



**REGULAR ADJOURNED MEETING OF THE
MONTCLAIR PLANNING COMMISSION**

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

Monday, September 27, 2021
7:00 p.m.

Remote Participation Information:

Zoom Link: <https://zoom.us/j/98083128248>
Dial Number: 1-(669)-900-6833
Meeting ID: 980 8312 8248

*If you want to make a public comment or speak on an agenda item, including public hearing, please complete a Speaker Card in the Council Chambers or at <https://www.cityofmontclair.org/public-comment/>. The Chair (or the meeting's Presiding Officer) will call on those who submitted requests to speak at the appropriate times during the meeting. Those who did not submit a request to speak who are present at the meeting location may raise their hand during Public Comment to request to speak. Those participating remotely may request speak using the "raise hand" function in Zoom or may dial *9 if on the phone, and then *6 to un-mute when called on to speak. Written comments (200-word limit per agenda item, and 200-word limit for all non-agenda items combined) and requests to speak can also be emailed to planning@cityofmontclair.org at least one hour before the meeting begins.*

AGENDA

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Chair Manny Martinez, Vice Chair Jaso Sanchez, Commissioner Sergio Sahagun,
Commissioner Ginger Eaton, and Commissioner Krishna Patel

4. APPROVAL OF MINUTES

None.

5. ORAL AND WRITTEN COMMUNICATIONS ON NON-AGENDA ITEMS

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

Any person wishing to address the Planning Commission on an agenda or non-agenda item should complete a Speaker/Virtual Speaker Card as described above.

6. AGENDA ITEMS

- a. PUBLIC HEARING – CASE NUMBER 2020-25 :”A”
 - Project Address: 10680 Silicon Avenue
 - Project Applicant: Baldwin Park Homes, LLC
 - Project Planner: Michael Diaz, Director of Community Development
 - Request: Amendment to Conditional Use Permit and Precise Plan of Design

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 on our website www.cityofmontclair.org by clicking on the agenda for September 27, 2021.

9. ADJOURNMENT

The City of Montclair Planning Commission meeting is adjourned to the regularly scheduled meeting of October 11, 2021, at 7:00 p.m.

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 September 23, 2021.



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 9/27/2021

AGENDA ITEM 6.a

Case No.: 2020-25 “A”

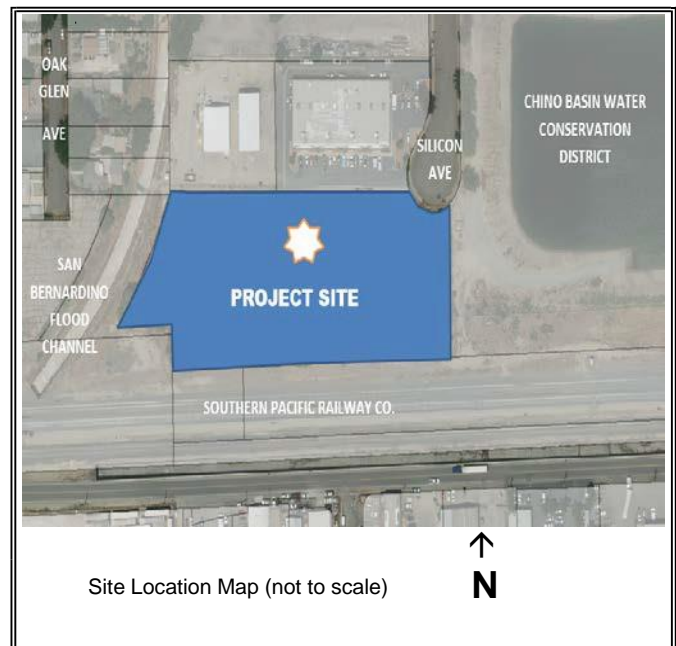
Application: A request to amend Conditional Use Permit and Precise Plan of Design previously approved under Case No. 2020-25 to develop a 20-unit industrial condominium project on a 3.18-acre site.

Project Address: 10680 Silicon Avenue

Property Owner: Baldwin Park Homes, LLC

General Plan: Business Park

Zoning: "M-1" (Limited Manufacturing)



Assessor Parcel No.: 1012-031-09-0000 and 1012-031-10-0000

ADJACENT LAND USE DESIGNATIONS AND USES

	General Plan	Zoning	Actual Use of Property
Site	Business Park	M-1 (Limited Manufacturing)	Two vacant lots
North	Business Park	M-1 (Limited Manufacturing)	General warehousing and storage & Lessors & operators of nonresidential buildings.
East	Conservation Basins	M-2 (General Manufacturing)	Chino Basin Water Conservation District
South	Limited Manufacturing	M-2 (General Manufacturing)	Southern Pacific Railway
West	Business Park	M-1 (Limited Manufacturing)	San Bernardino Flood Control Channel

Report on Item Number 6.a
PUBLIC HEARING – CASE NUMBER 2020-25 “A”

APPLICATION TYPE(S)	Amendment to Conditional Use Permit and Precise Plan of Design
NAME OF APPLICANT(S)	Baldwin Park Homes, LLC
LOCATION OF PROPERTY	10680 Silicon Avenue
GENERAL PLAN DESIGNATION	Business Park
ZONING DESIGNATION	"M-1" (Limited Manufacturing)
EXISTING LAND USE	Vacant Property
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15332)
PROJECT PLANNER	Michael Diaz, Director of Community Development

Proposed Amendments

On April 26, 2021, the Planning Commission, by a 5-0 vote, approved a Conditional Use Permit (CUP) for a 20-unit industrial condominium development and Precise Plan of Design (PPD) for the subject site under Case No. 2020-25. At that time, the Commission also approved a recommendation of approval to the City Council for Tentative Tract Map No. 20384.

The above entitlements were predicated on the applicant's ability to have the existing 30-foot wide access easement on the subject site at north boundary relinquished (see Attachment A). Condition No. 137 of Resolution No. 21-1946 was added to the approval and states the following:

“This approval is contingent upon the recorded agreement of the legal holder of the north easement for ingress, egress, and incidental purposes, to relinquish/reconvey to the applicant the southerly 30-foot wide portion of the total 60-foot wide easement.”

Pursuant to Condition No. 137, the applicant is currently required to remove the easement. However, since removing the easement has proven to be impractical, the applicant is requesting the Planning Commission remove the condition of approval and approve necessary adjustments to the site plan (Exhibit "A"). No changes are necessary to the tentative tract map, which was subsequently approved by the City Council on July 19, 2021 (Exhibit B).

As such, the applicant is requesting approval of the following amendments under Case No. 2020-25 “A” as follows:

- Amendment of the approved Conditional Use Permit removing Condition No. 137 contained in Resolution No. 21-1946; and
- Approval of a new PPD for a revised site plan which does not include the 30-foot easement area in question.

The requested amendments to the above entitlements would be included in Resolution No. 21-1953 (Exhibit "C") which, if approved, would replace and supersede Resolution No. 21-1946.

Site Plan Revisions

The project scope remains the same as previously approved, including the plan to develop a single concrete tilt-up building for 20 industrial condominium units. Building design and materials are the same as approved, which includes storefront windows/doors, metal sectional roll-up doors, and signs for each unit. However, due to the inability to have the existing easement relinquished by the adjacent property owner, the applicant submitted revised plans (August 26, 2021), which include the following changes:

1. Exclusion the 30-foot wide access easement affecting property at its northern boundary (previously included at the time of Planning Commission approval on April 26, 2021). Revised site plan omits the portion of easement from the project's developable area.
2. The northern existing block wall along existing Lot 4 of Parcel 5991 would remain in place and all development would occur south of the said wall.
3. Minor reduction in the size of the proposed building structure by approximately 1,000 square feet, resulting in very minor changes in size of each condominium. New condominium sizes are shown in the table below:

<u>Orange Grove Business Park</u> Revised Unit Sizes			
Unit No.	Total Floor Area*	Unit No.	Total Floor Area*
1	3,763 Sq. Ft	11	2,400 Sq. Ft
2	3,745 Sq. Ft	12	2,400 Sq. Ft
3	2,400 Sq. Ft	13	2,335 Sq. Ft
4	2,402 Sq. Ft	14	2,335 Sq. Ft
5	2,335 Sq. Ft	15	2,268 Sq. Ft
6	2,337 Sq. Ft	16	2,275 Sq. Ft
7	2,266 Sq. Ft	17	3,443 Sq. Ft
8	2,268 Sq. Ft	18	3,444 Sq. Ft
9	3,763 Sq. Ft	19	3,977 Sq. Ft
10	4,675 Sq. Ft	20	3,699 Sq. Ft
Grand Total:		58,530 Sq. Ft	
*Calculation includes the 338 sq. ft. second floor mezzanine for each unit for storage.			

4. Revised parking layout to more evenly distribute parking throughout the site. Previous plan concentrated parking on the north and west sides of the site with only a few for tenants on the south side of the building. Fourteen parking spaces are provided on the south side of the building.

Previously-approved parking count was 104 with five accessible disabled parking spaces, 20 of which were located in the 30-foot wide easement on the north side of the project site. With the easement area removed, the revised total of on-site parking spaces provided (including four accessible disabled parking spaces) is 84.

5. Relocated trash enclosures, monument sign, and bike racks.
6. Revised landscape and irrigation plan to reflect a smaller project site. Plant materials remain consistent with previous approval.
7. No changes to drive aisle width and turning radii as originally approved, and are still designed to accommodate Fire Department, Public Works, and Burrtec trash truck access.

Revised plans for the proposed project are included in the Commission's packets for reference.

Background

- On April 26, 2021, the Planning Commission, by a 5-0 vote, approved a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) for a 20-unit industrial condominium development at the subject site. The Commission also approved a recommendation of approval to the City Council for Tentative Tract Map (TTM) No. 20384 (Resolution No. 21-1946).
- On July 19, 2021, TTM No. 20384 was approved by the City Council pursuant to City Council Resolution No. 21-3311 (Exhibit "B"). No changes to the Tentative Tract Map No. 20384 (to consolidate two existing parcels - Lots 3 and 4 of Parcel Map 5991- into a single new unified parcel and to create 20 industrial condominiums) is required with the above mentioned amendments.
- The two separate vacant parcels that comprise the subject site are zoned M-1 (Limited Manufacturing). Chapter 11.88 of the Montclair Municipal Code allows the development of industrial condominiums within the M-1 Zone, subject to the approval of a Conditional Use Permit.
- The project site has an existing 28-foot wide easement belonging to the Inland Empire Utility Agency (IEUA). The easement is for an underground storm drain pipe that connects the Brooks Basin (percolation) with the San Antonio Creek Channel and an above-ground control structure (shipping container) housing IEUA's actuator and gate, electrical, communications, and a vault for underground access to their valves and associated equipment.

- The property switched ownership several times over the years and eventually the 18,688 square foot building was demolished. Since demolition, the site has remained vacant. On January 30, 2020, the property was acquired by Baldwin Park Homes, LLC.

Planning Division Comments

Overall, staff finds the proposed modifications to the previously approved project to be necessary, as well as, appropriate given the circumstances related to the easement along a portion of the north boundary of the site. Without the easement issue resolved between the applicant and adjacent property owner, the approved development of the property is not achievable. As such, the request to delete Condition No. 137 (PC Resolution No. 21-1946) is appropriate and reasonable. Despite the issue regarding the easement, the applicant has been able to adjust the site plan accordingly with no significant impact. After omitting the easement area, staff finds the majority of site changes to be minor in nature and consistent with the previously approved project, and the intended use of the site. Moreover, the appearance of the proposed building design, colors and material, and associated site improvements remain consistent with those reviewed by the Commission. Other site improvements such as, exterior lighting (building and parking lot), solid-roofed trash enclosures, drought tolerant landscaping, and approved Water Quality Management Plan (WQMP) are retained in place and continues to exhibit good design details that will contribute to the success of the proposed project.

In regard to the PPD, the new, slightly smaller, building remains at the center of the site, and clear of the existing IEUA easement area. On-site circulation remains efficient and turning radii of appropriate dimensions is provided to facilitate turning movements for fire trucks, trash trucks and delivery vehicles. The revised project is also compliant with all applicable City setbacks and building height requirements.

Although, on-site parking provided for the project has been reduced to 84 parking spaces from 104 spaces due to the elimination of the easement area, minimum parking requirements for the project are met. Parking spaces is calculated based on a total of 53,130 square feet of open “warehouse” space (including mezzanine storage) at 1:1,000 SF, and 5,400 square feet of office space at 1:250 SF. Accordingly, the project requires a minimum of 75 spaces, resulting in a slight surplus of nine spaces. Required CC&R’s for the project will provide measures to assign parking spaces and monitor the use of on-site parking.

The revised plans have been reviewed and conditionally approved by the City’s Public Works Department, the Building Division, the Fire Department, the County of San Bernardino’s Environmental Division and Flood Control on behalf of the U.S. Army Corps of Engineer, IEUA, and Burrtec for onsite circulation, ingress, egress, easement access, parking lot configurations, drainage, and all life safety needs for the public’s general welfare.

Except for the deletion of Condition No. 137 from Resolution No. 21-1946, all original conditions of approval remain effective with this approval. Further, the use of the site will be governed by a Covenant, Conditions, and Restrictions (CC&Rs), and the site will be

regulated by an on-site property management company that will ensure daily maintenance, proper assignment of parking spaces, guest management, proper uses of the units, and security of the site.

With the minor revisions, staff continues to believe the project will transform the appearance of the area by eliminating a vacant property that has been subject to illegal dumping, trash accumulation, graffiti, and unauthorized uses requiring constant code enforcement actions by the City.

Conditional Use Permit Amendment Findings

The makes the following findings for the proposed Conditional Use Permit Amendment:

- A. The proposed deletion of Condition No. 137 of Resolution No. 21-1946 does not adversely impact the orderly development of the subject site or intended use as industrial condominiums. The inability to utilize the existing access easement does not prevent the development of the site in a manner that is essential and desirable to the public convenience and public welfare. The new development will continue to provide the City with a different development model not currently available nearby and that encourages smaller size non-retail commercial businesses with the City.
- B. The project is well designed and promotes orderly development that will enhance the area and the community as a whole. The proposed industrial condominium project remains consistent with the development standards set forth in Chapter 11.88 of the Montclair Municipal Code for industrial condominium development, despite the deletion of Condition No. 137 of Resolution No. 21-1946. Architectural details, materials, and the sign program remain high quality and appropriate to the proposed architectural style of the building and attainment of an aesthetically pleasing project. Proposed landscaping remains well distributed around the site and is designed to conserve water.
- C. The proposed amendment will not be materially detrimental to the development of the 20-unit tilt-up industrial condominium use nor be materially detrimental to the public welfare and to other properties in the vicinity. The deletion of Condition No. 137 does not impair the use or purpose of the underlying easement nor impacts the proposed development in any significant way including the design of the building and associated site improvements. The project site has efficient and safe access from developed streets, meets all applicable development standards including the number of required parking spaces, and when completed, will have a positive impact to the area and surrounding streetscape. Conditions of approval and CC&Rs will ensure proper uses and operations of each unit, including the requirement to install and operate security cameras that will help to minimize potential adverse impacts to the area.
- D. The proposed amendment to the conditions of approval to delete Condition No. 137 will not adversely impact the orderly development of the subject site as endorsed by the General Plan. Moreover, the General Plan encourages development with respect to adopted land use plans as a means for promoting continual improvement

of the City as a place for attractive industrial uses while eliminating or minimizing existing detrimental impacts on surrounding properties and uses.

Precise Plan of Design Findings

The makes the following findings for the revised Precise Plan of Design:

- A. The revised site plan will not have an adverse impact on or substantially depreciate property values in the vicinity, unreasonably interfere with use and enjoyment of property in the vicinity, or endanger the public peace, health, safety, or general welfare. The proposed 20-unit industrial condominium development is well designed and will substantially improve field conditions on and around the site.
- B. The revised site plan will conform to good zoning practices, in that the proposed 20-unit industrial condominium project is consistent with the applicable development standards of the Montclair Municipal Code and the types of future uses permitted in the project will be consistent with those allowed in the M-1 (Limited Manufacturing) zone.

Public Notice and Comments from the Public

Notice for this project was published as a public hearing in the Inland Valley Daily Bulletin newspaper on September 17, 2021, as prescribed by law for the discretionary land use entitlements. Public hearing notices were mailed to all property owners within 300 feet from the boundaries of the subject property. As of this writing, no inquiries were received from the public.

Environmental Assessment

The project, as revised, is deemed to be exempt from the California Environmental Quality Act, pursuant to Section 15332 of State CEQA Guidelines, in that Class 32 covers infill projects in significantly developed areas. The proposed industrial condominium project on the existing vacant site is consistent with the applicable policies of the General Plan, the "M-1" (Limited Manufacturing) zone, is on a parcel less than five acres in area, has utilities present in the area to serve the development, and would not result in any significant effects related to traffic, noise, air quality, and/or water quality.

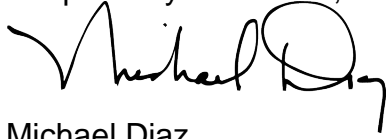
Recommendation

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

- A. Move that, based upon evidence submitted, the revised project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA), as a Class 32 exemption under State CEQA Guidelines Section 15332.
- B. Move to approve the Resolution No. 21-1953 amending Conditional Use Permit Precise Plan of Design per the submitted plans and as described in the staff report for the 20-unit industrial condominium project and associated revised site improvements located at 10680 Silicon Avenue, under Case No. 2020-25 "A." If

approved, Resolution No. 21-1953 which, if approved, would replace and supersede Resolution No. 21-1946.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Diaz", with a stylized flourish at the end.

Michael Diaz
Director of Community Development

Exhibits: A - Site Plan Easement Exhibit
 B - City Council Resolution No. 21-3311 for TTM No. 20384
 C - Draft Resolution No. 1953

c: Baldwin Park Homes, LLC, 1773 San Bernardino Road, B-42, West Covina, CA 91790
 Al Saito, 20803 Valley Boulevard, #105, Walnut, CA 91789
 Glen A. Gwatney, Anacal Engineering Company, 1211 N. Tustin Ave., Anaheim, CA 92807

Z:\COMMDEV\MDIAZ\CASES\2020\2020-25 "A"\STAFF REPORT

EXHIBIT "A"
CASE NO. 2020-25 "A"
10680 SILICON STREET
20-UNIT INDUSTRIAL CONDOMINIUM COMPLEX

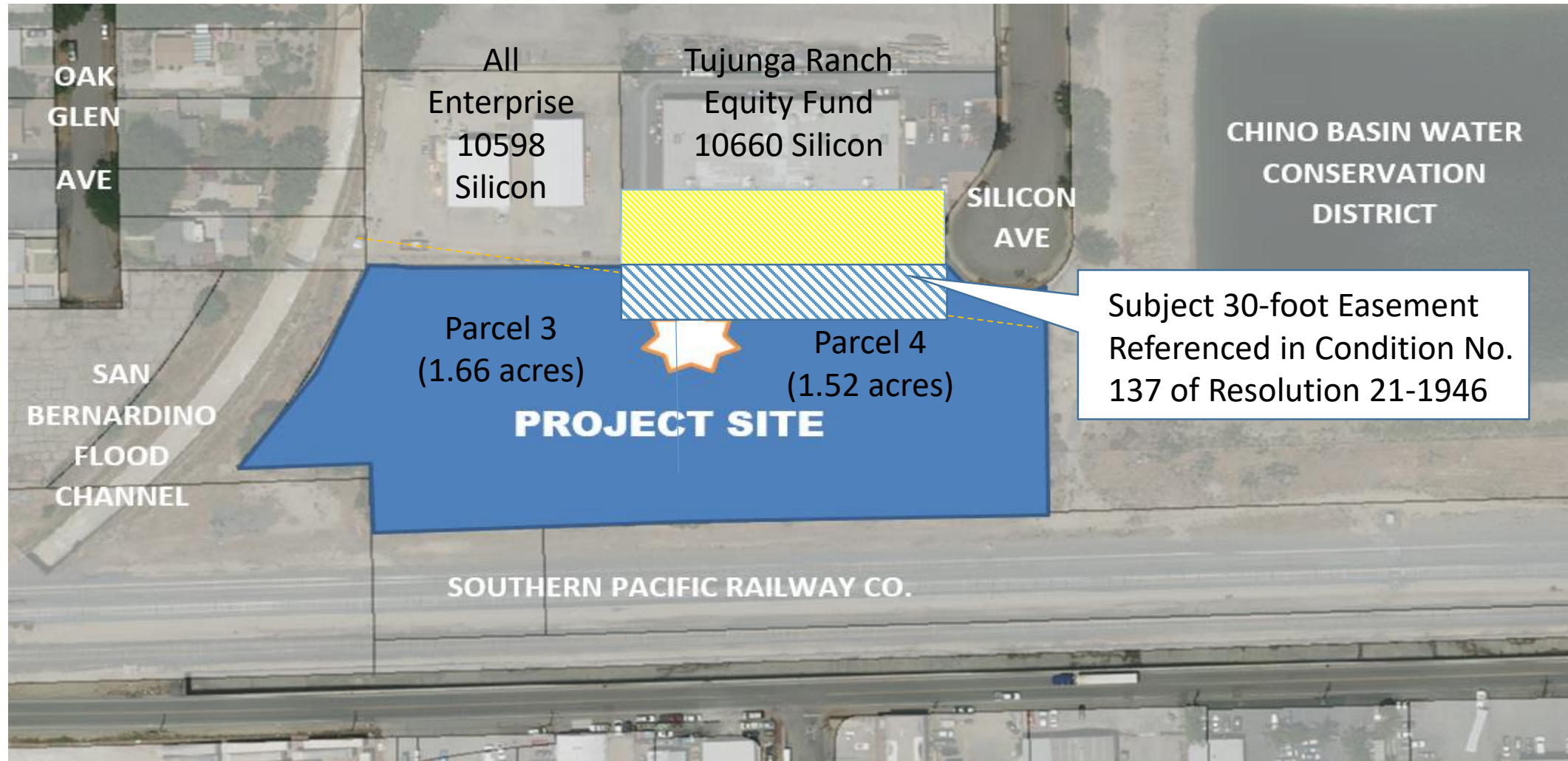


EXHIBIT "B"

RESOLUTION NO. 21-3311

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR APPROVING TENTATIVE TRACT MAP NO. 20384 UNDER CASE NO. 2020-25 FOR A PROPOSED 20-UNIT INDUSTRIAL CONDOMINIUM DEVELOPMENT ON A COMBINED 3.18 GROSS ACRE LOT LOCATED AT 10680 SILICON AVENUE, (APN NOS. 1012-031-09-0000 & 1012-031-10-0000)

WHEREAS, Baldwin Park Homes, LLC, property owner, filed an application on October 7, 2020, for a Conditional Use Permit (CUP), Precise Plan of Design (PPD), and Tentative Tract Map (TTM) 20384 under Case No. 2020-25 (Application), to construct a 20-unit industrial condominium development, including associated site improvements and master sign program on the subject site; and

WHEREAS, the name of the project is *The Orange Grove Business Park*; and

WHEREAS, the subject site currently consists of two adjoining parcels (Parcels 3 and 4 of Parcel Map No. 5991), located at the southern end of Silicon Avenue, south of Holt Boulevard, and bounded by the Brooks Basin (Chino Basin Water Conservation District) on the east, the Union Pacific Railroad right-of-way on the south, the San Antonio Creek Channel located on the west, and existing industrial development to the north; and

WHEREAS, Tentative Tract Map (TTM) No. 20384 would result in combining the two existing lots, Parcels 3 and 4 of Parcel Map No. 5991, into a single parcel totaling 138,510-square feet (3.18-acres) for development; and

WHEREAS, Tentative Tract Map (TTM) No. 20384 would allow the formation of 20 condominium units to be located within a new 58,836 square foot building proposed for the site; and

WHEREAS, Covenant, Conditions, and Restrictions (CC&Rs), including an on-site property management company will ensure daily maintenance, proper assignment of parking spaces, guest management, proper uses of the units, and security of the site, is a requirement of the project; and

WHEREAS, the site is encumbered with an existing 28-foot wide easement for pipeline and incidental purposes owned by the Inland Empire Utilities Agency (IEUA) (Recorded April 19, 2004 per Instrument No. 20040267776 of official records), which developer considered in the design of the site and construction improvements; and

WHEREAS, the subject site is within the "M-1" (Limited Manufacturing) zone and is currently vacant; and

WHEREAS, on March 15, 2021, the City Council's Real Estate subcommittee previewed project proposal; and

WHEREAS, on April 16, 2021, the City gave public notice of the Planning Commission's public hearing by advertisement in a newspaper of general circulation, and posted the public notice at City Hall, and mailed to all property owners within 300 feet of the project boundaries; and

WHEREAS, on April 26, 2021, the Planning Commission conducted a public hearing and approved the PPD and CUP as it pertains to the overall site plan, floor plan, elevations, conceptual colors and materials, conceptual landscape/irrigation plan, and master sign program associated with the 20-unit tilt up industrial condominium development; pursuant to the development standards contained in Chapters 11.32 and 11.88 of the Montclair Municipal Code; and

WHEREAS, by a 5-0 vote, the Planning Commission approved the CUP and PPD, and recommended City Council approval of the Tentative Tract Map (TTM) No. 20384, pursuant to Planning Commission Resolution No. 21-1946; and

WHEREAS, on May 27, 2021, the City gave public notice of the City Council's public hearing by advertisement in a newspaper of general circulation, and posted the public notice at City Hall, and mailed to all property owners within 300 feet of the site; and

WHEREAS, the City Council conducted duly noticed public hearings on June 7, 2021; June 21, 2021; and July 19, 2021, at which times all interested parties were provided an opportunity to give testimony for or against the proposal; and

WHEREAS, the City Council finds the requested entitlements to be consistent with the adopted General Plan and the Montclair Municipal Code and following good planning principles; and

WHEREAS, the City Council finds that the proposed tract map to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the State CEQA Guidelines, in that Class 32 covers infill projects in significantly developed areas. Further, the proposed development of which the map is a part is consistent with the applicable policies of the General Plan and the M-1 (Limited Manufacturing) zone, is less than five acres in area, has utilities present in the area to serve the development, and would not result in any significant effects related to traffic, noise, air quality, or water quality; and would have no significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Montclair does hereby find and determine as follows:

SECTION 1. Based upon the facts and information contained in the application, together with all written and oral reports included for the environmental assessment for the application, the City Council finds that the proposed project is exempt from further environmental review pursuant to State CEQA Guidelines, Section 15332.

SECTION 2. Based on the entire record before the City Council, all written and oral evidence presented to the City Council, and the findings set forth in this Resolution, the City Council approves Tentative Tract Map No. 20384, subject to the conditions of approval set forth in the attached Exhibit "A" and as depicted in the submitted map Exhibit "B."

Tentative Tract Map Findings

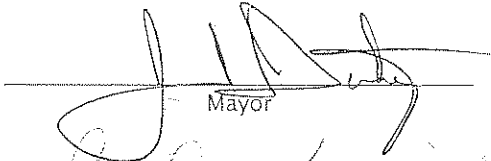
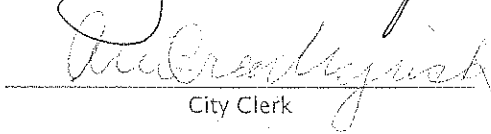
- A. The proposed subdivision and the provisions for its design and improvements are consistent with the adopted General Plan and the Montclair Municipal Code. The Tentative Tract Map proposal meets minimum lot size and dimension standards of the "M-1" zoning district and provides for ample area on which to develop the proposed industrial condominium project and to accommodate future land uses compatible with the underlying zoning district. Moreover, the Tentative Tract Map is consistent with the overall goal of the General Plan to promote good planning practices and orderly development within the City.
- B. The subject site is physically suitable for the proposed development. At 3.18 acres in area (138,510-square feet) the site is of a size and configuration that has sufficient width and depth to allow for orderly development. The project site is also located adjacent to a fully improved street that connects to an arterial roadway at Holt Boulevard which will provide direct and safe access to the project site. In addition, the site is designed to allow for appropriate internal pedestrian and vehicular circulation around the proposed improvements.
- C. The subdivision design and improvements proposed are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat. The site is vacant and surrounded by industrial urban development and streets; does not contain any bodies of water and is not linked to any wildlife corridors. The vacant site is mostly paved over, does not have any trees, and does not contain any evidence of known habitats of significance including rare or endangered species of plant, animal, or insect life.
- D. The subdivision design and type of improvements proposed in the Tentative Tract Map are not likely to cause serious public health problems because all development and public improvements will be constructed per the requirements of all applicable standards and codes including the zoning and building codes.
- E. The subdivision design and type of improvements proposed in the Tentative Tract Map will not conflict with any onsite public or private easements for access or use. The project was designed around an existing underground storm drain pipe easement owned by the Inland Empire Utilities Agency (IEUA) and the applicant has

worked with IEUA to respond and resolve any issues regarding the easement during on-site construction and thereafter. Moreover, the project has been designed to ensure that existing sewer manholes are not impacted and that City access is preserved.

- F. The discharge of wastewater into the existing sanitary sewer system from the development proposed in the Tentative Tract Map will not cause a violation of existing requirements prescribed by the Regional Water Quality Control Board. The entire project will be required to connect to the City's sanitary sewer system pursuant to California Plumbing Code and Municipal Code requirements. Sewer mains exist in Silicon Avenue and within the project site, all of which are immediately adjacent to the subject site.

APPROVED AND ADOPTED this 19th day of July, 2021:

ATTEST:


Mayor

City Clerk

I, Andrea M. Myrick, City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 21-3311 was duly adopted by the City Council of said city and was approved by the Mayor of said city at a regular meeting of said City Council held on the 19th day of July, 2021, and that it was adopted by the following vote, to-wit:

AYES: Martinez, Johnson, Ruh, Dutrey
NOES: None
ABSTAIN: None
ABSENT: Lopez


Andrea M. Myrick
City Clerk

EXHIBIT A
Resolution No. 21-3311
CONDITIONS OF APPROVAL

1. This approval is for Tentative Tract Map No. 20384, to merge Parcels 3 and 4 of Parcel Map No. 5991 (Assessor Parcel Nos. 1012-031-09-0000 and 1012-031-10-0000) into a single lot and to allow the formation of 20 industrial condominium units within a new 58,836 square-foot building and off and on-site improvements associated with Case No. 2020-25.
2. The above entitlement shall be subject to all conditions of approval contained in Planning Commission Resolution No. 21-1946 (Case No. 2020-25).
3. Any modification, intensification, or expansion of the use beyond that which is specifically approved by the aforementioned entitlements and that is not reflected in the map, plans, and drawings approved with this action by the City Council shall require review and approval by the City Council.
4. In the event that exhibits and written conditions are inconsistent, the written conditions shall prevail.
5. The applicant/owner shall be required to pay any applicable fees as shown below; within five (5) days of approval by the City Council:
 - a. A check in the amount of \$50, 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 \$1,273.16, payable to "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (*Inland Valley Daily Bulletin*) as required by state law for City Council review on June 7, 2021; June 21, 2021; and July 19, 2021.
6. 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 TTM shall not waive compliance with any such requirements.
7. Notice to Applicant/Owner/Subdivider: The conditions of approval for this project include certain fees, dedication requirements, reservation requirements, and/or other exactions more specifically described in the conditions of approval herein. The subdivider/applicant is hereby notified that the 90-day protest period to challenge such items has begun as of the date of the project approval. For purposes of this notice, "project approval" shall mean the date that the City Council approves the application for the Tentative Tract Map referenced in Condition No. 1. All impact fees shall be due and payable at the time stated in the adopted ordinance, resolution or policy adopting and imposing such fees, or at the time building permits are issued. If the applicant fails to file a protest regarding any of the fees, dedications, reservations, or other exaction requirements as specified in Government Code §66020, the subdivider/applicant shall be legally barred from later challenges.
8. The applicant/owner/subdivider shall reimburse the City for the legal costs associated with the preparation/review of any agreements and covenants required by these conditions prior to the time of their initiation.
9. The applicant/owner shall ensure that a copy of this Resolution is reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the Project.
10. 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 that are a part thereof. These specific requirements must be recorded with all title conveyance documents at the time of escrow closing.

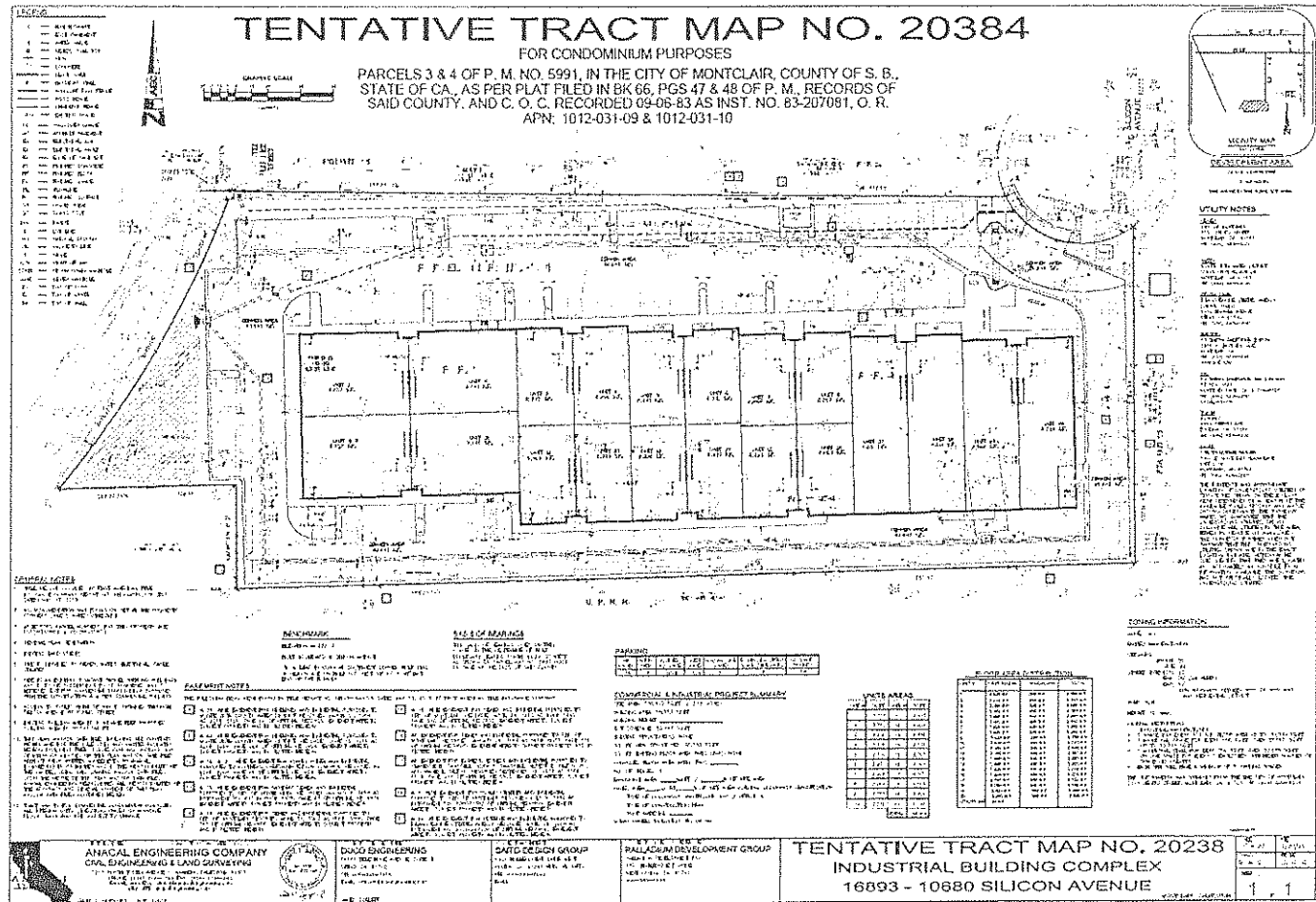


EXHIBIT "C"

RESOLUTION NO. 21-1953

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING CASE NO. 2020-25 "A" AMENDING CONDITIONAL USE PERMIT AND PRECISE PLAN OF DESIGN APPROVAL UNDER CASE NO. 2020-25 FOR A PROPOSED 20-UNIT INDUSTRIAL CONDOMINIUM DEVELOPMENT AT 10680 SILICON WAY (APNs 1012-031-09-0000 & 1012-031-10-0000)

A. Recitals.

WHEREAS, on October 7, 2020, Baldwin Park Homes, LLC, property owner, filed an application for Tentative Tract Map (TTM) No. 20384, Conditional Use Permit (CUP), and Precise Plan of Design (PPD), under Case No. 2020-25, to construct a 20-unit industrial condominium development, including associated site improvements and master sign program on the subject site; and

WHEREAS, the subject application applies to two existing lots, Parcels 3 and 4 of Parcel Map No. 5991, with a combined total of 138,510-square feet in area (3.18-acres located on the southwest end of a cul-de-sac on Silicon Avenue; and

WHEREAS, the subject site is zoned "M-1" (Limited Manufacturing) and is currently vacant; and

WHEREAS, the Montclair Municipal Code requires approval of a CUP to create an industrial condominium project pursuant to the development standards contained in Chapters 11.32 and 11.88 as it pertains to the allowable uses and required unit sizes, and other development requirements; and

WHEREAS, a 28-foot wide easement exists running generally across the center of the site for pipeline and incidental purposes, which is owned by the Inland Empire Utilities Agency (IEUA) recorded April 19, 2004 per Instrument No. 20040267776 of official records; and

WHEREAS, on a portion of the north side of existing properties exists a 60-foot wide access easement owned by the owner 10590 Silicon Avenue (adjacent property), the southern 30-feet of said easement being on the subject site; and

WHEREAS, on April 26, 2021, the Planning Commission conducted a public hearing and approved the proposed CUP and PPD for a 20-unit industrial condominium development; pursuant to the development standards contained in Chapters 11.32 and 11.88 of the Montclair Municipal Code; and

WHEREAS, by a 5-0 vote, the Planning Commission approved the CUP and PPD, and recommended City Council approval of the Tentative Tract Map (TTM) No. 20384, pursuant to adopted Planning Commission Resolution No. 21-1946; and

WHEREAS, on July 19, 2021, the City Council, by a 5-0 vote, approved the Tentative Tract Map (TTM) No. 20384; and

WHEREAS, the project entitlements were predicated on the applicant's ability to have an existing 30-foot wide access easement located on the side of the site be relinquished, as stated in Condition No. 137 of Resolution No. 21-1946, reading:

"This approval is contingent upon the recorded agreement of the legal holder of the north easement for ingress, egress, and incidental purposes, to relinquish/reconvey to the applicant the southerly 30-foot wide portion of the total 60-foot wide easement."

WHEREAS, the applicant was unable to have the subject easement relinquished by the adjacent property, requiring modification of the project's approved entitlements; and

WHEREAS, on August 26, 2021, the applicant requested an amendment to the approved Conditional Use Permit to delete Condition No. 137 contained in Resolution No. 21-1946, and submitted revised plans that excludes the 30' easement area in question from development; and

WHEREAS, the scope project remains the same as previously approved, with plans featuring a single concrete tilt-up building for 20 industrial condominium units and associated site improvements, and

WHEREAS, the deletion of Condition No. 137 of Resolution No. 21-1946, does not adversely affect the project or compliance with applicable development standards and codes, as contained in Chapters 11.32 and 11.88 of the Montclair Municipal Code; and

WHEREAS, the revised site plan is consistent with the approved Precise Plan of Design with respect to building design, floor plan and elevations, conceptual colors and materials, and conceptual landscape/irrigation plan, and related site plan improvements; for the approved industrial condominium development; and

WHEREAS, no other changes to conditions of approval or site plans revisions other than identified above and in the staff report prepared for review by the Planning Commission have been proposed, and

WHEREAS, the requested amendments to the above entitlements would be included in this Resolution No. 21-1953 which, if approved, would replace and supersede Resolution No. 21-1946.

WHEREAS, the Planning Division has determined the revisions to the project are categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of State CEQA Guidelines, in that Class 32 covers infill projects in significantly developed areas. The proposed development of a 20-unit industrial condominium remains consistent with the applicable policies of the General Plan, M-1 (Limited Manufacturing) zone, is less than five acres in area, has utilities present in the area to serve the development, and would not result in any significant effects related to traffic, noise, air quality, or water quality; and

WHEREAS, the Planning Commission has reviewed the Planning Division's determination that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of State CEQA Guidelines, and based on its own independent judgment, concurs with staff's determination of said exemption and finding of no significant effect on the environment; and

WHEREAS, this item was advertised as public hearing in the Inland Valley Daily Bulletin newspaper on September 17, 2021. Public hearing notices were also mailed to property owners within the 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary zoning entitlement; and

WHEREAS, a notice of public hearing was duly given and posted in the manner and for the time frame prescribed by law; and

WHEREAS, on September 27, 2021, commencing at 7:00 p.m. in the Council Chambers at Montclair City Hall, the Planning Commission conducted a meeting at which time all persons wishing to testify in connection with said project were heard and said proposal was fully studied.

B. Resolution.

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

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

2. Based on substantial evidence presented to this Commission during the public hearing on September 27, 2021, including written and oral staff reports, together with public testimony, this Commission hereby finds with respect to the amendments to the Conditional Use Permit and Precise Plan of Design under Case No. 2020-25 “A”, to be consistent with the overall objectives of the City of Montclair General Plan, the Montclair Municipal Code, and good planning principles, and approves the requested amendments, subject to the findings and each and every condition as set forth below.

Conditional Use Permit Amendment Findings

The makes the following findings for the proposed Conditional Use Permit Amendment:

- A. The proposed deletion of Condition No. 137 of Resolution No. 21-1946 does not adversely impact the orderly development of the subject site or intended use as industrial condominiums. The inability to utilize the existing access easement does not prevent the development of the site in a manner that is essential and desirable to the public convenience and public welfare. The new development will continue to provide the City with a different development model not currently available nearby and that encourages smaller size non-retail commercial businesses with the City.
- B. The project is well designed and promotes orderly development that will enhance the area and the community as a whole. The proposed industrial condominium project remains consistent with the development standards set forth in Chapter 11.88 of the Montclair Municipal Code for industrial condominium development, despite the deletion of Condition No. 137 of Resolution No. 21-1946. Architectural details, materials, and the sign program remain high quality and appropriate to the proposed architectural style of the building and attainment of an aesthetically pleasing project. Proposed landscaping remains well distributed around the site and is designed to conserve water.
- C. The proposed amendment will not be materially detrimental to the development of the 20-unit tilt-up industrial condominium use nor be materially detrimental to the public welfare and to other properties in the vicinity. The deletion of Condition No. 137 does not impair the use or purpose of the underlying easement nor impacts the proposed development in any significant way including the design of the building and associated site improvements. The project site has efficient and safe access from developed streets, meets all applicable development standards including the number of required parking spaces, and when completed, will have a positive impact to the area and surrounding streetscape. Conditions of approval and CC&Rs will ensure proper uses and operations of each unit,

including the requirement to install and operate security cameras that will help to minimize potential adverse impacts to the area.

- D. The proposed amendment to the conditions of approval to delete Condition No. 137 will not adversely impact the orderly development of the subject site as endorsed by the General Plan. Moreover, the General Plan encourages development with respect to adopted land use plans as a means for promoting continual improvement of the City as a place for attractive industrial uses while eliminating or minimizing existing detrimental impacts on surrounding properties and uses.

Precise Plan of Design Findings

The makes the following findings for the revised Precise Plan of Design:

- A. The revised site plan will not have an adverse impact on or substantially depreciate property values in the vicinity, unreasonably interfere with use and enjoyment of property in the vicinity, or endanger the public peace, health, safety, or general welfare. The proposed 20-unit industrial condominium development is well designed and will substantially improve field conditions on and around the site.
- B. The revised site plan will conform to good zoning practices, in that the proposed 20-unit industrial condominium project is consistent with the applicable development standards of the Montclair Municipal Code and the types of future uses permitted in the project will be consistent with those allowed in the "M-1" (Limited Manufacturing) zone.

Conditions of Approval

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

Planning Division

- 1. This approval is hereby granted to approve the following entitlements under Resolution No. 21-1953:
 - a. An amended Conditional Use Permit allowing the development of a 20-unit industrial condominium project on the subject site at 10680 Silicon Avenue pursuant to Case No. 2020-25 "A" and carrying forward the previous conditions of approval under Resolution No. 21-1946, except Condition No. 137 being deleted with this approval.
 - b. A modified Precise Plan of Design approval for the project, which omits the area of the 30-foot access easement from development, as depicted in Attachment A. PPD approval includes minor adjustments to the

building and site improvements as described in the staff report prepared for this amendment and depicted on approved revised plans on file with the Planning Division.

- c. Recommendation of approval to the City Council for Tentative Tract Map No. 20384. On July 19, 2021, the City Council approved TTM No. 20384.
2. This approval shall supersede all previously approved land use entitlements for projects on the subject property.
3. This decision or any aspect of this decision may be appealed to the City Council within 15 days from the date of Planning Commission action, subject to filing the appropriate forms and payment of associated fees.
4. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
 - a. A check for \$50.00, payable to "Clerk of the Board of Supervisors," to cover the fee for filing a Notice of Exemption for the project as required by the California Environmental Quality Act (CEQA).
 - b. A check for \$699.98, made payable to "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.
 - c. A check for \$110.00, made payable to "City of Montclair," reference Case No. 2020-25 "A", 10680 Silicon Avenue. Attention to Merry Westerlin, Building Official/Code Enforcement Manager to cover the actual cost for fire review fees.
5. 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.
6. The subject property shall be developed in accordance with approved plans, as amended with this action, and specifications on file with the Planning Division.
7. Any modification, intensification, or expansion of the use beyond that which is specifically approved by the above-noted entitlements and that is not reflected in the map, plans, and drawings approved with this action shall require review and approval by staff, the Planning Commission, or the City Council as appropriate.
8. In the event that exhibits and written conditions are inconsistent, the written conditions shall prevail.

9. This CUP approval shall be valid for a period of six months (180 calendar days) from the date of Planning Commission approval and shall automatically expire on the sixth month anniversary date of Planning Commission action, unless the applicant is diligently pursuing building plan check toward eventual construction or implementation of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date.
10. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval, unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
11. Approval of this PPD shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances, the San Bernardino County Health Department, or the State of California.
12. 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 TTM, CUP, and PPD shall not waive compliance with any such requirements.
13. 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. Any discontinuation or substantial changes to the building and associated site improvements without City approval shall be a violation of this CUP and may be cause for revocation. Upon transfer, sale or re-assignment of the property to another individual or entity, the applicant shall make full disclosure of the CUP requirements and restrictions to future buyers, transferees or assignees.
14. The developer shall submit for the necessary permits from the Building Department and pay all applicable City of Montclair development fees prior to issuance of any permits and commencement of grading and/or construction activities.
15. In the event conditions of approval by the Planning Commission (as the case may be) require the revision of plans as submitted, the applicant shall submit three (3) copies of the approved plan (revised to incorporate conditions of

approval) to the Planning Division for record purposes for approval of any grading and/or building permits.

16. No occupancy of any building and/or structure shall be permitted which does not comply with approved plans unless the Director of Community Development approves the modifications.
17. Prior to the commencement of business activities at the site, each business owner, shall apply for and obtain a City of Montclair Business License, and shall maintain a valid City business license at all times. Should such licensing be denied, expire or lapse at any time in the future, this permit shall become considered a violation of this condition and the use shall be subject to code enforcement action.
18. Prior to the issuance of grading permits and/or building permits for the project, Tentative Tract Map No. 20384 shall be recorded in accordance with California Government Code Section 66456.1.
19. Each Condominium Unit shall have its own separate utility service (e.g., water, electricity, sewer, gas, etc.), panels, and metering, so that the unit can be separately billed for each utility. Each unit shall have access to each meter for the unit without entry through another unit.
20. The Community Development Director shall approve all CC&Rs for recordation before any Condominium Unit shall be sold.
21. The developer and/or owner shall form and incorporate an Owners Association that complies with the Commercial CID Act and is approved by the Community Development Director prior to assumption of Project management by the Owners Association.
 - a. An Owners Association shall be established for commercial Condominium Units by recordation of the following: (1) Articles of Incorporation of the Association; (2) Declarations of Codes Covenants and Restrictions (CC&Rs); (3) Bylaws of the Owners Association.
 - b. CC&Rs shall be prepared at the developer/owner expense and submitted to the city, in a form and content satisfactory to the Director of Community Development and City Attorney, for review and approval. The CC&Rs shall contain but not be limited to the following provisions:
 - i. The Condominium Project shall be managed by a professional manager or management firm.
 - ii. Except where maintained by a public utility, all on-site property

(building and site) improvements, including common areas, trash enclosures, gates, fences, walls, vehicular access ways, sewers, storm drains, exterior light fixtures, fire prevention water systems, and/or landscaping and irrigation systems, security cameras, shall be maintained as a common expense by the Association.

- iii. Formation of a fund account in the name of the Owners Association to be used to repair, maintain and/or replace common areas or common equipment. In the event maintenance responsibilities of the Association are not fulfilled, the city shall have the power but not the obligation to compel such maintenance. Any costs incurred by the city shall be billed to and paid by the Association. The city may also seek recovery by any means allowed by law, including but not limited to placing a lien on the property.
 - iv. No individual owner may avoid liability for his or her prorated share of the expenses for common area by renouncing his or her rights in the common area.
 - v. Provisions to govern the use of designated parking spaces for each Condominium Unit.
 - vi. Provisions to prohibit outdoor storage of any kind on the premises.
 - vii. Additional conditions as required by the Community and Economic Development Director.
 - viii. Amendment or modification to the CC&Rs shall require the advance review and approval of the city.
22. Tentative map approval shall expire three years from the date of City Council approval unless extended under Government Code Section 66452.6. The final map shall be filed with the Public Works Director/City Engineer and shall comply with the Subdivision Map Act of the State of California and all applicable Ordinances, requirements, and Resolutions of the City of Montclair.
23. Notice to Applicant/Owner/Subdivider: The conditions of approval for this project include certain fees, dedication requirements, reservation requirements, and/or other exactions more specifically described in the conditions of approval herein. The subdivider/applicant is hereby notified that the 90-day protest period to challenge such items has begun as of the date of the project approval. For purposes of this notice, "project approval" shall mean the date that the City Council approves the application for the Tentative Tract Map referenced in Condition No. 1. All impact fees shall be due and payable at the time stated in the adopted ordinance, resolution or policy

adopting and imposing such fees, or at the time building permits are issued. If the applicant fails to file a protest regarding any of the fees, dedications, reservations, or other exaction requirements as specified in Government Code §66020, the subdivider/applicant shall be legally barred from later challenges.

24. The applicant/owner/subdivider shall reimburse the City for the legal costs associated with the preparation/review of any agreements and covenants required by these conditions prior to the time of their initiation.
25. 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 that are a part thereof. These specific requirements must be recorded with all title conveyance documents at the time of escrow closing.
26. Prior to the issuance of building permits, the applicant shall submit the following plans for plan check by the Building and Planning Divisions:
 - a. Fence and/or Wall plan for the entire site that shows the elevation and specifications. The design of the block wall with cap shall be complementary to the overall appearance of the new building and constructed of durable, graffiti-resistant, and easily maintained materials as follows:
 - i. Proposed wall and security gate along the 30-foot front yard setback, facing Silicon Avenue shall be a maximum of 4'-0" in height for the first 30 feet (front yard setback) as measured from back of public sidewalk on Silicon Avenue, then gradually step up/slope up in equal segments to 6'-0" on the north and east property lines and 8'-0" in height on the south and west property lines to ensure a smooth transition in overall height. All block walls must provide a wall cap and graffiti-resistant. The use of chain-link fencing and security deterrents such as barbed or concertina wires are expressly prohibited on any portion of the property. At no point shall the maximum height of the wall with cap exceed the eight feet (8'-0") in height, adjusted for existing grade conditions, without the satisfaction and approval of the Director of Community Development.
 - ii. Roll-up gates shall be made accessible to emergency personnel (IEUA, Public Works, Police and Fire) during times when said gates are in a closed position. Contact the Montclair Fire Department for further information and requirements.
 - iii. Double wall or fence/wall conditions shall not be permitted. The applicant shall be responsible for receiving required permits and coordinating with all adjacent property owners regarding

the replacement of property line walls. Wall, fence, and gate heights, materials, and finishes shall be to the satisfaction and approval of the Community Development Director.

- b. Submit an exterior lighting and photometric plan for the entire site. The plans shall indicate the location of all exterior light fixtures (area, building, parking lot, etc.) and the overall illumination levels across the site. All proposed exterior lighting shall comply with the following standards:
 - i. Provide a minimum maintained illumination level of one (1) foot-candle across the site.
 - ii. All lighting fixtures shall be vandal-resistant and of a design that complements the architecture of the building.
 - iii. All parking lot and other freestanding light fixtures shall incorporate 90-degree cut-off style luminaires and flat lenses so as to direct illumination downward to the surface to be illuminated and away from the public rights-of-way and properties adjacent to the subject site. Cut-off or "house-back" shields may be required to ensure illumination does not adversely impact adjacent properties to the greatest extent possible, particularly the Southern Pacific Railway Company to the south.
 - iv. Freestanding light fixtures and poles shall not exceed a maximum height of 20'-0" as measured from adjacent grade to top of luminaires.
 - v. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be clad in a color coordinated stucco finish to complement the main building.
 - vi. Wall-mounted fixtures shall be shielded. The use of unshielded wall packs, barn lighters, other similar unshielded luminaires, and/or decorative lighting installed solely for the purpose of illuminating the roof shall be prohibited.
 - vii. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.
27. The proposed locations for the mailboxes for the project shall comply with locational requirements set forth in Section 11.60.070.D of the Montclair Municipal Code with respect to a weather-protected location subject to City review and approval prior to installation. The applicant shall also ascertain any requirements for such mailboxes from the United States Postal Service

(USPS). The City acknowledges that proposed location for the building's mailboxes shall be to the satisfaction of the USPS.

28. The trash enclosure(s) shall have a solid roof cover and be designed to complement the overall architecture of the main building. Contact Burrtec Waste Industries to determine the number of required bins to support the most likely end user(s) of the building.
29. All automobile parking spaces shall be clearly delineated with double-line (e.g. "hairpin") striping.
30. Prior to the installation of any signs, a licensed sign contractor or property owner shall submit a Sign Permit Application in compliance with the adopted master sign program and set of scaled plans to the Planning Division for review and approval. The set of plans shall be drawn to scale, and include all proposed building mounted signs, directional signs, wall mounted, freestanding monument and pylon signs. All permanent signs shall be installed by a licensed and insured sign contractor only. Building permits for installation of all signs shall be required. The plans shall also comply with the following standards:
 - a. All wall signs shall utilize individual routed channel letters with dimensional logos.
 - b. Building mounted signs shall be limited to the name/nature of the business only and numerical address.
 - c. Exposed raceways shall be prohibited for all building-mounted and freestanding signs.
 - d. All signs shall be maintained at all times in a safe and secure manner.
 - e. Exposed surfaces shall be cleaned and painted as necessary. Broken and defective parts shall be repaired or replaced immediately.
31. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including, but not limited to the following:
 - a. Temporary banners for the purpose of announcing the grand opening or advertising promotions shall require a banner permit from the Planning Division prior to installation.
 - b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
 - c. At no time shall pennants, inflatable signs, "human" signs, or other similar advertising devices be utilized on the property or off-site.

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.
33. All 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 properties, subject to the approval of the Community Development Director. In addition, screening of the top of roof-mounted mechanical equipment may be required by the Director, if necessary, to protect views from a higher elevation. Screening of roof-mounted equipment shall be accomplished by means of one or both of the following methods:
 34. Raised parapet(s) or solid screen walls of sufficient height to completely block visibility of equipment as installed. Such screens shall be designed 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.
 35. Access to the roof of the building shall be from within the structure and not by means of roof access ladders mounted to the exterior of the building.
36. All ground-mounted mechanical equipment, including, but not limited to, utility meters, air conditioners, condenser units, and repair equipment shall be located within the building or on the exterior of the building only when necessary and screened in a manner that is compatible with the architectural design of the building subject to the satisfaction of the Community Development Director.
37. Freestanding electrical transformers and double check detector assembly (DCDA) equipment shall be painted and screened with a powder-coated green backflow armor and backflow enclosure to prevent vandalism.
38. No outdoor storage and/or display areas for merchandise, vehicles, trucks, furniture, machinery, pallets, boxes, etc. are allowed at any time.
39. No temporary or permanent residential living quarters shall be established on the premises within any building or motorhome/recreational vehicle. 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, within the unit, and performing other life activities at the location repeatedly.
40. All satellite dish antennas, microwave receivers and transmitters, and other

forms of communication equipment shall be located in a manner in accordance with the provisions of Chapter 11.46 of the Montclair Municipal Code.

41. At no time shall any storage occur in the area outside the exterior of the building, including shelving, boxes, supplies, etc.
42. The property owner shall be responsible for maintaining all building, yards, structures, signs, parking areas and other improvements in such a manner that does not detract from the appearance of the surrounding area. Parking lots shall be maintained in an attractive and suitable fashion with any potholes, significantly cracked or uneven paving, and any other significant damage repaired in a timely fashion throughout the life of the project.
43. Graffiti or etching of glass/window areas on any portion of the building or site improvements shall be removed and/or replaced immediately by the applicant/property owner with or without notification by the City. Paint utilized in covering such graffiti shall be of a color that matches the color of the adjacent surfaces, and extends outward to cover the entire surface.
44. Portions of the Project may be adjacent to the San Bernardino County Flood Control District (SBCFCD) right-of-way and facility. Any encroachments on the District's right-of-way or facilities, including but not limited to access, fencing and grading, utility crossings, landscaping, new and/or alteration to drainage connections will require a permit from the SBCFCD prior to start of construction. The necessity for permits, and any impacts associated with them, should be addressed in the prior adoption of CEQA determination. If you have any questions regarding this process, please contact the FCD Permit Section at (909) 387-1863.
45. The applicant shall be fully responsible for recognizing and complying with all easement rights held by the Inland Empire Utilities Agency (IEUA) pursuant to that document recorded April 19, 2004 as instrument No. 20040267776 of official records. The easement *affects* subject property, and as plotted on the Tentative Tract Map No. 20384.
46. Prior to issuance of a Certificate of Occupancy, and as approved by the City, applicant shall comply with all requirements and conditions of approval of the IEUA related to the above easement as set forth in IEUA's Letter dated March 22, 2021 and any other conditions imposed by the IEUA after final review and approval of a building permit for encroachment upon the easement.
47. Prior to issuance of a Certificate of Occupancy, the applicant shall install all approved landscaping materials on the site, subject to the satisfaction of the Community Development Director. The following standards shall apply:
 - a. All shrubs shall be minimum five-gallon container size.

- b. All trees shall be a minimum 36-inch box size and double-staked.
 - c. A minimum of 3 inches of bark mulch (shredded or chips) or other approved material shall be provided in all planted areas.
 - d. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
 - e. Within the public right-of-way, any tree plantings shall be setback a minimum of five feet behind (back of) sidewalk to prevent tree root damage to the public sidewalk in the future.
48. All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency.
49. All plant materials that does not survive or is removed or destroyed shall be replaced upon its demise or removal with plant materials of a like type and size as that originally approved and installed.
50. Plant materials 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.
51. A copy of the TTM, CUP, and PPD approval letter and resolution with all conditions of approval related to the application shall be conspicuously posted alongside the establishment's Business License and Certificate of Occupancy and shall be made available to law enforcement officers, Code Enforcement officers, and/or fire and building inspectors in the course of conducting inspections of said premises.
52. To ensure compliance with the conditions of the approval, a final inspection is required from the Building and Planning Divisions upon completion of construction and all improvements. The applicant shall contact the City to schedule an appointment for such inspections.
53. 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

54. Prior to issuance of building permits, the applicant shall complete the following Building Division requirements:

Submit four complete sets of plans including the following:

- a. Site/Plot Plan;
 - b. Floor Plan;
 - c. Reflected Ceiling Plan
 - d. Electrical Plans including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
 - e. Plumbing plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning.
 - f. Waste recycling plan, recycling 65% of all construction debris
 - g. Commissioning Report per Green Building Standards (upon final)
55. 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.
56. A building, structure, sewage system, utility line, eave or projection of a structure, or similar shall not cross over a property line so as to encroach on another property. All property, if separated by property line or easements shall be merged into a singular property by way of lot merger before the beginning of improvements to the site, or alternately, ensure all easements maintain clear descriptions of access and usability.

57. Submit two sets of structural calculations, if required and two sets energy conservation calculations.
58. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
59. Submit detailed plans for all walls and fencing associated with the project.
60. Clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way from the affected area of new construction or renovation. All required disabled-accessible parking lot signs, sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
61. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
62. Exposed raceways shall be prohibited on all building-mounted and freestanding signs.
63. 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.
64. Decorative foam trim shall not be used in areas subject to damage such as entry doors, garage doors, etc. Use of decorative foam shall not be allowed to be used below the second story.
65. Each industrial condominium 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.
66. Security gates to the rear of the building shall be equipped with Medeco locks or other acceptable devices to allow access by emergency personnel and utility providers at all times.
67. 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. All roof mounted mechanical units shall be sufficiently screened by parapet or other screening methods so units are not visible for the highest street view.

68. An address for the new building will be determined and issued by the Building Official after the Tract Map has been approved and recorded.
69. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner incorporated into the architectural design of the building to the satisfaction of the Planning Division.
70. 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.
71. 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.
72. 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 building. Each Unit may be addressed at the main entrance to the Unit:
 - 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.
73. 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.
74. All gates and units shall have Fire Prevention Bureau approved Knox locking devices to provide emergency access.
75. 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.

76. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
77. 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.
78. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
79. 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.
80. 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.
81. 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.
82. 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) 2019 edition, Chapter 11B, in addition to access to each feature of the trailer.
83. Prior to a Final inspection by the Building Division, a clearance shall be provided from all City Divisions involved with the project. As the project draws

near to completion, the following divisions are requested to provide a clearance for final: Fire, Planning, Public Works, Environmental, Monte Vista Water District, NPDES and Business License. When all Divisions provide a clearance, the Building Division can then preform a Final Inspection. When approved by all divisions, a Certificate of Occupancy will be issued.

84. The project shall comply with all applicable requirements set forth in the 2019 California Fire Code (CFC) and the NFPA Standards.
85. Prior to the issuance of a grading permits a fire department access plan shall be submitted to the City of Montclair for review and approval. The fire department access plan shall comply with the requirements specified by the City of Montclair Guideline for Fire Department Access & Water Requirements for Commercial & Residential Development, and the California Fire Code, Chapter 5.
86. 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.
87. The fire department access road shall be inspected by Montclair Fire Prevention Bureau prior to building construction.
88. The fire department access road shall remain unobstructed at all times.
89. All required fire hydrants shall be installed and operational prior to building construction. All fire hydrants shall remain operational during construction.
90. All required fire hydrants shall be readily visible and immediately accessible. A clear space of not less than 3-feet shall be maintained at all times.
91. Prior to construction a temporary address sign shall be posted and clearly visible from the street.
92. 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.
93. 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.
94. 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.
95. A fire department connection (FDC) shall be provided and located within 50

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.

96. The location of FDC and the support fire hydrant shall be located in a manner that does not create an obstruction to the fire department access road.
97. 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.
98. Prior to the building final 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 inspected by a third-party Emergency Radio Communication Specialist license by FCC, who shall certify the system prior to Montclair Fire Prevention Bureau inspection. The third-party inspector shall provide a written report which outlines the inspection protocol used in determining the building meets the emergency communications requirements. The requirement can be waived by the Montclair 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.

Environmental

99. Trash enclosures must be designed in accordance with the provisions of AB 341 Mandatory Commercial Recycling and AB 1826 Mandatory Commercial Organics Recycling as established by California Department of Resources Recycling and Recovery (CalRecycle). Contact Steve Stanton, Engineering Division Manager at (909) 625-9444 for more information.
100. Documentation from Burrtec Waste Industries, Inc. (Burrtec) indicating that a service agreement has been set up with Burrtec that meets all Mandatory Commercial Recycling Requirements (AB 341) and Mandatory Organics Recycling Requirements (AB 1826) for waste hauling as established by the State of California and that the appropriate number of refuse/recycling dumpsters has been established is required. Submit documentation to Steve Stanton, Engineering Division Manager at (909) 625-9444 ssanton@cityofmontclair.org for more information.
101. The future tenant/occupant of the building must complete and submit the City of Montclair's Wastewater Discharge Survey to Environmental Compliance Coordinator Steve Stanton (ssanton@cityofmontclair.org) for review to

determine pretreatment/wastewater discharge requirements. Steve Stanton, Engineering Division Manager at (909) 625-9444 for more information.

102. Discharge of wastewater into the City of Montclair sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
103. 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).
104. Connection to the City of Montclair Sanitary Sewer System is required. Additional comments may follow pending submittal of plans for plan check review.

NPDES

105. 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.
106. 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.
107. Owner understands no permits are issued prior to the approval of the WQMP.
108. 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 Steve Stanton, Engineering Division Manager, at (909) 625- 9444.
109. At the time of Grading permit issuance; Post-Construction BMP inspection permit fees associated with the approved WQMP shall be paid. Contact Steve Stanton, Engineering Division Manager, at (909) 625-9444 for further information regarding permit and fees.
110. Prior to issuance of a rough grading and/or precise grading permit, the applicant must:

- a. Obtain a City approved WQMP.
- 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.

111. Prior to issuance of Certificate of Occupancy, the applicant shall:

- a. Submit to the Engineering Division as built drawings as it relates to the WQMP and, provide adequate plan notes identifying grades, elevations for all inlets, outlets, flow lines and basins.
- b. Record the WQMP Maintenance Agreement with the County of San Bernardino and provide evidence of said recording to the Engineering Division.

112. 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 Engineering Division Manager 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.

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

114. Prior to release of the certificate of occupancy for the building, the person or corporation responsible for the preparation of the WQMP shall submit to the Engineering Division a complete PDF copy of the final WQMP document including the recorded Maintenance Agreement, Certification of Landscape Completion form and, the Final WQMP Certification form signed and stamped by Engineer of record. The PDF shall be provided on a USB flash drive that includes the complete WQMP document and, all record drawings for the project.

Public Works

115. 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.
116. Payment of transportation-related development impact fees. Fees shall be assessed at the rate in effect at the time the fees are paid.
117. All streets public and private shall have sidewalks conforming to Americans with Disabilities Act. Public and private streets shall have sidewalks on each side.
118. Streetlights shall be provided on all public and private streets. The minimum lighting level for all streets shall be to the satisfaction of the City Engineer. Plans shall include point by point foot-candle values arranged in a grid verifying a minimum lighting level of 2 foot-candles throughout every intersection and driveway approach.
119. Monument signs shall not be permitted in the line of sight triangles next to driveway locations (see City STD 110).
120. All pavement damaged by excavation will be replaced with permanent pavement per the City Standard for paving and trench repair STD No. 301.
121. Replace all existing lifted or cracked curb gutter, damaged utility pull box lids, and sidewalk adjacent to the property. Additionally remove sidewalk that show signs of ponding or is pitting, scaling or spalling. Curb Ramps not in compliance with ADA guidelines will be removed and replaced. Existing driveway approach will need to be removed and replaced with ADA compliant driveway approach. Row dedication will be needed to allow for an ADA compliant driveway approach. Record lot line adjustments for right-of-way dedications required for the development's ADA accessibility around drive approaches (sidewalk behind the approach needs to be dedicated to the City).
122. The developer shall make payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency
123. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
124. Access to existing sewer manholes shall be provided at all times, every day, including holidays. Applicant must replace all onsite sewer manhole frames and covers as per the City of Montclair's Standard Plan No. 407.
125. Property owner shall provide a key code to the Public Works Maintenance Division at (909)721-1775.

126. There shall be no storage of any form within 20 feet of the manholes; this includes but not limited to vehicles, hazardous waste, portable structures, etc.
127. 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 Steve Stanton, Engineering Division Manager at 909-625-9444. 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.
128. A grading plan 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.
129. 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.
130. All drainage facilities shall comply with requirements of the approved WQMP.

Police

131. 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.
132. 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.
133. 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.
134. If applicable, 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.

135. 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 1920x1080 pixels, otherwise known as 1080p. Cameras shall be capable of no less a resolution than 1920x1080 pixels, otherwise known as 1080p. All cameras shall have IR or low light capability.
136. 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.
137. 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 27TH DAY OF SEPTEMBER 2021.

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 27th day of September 2021, by the following vote, to-wit:

AYES:
NOES:
ABSENT:

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