



REGULAR ADJOURNED MEETING OF THE
MONTCLAIR PLANNING COMMISSION
to be held in the Council Chambers
5111 Benito Street, Montclair, California

Monday, October 25, 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 at the 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 to 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 2021-25

Project Address: 4583 Holt Boulevard
Project Applicant: Real Logic Investments, LLC
Project Planner: Silvia Gutiérrez
Request: Tentative Tract Map No. 20499 request to subdivide an existing multiple unit commercial office building that is currently under construction on a 2.38-acre site into a five-unit commercial office condominium.

b. PUBLIC HEARING – CASE NUMBER 2021-29

Project Address: 4747 Holt Boulevard
Project Applicant: 4747 Holt Investments, LLC
Project Planner: Silvia Gutiérrez
Request: A request for a CUP to relocate an existing Thrift Store from 4737 Holt Boulevard to 4747 Holt Boulevard into a 7,500-square-foot freestanding building on a 2.13-acre site.

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 October 25, 2021.

9. ADJOURNMENT

The City of Montclair Planning Commission meeting is adjourned to the regularly scheduled meeting of November 8, 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 October 21, 2021.

Report on Item Number 6.a

PUBLIC HEARING – CASE NUMBER 2021-25

APPLICATION TYPE(S)	Tentative Tract Map No. 20499 Conditional Use Permit
NAME OF APPLICANT	Real Logic Investments, LLC
LOCATION OF PROPERTY	4583 Holt Boulevard
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	“C” Commercial per Holt Boulevard Specific Plan (HBSP)
EXISTING LAND USE	Multiple Tenant Office Building under Construction
ENVIRONMENTAL DETERMINATION	Categorically Exempt (15301(k) (Class 1 – Existing Facilities)
PROJECT PLANNER	Silvia Gutiérrez, Associate Planner

Project Description

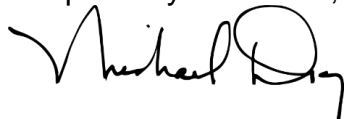
Real Logic, LLC, property owner, is requesting approval of a tract map to establish five commercial condominiums within a new building under construction at 4583 Holt Boulevard. This project was approved under a PPD and CUP in April 13, 2020 under Case No. 2020-2. Staff is requesting that the Planning Commission continue this item to allow more time to address some issues regarding Tentative Tract Map No. 20499.

Recommendation

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

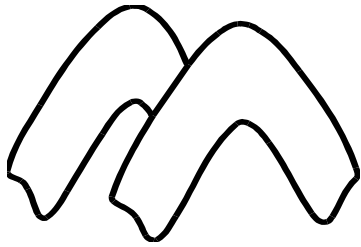
- A. Move that the Planning Commission continue Tentative Tract No, 20499 and Conditional Use Permit for the 5-unit commercial office industrial condominium project and associated site improvements located at 4583 Holt Boulevard, under Case No. 2021-25, to the next scheduled Planning Commission meeting on November 8, 2021.

Respectfully submitted,



Michael Diaz
Director of Community Development

md/sg



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 10/25/21

AGENDA ITEM 6.b

Case No. 2021-29

Application: Request for a Conditional Use Permit (CUP) to relocate Heartland Thrift from 4737 Holt Boulevard to 4747 Holt Boulevard and establish a retail thrift store within a vacant stand-alone building that encompasses approximately 7,500 square feet at the above referenced address.

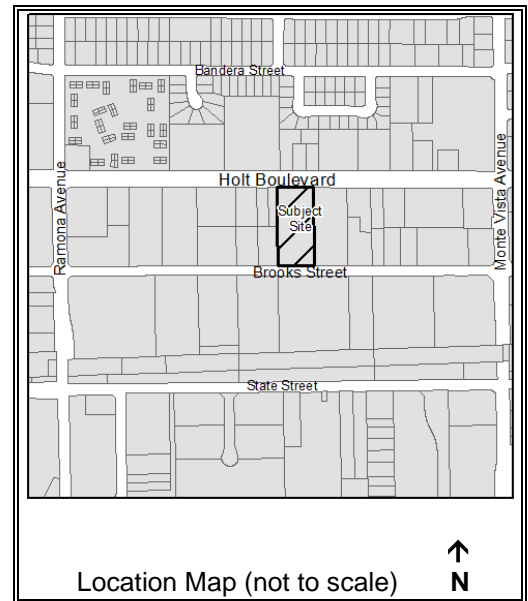
Project Address: 4747 Holt Boulevard

Property Owner: 4747 Holt Boulevard Investments, LLC
Inc. for Heartland Thrift

General Plan: General Commercial

Zoning: "Commercial" per Holt Boulevard Specific Plan

Assessor Parcel No.: 1012-091-04-0000



EXISTING SITE FEATURES/CONDITIONS

Structures: 7,500 square-foot standalone, one-story commercial building

Parking: 107 paved parking spaces, including three (3) disabled-accessible stalls

<u>ADJACENT LAND USE DESIGNATIONS AND USES</u>			
	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Freestanding Commercial building
North	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Commercial building
South	Business Park	"Industrial" per Holt Boulevard Specific Plan	Commercial building
East	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Multi-tenant commercial center
West	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Commercial building

Report on Item Number 6.b

PUBLIC HEARING – CASE NUMBER 2021-29

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	4747 Holt Investments, LLC
LOCATION OF PROPERTY	4747 Holt Boulevard
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	"Commercial" per Holt Boulevard Specific Plan
EXISTING LAND USE	Multi-Tenant Commercial Building
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Silvia Gutiérrez

Project Description

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow the establishment and operation of a thrift store at 4747 Holt Boulevard. Maria Mejia, purchased Heartland Thrift store in 2021. Heartland Thrift operated under previous ownership at 4737 Holt Boulevard under since 2013. The new business owner is requesting to relocate her current operation to the proposed site. The new location, 4747 Holt Boulevard is will provide the applicant greater street visibility and will allow operations in a freestanding building as opposed to the strip center in which it currently exists. The subject lease space is approximately 7,500 square feet in size. The majority of the lease space would be for display and retail sales activities, with the balance reserved for a merchandise receiving area.

The building has an existing loading zone at the rear, and items would be unloaded from the south side of the proposed lease space through an existing roll-up door into an existing basement. Proposed sale items would include clothing, furniture, and small housewares (e.g. pots, pans, and lamps.) Initially, the thrift store would have one (1) full time employee and four (4) part-time employees working in staggered shifts. The proposed hours of operation are 9:00 a.m. to 9:00 p.m. seven days a week. Heartland Thrift purchases used merchandise from items from an off-site consignment store; therefore, no donations will be accepted at the subject site.

A site plan and floor plan of the standalone building space is provided in the Commission packets for reference.

Background

- According to the Holt Boulevard Specific Plan (hereinafter "Specific Plan"), land use activities such as thrift stores, antique shops, and used merchandise are allowed in the "Commercial" land use district, subject to the approval of a CUP.

- Thrift stores engage in the resale of used (or second-hand) merchandise.
- The subject site is approximately 2.13 acres in area and developed with a single-story, 7,500 square-foot building that is subject of this CUP and two freestanding buildings, constructed in 1948.
- Heartland Thrift collects merchandise from items donated by customers from the Deelux high-end consignment store located in Claremont.
- According to the applicant, all incoming merchandise would be delivered to and sorted in the basement of the new building, where merchandise will be prepared for sale to the public.
- On May 13, 2013, Planning Commission under Case No. 2013-10 granted a Conditional Use Permit to the previous owner of Heartland Thrift to establish a retail thrift store within a vacant in-line tenant space that encompasses approximately 13,500 square feet at 4737 Holt Boulevard.
- The City of Montclair currently has four operating thrift stores, not including this location.

Planning Division Comments

Staff has no concerns regarding the relocation of this thrift store to the new nearby location, given it has operated at 4737 Holt Boulevard, since 2013, under previous ownership in a professional manner without any known issues. Under the new ownership, Heartland Thrift store's inventory would continue to be limited to the sale of used clothing, shoes, accessory items, housewares, and furniture and it would not be a collection/donation site. According to the applicant, all items sold at the store would be collected at their source before bringing items to the proposed Montclair site. The items would be sorted and put on hangers in the basement of the existing building.

Since the store would not receive used merchandise on the premises, there is less potential for problems such as unauthorized outside storage and dumped/discarded materials that are usually associated with thrift stores. While dumping is still a possibility, conditions of approval have been proposed to specifically address this concern to ensure the business is operated more like a traditional retail store and the site is properly maintained.

The commercial building is modest looking in appearance and landscaping at the center is fairly well-maintained. The building is generally in sound condition, even though it is one of the oldest developed commercial properties on Holt Boulevard. There are 107 off-street parking stalls on this parcel, 16 of which are located in the back and east side of the building.

The conditional use permit application applies to a standalone building that encompasses approximately 7,500 square feet at 4747 Holt Boulevard. The building is situated at the northern end of a 2.13-acre site that is also developed with two freestanding, multiple tenant commercial buildings known as 4749-4959 Holt Boulevard (8,500 square feet) and 4720-4740 Brooks Street (9,000 square feet). Shared parking is possible with the adjacent buildings to the south, which are under the same ownership.

Pursuant to conditions of approval developed for this application, staff supports the proposed use and new location and does not anticipate the aforementioned potential problems occurring on the site. Further, the applicant will be required to monitor the rear area of the building, install exterior security cameras, and will not accept drop-offs. When operated properly per the conditions of approval, staff believes the proposed thrift store use will continue to bring vibrancy and foot traffic to the area.

Conditional Use Permit Findings

Staff believes the necessary findings for granting a CUP for a thrift store at 4747 Holt Boulevard can be made as follows:

- a. That said use is essential or desirable to the public convenience and public welfare, in that the subject thrift store on Holt Boulevard will provide the general public an alternative to purchase lower priced new and used clothing items in a safe and clean environment intended for the retail sales of goods.
- b. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity, in that, the use is similar to, and consistent with, retail businesses along Holt Boulevard. In addition, the subject use will be operated as a retail store and not as a collection site for donated items, thereby reducing the potential for creating unsightly conditions on the premises.
- c. That such use in such location conforms to good zoning practice in that stores selling used merchandise are permitted in the "Commercial" land use district of the Holt Boulevard Specific Plan, subject to approval of a CUP. Conditions of approval are designed to ensure that the business is not operated in such a way as to cause undesired secondary effects that would degrade the condition of the property.
- d. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the General Plan recognizes the need for a variety of businesses offering goods and services to local residents

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on October 15, 2021. Public hearing notices were mailed out to property owners within a 300-foot radius of the subject property in accordance with State law for

consideration of this discretionary zoning entitlement. At the time this report was prepared, no comments or inquiries had been received by staff regarding this proposal.

Environmental Assessment

The project qualifies as a Class 1 exemption under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, which exempts projects involving little to no expansion of existing structures or uses. The project does not involve an expansion of the existing structure or a fundamental change in the type of uses permitted by the underlying zoning code.

Planning Division Recommendation

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

1. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301.
2. Move to approve Case No. 2021-29, subject to making the required findings and subject to the conditions of approval in attached Resolution No. 21-1955.

Respectfully Submitted,



Michael Diaz
Director of Community Development

Attachments: Draft Resolution 21-1955

Cc: Rodney Gleicher, G&G Properties, 9970 Glenoaks Blvd., Suite C, Sun Valley, CA 91352
Robert Herron, Building Design Concepts, 4515 Wolsey Court, Westlake Village, CA 91361
Via Email: BldgDsgnConcepts@aol.com
Maria Digna Tanggap-Mejia Via Email: maria_mejia1226@yahoo.com

RESOLUTION NO. 21-1955

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2021-29 TO ALLOW THE RELOCATION OF AN EXISTING THRIFT STORE IN THE "COMMERCIAL" ZONING DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN FROM 4737 HOLT BOULEVARD TO 4747 HOLT BOULEVARD (APN 1012-091-50-0000).

A. Recitals.

WHEREAS, 4747 Holt Investments, LLC, Inc. filed an application for a Conditional Use Permit (CUP) to allow a thrift store operation September 29, 2021, hereinafter referred to as "the application"; and

WHEREAS, the Holt Boulevard Specific Plan requires a CUP for the establishment of a thrift store in the "Commercial" land use district upon the review of applicable development standards and land use compatibility with surrounding properties; and

WHEREAS, the application applies to a standalone building that encompasses approximately 7,500 square feet at 4747 Holt Boulevard is at the northern end of a 2.13-acre site that is also developed with two freestanding, multiple tenant commercial buildings, known 4749-4959 Holt Boulevard (8,500 square feet) and 4720-4740 Brooks Street (9,000 square feet); and

WHEREAS, staff has determined that the application meets the intent and requirements of the Holt Boulevard Specific Plan for the proposed use and the applicable development standards of the "Commercial" land use district; 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 October 25, 2021, commencing at 7:00 p.m. in the Council Chambers at Montclair City Hall, the Planning Commission conducted a public hearing at which time all persons wishing to testify in connection with said application were heard, and said application was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on October 25, 2021, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:
 - a. That said use is essential or desirable to the public convenience and public welfare, in that the subject thrift store will provide the general public an alternative to purchase lower priced new and used clothing items in a safe and clean environment intended for the retail sales of goods.
 - b. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity, in that, the use is similar to, and consistent with, retail businesses along Holt Boulevard. In addition, the subject use will be operated as a retail store and not as a collection site for donated items, thereby reducing the potential for creating unsightly conditions on the premises.
 - c. That such use in such location conforms to good zoning practice in that stores selling used merchandise are permitted in the "Commercial" land use district of the Holt Boulevard Specific Plan, subject to approval of a CUP. Conditions of approval are designed to ensure that the business is not operated in such a way as to cause undesired secondary effects that would degrade the condition of the property.
 - d. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the General Plan recognizes the need for a variety of businesses offering goods and services to local residents.
3. Planning Division staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and

the City's CEQA Guidelines. The project qualifies as a Class 1 exemption under State CEQA Guidelines, Section 15301, which exempts projects involving little to no expansion of existing structures or uses. The project does not involve an expansion of the existing structure or a fundamental change in the type of uses permitted by the zoning code. In addition, there is no substantial evidence that the project may have a significant effect on the environment.

4. Based upon the findings and conclusions set forth in paragraphs 1, 2 and 3 above, this Commission hereby approves the application subject to each and every condition set forth below.

Planning

1. This approval is for a Conditional Use Permit (CUP) to allow the establishment of a thrift store with retail sales only within an existing 7,500 square-foot standalone building at 4747 Holt Boulevard, per the submitted plans. Any substantial changes to the operation, increase in floor area of the demised space, and/or physical location, shall require prior City approval.
2. CUP approval shall be valid for a period of six (6) months from the date of Planning Commission approval unless substantial progress has been made in property improvement or that the store is in operation with City issuance of a Certificate of Occupancy. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date.
3. 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 Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
 - a. A check in the amount of **\$50**, payable to "**Clerk of the Board of Supervisors**," to cover the County administrative fee for filing a Notice of Exemption as required by the California Environmental Quality Act (CEQA).
 - b. A check, in the amount of **\$614.72**, payable to the "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a

newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.

- c. Prior to the commencement of business activities associated with this approval, the business owner shall obtain a valid business license. For more information regarding the issuance of a business license, contact the City of Montclair Business License Technician at 909/625-9423.
 - d. The activities of the operation shall be limited to the permitted use of a thrift store selling new or used clothing, used furniture, and housewares.
5. In establishing and operating 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[, including but not limited to Chapter 11.72.370 of the Montclair Municipal Code. Approval of this CUP shall not waive compliance with any such requirements.
 6. The floor plan of the thrift store shall substantially conform to the proposed floor plan submitted for this application at all times. Any expansion or significant change shall require City review and approval.
 7. The site shall not be used as a collection facility for donated goods of any kind. The use of drop boxes/receptacles of any type shall not be allowed at this location.
 8. Approved hours of operation for the thrift store are 9:00 a.m. to 9:00 p.m., seven days per week. The business owner has the option of opening or closing anytime within these hours. Any extension of the hours of operation requires prior City approval.
 9. No exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be allowed.
 10. The business owner and/or staff shall maintain the area surrounding the business in a clean and orderly manner at all times. Litter and trash receptacles shall be located at convenient locations inside and outside establishments, and operators of such establishments shall remove trash and debris from its premises on a daily basis.

11. Exterior lighting of the parking areas shall be modified as necessary to provide a minimum intensity of at least one foot-candle of light throughout the parking area at all times in compliance with the Montclair Security Ordinance.
12. Prior to issuance of a business license and Certificate of Occupancy for the subject tenant space, the applicant shall:
 - a. Remove the unshielded building-mounted luminaires along the building at 4747 Holt Boulevard. Should the applicant desire to replace any or all of these luminaires, the replacement fixtures shall be of a 90-degree, fully-cutoff style to the satisfaction of the City Planner.
 - b. Add mulch or groundcover to planter in the front of the building
 - c. Have a license sign contractor submit sign package to reface the existing monument sign with aluminum face background that is routed out and backed up with acrylic for signage.
13. 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.
14. Changes to the exterior of the building (including paint) or site shall not be made without prior approval from the Planning Division.
15. No exterior signs are approved pursuant to this CUP approval. Prior to the installation of any business identification signs on the building or site, a sign plan shall be submitted to the Planning Division for review and approval pursuant to the applicable portions of the Montclair Sign Code and/or approved sign program for the center in which the subject lease space is located.
16. A clear unobstructed line of sight into the store shall be provided and maintained at all times, defined generally as the area extending between three feet above the ground to at least six feet above the ground. In addition to the requirements for window signs, the floor plan layout for the thrift store shall not allow the display of hanging, freestanding or stacked items, or the placement of storage racks/cabinets placed against windows that would block clear visibility into the premises from exterior windows by emergency personnel, as defined above and approved by the City Planner.

17. Window signs or displays shall comply with the following requirements:
 - a. Temporary or permanent window signs, posters, banners, or other applied graphics shall not cover more than 25 percent of each window and shall not be placed in windows in a manner that will obstruct the view into the building by emergency personnel.
 - b. Window sign placement shall not obstruct the view of the sales transaction area from inside and outside the building.
 - c. Any window tinting shall allow for physical identification of all persons in the sales transaction area from outside the building.
18. The use of temporary promotional banners shall comply with Chapter 11.72 of the Montclair Municipal Code. A permit shall be obtained prior to the display of any temporary promotional banner.
19. No video or arcade games, pinball machines, pool tables, jukeboxes, or similar devices shall be allowed within the subject lease space, with the exception of official State lottery machines.
20. No exterior public telephones, vending or other coin-operated machines, children's rides, collection boxes, etc., shall be located on the exterior of the subject lease space or the remainder of the site.
21. No customers shall be permitted to loiter or congregate outside of the facility. The operator shall post "No Loitering" signs within the parking areas pursuant to the Montclair Municipal Code.
22. The applicant and/or property owner shall ensure that a copy of the Planning Commission resolution or approval letter, 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.
23. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been

completed. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.

24. A copy of the CUP approval letter with all conditions of approval relating to this application shall be conspicuously posted alongside the establishment's Business License and Certificate of Occupancy, and shall be made available for viewing to any law enforcement officer, fire, building, or code enforcement inspector in the course of conducting an inspection of said premises.
25. Any violations of the conditions of approval may result in the revocation or modification of this permit, including the imposition of fines in the event that the use is determined to be a nuisance to surrounding properties, businesses or the community at large.
26. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
27. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed on any sign. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
28. 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

29. Submit four complete sets of plans including the following if any change to the building occurs:
 - a. Site/Plot Plan;
 - b. Floor Plan;
 - c. Electrical plans, including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
 - d. Plumbing plans, including isometrics, underground diagrams, water and waste diagrams, fixture units, gas piping, and heating and air conditioning.
 - e. Provide an existing plan of the building that includes all walls to be demolished.
 - f. Waste recycling plan, recycling 65% of all construction debris.
30. 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.
31. 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, shall be merged into a singular property by way of lot merger before the beginning of improvements to the site.
32. 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%).
33. Exposed raceways shall be prohibited on all building-mounted and freestanding signs. An architectural sign backing/raceway may be allowed on the commercial building subject to review and approval by the City Planner.

34. 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.
35. Decorative foam trim shall not be used in areas subject to damage such as entry doors, garage doors, etc.
36. 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.
37. 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.
38. 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 one location on the north-facing elevation as follows:
 - i. 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.
 - ii. 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.
39. The applicant shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.

40. 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 other departments and/or agencies.
41. Prior to the issuance of a Certificate of Occupancy, the applicant shall:
- a. Submit to the Building Division electronic images of all plans and records, which were submitted for the purpose of obtaining a building permit.
 - b. Electronic images shall comply with the City's Electronic Archiving Policy.
 - c. Install compliant disabled parking stalls and parking lot signage.

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

APPROVED AND ADOPTED THIS 25TH DAY OF OCTOBER 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 25th day of October 2021 by the following vote, to-wit:

AYES:

NOES:

ABSENT: