division prior to permit issuance.

55. Construct trash enclosure(s) per City Standard (available at the Building Division's public counter).
56. 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.
57. 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%).
58. 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. 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.
59. Temporary construction and storage trailers intended to be placed on the property 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.

#### Engineering

60. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
61. 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.

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

#### Environmental

65. 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.
66. 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.
67. NISU Wastewater Discharge survey must be completed for the car wash and specifications provided with the recycling system and associated equipment.
68. A sand/oil clarifier will be required. Size/capacity of the sand/oil clarifier shall be determined by the Environmental Manager.
69. A location shall be provided for chemical storage for the wash chemistry. All waste and raw chemicals shall be stored in a covered location and secured in a secondary containment structure.

#### NPDES

70. Any pressure washing of any surface to include but not limited to fueling islands and parking lots must use a water recovery system and dispose of waste water properly

71. Any automotive fluids in drums or other approved storage container are to have secondary and stored inside at all times.
72. Trash enclosures shall be void of trash and debris and kept clean at all times and lids shall be kept closed when not in use.
73. Trash enclosures shall not be used as storage areas for any items other than trash and recycling receptacles.
74. Landscaped areas adjacent to Holt Boulevard and Vernon Avenue shall be designed to accept stormwater runoff by having curb cutouts or other acceptable method and depressed landscaping to allow infiltration.

#### Fire

75. This is a general plan review only and is to determine if this project should be allowed to move forward to the City Development Review and/or the Fire Department plan check phase. 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 two sets of plans be submitted with an application and all fees pre-paid.
76. 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).
77. 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)
78. 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)
79. 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).

80. Provide an accurate description of the scope of work for the project.
81. Show all exterior and interior building dimensions on the plans.
82. The plan check application can be found on the City of Upland web site: <http://www.cityofmontclair.org> and clicking on following Departments, Fire, Fire Prevention, Plan check and permit process.
83. 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.
84. All fees are required to paid in full prior to any permit issuance.
85. 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)
86. Dimension requirements 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.
87. 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)
88. Provide a site plan using a 20-30-40- scale to show turning radiuses for all corners, using a minimum 32 feet inside & 45 feet outside. (CFC 2013 D103.1)
89. 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). \
90. 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).
91. 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)

92. 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.
93. Every Structure, except Group R, Division 3, and Group R, Division 4 occupancies, here-after remodeled, rebuilt, or renovated where such cost exceed fifty (50) percent of the assessed valuation as determined by the San Bernardino County Tax Assessor shall have an approved automatic fire sprinklers system installed throughout therein. (MMC 10.28.06 J2)
94. 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).
95. Fire alarm and detections system plans are required to be a separate plan submittal with a completed application and all fees pre-paid. 2013 CFC Chapter 33 conditions shall apply to this project during construction and demolition (2013 CFC 3301.1).
96. Develop and maintain an approved pre-fire plan in cooperation with the fire department (2013 CFC 3308.2).
97. 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).
98. 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)
99. 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).
100. Fire apparatus roads shall not be obstructed in any manner, including the parking of vehicles (CFC 2013 503.4).

101. 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).
102. Welding, cutting, open torches and other hot work operations and equipment shall comply with 2013 CFC Chapter 26 section 2601.1
103. Provide a readily accessible telephone on-site for emergency use. The street address of the construction site and the emergency telephone number of the fire department shall be posted adjacent to the telephone (2013 CFC 1409.1).
104. Structures under construction, alterations or demolition shall be provided with not less than one approved portable fire extinguisher (2013 CFC 1415.1).
105. 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).
106. Existing gasoline storage tanks shall be removed and replaced with code compliant tanks. Contact the County of San Bernardino Office of the Fire Marshal, Hazardous Material Divisions for Further information.
107. Permits required by the Montclair Fire Department for the removal and installation of tanks. Contact the office of the Fire Marshal at the Montclair Fire Department for more information (909) 447-3540.
108. All Automatic fire sprinkler system components shall be serviced, maintained, replaced and otherwise made operational prior to the issuance of a Certificate of Occupancy.

Police

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

as 1080p. IR (night vision) is preferred, however cameras shall at minimum be capable of low-light operation.

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

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

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

APPROVED AND ADOPTED THIS 25<sup>TH</sup> DAY OF JULY, 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 25<sup>th</sup> day of July 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SGUTIERREZ\CASES\2016\CASES\2016-12 PC RESOLUTIO