



MONTCLAIR
REGULAR MEETING OF THE
MONTCLAIR PLANNING COMMISSION

to be held in the Council Chambers
5111 Benito Street, Montclair, California

Monday, August 26, 2024
7:00 P.M.

If you want to provide comments on an agenda item, including public hearing and closed session items, please complete a Speaker Card located in the Council Chambers. The Chair (or the meeting's Presiding Officer) will call on those who submitted requests to speak at the appropriate times during the meeting. Written comments (200-word limit per agenda item, and 200-word limit for all non-agenda items combined) can also be emailed to pcclerk@cityofmontclair.org at least one hour before the meeting begins.

*Watch meetings live on the City's official YouTube Channel at <https://www.youtube.com/@cityofmontclair>, or via Zoom using the following information: **Zoom Link:** <https://zoom.us/j/95858571900> / **Dial Number:** 1 (669) 900-6833 / **Meeting ID:** 95858571900*

AGENDA

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES**

June 26, 2024

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 an online public comment form as described above.

6. **AGENDA ITEMS**

A. CASE NUMBER 2024-25

Location of Property 9790 Central Avenue

Project Applicant Skolem Group, LLC

Project Planner Silvia Gutiérrez

Request:

A Conditional Use Permit (CUP) and Precise Plan of Design (PPD) for a proposed Sprouts Farmers Market to be constructed in the location formerly occupied by the 24 Hour Fitness lease space within the Montclair Town Center shopping center located on a 7.62-acre site. The new full-service grocery market will be 20,524 SF in size, and the CUP request is to allow for the off-sale of beer and wine and outdoor display of merchandise near the front entry. The PPD is for the exterior design elements of the new store.

CEQA Determination:

The Planning Division has determined this project to be categorically exempt from the California Environmental Quality Act (CEQA) requirements, pursuant to Section 15302 Class 2, which consists of the replacement and reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced including but not limited to (b) replacement of a commercial structure with a new structure of substantially the same site, purpose, and capacity.

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 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. ADJOURNMENT

The next regular meeting of the Planning Commission will be held on September 9, 2024, at 7:00 P.M.

Reports, backup materials, and additional materials related to any item on this Agenda distributed to the Planning Commission after the publication of the agenda packet are available for public inspection on the City's website at www.cityofmontclair.org/agendas or at Montclair City Hall in the Community Development Department located at 5111 Benito Street, Montclair, from 7:00 A.M. to 6:00 P.M., Monday through Thursday.

If you need special assistance to participate in this meeting, please call (909) 625-9477 or e-mail pcclerk@cityofmontclair.org. Notification prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)

CERTIFICATION OF AGENDA POSTING

I, Michael Diaz, Secretary of the Montclair Planning Commission, hereby certify that a copy of this agenda was posted on the bulletin board adjacent to the north door of Montclair City Hall on August 22, 2024.



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 08/26/2024

AGENDA ITEM 6.a

Case No.: 2024-25

Application: A Conditional Use Permit (CUP) and Precise Plan of Design (PPD) for a proposed Sprouts Farmers Market to be constructed in the location formerly occupied by the 24 Hour Fitness lease space within the Montclair Town Center shopping center located on a 7.62-acre site. The new full-service grocery market will be 20,524 SF in size, and the CUP request is to allow the Off-Premises Sales Type 20 ABC License (Beer and Wine) and outdoor display of merchandise near the front entry. The PPD is for the exterior design elements of the new store.

Applicant/Property Owner: Skolem Group, LLC

Project Address: 9790 Central Avenue

APNs: 1010-041-80-0000

General Plan: General Commercial

Zoning: C-3 General Commercial

ADJACENT LAND USE DESIGNATIONS AND LAND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	General Commercial	C-3 General Commercial	Vacant former gym within Multi-tenant Shopping Center
North	General Commercial	C-3 General Commercial	Kailasa Temple
West	Medium Density Residential	R-3 Multiple Family Residential	Residential Condominiums
South	Low Density Residential	R-1 Single Family Residential	Single Family Residences/Alma Hofman Park
East	Low Density Residential	R-1 Single Family Residential	Residential homes



Report on Item Number 6.a

PUBLIC HEARING - CASE NUMBER 2024-25

APPLICATION TYPE(S)	Conditional Use Permit Precise Plan of Design
NAME OF APPLICANT	Skolem Group, LLC
LOCATION OF PROPERTY	9790 Central Avenue
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	C-3 General Commercial
EXISTING LAND USE	A vacant former gym lease space within a multi-tenant commercial shopping center – Montclair Town Center
ENVIRONMENTAL DETERMINATION	Categorical Exemption
PROJECT COORDINATOR	Silvia Gutiérrez, Senior Planner

PROJECT DESCRIPTION

The applicant proposes to construct a 20,524 SF grocery store, Sprouts Farmers Market, within an inline space at 9790 Central Avenue in the Montclair Town Center. The new grocery store will occupy the same area previously home to the former 24 Hour Fitness gym.

The proposal includes consideration of the following entitlements:

1. Conditional Use Permit (CUP)

- A request for approval of a California Alcohol Beverage Control (ABC) Type 20 License to authorize the sale of beer and wine for consumption off-premises.
- A request to allow outdoor merchandise display at the north side of the main entrance and below a new canopy, approximately 312 SF in area.

2. Precise Plan of Design (PPD) – for the site plan, floor plans, elevations, colors, materials of the new grocery store, and a conceptual landscape plan associated with the existing shopping center. The project includes the complete demolition of the existing lease space and its replacement with new construction and adjacent site improvements.

- The new grocery market building features the Farm House-architectural style typical of the Sprouts Farmers Market brand. The design includes a prominent raised entry, approximately 38'-6" high, clad with vertical fiber cement siding, and a standing seam metal roof. To the right of the entry will be a new shed roof style metal canopy, together with new signs will complete the look.

- Proposed exterior materials and colors for the new grocery store are as follows:
 - Front entry siding: "Jericho Jade" Paint 11452-6
 - Stucco walls: "Bear Cub" PPG 1000-5
 - Accent band color for walls: "Moth Grey" PPG 1024-4
 - Base of exterior walls: Stone Veneer- Coronado Stone Old World Ledge "Monarch"
 - Clear front glass for all windows
 - Metal canopy: Standing seam roof painted "Bear Cub" PPG 1000-5
- A new delivery truck dock and covered/secure trash enclosure are proposed for the west (rear) side of the store.

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

BACKGROUND

- The Montclair Town Center shopping center site is approximately 7.62 acres in size and is located in the C-3 (General Commercial) zoning district.
- Montclair Town Center, developed in the 1960s, featured the former Mayfair Market as its major tenant in the same space the new Sprouts Farmers Market grocery store will occupy. The multi-tenant shopping center (no longer including the Kailasa Temple property) is approximately 97,000 SF in total area and is comprised of a main building and five satellite buildings situated near Central Avenue. The last use in the subject lease space was the 24 Hour Fitness gym that closed in 2020.
- Sprouts Farmers Market, Inc. is a supermarket chain headquartered in Phoenix, Arizona. The grocery market offers a wide selection of natural and organic foods, including fresh produce, bulk foods, vitamins and supplements, packaged groceries, meat, poultry, seafood, deli, baked goods, dairy products, frozen foods, natural body care, and household items. Sprouts Farmers Market operates more than 400 stores in 23 states.
- Chapter 11.42.050.B of the Montclair Municipal Code requires a CUP for a business requesting the sale of beer and wine beverages for off-site consumption.
- Chapter 11.28.090 allows uses displaying merchandise or equipment outside a permanent structure subject to the approval of CUP.
- ABC Type 20 License (Off-Sale Beer and Wine) authorizes the sale of beer and wine for consumption off the premises. Minors are allowed on the premises.

PLANNING DIVISION COMMENTS

Staff is pleased the applicant has successfully attracted the interest of a quality tenant for the ample tenant space in the middle of the Montclair Town Center. Staff believes the volume of customers at Sprouts Farmers Market will likely benefit other businesses in the Montclair Town Center. As proposed, the grocery store will provide the community with an economically viable and respected commercial establishment as a full-service grocery store serving the community. This, in turn, will contribute to the economic vitality of the site, which currently has a low occupancy of 38 percent. The grocery store will also employ approximately 50 people, as promoted in the General Plan.

Although the new grocery store is the focus of this review, the property owner of the center has indicated to staff their intention to renovate the entire center. Planning staff has previewed conceptual plans for updating the appearance of the site, which will be the subject of a future Planning Commission review.

The exterior design of the existing center is dated and is in immediate need of upgrading to reposition it to attract new tenants to vacant lease space. The proposed Sprouts Farmers Market grocery store is a high-quality tenant and a great start in making significant improvements to the existing shopping center. When completed, the Sprouts Farmers Market grocery store will provide the major anchor for the center it needs and will serve as a major draw for other quality tenants in the near future.

As noted above, the new grocery store will be in the same location and the same size (ground floor area) as the existing lease space. However, the construction of a new building is necessary because the height of the proposed grocery store will be substantially taller than currently exists, requiring new footings and structural reinforcements. Except for a new truck dock and trash enclosure at the rear of the building, there will be no expansions or major building changes to the site and/or layout of the center with this project. Moreover, the project complies with all applicable requirements of the C-3 zoning district code, including building height, setbacks, lot coverage, etc. The height of the new front entry at 38'-6" is well below the maximum height of 75 feet.

Primary access to and from the site will continue to be from two existing driveways on Central Avenue, a driveway on Benito Street to the south, and a third drive aisle giving access to and from San Bernardino Street to the north. Truck deliveries will be primarily at the rear of the building, where unloading operations can occur with little to no impact to the center. The location and size of the new trash enclosure meet both City and Burtec standards and will be made secure to discourage dumping and unauthorized access.

In regard to on-site parking, there are 501 parking spaces on the Montclair Town Center property (not including the Kailasa Temple property), which is more than required and well distributed around the site. Based on a 1:250 ratio for retail uses, the 97,000 SF center would require 388 spaces, more when a sit-down restaurant or medical/dental office use comes to the center. At the current time, the site has a surplus of parking spaces. Moreover, since the project does not involve an expansion of floor area for the new grocery store than what previously existed and reestablishes a use that existed when the center was developed, there will be no adverse impact to on-site parking.

Staff finds the proposed design, colors, finishes, and materials for the new grocery store to be attractive and in keeping with the Sprouts Farmers Market design theme. Staff appreciates the effort made by the architects on the project in working with City staff to refine the final design of the store. The new store design will provide the major focal point of the center and enhance the overall appearance of this site and the Central Avenue corridor.

Typical of most Sprouts Farmers Market locations, an outdoor display of seasonal products such as plants, flowers, and produce is an attractive feature of the store. The outdoor display adds a soft touch to the hard surfaces in the area and provides interest to what is inside the market. All products on display outside are products offered and sold within the store. The proposed site plan identifies an area for outdoor display. The outdoor display area will be adjacent to the front of the store under the covered canopy as depicted on the plans (approximately 300 SF). At the end of each day, the items are stored indoors until the next morning. Staff has no objections to outdoor displays related to the market provided required clearances for access are observed and that the displays are properly maintained at all times.

Landscaping & Sign Program

Given the amount of landscape area within the center and additional upcoming changes to the center, staff is recommending the Commission continue the review of landscaping and irrigation at the center to allow the property owner and staff time to refine the plan in light of future improvements. In addition to meeting state requirements for water conservation, new legislation (AB 1572) now requires the removal of non-functional turf areas on commercial properties. There are several areas on the site where non-functional turf exists and where new drought-tolerant plant materials can be added.

Staff requests the applicant also provide an updated sign program for the center that incorporates new updated standards for the proposed Sprouts Farmers Market signs as well for future tenants. Staff recommends the new sign program also include an updated design for the existing monument signs facing Central Avenue. A condition of approval to have the applicant/property owner work with staff to prepare an updated and comprehensive sign program for the center has been added. When the final design details for the sign program have been further refined, they will be submitted separately for formal review by the Planning Commission.

Site Improvements

In approving a conditional use permit for a use, the existing conditions of the property are subject to review. Given the overall deteriorated conditions in the center, there are a number of site improvements requiring immediate attention to support the new grocery store and other pending new uses/developments in the queue. Several conditions of approval regarding site improvements at the center are included in the proposed resolution for approval. The responsibility to complete these improvements would be on the property owner.

For example, all parking areas and drive aisles of the center (including the area behind the main building) are in need of repair, parking space restriping, and associated legends (e.g., directional and traffic control stencils). The rear (west side) of the property is not in good condition and needs major repairs (i.e., cold mill and pave) to stand up to increased truck traffic activity coming to the new store. The parking areas at the front (east) side of the site are in better condition but also require surface repair and restriping. Other improvements needed are repainted red, yellow, and blue curbs, speed humps, and new regulatory signs to the satisfaction of the Director of Public Works and the Building Official. Specific conditions of approval are included in the proposed resolution prepared for the project.

PRECISE PLAN OF DESIGN FINDINGS

- A. The proposed project would significantly improve the Montclair Town Center's appearance by allowing the development of a desired grocery market use in a manner that efficiently uses the site, contributes to the improvement of property values in the area, is compatible with adjacent land uses, and complies with the intent and applicable development standards of the General Commercial zoning designation.
- B. The site plan, building form, massing, and height of the proposed Sprouts Farmers Market design, as indicated in the submitted plans, are attractive and up-to-date and will contribute to the ongoing improvement of the Central Avenue corridor. The design features high-quality exterior materials and finishes and incorporates appropriate lighting and landscape materials to give the project a distinct and attractive appearance.

PUBLIC CONVENIENCE AND NECESSITY (PCN) FINDING

ABC requires a PCN finding when a census tract already meets or exceeds (e.g., overconcentration) the number of licenses allowed by the ABC. Although Census Tract Number 2.05 allows up to three off-sale licenses, there are currently six approved licenses. The proposed Sprouts Farmers Market will add a new grocery store option for the community where a wide variety of products and services are provided. The new grocery store offers a wide selection of natural and organic foods, including fresh produce, bulk foods, vitamins and supplements, packaged groceries, meat, poultry, seafood, deli, baked goods, dairy products, frozen foods, natural body care, and household items.

City staff and the Police Department are supportive of the proposed ABC Type 20 License (Off-Sale Beer and Wine) at the subject location. As a full-service grocery store, the sale of alcoholic beverages does not pose a significant concern as would a liquor store, small convenience store, or mini-mart. The area of the store where beer and wine beverages are displayed is well within the interior of the store and away from the entry.

Staff recommends the Planning Commission find that the request for an ABC Type 20 License (Off-Sale Beer and Wine) is appropriate and essential for a successful market. The interior of the grocery market area is typical of most markets. The display area for the beer and wine is proposed at the northwest portion of the customer area, adjacent to other self-serving coolers and merchandise shelving.

CUP FINDINGS FOR ABC TYPE 20 LICENSE (OFF-SALE BEER AND WINE)

- A. The proposed CUP for the ABC Type 20 License is essential or desirable to the public convenience and public welfare in that the license allows the new grocery store the opportunity to offer beer and wine beverages to its customers as other grocery markets in the City. The sale of beer and wine beverages is not a major component of the grocery store's sales and does not occupy a significant portion of the floor plan.
- B. The granting of the CUP to allow an ABC Type 20 License (Off-Sale Beer and Wine) will not be materially detrimental to the public welfare and other properties in the vicinity. The grocery store is the primary use and the sale of beer and wine is available to those who have an interest in purchasing them with the groceries. The sale of beer and wine from the grocery store will not adversely affect the health or safety of persons residing or working in the vicinity.
- C. The granting of the CUP is consistent with the zoning code and in keeping with standard practice. The C3 General Commercial zone permits the off-sale of beer and wine beverages as part of a full-service grocery market, subject to CUP approval. The new grocery store is a high-quality establishment that, when completed, will contribute to the upgrade of the existing center and enhance the neighborhood's aesthetics. With operating hours from 7:00 a.m. to 10:00 p.m., seven days a week, the grocery market will improve the security, lighting, and attractiveness of the location into the nighttime hours without being open so late that it is disruptive to the residents. Moreover, the new grocery market will have adequate on-site parking and policies to prevent the unauthorized sale or theft of beer and wine beverages.
- D. 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 the establishment of a wide variety of retail and service uses that provide and support the needs and desires of residents within the community. The new grocery market and subject ABC Type 20 License (Off-Sale Beer and Wine) will offer a convenient location for customers to obtain a greater variety of goods, including groceries and beer and wine beverages, at one location.

CONDITIONAL USE PERMIT FINDINGS – PROPOSED OUTDOOR DISPLAY

- A. That said, outdoor display allowed by the CUP will provide customers with a convenient location to purchase seasonal items at the proposed major grocery market.
- B. The granting of the CUP outdoor display and sales will not be materially detrimental to the public welfare and other properties in the vicinity. The display is limited in scope (seasonal vegetables/fruit, and flowers) and restricted to the side of the main door into the store. Moreover, display and sale will be limited to 312 SF under the specified area, which does not alter the character of the said market. It will not adversely affect the health or safety of persons residing or working in the vicinity, be detrimental to the public health, safety, and welfare in that:

- C. Such use in such location conforms to good zoning practice as allowed per MMC 11.28.090, subject to CUP approval.
- D. 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 the establishment of a wide variety of retail and service uses that provide and support the needs and desires of residents within the community. The new grocery market offering outdoor display and sales will offer a convenient location for customers to obtain a greater variety of goods at one location.

ENVIRONMENTAL ASSESSMENT

The Planning Division has determined this project to be categorically exempt from the California Environmental Quality Act (CEQA) requirements, pursuant to Section 15302 Class 2, which consists of the replacement and reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced including but not limited to (b) replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.

PUBLIC NOTICE

A notice of the public hearing was advertised in the Inland Valley Daily Bulletin newspaper on August 16, 2024, and 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 these discretionary entitlements. No comments have been received.

PLANNING DIVISION RECOMMENDATION

Staff finds the proposed Precise Plan of Design and Conditional Use Permit requests to be consistent with the City of Montclair General Plan, Zoning Code, and standards and recommends approval of Case No. 2024-25 by taking 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) under Section 15302 Class 2. Class 2 allows for the replacement and reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced, including but not limited to (b) the replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity. The proposed grocery store is a rebuild of an existing structure of the same size in the same location and for the same use as originally approved for the space. As such, there is no substantial evidence the project will pose a potential significant impact on the environment.
- B. Approve the Conditional Use Permit to allow the following:
 - a. An ABC Type 20 License (Off-Sale Beer and Wine) for the Sprouts Farmers Market grocery store in a multi-tenant commercial center, as depicted on the approved site plan for the project.
 - b. Outdoor display of merchandise at the side of the front entry door of the new grocery store (Sprouts Farmers Market).

- C. Approval of the Precise Plan of Design for the site plan, elevations, conceptual colors and materials, and conceptual landscape plan associated with the construction of a new 20,524 SF Sprouts Farmers Market and associated on site improvements per the submitted plans, as described in the staff

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
Director of Community Development

MD/sgutierrez

Attachments: Draft Resolution No. 24-1997

- c: Miles Lemaire, Skolem Group, LLC 520 Newport Center Drive, Suite 480, Newport Beach, 92660
Dan Cline, Architect, 18572 Avonlinda, Drive Yorba Linda, CA 92886
Daya Betadapura ABI Engineering Consultants, Inc. 1701 E. Edinger Avenue, #A9, Santa Ana, CA 92705

RESOLUTION NO. 24-1997

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT AND PRECISE PLAN OF DESIGN UNDER CASE NO. 2024-25 TO CONSTRUCT AND OPERATE A GROCERY STORE WITH BEER AND WINE SALES AND OUTDOOR DISPLAY AT 9790 CENTRAL AVENUE WITHIN THE MONTCLAIR TOWN CENTER (APN 1010-041-80-0000)

A. Recitals.

WHEREAS, on May 20, 2024, Skolem Group, LLC, property owner, filed applications for a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) under Case No. 2024-25 for a new 20,524 SF grocery store (Sprouts Farmers Market) grocery store within the Montclair Town Center shopping center, and

WHEREAS, the proposed CUP is a request for approval of an ABC Type 20 License (Off-Sale Beer and Wine) to allow the sale of beer and wine to customers; and

WHEREAS, the proposed CUP also includes a request to allow for an outdoor display of seasonal goods offered at the store; and

WHEREAS, the proposed PPD is for the site plan, floor plans, elevations, colors, and materials of the new grocery store, and a conceptual landscape plan associated with the existing shopping center; and

WHEREAS, subject applications apply to a developed site of 7.62 acres of land located in the 9700 block of Central Avenue in a multi-tenant shopping center known as the Montclair Town Center; and

WHEREAS, the subject site is currently zoned "C-3 General Commercial;" and

WHEREAS, in the 1960s, the Montclair Town Center was constructed featuring the Mayfair Market as the original major tenant that occupied the same location where the new Sprouts Farmers Market grocery store is proposed to be built; and

WHEREAS, the last tenant of the subject lease space was the 24 Hour Fitness gym that closed in 2020; and

WHEREAS, the project requires the complete demolition of the existing lease space structure and foundation to accommodate the new and taller roof of the new store; and

WHEREAS, Sprouts Farmers Market, Inc. is a supermarket chain headquartered in Phoenix, Arizona. The grocer offers a wide selection of natural and organic foods, including fresh produce, bulk foods, vitamins and supplements, packaged groceries, meat, poultry, seafood, deli, baked goods, dairy products, frozen foods, natural body care, and household items. Sprouts operates more than 400 stores in 23 states; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the Planning Division has determined this project to be categorically exempt from the California Environmental Quality Act (CEQA) requirements, pursuant to Section 15302 Class 2, which consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced including but not limited to (b) replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity; and

WHEREAS, public notice of this item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on August 16, 2024; and

WHEREAS, on August 26, 2024, 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 the said proposal 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:

SECTION 1. Based on the entire record before the Planning Commission, all written and oral evidence presented to the Planning Commission, and the findings outlined in this Resolution, the Planning Commission hereby approves a Conditional Use Permit and Precise Plan of Design under Case No. 2024-25, subject to the conditions of approval enumerated in Exhibit A, attached to this resolution.

SECTION 2. Based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows with respect to the recommendation of approval of a Precise Plan of Design under Case No. 2024-25:

- A. The proposed project would significantly improve Montclair Town Center's appearance by allowing the development of a desired grocery market use in a manner that efficiently uses the site, contributes to the improvement of property values in the area, is compatible with adjacent land uses, and complies with the intent and applicable development standards of the General Commercial zoning designation.
- B. The site plan, building form, massing, and height of the proposed Sprouts Farmers Market design, as indicated in the submitted plans, are attractive and up-to-date and will contribute to the ongoing improvement of the Central Avenue corridor. The design features high-quality exterior materials and finishes and incorporates appropriate lighting and landscape materials to give the project a distinct and attractive appearance.

SECTION 3. Based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows with respect to the recommendation of approval of a Conditional Use Permit under Case No. 2024-25:

PUBLIC CONVENIENCE AND NECESSITY (PCN) FINDING

ABC requires a PCN finding when a census tract already meets or exceeds (e.g., overconcentration) the number of licenses allowed by ABC. Although Census Tract Number 2.05 allows up to three off-sale licenses, there are currently six approved licenses. The proposed Sprouts Farmers Market will add a new grocery store option for the community where a wide variety of products and services are provided. The new grocery store offers a wide selection of natural and organic foods, including fresh produce, bulk foods, vitamins and supplements, packaged groceries, meat, poultry, seafood, deli, baked goods, dairy products, frozen foods, natural body care, and household items.

City staff and the Police Department are supportive of the proposed ABC Type 20 License (Off-Sale Beer and Wine) at the subject location. As a full-service grocery store, the sale of alcoholic beverages does not pose a significant concern as would a liquor store, small convenience store, or mini-mart. The area of the store where beer and wine beverages are displayed is well within the interior of the store and away from the entry.

The Planning Commission finds the request for an ABC Type 20 License (Off-Sale Beer and Wine) is appropriate and essential for a successful market. The interior of the grocery market area is typical of most markets. The display area for the beer and wine is proposed at the northwest portion of the customer area, adjacent to other self-serving coolers and merchandise shelving.

CUP FINDINGS FOR ABC TYPE 20 LICENSE (OFF-SALE BEER AND WINE)

- A. The proposed CUP for the ABC Type 20 License is essential or desirable to the public convenience and public welfare in that the license allows the new grocery store the opportunity to offer beer and wine beverages to its customers as other grocery markets in the City. The sale of beer and wine beverages is not a major component of the grocery store's sales and does not occupy a significant portion of the floor plan.
- B. The granting of the CUP to allow an ABC Type 20 License (Off-Sale Beer and Wine) will not be materially detrimental to the public welfare and other properties in the vicinity. The grocery store is the primary use and the sale of beer and wine is available to those who have an interest in purchasing them with the groceries. The sale of beer and wine from the grocery store will not adversely affect the health or safety of persons residing or working in the vicinity.

- C. The granting of the CUP is consistent with the zoning code and in keeping with standard practice. The C3 General Commercial zone permits the off-sale of beer and wine beverages as part of a full-service grocery market, subject to CUP approval. The new grocery store is a high-quality establishment that, when completed, will contribute to the upgrade of the existing center and enhance the neighborhood's aesthetics. With operating hours from 7:00 a.m. to 10:00 p.m., seven days a week, the grocery market will improve the security, lighting, and attractiveness of the location into the nighttime hours without being open so late it is disruptive to the residents. Moreover, the new grocery market will have adequate on-site parking and policies to prevent the unauthorized sale or theft of beer and wine beverages.
- D. 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 the establishment of a wide variety of retail and service uses that provide and support the needs and desires of residents within the community. The new grocery market and subject ABC Type 20 License (Off-Sale Beer and Wine) will offer a convenient location for customers to obtain a greater variety of goods, including groceries and beer and wine beverages, at one location.

CONDITIONAL USE PERMIT FINDINGS - PROPOSED OUTDOOR DISPLAY

- A. That said, outdoor display allowed by the CUP will provide customers with a convenient location to purchase seasonal items at the proposed major grocery market.
- B. The granting of the CUP outdoor display and sales will not be materially detrimental to the public welfare and other properties in the vicinity. The display is limited in scope (seasonal vegetables/fruit, and flowers) and restricted to the side of the main door into the store. Moreover, display and sale will be limited to 312 SF under the specified area, which does not alter the character of the said market. It will not adversely affect the health or safety of persons residing or working in the vicinity, be detrimental to the public health, safety, and welfare in that:
- C. Such use in such location conforms to good zoning practice as allowed per MMC 11.28.090, subject to CUP approval.
- D. 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 the establishment of a wide variety of retail and service uses that provide and support the needs and desires of residents within the community. The new grocery market offering outdoor display and sales will offer a convenient location for customers to obtain a greater variety of goods at one location.

SECTION 4. Pursuant to Section 66412.3 of the Government Code, based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission finds the improvements proposed with the subject application will provide new and desirable commercial development along the Central Avenue corridor of the city.

SECTION 5. The Planning Division has determined this project to be categorically exempt from the California Environmental Quality Act (CEQA) requirements, pursuant to Section 15302 Class 2, which consists of the replacement and reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced including but not limited to (b) replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.

SECTION 6. The location and custodian of the documents and any other material that constitute the record of proceedings upon which the Planning Commission based its decision is as follows: Planning Division, Community Development Department, City of Montclair, 5111 Benito Street, Montclair, California 91763, or by telephone at (909) 625-9477.

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

APPROVED AND ADOPTED THIS 26TH DAY OF AUGUST 2024.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

BY _____
Manny Martinez, 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 26th day of August, 2024, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

EXHIBIT A
Conditions of Approval
Case No. 2024-25

Planning

1. This approval shall be for the following:
 - a. Conditional Use Permit (CUP) to:
 - i. Allow for an Alcoholic Beverage Control (ABC) Type 20 (Off-Sale Beer and Wine) for the Sprouts Farmers Market grocery store in a multi-tenant commercial center, as depicted on the approved site plan for the project.
 - ii. Allow outdoor display of seasonal merchandise below a canopy near the entry of the subject lease space.
 - b. A Precise Plan of Design (PPD) for the site plan, floor plans, elevations, conceptual colors and materials, and conceptual landscape plan associated with the demolition of the former “24 Hour Fitness” building and construction of a 20,524 SF building within an existing multi-building commercial center as described in the staff report and depicted on approved plans on file with the Planning Division.

The above entitlements are granted based on the plans and elevations submitted by Skolem Group, LLC, dated July 31, 2024. Minor modifications to this approval which are determined to be in substantial conformance with the approved site plan, building elevations, landscaping, and exterior lighting, and which do not intensify or change the use or require any deviations from adopted standards, may be approved by the Director of Community Development upon submittal of prepared plans submitted for review and approval.

2. The approval of this CUP shall supersede all previous entitlements granted for the subject lease space.
3. CUP approval shall be valid for six (6) months. It shall automatically expire on the anniversary date of Planning Commission approval unless the applicant diligently pursues a building plan check toward the project's eventual construction. The applicant and/or property owner shall be responsible for applying for a time extension at least 30 days before the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
4. PPD approval shall be valid for one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant diligently pursues a building plan check toward the project's eventual construction. The applicant and property owner shall be responsible for applying for a time extension at least 30 days before 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.
6. Any modification, intensification, or expansion of the use beyond that specifically approved by the above-noted entitlements and that is not reflected in plans and drawings approved with this action shall require review and approval by staff and/or the Planning Commission, as appropriate.
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 applicant 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 any such requirements.
9. Within five days of Planning Commission approval, the applicant shall submit the following payments to the Planning Division:
 - a. A check for **\$50.00**, payable to the "Clerk of the Board of Supervisors," to cover the fee for filing a Notice of Exemption (NOE) as required by the California Environmental Quality Act (CEQA).
 - b. A check for **\$522.87**, 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.
10. Approved exterior materials and colors for the new Sprouts Farmers Market shall be as follows:
 - a. Front entry siding: "Jericho Jade" Paint 11452-6
 - b. Stucco walls: "Bear Cub" PPG 1000-5
 - c. Accent band color for walls: "Moth Grey" PPG 1024-4
 - d. Base of exterior walls: Stone Veneer- Coronado Stone Old World Ledge "Monarch"
 - e. Clear front glass for all windows
 - f. Metal canopy: Standing seam roof painted "Bear Cub" PPG 1000-5
 - g. LED light decorative wall fixture: Dark Bronze Gooseneck Design
11. When work has been completed, the Planning Division requires a final inspection to ensure compliance with the provisions of this Planning Commission approval. The applicant shall inform the Planning Division and schedule an inspection appointment.

12. All future tenants and or uses of the approved grocery store shall comply with the following operational requirements:
 - a. The use of shopping carts shall be prohibited for any business within the center unless a cart containment system is approved by the City and installed for said business(es) pursuant to Chapter 11.67 of the Montclair Municipal Code.
 - b. No exterior security bars and roll-up doors shall be installed on windows and pedestrian building entrances.
 - c. No public telephones, vending machines, children's rides, or other coin-operated machines shall be located on the exterior of any building.
 - d. No utility trailers, commercial or construction vehicles of any length, watercraft, or recreational vehicles shall be permitted to be stored or parked overnight on parking areas within the shopping center. A "recreational vehicle" shall be generally defined as a motor home, travel trailer, truck camper, or camping trailer with or without motor power designed for human habitation for recreational or emergency occupancy.

13. Prior to the issuance of building permits, the applicant shall provide as part of the plan check submittal the following plans for Director of Community Development review and approval:
 - a. Exterior lighting and photometric plan for the entire site. The plans shall indicate the location of all existing and new exterior parking lot light fixtures 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 shields may be required to ensure illumination does not adversely impact adjacent properties to the greatest extent possible.
 - iv. Freestanding light fixtures and poles shall not exceed a maximum height of 20'-0" as measured from adjacent grade to top of luminaires.

- v. 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.
 - vi. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.
- b. The trash enclosure(s) details. All trash enclosures shall have a solid roof cover and be designed to complement the overall architecture of the main building and be in compliance with City standards.
- i. Contact Burrtec Waste Industries to determine the number of bins required to support the building's most likely end user(s).
 - ii. Black-colored concrete shall be used for the trash enclosure floor and apron.
 - iii. Access to the trash enclosure shall be constructed with disabled-access features.
 - iv. No outdoor storage of used fats, oils, or grease (FOG) shall be allowed in trash enclosures. All food/restaurant users shall plan to store any used fats, oils, or grease in an approved manner within their respective tenant spaces and contract with a recycler for regular removal from the site.
14. The applicant and landscape architect shall continue to work with City staff to refine the conceptual landscape plan into a comprehensive and coordinated plan for the entire shopping center. The refined landscape plan shall take into account State and local requirements for water conservation and removal of non-functional turf areas. A Complete Landscape Documentation Package shall include the following items:
- a. Landscape Concept Plan;
 - b. Water Budget;
 - c. Landscape Construction Drawings (including an irrigation plan, and planting plan);

A Landscape Documentation Package shall be approved when the Community Development Director verifies that the proposed Landscape Concept Plan for the project complies with the provisions of State law Chapter 11.60 of the MMC, other applicable provisions, and when any applicable land use permit or other entitlement requirements have been fulfilled. A copy of the approved plan will be kept on file in order to use at a later date to ensure that the plan was implemented as permitted and maintained as required;

- d. Provide Certification of Landscape Completion form, to be completed by the landscape architect of record.
15. Prior to the installation of any signs, the applicant shall submit a new updated sign program for the center including main tenants, in line tenants, and monuments signs. The Sign Program shall be subject to Planning Commission for review and approval.
16. No exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be allowed.
17. Approved hours of operation shall be 7:00 AM to 10:00 PM daily. Any extension of the hours of operation requires prior City approval.
18. All roof-mounted equipment, satellite dish antennas, and similar apparatus shall be screened from public view in a manner incorporated into the building's architectural design to the satisfaction of the Director of Community Development.
19. All mechanical equipment, including, but not limited to, utility meters, air conditioners, vents, and repair equipment, shall be located within the building or screened in a manner that is compatible with the architectural design of the building to the satisfaction of the Director of Community Development. Wooden lattice or fence-like screens/covers are not appropriate screening materials and shall not be allowed.
20. Surface-mounted exposed conduit or electrical lines shall not be allowed. Electrical switchgear, meters, etc., shall be screened or housed in an enclosure to the extent allowed by the utilities.
21. Freestanding electrical transformers and the Fire Department double-check detector assembly equipment shall be screened with masonry walls compatible with the building architecture and landscaping to the satisfaction of the Director of Community Development and Fire Marshal. Efforts shall be made to place these elements in locations that are as unobtrusive as possible.
22. All future business(es) occupying the building allowed by this PPD and CUP approval shall be required to obtain and maintain valid business licenses and comply with all applicable City regulations at all times. As part of the routine review process for each new business, the property and subject lease spaces will be inspected to ensure compliance with all applicable codes, including the provision of adequate on-site parking.
23. No outdoor pay telephones, loudspeakers, or vending machines shall be installed or used on the property.
24. The use of outdoor storage containers (e.g., sea containers or similar) anywhere on the site shall not be permitted. As part of this approval, the applicant shall remove the existing storage container in the drive aisle on the west side of the property.

25. No temporary or permanent residential living quarters shall be established on the premises within any building or motor home/recreational vehicle. Indications that a property is being used as temporary or permanent residential living quarters include spending significant time at the location on more than one day, sleeping at the location, and performing other life activities at the location repeatedly.
26. Business operations at the site shall be subject to the applicable based ambient noise levels of Chapter 6.12 of the Montclair Municipal Code. Outdoor noise levels for commercial areas are a maximum of 65 dB(A) between 7:00 AM and 10:00 PM.
27. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code. Temporary banners announcing a grand opening or promotional event shall require a banner permit from the Planning Division prior to installation.
28. 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.
29. Prior to issuance of a Certificate of Occupancy, the applicant shall install approved landscaping materials on the property, subject to the satisfaction of the Director of Community Development. The following standards shall apply:
 - a. All shrubs shall be a minimum five-gallon container size (except herbaceous perennials and woody spreading shrubs on slopes).
 - b. All trees (except required street trees) shall be a minimum 24-inch box size and double-staked.
 - c. A minimum of three inches of bark mulch (shredded or chips), decorative gravel, or decomposed granite shall be provided as a finished surface for all planted areas, subject to the approved landscape plan.
 - d. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
30. All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency at all times. Future modifications to and/or removal of existing landscaping shall require prior approval by the Planning Division.
31. 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 similar type and size as that originally approved and installed.

32. All landscaping on the project site shall be regularly maintained in a healthy and vigorous living condition at all times. This shall include proper pruning, weeding, litter removal, fertilizing, and sufficient irrigation of all plants. Dead vegetation shall be promptly replaced with healthy, living plants in accordance with standard seasonal planting practices. The property owner shall also be responsible for keeping the landscaped areas reasonably free of weeds, trash, and debris.
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 Director of Community Development.
34. All automobile parking spaces shall be clearly delineated with double-line (e.g. "hairpin") striping.
35. 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.
36. 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 Director of Community Development.
37. Freestanding electrical transformers and Fire Department double check detector assembly (DCDA) equipment shall be screened with masonry walls compatible with the building architecture and landscaping to the satisfaction of the City Planner and Fire Marshal. Efforts shall be made to place these elements in locations that are the least visually intrusive as possible.
38. The property owner shall be responsible for maintaining all buildings, yards, structures, signs, parking areas, and other improvements at all times in such a manner that does not detract from the appearance of the site and 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.
39. All graffiti shall be removed from affected surfaces 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 Director Community Development 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 has been permanently damaged by graffiti, etching, or other means.
41. Prior to offering retail sales of alcoholic beverages authorized with this permit, the applicant shall obtain the appropriate license from the Department of Alcoholic Beverage Control (ABC) and demonstrate to the Planning and Building Divisions that all necessary conditions have been met.
42. No window signs either inside or outside or signs placed inside the business directed toward the outside shall advertise the availability of alcoholic beverages for purchase.
43. This permit may be modified or revoked for failure to abide by these conditions or in the event the use is determined to be a nuisance to surrounding properties, businesses, or the community at large.
44. The following mandatory conditions are hereby imposed as part of the CUP approval of ABC Type 20 License (Off-Sale Beer and Wine):
 - a. The premises shall be maintained neatly and in an orderly manner at all times.
 - b. Trash receptacles shall be provided in such number and at such locations as may be specified by the Director of Community Development.
 - c. No alcoholic beverages shall be sold or offered for consumption on the premises.
 - d. The exterior appearance of the premises shall be designed and maintained in a manner consistent with the exterior appearance of commercial properties already constructed within the immediate neighborhood so as not to cause blight or deterioration, or to substantially diminish or impair property values within the neighborhood. Any graffiti on the exterior of the building shall be immediately removed to the satisfaction of the City, within 48 hours, by the owner.
 - e. The permittee shall comply with all State statutes, rules and regulations relating to the sale, purchase, display, possession, and consumption of alcoholic beverages.
 - f. The permittee shall acknowledge and agree that the City has a legitimate and compelling governmental interest in the permittee's strict compliance with all conditions imposed upon the permit, including adherence to State statutes, rules, and regulations as specified in subsection (e) above. The permittee shall further acknowledge and agree, in writing, that any violation of a State statute, rule or regulation concerning the sale to or consumption of alcoholic beverages by a minor has been determined by the City to have a deleterious secondary effect upon:
 - i. The specific land use requested by the permittee and authorized by the City;

- ii. The compatibility of permittee's authorized land use with adjacent land uses;
 - iii. The welfare and safety of the general public within the City. In view of such deleterious secondary effects, permittee shall acknowledge that the City has specifically reserved the right and authority to impose sanctions, including suspension or revocation of the CUP, as a consequence of one or more violations of a State statute, rule or regulation concerning the sale to or consumption of beer and wine by a minor.
 - g. The permit shall, after notice to the permittee and an opportunity to be heard, be subject to the imposition of such additional conditions as may be reasonable and necessary to address problems of land use compatibility, security, or crime control that have arisen since the issuance of the permit.
45. 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 project's construction phase.
46. 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 the applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The city shall promptly notify the applicant of any action brought, and the City shall cooperate with the applicant to defend the Action.

Building

47. Prior to the issuance of building permits, the applicant shall 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 diagrams, fixture units, gas piping, and heating and air conditioning.
 - f. Provide an existing plan for the building, including all walls to be demolished.
 - g. Waste recycling plan, recycling 65% of all construction debris.
48. Submit two sets of structural calculations and two sets of energy conservation calculations.
49. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
50. 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 the submitted plans.
51. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
52. Separate permits are required for fencing and/or walls. Submit details of construction on the plans. Double wall conditions created by an adjacent property line wall are not allowed.
53. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number.
54. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.

55. 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, School Fees. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District. Applicant shall provide a copy of the school fees receipt to the Building and Safety Division prior to permits issuance.
56. The current address of the building, known as 9750 Central Avenue, will be retired. The new address assigned to the Sprouts Farmers Market shall be 9780 Central Avenue.
57. All utility services to the project shall be installed underground.
58. Electrical and fire suppression services shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside the building.
59. 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 straight, level, plumb, square, etc. work as the situation requires. All work shall be well-fitted and durable. Paint and stucco shall not be below the standard for use.
60. An Accessible Path of Travel from Public Transportation is required and shall comply with the requirements of the California Building Code, Title 24. The path leading from the bus stop on Central Ave shall be clearly identified and be continuous to the entry of the market, restrooms, drinking fountains, and required exits. The Path of Travel must be free of obstruction, debris, holes, lifted asphalt, or concrete and have a sturdy, smooth, slip-resistant surface. The path shall have a cross-level surface with no more than a 2% slope and include truncated domes when entering a vehicular traffic area.
61. Construction drawings submitted to the building division for plan review shall comply with the Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. Install a numerical address on the East building elevation. Address numerals shall be in font acceptable to the Planning Division, a minimum of ten inches in height, a minimum of 1 ½ inches in depth, and contrasting colors that adequately contrast the background to which they are attached.
 - b. Provide and maintain a minimum illumination level of one (1) foot candle every day from dusk until dawn.
 - c. Install approved emergency lighting to provide adequate illumination automatically during an electrical service interruption.

62. 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 Director of Community Development.
63. Decorative foam trim shall not be used in areas subject to damage, such as entry doors, and shall not be used below 10' in height.
64. The subject tenant unit shall have individual and independent one-hour separation walls enveloping each assigned airspace or unit and independent utility meters, sewer and water connections, and fire protection systems, subject to the review and approval of the Public Works, Community Development, and Fire Departments.
65. Security gates to the rear of the building shall be equipped with Medeco locks or other acceptable devices to allow emergency personnel and utility providers access at all times.
66. 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 the roof of the structure, shall be concealed on all sides of public view in a manner that is compatible with the architectural design of the building and to the satisfaction of the Planning Division.
67. All roof-mounted equipment, satellite dish antennas, and similar apparatus shall be screened from public view in a manner incorporated into the building's architectural design to the satisfaction of the Planning Division.
68. 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.
69. All trash enclosures shall be constructed of material consistent with the primary type and color used on the building. The construction of such trash enclosure(s) shall conform to city standards and have a solid roof complementary to the main building. The area between the top of the enclosure walls and the roof shall be screened to allow only ventilation. Black-colored concrete shall be used for the trash enclosure floor and its apron.
70. No soil shall be imported or exported to or from the project site from an adjacent building site or 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. The subject plan shall include provisions for street sweeping and cleanup. Applicant/contractor shall comply with all NPDES requirements.
71. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.

72. 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.
73. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any electrical service interruption.
74. 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, the developer shall also submit evidence to the Building Official that the lessee or purchaser has been advised in writing of the lessee's or purchaser's ongoing maintenance responsibilities with respect to the requirements of the Water Quality Management Plan.
75. Prior to the issuance of the Certificate of Occupancy, a Final Grade Certificate issued by the registered civil engineer of record shall be provided to the Building Official stating that all on-site improvements have been constructed in accordance with all City Standards, Specifications, Conditions of Approval, and approved plans.
76. A Certificate of Occupancy is required prior to occupancy of the building. The issuance of the Certificate of Occupancy shall be contingent upon the Fire Department inspection and the final approvals from all other departments and/or agencies.
77. Prior to the issuance of a Certificate of Occupancy, the applicant shall:
 - a. Complete all on- and off-site improvements.
 - b. Install all disabled parking stalls and parking lot signage.
78. 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) must be handicap accessible. The trailer will require access to the facility by way of ramps that comply with the California Building Code (CBC) 2022 edition, Chapter 11B, and access to each feature of the trailer.

Engineering

79. Replace the existing bus shelter on the west side of Central Avenue north of Benito Street.
80. An ADA-compliant path of travel from the public sidewalk to the buildings on-site shall be prepared. Sidewalks, pathways, signage, and curb cuts shall comply with the Americans with Disability Act requirements. The maximum cross slope on a sidewalk or path of travel shall not exceed 2%.
81. All utilities within development boundaries shall be placed underground. This requirement also applies to electrical services, transformers and switches, and communication facilities.
82. Replace all existing lifted or cracked curb gutter, damaged utility pull box lids, and the sidewalk around and adjacent to the property. Additionally, remove and replace all sidewalks that show signs of ponding or pitting, scaling, or spalling along Central Avenue, as determined by the Public Works Senior Inspector.
83. All pavement damaged by excavation for utility cuts will be replaced with permanent pavement per City Standard for Paving and Trench Repair No. 301.
84. All driveways, existing or proposed, shall comply with the Americans with Disabilities Act and shall conform to City Standard Plan No. 102. Construction and acceptance of street improvements shall be required to obtain a release for a Certificate of Occupancy from the Building Division.
85. Replace all damaged curbs around existing planters.
86. Remove all dig alert markings throughout parking site.
87. Remove any and all graffiti throughout project site.
88. Replace existing non ADA compliant driveways, including red brick-colored areas.
89. Replace existing parking lot signs that are damaged.
90. A Public Works construction permit shall be obtained from the Engineering Division before any removals or construction of improvements in the public right-of-way.
91. Grind and overlay and re-stripe existing asphalt pavement surface on the entire site.
92. Refurbish red, yellow, and blue curbs within the project site, including planters and speed humps, to the satisfaction of the Building Official and Public Works Director.
93. Payment of transportation-related development impact fees is required. Fees shall be assessed at the rate in effect at the time the fees are paid.

94. Monument signs shall not be permitted in the line of sight triangles next to driveway locations (see City STD 110).
95. Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency may be required.
96. Owner/applicant shall process right-of-way dedications, easements or grant deeds required for ADA sidewalk accessibility around existing driveway approaches.

Water Quality Management Plan

97. The property owner shall be responsible for inspecting and maintaining all stormwater treatment devices specified by the approved WQMP on an annual schedule, following all maintenance 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.
98. 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 included in the grading plans to the satisfaction of the City Engineer. Contact Samantha Contreras, NPDES Coordinator, at (909) 625-9447.
99. Prior to issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Engineering Division an electronic copy of the approved WQMP in PDF format.
 - b. Submit to the Engineering Division as built drawings as it relates to the WQMP.
 - c. Record the WQMP Maintenance Agreement with the County of San Bernardino and provide evidence of said recording to the City Engineer/NPDES Coordinator.
 - d. Demonstrate that all structural stormwater devices described in the project's WQMP have been constructed and installed in conformance with approved plans and specifications.
 - e. Demonstrate that the applicant is prepared to implement all non-structural stormwater treatment devices in the projects WQMP.
 - f. Demonstrate that the property owner has a copy of the City approved WQMP.

100. 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 City Engineer/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 City Engineer/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.
101. Prior to issuance of a grading or building permit, the applicant shall submit to the City a revised WQMP Plan for review and approval.
102. The revised WQMP must meet stormwater requirements for any additional hardscape area(s) of the project site. Please contact NPDES Coordinator, Samantha Contreras at (909) 625-9447.
103. The applicant shall ensure that all requirements of the approved WQMP for the project are incorporated and consistent with the approved landscape and irrigation plans for the project. All required stormwater treatment devices shall be duly noted and shown on the landscape plans per the approved WQMP.
104. The applicant is responsible for ensuring the WQMP Maintenance Agreement is completed between the City and property owner and recorded at the County of San Bernardino with the sale of the parcel.

Environmental

105. All new business occupant(s) of all buildings shall complete a Wastewater Discharge survey before plan check. For more information, contact Samantha Contreras at (909) 625-9447.
106. All wastewater discharged to the City of Montclair Sanitary Sewer System from the subject facility shall comply with Montclair Municipal Code Section 9.20.610 - Local Concentration Limitations. For more information, contact Samantha Contreras at (909) 625-9447.

Fire

107. The project shall comply with all requirements set forth by the California Code of Regulations Title 24 Parts 1-12, respectively.
108. The adopted edition of the California Code of Regulations, Title 24, Parts 1 through 12, and the Montclair Municipal Code shall apply when the architectural plans are submitted for construction permits.

109. Prior to the issuance of grading permits, a fire department access plan shall be submitted to the City of Montclair for review and approval. The plan shall comply with the requirements specified by the City of Montclair Guidelines for Fire Department Access & Water Requirements for Commercial & Residential Development and the California Fire Code, Chapter 5.

Due to the location of shared fire lanes and water supplies for this new building and adjacent buildings in the existing shopping center, the fire department access and water during construction shall be specifically addressed and shown on additional plan sheets. The fire access and water submittal shall demonstrate that existing fire access and water will not be impaired by construction materials, fencing, activities.

110. Prior to the issuance of a grading permits, evidence of sufficient fire flow of 3,000 GPM for 3 hours shall be provided to the City of Montclair. The City of Montclair Building and Fire Marshal Water Available/Fire Flow Form shall be utilized.
111. A fire department access road complying with the CFC, Chapter 5 and the approved fire department access plans shall be installed prior to building construction.
112. The fire department access road shall be inspected by Montclair Fire Prevention Bureau prior to building construction.
113. The fire department access road shall always remain unobstructed, including during construction.
114. A fire department connection (FDC) shall be provided and located within 100 feet of a public fire hydrant. The use of a private hydrant may be used with the use of an aboveground check valve to prevent the flow from the FDC back to the fire hydrant, and with the approval of Montclair Fire Prevention Bureau. The fire hydrant that supports the FDC shall be on the same side of the street. A vehicle access roadway/approach shall not be placed between the FDC and fire hydrant.
115. A minimum of two points of connection to the public water shall be provided for the private fire-line water.
116. The private underground fire-line system shall be a looped design.
117. The private underground fire-line system shall have indicating sectional valves for every five (5) appurtenances.
118. All required fire hydrants shall be installed and operational prior to building construction. All fire hydrants shall remain operational during construction.
119. All required fire hydrants shall be readily visible and immediately accessible. A clear space of not less than 3-feet shall be always maintained.
120. Prior to construction a temporary address sign shall be posted and clearly visible from the street.

121. The permanent building address shall be provided and either internally or externally lighted during hours of darkness. The address shall be clearly visible from the street fronting the property and comply with California Fire Code Section 505.1 for size and color.
122. Montclair Fire Prevention Bureau approval shall be obtained prior to the storage and/or use of hazardous materials as defined by the California Fire Code.
123. The building shall be provided with an automatic fire sprinkler system in accordance with NFPA 13. Construction plans shall be submitted for review and approval to the City of Montclair prior to installation.
124. Prior to building final, the building shall be provided with a Knox Lock key box located no more than seven feet above the finished surfaced and near the main entrance door.
125. Prior to the issuance of a Certificate of Occupancy the building shall be provided with an emergency radio communication enhancement system. The emergency radio communication enhancement system shall meet the requirements of CFC § 510 and all applicable subsections. The system shall be installed and inspected by the City of Montclair Building Department before the Certificate of Occupancy is issued. The requirement can be waived by the Fire Marshal if the building is evaluated by an Emergency Radio Communication Specialist license by FCC, who certifies the building meets the emergency communications capability as specified by the California Fire Code § 510. The certification shall be in the form of a written report which outlines the analysis used in determining the building meets the emergency communications without an enhancement system.
126. Prior to the issuance of building permits a City of Montclair Chemical Classification Disclosure shall be submitted for review and approval. All hazardous materials as defined by the fire code that will either be stored or used at the facility shall be disclosed.
127. Prior to the use of carbon dioxide approval from Montclair Fire Prevention shall be obtained. The area storing or using carbon dioxide shall be provided with either a carbon dioxide gas leak detection system specified by CFC 5307.4.3, or a ventilation system specified by CFC 5004.3.

Police

128. Prior to the installation of video surveillance cameras, the applicant shall submit a plan showing their location to the Chief of Police.
129. 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.

130. 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.
131. No special promotional events shall held on the property unless a written request for such is received and approved by the Director of Community Development and the Police Chief or their designee.
132. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make the appearance and conduct of all persons on or about the parking lot easily discernible.
133. 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 exterior storage and parking areas. Cameras 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 that 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 of 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.
134. 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.