

## MONTCLAIR PLANNING COMMISSION MEETING – JUNE 22, 2020

### NOTICE

**THIS MEETING WILL BE CONDUCTED VIA WEBINAR/TELECONFERENCE.  
THE COUNCIL CHAMBERS WILL NOT BE OPEN TO THE PUBLIC.**

Pursuant to Sec. 3 of Executive Order N-29-20 issued by Governor Newsom on March 17, 2020, this meeting will be conducted remotely via the ZOOM virtual meeting platform. In compliance with the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will be no in-person meeting location at which the public may appear.

**ALL PARTICIPANTS WILL BE MUTED AUTOMATICALLY UPON ENTERING THE MEETING.  
THE COMMISSION SECRETARY WILL UNMUTE THOSE WHO WISH TO SPEAK AT THE  
APPROPRIATE TIME. PLEASE KEEP YOURSELF ON MUTE WHEN NOT SPEAKING.**

### LISTEN TO THE MEETING LIVE VIA ZOOM

Members of the public may participate in this meeting by joining the ZOOM conference via PC, Mac, iPad, iPhone, or Android device using the URL: <https://zoom.us/j/455751692>

If you do not wish for your name to appear on the screen, you may "rename" yourself to be anonymous.

### VERBAL PARTICIPATION USING ZOOM

Please use the "Raise Hand" button to request to speak.

If you want to speak and are using a computer or laptop without a microphone or speakers, you will also need to call in for audio using the information below, dialing your Participant ID when prompted.

### LISTEN TO THE MEETING LIVE VIA TELEPHONE

The public may participate via phone by dialing the below numbers:

**Teleconference Number: 1-669-900-6833**

**Meeting ID: 973 7717 2417**

### **PLEASE DO NOT PUT YOUR PHONE ON "SPEAKER MODE" DURING THE MEETING**

If you are not going to be requesting to speak and do not want your phone number to appear on the screen, dial \*67 before the Teleconference Number.

### VERBAL PARTICIPATION OVER THE PHONE

Please dial \*6 to mute and unmute yourself, and \*9 to "raise your hand" to request to speak.

Raised hands will only be acknowledged during the Public Hearing and Public Comment sections of the agenda, and when the Meeting's Chair requests comments from the public.

### VIRTUAL SPEAKER CARDS

To provide verbal comments during the meeting, please visit [www.cityofmontclair.org/pc-comment](http://www.cityofmontclair.org/pc-comment) to fill out a Virtual Speaker Card to request to speak in advance. Members of the public on the call who did not fill out the Virtual Speaker Card will be given an opportunity to speak after those who requested to speak in advance. Please do not call into the meeting anonymously (renaming yourself in ZOOM or using \*67) if you submitted a Virtual Speaker Card so the Planning Commission Secretary can identify you on the call and unmute you at the appropriate time.

You may also call the Office of the Planning Commission Secretary at (909) 625-9435 to fill out the Virtual Speaker Card over the phone or e-mail your name, phone number if calling in during the meeting, and subject of comment or agenda item to [pcclerk@cityofmontclair.org](mailto:pcclerk@cityofmontclair.org) with the subject line "[Meeting Date] Virtual Speaker Card".

Written comments may be submitted using the Virtual Speaker Card or via e-mail or mail, and will be read aloud during the meeting by the Planning Commission Secretary at the appropriate time (250 word limit). Please submit all Virtual Speaker Cards or written comments at least one hour prior to the meeting's start time.



CITY OF MONTCLAIR  
PLANNING COMMISSION AGENDA  
REGULAR ADJOURNED MEETING  
JUNE 22, 2020  
7:00 p.m.

*As a courtesy, please place yourself on mute while the meeting is in session, unless speaking (Dial \*6 on the phone to toggle mute).*

*Persons wishing to make a public comment or speak on an agenda item, including public hearing and closed session items, are requested to complete a Virtual Speaker Card (VSC) at [pcclerk@cityofmontclair.org](mailto:pcclerk@cityofmontclair.org). The Chair will recognize those who have submitted a VSC at the time of the item's consideration and invite those individuals to provide comments on the item at that time. Those who did not fill out a VSC will have an opportunity to speak after those who did by using the "raise hand" function on the ZOOM meeting platform or over the phone by dialing \*9.*

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Chair Barry Rowley, Vice Chair Manny Martinez, Commissioner Sergio Sahagun, Commissioner Ginger Eaton, and Commissioner Jaso Sanchez

**4. APPROVAL OF MINUTES**

The minutes from the May 26, 2020 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 Virtual Speaker Card as described above.

**6. AGENDA ITEMS**

a. PUBLIC HEARING - CASE NUMBER 2019-24

Project Address: 9451 – 9477 Central Avenue

Project Applicant: Montclair Center, Ltd.

Project Planner: Yvonne Nemeth

Request: Time Extension Request on a previously approved Conditional Use Permit and Precise Plan of Design

- b. PUBLIC HEARING - CASE NUMBER 2020-10  
Project Address: 5515 Moreno Street  
Project Applicant: Moreno Street, LLC  
Project Planner: Silvia Gutierrez  
Request: Conditional Use Permit (CUP) to establish and operate Drive Time auto dealership with outdoor vehicle display on a 1.78 acre site. Precise Plan of Design (PPD) for the exterior and interior remodel of the existing building along with site improvements including lighting, parking lot, and landscaping upgrades.

## 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

Reports, backup materials, and additional materials related to this project item can be viewed at <https://www.cityofmontclair.org/agendas> by clicking on the agenda for June 22, 2020.

## 9. ADJOURNMENT

The City of Montclair Planning Commission meeting is adjourned to the regularly scheduled meeting of July 13, 2020 at 7:00 p.m. pursuant to Executive Order N-29-20 members of the public will not be permitted to be physically present during this meeting.

### CERTIFICATION OF AGENDA POSTING

I, Laura Embree, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda has been posted on the bulletin board adjacent to the south door of Montclair City Hall on June 18, 2020.

## Report on Item 6.a

### **PUBLIC HEARING – CASE NUMBER 2019-24**

APPLICATION TYPE(S)	Conditional Use Permit and Precise Plan of Design
NAME OF APPLICANT	Montclair Center, Ltd
LOCATION OF PROPERTY	9451 - 9477 Central Avenue
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	"C-2" (Restricted)
EXISTING LAND USE	Multi-tenant Commercial Center
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Yvonne Nemeth

#### **Project Description**

On September 16, 2019, the Planning Commission approved Case 2019-24, a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) to allow an outdoor dining patio, a new sign program, and the exterior remodel of the existing building and site. Since then, the applicant has been diligent in submitting plans for plan check that was completed in December of 2019, although building permits have not been issued.

However, due to unexpected economic impacts caused by the COVID-19 pandemic, the applicant is requesting a time extension on the above approvals to allow them to reassess financing and coordinate construction scheduling in order to complete the project. The applicant is requesting a time extension of the CUP and PPD approvals until December 19, 2020, to be consistent with the effective timeframe for Building Department plan check reviews. No changes to approved plans or conditions of approval were requested.

#### **Planning Division Comments**

Given the unforeseen circumstances surrounding the events of 2020 and in an effort to help keep on track towards completion, staff believes the time extension request to be valid and reasonable. Staff continues to support the project and believes that the update to the existing commercial center will be well received and a positive contribution to the Central Avenue streetscape. The 90 conditions identified in Resolution No. 19-1933 would continue to be valid and in effect for the project.

## Planning Division Recommendation

Staff recommends approval of the requested time extension by taking the following action:

Move to approve a time extension to December 19, 2020 for the Precise Plan of Design and Conditional Use Permit approved under Case No. 2019-24, subject to the original 90 conditions of approval in Resolution No. 19-1933.



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Michael Diaz  
Director of Community Development

c: Montclair Center Ltd., c/o Affinity Property Management, 1442 East Lincoln Avenue, #358, Orange, CA 92865  
Richard Dayton, Dayton Associates-Architects, Inc., 2900 Silver Lane, Newport Beach, CA 92660  
R. Dale Hadfield, Landscape Architect, 28311 Lakewood Drive, Laguna Niguel, CA 92677

**Montclair Center LTD**  
PO Box 3647  
Costa Mesa, California 92628  
Telephone 949-650-9505 Fax 949-650-9509  
sam@helion.us

Mr. Mike Diaz  
City of Montclair  
5111 Benito St  
Montclair, CA 91763

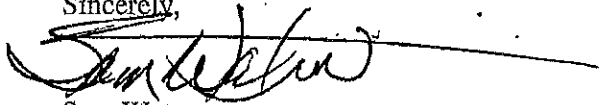
Dear Mr. Diaz

Re: Montclair Center  
9451 - 9477 Central Ave

It has been brought to our attention that the CUP for the remodel of the above referenced project has expired. We herewith would like to request, from the Planning Commission, an extension to December 19, 2020 for both the PPD and CUP due to the current situation with the Covid 19 virus.

Your understanding and cooperation with this request will be greatly appreciated.

Sincerely,



Sam Watson  
Managing Partner  
Montclair Center LTD

Exhibit "A"  
Case No.: 2019-24



# CITY OF MONTCLAIR PLANNING COMMISSION

**MEETING DATE: 06/22/20**

**AGENDA ITEM 6.b**

**Case No. 2020-10**

**Application:** A Conditional Use Permit to establish and operate Drive Time Autogroup auto dealership with outdoor vehicle display on a 1.78 acre site. A Precise Plan of Design (PPD) for the exterior and interior remodel of the existing building along with site improvements including lighting, parking lot, and landscaping upgrades.

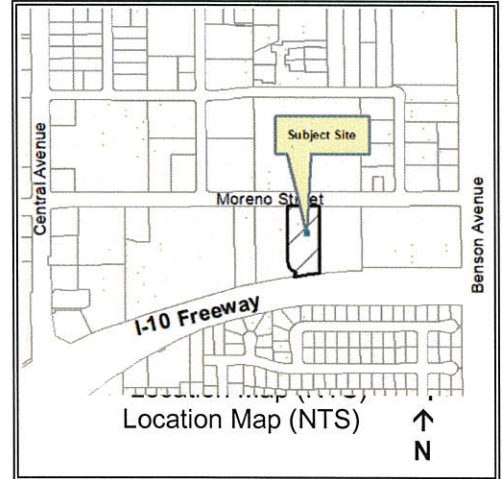
**Project Address:** 5515 Moreno Street

**Property Owner:** Moreno Street, LLC

**General Plan:** Regional Commercial

**Zoning:** "C-3 General Commercial" zone per North Montclair Specific Plan (NMSP)

**Assessor Parcel Nos.:** 1012-211-06-0000



Adjacent Land Use Designations and Existing Uses			
	<i>General Plan</i>	<i>Zoning</i>	<i>Existing Use</i>
<b>Site</b>	Regional Commercial	C-3 (General Commercial) NMSP	Hobby Shop
<b>North</b>	Regional Commercial	C-3 (General Commercial)	Mobile Home Park
<b>East</b>	Regional Commercial	C-3 (General Commercial)	Giant RV Dealership
<b>South</b>	-	-	I-10 Freeway
<b>West</b>	Regional Commercial	C-3 (General Commercial)	Multiple Tenant Commercial Building



## Report on Item Number 6.b

### PUBLIC HEARING - CASE NUMBER 2020-10

APPLICATION TYPE(S)	Conditional Use Permit and Precise Plan of Design
NAME OF APPLICANT	Moreno Street, LLC
LOCATION OF PROPERTY	5515 Moreno Street
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	"C-3" (General Commercial) per North Montclair Specific Plan (NMSP)
EXISTING LAND USE	Hobby Shop
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Silvia Gutiérrez

#### **Project Description**

The applicant is requesting approval of a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) to allow auto sales use with outdoor display, ancillary tire installation, and dry detailing at 5515 Moreno Street. The proposed auto sales company is named DriveTime Autogroup (hereafter DriveTime) which specializes in the sale of previously-owned vehicles. If approved, DriveTime would be relocating from its current location at the northeast corner of Holt Boulevard and Central Avenue.

The requested CUP is to allow outdoor display of vehicles for the business. Vehicle display would be primarily at the rear of the site in a newly graded parking field facing the I-10 Freeway. Additional vehicles would be displayed in a parking area along the west side of the site. Proposed hours of business would be Monday through Thursday, 11:00 AM to 8:00 PM, and Friday through Saturday, 10:00 AM to 8:00 PM. Expanded hours would be offered during the tax refund season (Monday through Saturday, 9:00 AM to 9 PM). All deliveries of vehicles will be off-loaded on the property and will not impact street traffic.

The project will provide 163 parking spaces: 25 spaces dedicated to employee and public use at the front of the building, and 138 spaces for vehicle display primarily at the rear of the site. Eight additional spaces are provided within the building.

The PPD is for the remodel of the existing building and modifications to the site, including the following improvements:

- Removal of the existing faux "Air Traffic Control Tower" and plane addition at the front of the building (north elevation).
- Demolition of the existing outdoor "dirt" race track (for remote control cars) at the rear of the site and regrade to create new paved auto display area. A new retaining wall on the west side of the new display area is part of this improvement. After the construction, the site will continue to drain to the back of the property into a curb and gutter that drains into a catch basin. This catch basin will drain through a hydrodynamic separator into a field of underground infiltrators under normal storm events. The catch basin will contain an overflow outlet that will drain larger storms into the existing City storm drain system. The proposed system is consistent with the approved Water Quality Management Plan.
- Installation of a new storefront opening up most of the north and west elevations to the street. The north elevation also includes a new painted metal canopy to add visual interest and highlight the entry. New reveal joints are added to follow the new canopy and storefront pattern. The existing metal mechanical equipment screen will be repaired and repainted to a like new finish.
- Repainting the building in white with a black accent stripe along the base and black flashing cap on the parapet. The new storefront frames will be black anodized aluminum.
- Reconfiguring the interior to create 6,023 square feet of Sales/Offices/Lobby space, and a 5,745 square foot area for service bays to perform minor services (e.g., tire/battery/wiper blade replacement) and dry detailing. The remainder of the building will be utilized for storage.
- Repairing (patch and/or re-pave) existing drive aisles and parking lots (north and west sides) and re-stripe for public parking and vehicle display.
- Installing new drought tolerant landscaping throughout the entire property. The proposed trees located in the front setback and in the parking lot will include the Century Plant, Agave Blue Glow, Carribean Agave, Dwarf Calistemon, Red Yucca, Lantana Camara, New Zealand Flax Desert Willow, etc. All new plant materials would be water-saving varieties and the irrigation system would be designed to conserve water in compliance with the City's Water Conservation Ordinance.
- Building a new covered trash enclosure. The new trash enclosure will be fire sprinklered and designed to complement the appearance of the existing building.
- Installing new business identification signage including wall mounted signs on the north and south elevations, and new freestanding monument sign.

## **Background**

- DriveTime Automotive Group Inc. is an American used car retailer and finance company. It is based in Tempe, Arizona, and sells and finances cars to customers around the nation. The company was formerly known as Ugly Duckling and was renamed DriveTime in 2002.
- The location (10477 Central Avenue) where DriveTime is currently located has been sold to another company, and its lease terminates in 2021.
- The subject site is approximately 1.78 acres in area and is developed with a single building and parking areas to the north and west.
- In 1977, the Planning Commission granted PPD approvals under Case No. 100-245 for a racketball facility. In 2000, the Planning Commission granted a CUP and PPD approval for a 1,077 square-foot building remodel of Pegasus Hobby Shop with a whimsical exterior airplane and air traffic control tower. The rear south portion of the site included a raised outdoor model play area.
- Per the North Montclair Specific Plan, a Conditional Use Permit is required to establish a car dealership with outdoor display in the C-3 General Commercial zone.

## **Planning Division Comments**

Overall, staff finds the proposed use to be appropriate for the site. The subject site is 1.78 acres and of adequate size and shape to accommodate the proposed combination of uses – administrative offices, outdoor display, and minor auto servicing (e.g., tire rotation and vehicle detailing). Moreover, the site is fully developed and the proposed changes at the front of the site for customers and vehicle storage display at the rear of the property will be functional and orderly.

The two parking areas at the front of the property have direct access from Moreno Street, and are appropriate in layout and number for required customer and employee parking. On-site parking for customers and employees (25 spaces) meet the requirements of the North Montclair Specific Plan (NMSP).

DriveTime receives cars every business day to maintain its inventory. To ensure that no issues are created, staff has added conditions of approval to specify that no parking of inventory shall be allowed on public streets and that all off-loading of vehicles occurs onsite and does not block or occur on any portion of the public right-of-way (including across public sidewalks and drive approaches).

With regard to the tire installation and battery replacement, the building is designed for all work to occur indoors within a proposed service bay, that can accommodate upto eight vehicles at one time. While not proposed at this time, any future washing of

vehicles onsite will require compliance with current environmental standards, including the requirement that an approved vehicle wash rack be approved by the City's Environmental Manager. A condition of approval addressing this issue has been included.

### **Environmental Assessment**

Staff has determined this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the CEQA Guidelines. The proposed project is on a developed site and involves only limited site changes.

### **Public Notice**

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on June 12, 2020. Public hearing notices were also mailed to property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, staff received a phone call from a resident of the mobile home park across the street and who indicated support for the proposed project.

### **Conditional Use Permit Findings**

Staff believes that the necessary findings to support the proposed request can be made as follows:

- A. The proposed use is desirable to the public convenience and public welfare, in that it will provide local residents with a convenient and organized location to purchase preowned vehicles within the City. The proposed use will be highly visible, easy to reach, and located to similar uses in the immediate area.
- B. That granting of the proposed Conditional Use Permit will not be materially detrimental to the public welfare and other property in the vicinity. The proposed use is consistent with adjacent uses offering vehicles for sale, and the property is adequate in size and shape to accommodate the proposed use. Moreover, the major activities of the proposed use will be largely concentrated on the south (rear) side of the site facing the freeway and generally away from non-commercial uses on the north side of Moreno Street.
- C. The proposed uses associated with this Conditional Use Permit request are consistent with the "C-3" (General Commercial) per North Montclair Specific Plan land use designation for the site. Moreover, the proposed use is consistent with the intent of the NMSP to encourage uses with a regional draw to be located on the sites with direct freeway frontage.

- D. The proposed use at the subject location is not contrary to the objectives of any part of the adopted General Plan, which encourages orderly development of property and increased economic activity within the City. The new use will result in substantive upgrades to the appearance and use of the site and the retention of a business within the City.

### **Precise Plan of Design Findings**


- A. The proposed auto sales use at the subject site is consistent with the applicable zoning standards and land uses allowed within the "C-3" (General Commercial) district of site as designated by the North Montclair Specific Plan.
- B. At 1.78 acres in area, the overall shape and size of the site is sufficient to accommodate the proposed commercial development without need for any variances from applicable development standards of the North Montclair Specific Plan or Municipal Code. The site is designed with ample onsite parking for customers and vehicle display areas that will be available to support all onsite uses.
- C. The proposed exterior changes to the building including the addition of storefront, new paint and proposed landscaping upgrades as indicated in submitted plans are well designed and up-to-date. When the project is completed, this site will provide a much needed visual boost and image enhancement from both the I-10 Freeway and Moreno Street.

### **Planning Division Recommendation**

Staff finds the proposed use to be consistent with the General Plan, the Montclair Municipal Code, and North Montclair Specific Plan. Therefore, staff recommends approval of Case No. 2020-10 by taking the following actions:

1. Move that, based upon the 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, which exempts projects that result in no expansion of existing structures.
2. Move to approve a Conditional Use Permit and Precise Plan of Design under Case No. 2020-10 to allow an auto sales use with outdoor display, and including minor services (e.g., tire and battery replacement, dry detailing), and the exterior remodel and renovation of the site, at 5515 Moreno Street, subject to required findings and conditions of approval contained in attached Resolution No. 20-1939.

Respectfully Submitted,



Michael Diaz  
Community Development Director

MD/le

c: Tom Macomber (property owner representative), Moreno Street, LLC, 5515 Moreno Street, Montclair, CA 91763 [tom@pegasushobbies.com](mailto:tom@pegasushobbies.com); [gail@pegasushobbies.com](mailto:gail@pegasushobbies.com)  
Dan Benn, project manager JLL, 4 Park Plaza Suite 900, Irvine, CA 92614

Attachments: Draft Resolution of Approval for Case No. 2020-10

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**RESOLUTION NO. 20-1939**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR GRANTING APPROVAL FOR CASE NO. 2020-10, A CONDITIONAL USE PERMIT AND PRECISE PLAN OF DESIGN TO ALLOW AN AUTO SALES USE WITH OUTDOOR DISPLAY AND INCLUDING MINOR SERVICES (E.G., TIRE AND BATTERY REPLACEMENT, DRY DETAILING), IN THE "C-3" (GENERAL COMMERCIAL) LAND USE DISTRICT OF THE NORTH MONTCLAIR SPECIFIC PLAN AT 5515 MORENO STREET (APN 1008-211-06-0000)**

A. Recitals

**WHEREAS**, on June 8, 2020, Moreno Street, LLC (property owner), filed applications for a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) under Case No. 2020-10, to allow an auto sales use and including minor services (e.g., tire and battery replacement, dry detailing) at 5155 Moreno Street, including proposed building and site improvements; and

**WHEREAS**, the project site is located in the North Montclair Specific Plan (NMSP) adopted in 1996; and

**WHEREAS**, the 1.78-acre site is currently developed with an existing 21,794 square foot building and an outdoor dirt "race track" for remote controlled cars; and

**WHEREAS**, the CUP would allow the use of the site for auto sales and in particular the outdoor display of vehicles oriented to the I-10 Freeway corridor; and

**WHEREAS**, the PPD would allow for major remodel of the existing building and for site improvements that include new paving, landscaping, and signs; and

**WHEREAS**, the site will provide 163 parking spaces with 25 stalls dedicated to employees and customers, and 138 spaces for vehicle display; and

**WHEREAS**, the proposed project is in compliance with the applicable development standards of the "C-3" (General Commercial) land use district of the North Montclair Specific Plan, including setbacks, building height, parking; and landscaping; and

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

**WHEREAS**, staff has determined this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the CEQA Guidelines. The proposed project is on a developed site and involves only limited site changes with minimal grading.

**WHEREAS**, in compliance with the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, a non-person remote meeting was conducted on June 22, 2020, at which time all persons wishing to testify in connection with said application were heard, and said application was fully considered; and

B. Resolution.

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

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

**SECTION 2.** Based upon the entire record before the Planning Commission during the above-referenced hearing on June 22, 2020, including written and oral staff reports together with public testimony, this Planning Commission hereby finds as follow with respect to the recommendation of approval of Conditional Use Permit and Precise Plan of Design under Case No. 2020-10, subject to the conditions of approval contained in this resolution enumerated below:

**Conditional Use Permit Findings**

Staff believes that the necessary findings to support the proposed request can be made as follows:

- A. The proposed use is desirable to the public convenience and public welfare, in that it will provide local residents with a convenient and organized location to purchase preowned vehicles within the City. The proposed use will be highly visible, easy to reach, and located to similar uses in the immediate area.
- B. That granting of the proposed Conditional Use Permit will not be materially detrimental to the public welfare and other property in the vicinity. The proposed use is consistent with adjacent uses offering vehicles for sale, and the property is adequate in size and shape to accommodate the proposed use. Moreover, the major activities of the proposed use will be largely concentrated on the south (rear) side of the site facing the freeway and generally away from non-commercial uses on the north side of Moreno Street.
- C. The proposed uses associated with this Conditional Use Permit request are consistent with the "C-3" (General Commercial) per North Montclair Specific Plan



land use designation for the site. Moreover, the proposed use is a consistent with the intent of the NMSP to encourage uses with a regional draw to be located on the sites with direct freeway frontage.

- D. The proposed use at the subject location is not contrary to the objectives of any part of the adopted General Plan, which encourages orderly development of property and increased economic activity within the City. The new use will result in substantive upgrades to the appearance and use of the site and the retention of a business within the City.

### **Precise Plan of Design Findings**

- A. The proposed auto sales use at the subject site is consistent with the applicable zoning standards and land uses allowed within the "C-3 General Commercial" district of site as designated by the North Montclair Specific Plan.
- B. At 1.78 acres in area, the overall shape and size of the site is sufficient to accommodate the proposed commercial development without need for any variances from applicable development standards of the North Montclair Specific Plan or Municipal Code. The site is designed with ample onsite parking for customers and vehicle display areas that will be available to support all onsite uses.
- C. The proposed exterior changes to the building including the addition of storefront, new paint and proposed landscaping upgrades as indicated in submitted plans are well designed 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 from the I-10 Freeway and Moreno Street.

**SECTION 3.** Based upon the substantial evidence presented to this Commission during the above-referenced hearing on June 22, 2020, including written and oral staff reports together with public testimony, this Commission hereby finds the proposed Conditional Use Permit and Precise Plan of Design request to be consistent with the overall objectives of the City of Montclair General Plan, the North Montclair Specific Plan, the Montclair Municipal Code, and good planning principles, and approves the application subject to each and every condition set forth below.

### **Planning**

- 1. This approval shall be for the following entitlements for the 1.78-acre site at 5155 Moreno Street:
  - a. A conditional use permit to allow auto sales with outdoor display, tire and battery installation, and dry detailing per the approved site plan; and
  - b. A Precise Plan of Design for the remodel of the existing building and site improvements including, new building elevation changes, colors and

materials, new landscaping, paving, exterior lighting, per approved plans on file the Planning Division.

2. This approval shall supersede all previously approved entitlements for the subject project site.
3. CUP approval shall be valid for six (6) months and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date.
4. Any modification, intensification, or expansion of the use beyond that which is specifically approved with this Conditional Use Permit shall require review and approval by the Planning Commission.
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 checks 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 modifications, intensification, or expansion of the use and design found by the City Planner to be significantly different from the approved plan shall be referred to the Planning Commission for review and approval.
7. In the event that exhibits and written conditions are inconsistent, the written conditions shall prevail.
8. In establishing and conducting the subject use, the property owner shall at all times comply with any and all laws, ordinances, and regulations of the City of Montclair, the County of San Bernardino and the State of California. Approval of this CUP and PPD shall not waive compliance with such requirements.
9. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions which are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.

10. Prior to the approval of any signs for the project, the applicant shall continue to work the Planning Division staff to refine the proposed master sign program exhibits and details, including the preparation of a design for the Holt Boulevard monument sign. Final approval shall be made by the Community Development Director. Upon approval, all signs erected on the site shall conform to the provisions of the approved master sign program.
11. The applicant and subsequent property owners and users shall comply with the following operational standards:
  - a. No vehicles offered for sale or rent shall be parked on or within the Moreno Street right-of-way at any time.
  - b. A minimum of 25 parking spaces at the north end of the building must be maintained for customer and employee parking.
  - c. Outdoor storage of personal or other items (other than motor vehicles) not specifically approved or not directly related to the primary use of the property shall be prohibited anywhere on the exterior of the site.
  - d. No outdoor pay telephones, loudspeakers, or vending machines shall be installed or used on the property.
  - e. No shade structures or tents shall be erected within the areas between the main building and adjacent public streets. Any other structures placed or erected elsewhere on the subject site shall require prior review and approval by the City.
  - f. No outdoor storage of raw materials, finished products, high-pile storage of pallets, equipment and/or other supplies of any kind on the ground, on racks, or within storage/shipping containers shall be allowed.
  - g. No outdoor detailing, washing, or repairs to vehicles.
  - h. No temporary or permanent residential living quarters shall be established on the premises. Indications that a property is being used as temporary or permanent residential living quarters include actions such as spending significant time at the location on more than one day, sleeping at the location, and performing other life activities at the location repeatedly.
  - i. No auto repair or oil changes shall occur on site.
  - j. The dealership shall operate seven days a week from 7:00 AM. to 10:00 PM. Later operating hours require prior written approval from Community Development Director.

12. 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 filing fee for the Notice of Exemption (NOE) as required by the California Environmental Quality Act (CEQA).
  - b. A check in the amount of \$586.34 the actual cost of publication, payable to the "City of Montclair," to cover the cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.
13. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 15 days of receipt of the Planning Commission Resolution. No building permits shall be issued without a signed Affidavit of Acceptance.
14. 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.
15. Each and every future business occupying the completed building shall be required to obtain and maintain valid business licenses and comply with all applicable City regulations at all times. As part of the routine review process for each new business, the property and subject lease space will be inspected to ensure compliance with all applicable codes, including the provision of adequate on-site parking.
16. Prior to issuance of building permits, the applicant shall provide the following to the Planning Division to be submitted for review:
  - a. Obtain approval of the proposed grading plan from the Engineering Division. Contact Public Works Director Noel Castillo at [ncastillo@cityofmontclair.org](mailto:ncastillo@cityofmontclair.org) or at (909) 625-9441, for further information on the process and fees.
  - b. Any future onsite security fencing requires prior City approval. The applicant shall submit a fencing and gate plan for review. The design of the metal fence and gates shall be complementary to overall appearance and colors of the new building and constructed of durable and easily maintained materials as follows:
    - i. Fencing shall have a durable finish (e.g., powder coat) in a color that complements the building.

- ii. The maximum height of the fence shall not exceed three feet (3'0") in height at the front of the property and eight feet (8'-0") in height along any interior side and rear property line as adjusted for existing grade conditions and subject to the satisfaction of the Community Development Director. The use of chain-link fencing and security deterrents such as barbed, concertina wire, or electric fences are expressly prohibited.
  - iii. Any block wall shall incorporate a finish cap piece.
  - iv. Unfinished gray colored masonry block is prohibited. However, gray colored split-face block is acceptable.
  - v. All gates shall be made accessible to emergency personnel (Police and Fire) during times when they are closed. Contact the Montclair Fire Department for further information and requirements.
17. Applicant shall submit a photometric plan for the entire site demonstrating that the existing light poles comply with this requirement.
- a. Provide a minimum maintained illumination level of one (1) foot-candle across the site.
  - b. All lighting fixtures shall be vandal-resistant and of a design that complements the architecture of the building.
  - c. 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 away from public rights-of-way (including the I-10 Freeway) and properties adjacent to the subject site. Cut-off shields may be required to ensure illumination does not adversely impact adjacent properties to the greatest extent possible.
  - d. Freestanding light fixtures and poles shall not exceed a maximum height of 20'-0" as measured from adjacent grade to top of luminaires. Details must be shown on plans.
  - e. 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. Details must be shown on plans.
  - f. 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 not be permitted.

- g. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.
18. Prior to issuance of a Certificate of Occupancy, the applicant shall install approved landscaping materials on the property, subject to the satisfaction of the City Planner. Except as otherwise specified on the approved landscape plan, 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 (except required street trees) shall be minimum 24-inch box size and double-staked.
  - c. All trees within the public right-of-way parameters shall be 24-inch box size.
  - d. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
19. All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency.
20. Any plant material that does not survive or is removed or destroyed shall be replaced upon its demise or removal with plant material of a like type and size as that originally approved and installed.
21. Plant material shall not be severely pruned such that it stunts or deforms its natural growth pattern or characteristic feature(s). Trees shall be pruned to ISA (International Society of Arboriculture) standards and only as necessary to promote healthy growth and for aesthetic purposes (i.e., to enhance the natural form of the tree). Improperly or severely pruned trees, including topping as defined by the Water Conservation Ordinance, that results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with a tree of similar size and maturity as that which was removed or, as required by the Community Development Director.
22. All automobile parking spaces shall be clearly delineated with double-line (e.g. "hairpin") striping.
23. The applicant shall coordinate with the Community Development Director for the design and relocation of all fencing and/or gates on the property. The rear vehicle storage area shall be appropriately secured to the satisfaction of the

Community Development Director and the Police Department. All gates between the front parking lots and the rear parking lot shall be closed and locked during non-business hours.

24. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including, but not limited to the following:
  - a. Temporary banners for the purpose of announcing the grand opening or advertising promotions shall require banner permits from the Planning Division prior to installation.
  - b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
  - c. All vertical or "snow cone" style auto dealership promotional banners shall require review and approval by the Planning Division and issuance of a sign permit prior to installation.
  - d. Portable flags, pennants, spinners, painted-on signs or the like shall be prohibited.
  - e. No trailer-mounted electronic sign/message boards or other similar types of portable signs shall be permitted on the property at any time.
25. The applicant shall maintain the property, including all landscape planters, free of trash and debris and abandoned vehicles or auto parts. Dead, missing, or dying plant materials shall be replaced and maintained in healthy living conditions at all times.
26. All graffiti and other forms of vandalism and damage to the subject improvements shall be promptly removed and/or repaired within 72 hours of notice by the City.
30. 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.
31. 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.
32. 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.

34. Roof-mounted mechanical equipment e.g., air conditioning, heating, ventilation ducts and exhaust vents, meters, pumps and filters, transformers and generators, conduit, satellite dishes and similar equipment, but excluding solar collectors shall be screened from direct view from adjacent public right(s)-of-way in any direction (360 degrees) and adjacent residential properties, subject to the approval of the Community Development Director.
35. Existing screen wall shall be repaired to the satisfaction of the Community Development Director to be compatible with the architectural design of the building. Wooden lattice, painted metal panels, or fence-like screens/covers, or similar are not appropriate screening materials and shall not be allowed.
36. All onsite 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 Community Development Director.
37. Freestanding electrical transformers and double check detector assembly (DCDA) fire equipment shall be screened in a manner which is compatible with the building architecture and/or landscaping to the satisfaction of the Community Development Director and Building Official. Efforts shall be made to place these elements in locations that are the least visually unobtrusive as possible.
38. The property owner/applicant shall ensure that building exteriors, site fences and walls, exterior lighting, trash enclosures, drainage facilities, driveways and parking areas are maintained in good condition/repair and reasonably free of:
  - a. Litter and debris;
  - b. Chipped, faded, peeling, and cracked paint;
  - c. Rust and corrosion;
  - d. Cracks, dents, and discoloration;
  - e. Broken and misshapen structural parts;
  - f. Graffiti, bills, stickers, advertisements;
  - g. Damaged or inoperable structures or mechanisms.



39. Any graffiti shall be removed within 24 hours of discovery or notification by the City. The paint utilized to cover the graffiti shall match the affected structure. In the event that the paint finish of the abated area is noticeably distinguishable from the balance of the surface area of the building side just abated for graffiti, or noticeably distinguishable from the rest of the structure, the entire surface area of either the abated side or of the structure shall be painted to minimize the disparity, subject to City Planner approval.
40. The applicant/property owner shall upon notification by the City restore and/or replace any glazing, architectural metal panels, or other exterior design feature/material that have been permanently damaged by graffiti, etching, or by other means.
41. 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.
42. 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

43. Submit four (4) 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; and
  - g. Waste recycling plan, recycling 65% of all construction debris.
44. 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.
  45. Submit two sets of structural calculations, if required and two sets of energy calculations.
  46. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
  47. Separate permits are required for fencing and/or walls. Submit details of construction on the plans. Double wall conditions which have been created by an adjacent property line wall shall not be allowed.
  48. 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%).
  49. 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 Community Development Director.
  50. 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.

51. 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.
52. Existing roof mounted antenna shall be removed prior to issuance of building permits
53. Existing satellite dish antenna shall be removed prior to issuance of building permits
54. 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.
55. 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.
56. 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 North-facing 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.
57. 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.

58. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
59. 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.
60. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
61. 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.
62. 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.
63. 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.
64. 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) 2016 edition, Chapter 11B, in addition to access to each feature of the trailer.

Water Quality Management Plan

65. The property owner shall be responsible to contract with a qualified firm to inspect and maintain any stormwater treatment devices specified by the approved WQMP, following all WQMP recommendations. It shall also be the responsibility of the property owner to maintain inspection reports and have them

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

66. Property owner understands that if the stormwater treatment device is infeasible at proposed location, and an alternative treatment device is proposed that may affect site design project owner may have to revisit with the Planning Department for any revised site changes.
67. Property owner understands no permits are issued prior to the approval of the WQMP.
68. Prepare and submit plans for erosion and sediment control. Plans shall include all phases of the construction project, including rough grading, utility and road installation, and vertical construction to the satisfaction of the City Engineer. Contact Joe Rosales, NPDES Coordinator, at (909) 625-9470.
69. At the time of Grading permit issuance; Post-Construction BMP inspection permit fees associated with the approved WQMP shall be paid. Contact Joe Rosales, NPDES Coordinator, at (909) 625-9470 for further information regarding permit and fees.
70. Prior to issuance of a rough grading and/or precise grading permit, the applicant must:
  - a. Must have a City approved Water Quality Management Plan.
  - b. Submit to the Engineering Division an electronic copy of the approved WQMP in PDF format.
  - c. Obtain a State Construction General Permit and proof must be shown (WDID Number) on both rough grading plan and precise grading plan.
  - d. Qualified SWPPP Developer and Practitioner contact information must be included on the title page of grading plans.
71. Prior to issuance of Certificate of Occupancy, the property owner of record shall:
  - a. Submit to the Engineering Division as built drawings as it relates to the WQMP.
  - b. Record the WQMP Maintenance Agreement with the County of San Bernardino and provide evidence of said recording to the Engineering Division.
72. Prior to release of the certificate of occupancy for the building, the person or corporation responsible for the preparation of the WQMP shall certify in writing to

the NPDES Coordinator that all conditions and requirements of the WQMP have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the NPDES Coordinator that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the WQMP.

73. The applicant/property owner of record shall ensure that all requirements of the approved WQMP for the project are incorporated and consistent with the approved landscape and irrigation plans for the project. All required Best Management Practices (BMPs) shall be duly noted and shown on the landscape plans per the approved WQMP, if applicable.

### Engineering

74. Developer shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code. The applicant shall process any right-of-way dedications, easements or grant deeds required for the development.
75. All streets public and private shall have sidewalks conforming to Americans with Disabilities Act.
76. Replace all existing lifted or cracked curb gutter, damaged utility pull box lids, and sidewalk adjacent to the property. Additionally remove sidewalk that shows signs of ponding or is pitting, scaling or spalling.
77. The two existing driveways shall be removed and replaced with ADA complaint driveways. Right-of-way dedication may be needed in order to provide ADA complaint sidewalk/driveway approach areas.
78. All pavement damaged by excavation shall be replaced with permanent pavement per the City Standard for paving and trench repair STD No. 301.
79. Monument signs shall not be permitted in the line of sight triangles next to driveway locations (see City STD 110).
80. All Utilities in the public right of way portion of each street frontage adjacent to the site shall be placed underground. This requirement applies to electrical services (facilities operated at nominal voltages in excess of 20,000 volts not included), and where technology exists, telephone and cable television facilities as well.
81. All utilities within development boundaries shall be placed underground.

82. If applicable, the developer shall make payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.
83. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
84. Sewers intended to be maintained by the City of Montclair shall be designed and constructed per Public Works Department standards, and shall be located in public streets or easements dedicated to the City for sanitary sewer purposes. Sewers not constructed per Public Works Department standards shall be constructed per California Building Code and City of Montclair Building Division requirements and shall be privately maintained.
85. Sewer improvement plans are required for all sewers, public or private, and shall include both plan and profile views on 24" by 36" construction drawings.
86. Approval of the WQMP is required prior to the preparation of grading and/or other improvement plans. Requirements for the WQMP may be obtained from the City NPDES Coordinator Joseph Rosales at 909-625-9470. Requirements of the WQMP may require significant modifications to the approved tentative map. If significant modifications are required, a resubmittal to the Planning Commission and City Council may be required.
87. When a grading plan is prepared, it shall 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.
88. 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.
89. All drainage facilities shall comply with requirements of the approved WQMP.
90. 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.
91. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at 800-422-4133.

### Environmental

92. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Code.
93. 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). For more information contact Marissa Pereya, Environmental Manager, at (909) 625-9446.
94. All trash enclosures must be designed in accordance with the provisions of AB 341 Mandatory Commercial Recycling and AB 1826 Mandatory Commercial Organics Recycling (MORe) as established by California Department of Resources Recycling and Recovery (CalRecycle). Sufficient facilities must be provided and all required services set up with the City's Franchise Waste Hauler, Burrtec Waste Industries, Inc. and maintained for the mandatory recycling of all recyclable materials and organics/landscaping wastes. For additional information, contact Environmental Manager, Marissa Pereya at (909) 625-9446.
95. All batteries and tires must be stored inside using spill containment and hauled off the site by an approved hazardous waste hauler.

### Fire

96. 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.
97. 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 2019 105.1.1).
98. 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 2019 105.4.1)
99. 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.(2019 CFC 105.4.2.1 and Chapter 9)

100. 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).
101. Scope of work. Provide an accurate description of the scope of work for the project.
102. Dimensions. Show all exterior and interior building dimensions on the plans.
103. 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. Development standards.
104. This project is required to comply with the 2019 California Fire Code as amended in the Montclair Municipal Code, and Montclair Fire Department development standards.
105. Fire Department Fees. All fees shall be paid in full prior to any permit issuance. 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 (2019 CFC 503.1.1).
106. Exception: Dimension may be increased if the building is equipped throughout with an approved automatic sprinkler system installed in accordance with 2019 CFC Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
107. Fire apparatus road dimensions. Fire apparatus roads shall have an unobstructed width of not less than 20 feet and vertical clearance of not less than 13 feet 6 inches. Show all dimensions on the plans. (2019 CFC 503.2.1)
108. 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] (2019 CFC D103.1).
109. Fire apparatus road turn radii. Provide a site plan using a 20-30-40- scale to show turning radiuses for all corners, with a twenty six foot roadway using a minimum 32 feet inside & 45 feet outside. (CFC 2019 D103.1)

110. Fire apparatus road dead ends. Need to show fire apparatus turn-around dimensions (hammerhead, boot, or cul-de-sac) where fire apparatus access roads and driveways exceed 150 feet (2019 CFC 503.2.5)
111. Fire apparatus road grade. Fire apparatus access roads shall not exceed 10 percent in grade. Exception: Grades steeper than 10 percent with mitigating protection measures as approved by the fire code official. (CFC 2019 503.2.7) \
112. Angles of approach and departure. The angles of approach and departure for any means of access shall not exceed the design limitations of the fire apparatus of the fire department, subject to the approval of the fire chief. (CFC 2019 503.2.8)
113. Buildings exceeding 30 feet in height; road position. At least one of the required access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one side of the building (2019 CFC D105.3).
114. Dead-End Fire Access Roads. Fire Department roads in excess of 150 feet in length provided with approved provisions for the turning around of fire apparatus. Acceptable turn-arounds are Cul-De-Sac, Hammerheads and Boots. CFC 2019 503.2.5
115. Security gates; minimum gate width. Fire apparatus access road gates shall have a minimum gate width of 26 feet, and must comply with other requirements of 2019 CFC 503.5.
116. Security gates; minimum setback. Security gates are required to be setback 45 feet from the public roadway curb line.
117. 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 (2019 CFC 506.1).
118. 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).
119. Roof access; parapet ladders. Install parapet ladders and emblems. Locations to be determined by the fire department during plan check.
120. Commercial-Numbers must be 8-10" tall and automatically illuminated and facing the street. Contact Planning for further information. CFC 2019 505.1

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 2019 503.3)

121. Public Water System. Must meet all city water standards. Contact the Water Department. 909-624-0035
122. Placement of Fire Hydrants. Exact number, location, and design of hydrants shall be determined by Fire Department.
123. Private Water System. Must comply with the NFPA 24 standard and the 2010 California Fire Code. Must install a Fire Department Connection (FDC) located at the DDCA/ OS&Y to act as a Fire Department Boost. The combination FDC shall be equipped with two 2 ½ -inch NST female swivel inlets and one 7-inch NST female swivel and the riser to this FDC must be at least 6 inches in diameter.
124. Covered trash enclosures. Trash enclosures shall be fully enclosed and shall have fire sprinklers installed should any one of the following conditions exist; the trash enclosure has a combustible roof covering, the trash enclosure contains two or more individual trash containers, or the trash enclosure is under or within 5 feet of combustible construction. (MMC 10.28.060) Provide four (4) sets of plans must be submitted to the Montclair Fire Department for approval prior to starting work.
125. Outdoor detached storage facilities. Any Outdoor detached facilities greater than 200 square feet is required to install an approved fire sprinkler system. (MMC 10.28.060 J(3))
126. Automatic fire sprinkler system plans. Fire sprinkler system plans are required to be a separate plan submittal with a completed application and all fees pre-paid. 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 2019 CFC Chapter 9 (2019 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.
127. General. 2013 CFC Chapter 39 conditions shall apply to this project during construction and demolition (2019 CFC 3301.1).
128. Pre-fire plans. Develop and maintain an approved pre-fire plan in cooperation with the fire department (2019 CFC 3308.2).

129. 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 (2019 CFC).
130. 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 2019 503.2.3)
131. Access for firefighting. Approved vehicle access firefighting 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 (2019 CFC 1410.1).
132. Obstruction of fire apparatus access roads. Fire apparatus roads shall not be obstructed in any manner, including the parking of vehicles (CFC 2019 503.4).
133. 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 2019 505.1.2).
134. Hot work operations. Welding, cutting, open torches and other hot work operations and equipment shall comply with 2019 CFC Chapter 26 section 2601.1
135. 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 (2019 CFC 1409.1).
136. Portable fire extinguishers. Structures under construction, alterations or demolition shall be provided with not less than one approved portable fire extinguisher (2019 CFC 1415.1).
137. 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 (2019 CFC 1410.2 & 506).
138. Check with Monte Vista Water District regarding the replacement of existing underground fire water supply backflow valve for an above ground assembly.

Police

153. In conjunction with the ongoing operation of the business, the premises shall comply with all applicable local, State, and Federal requirements placed upon them by any regulatory or governing entity.
154. The activity level of the business shall be monitored by the Police Department to establish the level of police services used for the business. Should the level of police services demonstrate that the applicant has not controlled excessive, or unnecessary activity resulting in high use of police services then this Conditional Use Permit shall be reviewed for consideration of further conditions, modifications or revocation.
155. There shall be no special promotional events held on the property, unless a written request for such is received and approved by the Community Development Director and the Police Chief or their designee.
156. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot.
157. The premises 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 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, and one camera per entrance/exit door. 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. Cameras shall be capable of no less a resolution than 1920×1080 pixels, otherwise known as 1080p. All cameras shall have IR or low light capability.
158. Audio recording is desirable, but not a requirement. Camera footage shall be retained for a period no less than 90 days. To conserve storage space, cameras may reduce frame-rate when no motion is detected, however must record at no less than 30 frames per second when motion is detected. Motion sensors shall be configured to activate properly in all areas covered including the parking area, if applicable. 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.
159. 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 22<sup>ND</sup> JUNE 2020 BY THE PLANNING  
COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: \_\_\_\_\_  
Barry Rowley, 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 22<sup>ND</sup> day of June 2020, by the following vote, to-wit:

AYES:

NOES:

ABSENT: