



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

Monday, November 22, 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 unmute 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
(continued from the October 25, 2021, Planning Commission meeting)
Project Address: 4583 Holt Boulevard
Project Applicant: Realogic Investments, LLC
Project Planner: Silvia Gutiérrez
Request: Conditional Use Permit and Tentative Tract Map to subdivide air space for a 5-unit office condominium

- b. PUBLIC HEARING – CASE NUMBER 2021-31
Project Address: 5515 Holt Boulevard
Project Applicant: Shenoty Fuel, LLC
Project Planner: Silvia Gutiérrez
Request: Conditional Use Permit and Precise Plan of Design to re-establish a gas station use with a drive-thru car wash and convenience store on a 1.24-acre parcel with an ABC Type 20 off-sale license to sell beer and wine

- c. PUBLIC HEARING – CASE NUMBER 2021-32
Project Address: 5220 Moreno Street and 9052 Central Avenue
Project Applicant: 5060 Montclair Plaza Lane Holdings Venture, LLC & Target Corporation
Project Planner: Christine S. Caldwell
Request: Conditional Use Permit and Precise Plan of Design request to allow the construction of a 3,800-square-foot full-service sit-down restaurant with outdoor dining and drive-thru service.

- d. PUBLIC HEARING – CASE NUMBER 2019-26
Project Address: 10330 – 10338 Central Avenue
Project Applicant: Ismail Emilie Living Trust
Project Planner: Silvia Gutiérrez
Request: Time Extension Request for Conditional Use Permit, Precise Plan of Design and Variance

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 November 22, 2021.

9. ADJOURNMENT

The City of Montclair Planning Commission meeting is adjourned to the regularly scheduled meeting of December 13, 2021, at 7:00 p.m.

CERTIFICATION OF AGENDA POSTING

I, Michael Diaz, Director of Community Development 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 November 18, 2021.



CITY OF MONTCLAIR
PLANNING COMMISSION

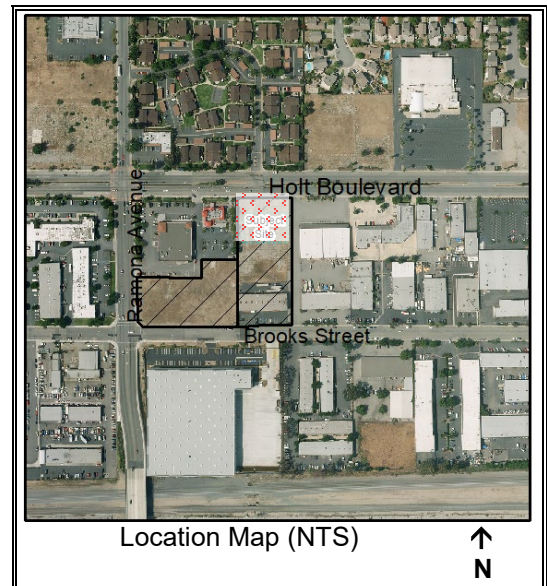
MEETING DATE: 11/22/21

AGENDA ITEM 6.a

Case No. 2021-25

Application: A request to convert an 11,383-square-foot multiple tenant commercial office building that is currently under construction into five (5-unit) commercial office condominiums. The project includes the following items:

- Tentative Tract Map (TTM No. 20499) to divide the building that is currently under construction per Case 2020-2 into five (5) office condominiums; on a lot and
- A Conditional Use Permit (CUP) to allow the industrial condominium project pursuant to Chapter 11.88 for "Office and Commercial Condominium Developments," of the Montclair Municipal Code."



Project Address: 4583 Holt Boulevard

Applicant: Realogic Investments, LLC

General Plan: General Commercial

Zoning: "C" Commercial per Holt Boulevard Specific Plan

Assessor Parcel No.: 1012-081-01-0000

Adjacent Land Use Designations and Existing Uses			
	<i>General Plan</i>	<i>Zoning</i>	<i>Existing Use</i>
Site	General Commercial	Commercial zone per the Holt Boulevard Specific Plan (HBSP)	Multiple Tenant Office building under construction
North	Medium 8 to 14 units/per acre	R-3 Multiple Family Residential on north side of Holt Boulevard	Residential Condominiums on north side of Holt Boulevard
East	Business Park	"Commercial" and "Industrial" per HBSP	Commercial and Industrial buildings
South	Industrial	M-2 General Manufacturing	Industrial Warehouse Uses and Railroad Tracks
West	Business Park	"Business Park" per HBSP	Jack in the Box Restaurant and CVS Pharmacy

Report on Item Number 6.a

PUBLIC HEARING – CASE NUMBER 2021-25

APPLICATION TYPE(S)	Tentative Tract Map (For Commercial Condominium Purposes) and Conditional Use Permit
NAME OF APPLICANT	Realogic Investments, LLC
LOCATION OF PROPERTY	4583 Holt Boulevard
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	“C” Commercial and “I” Industrial 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

This item was continued from the October 25, 2021, Planning Commission Meeting to address a few issues regarding the proposal.

Project Proposal

Realogic, LLC, property owner, is requesting approval of Tentative Tract Map No. 20499 (for Condominium Purposes) to create a five-unit commercial office condominium project within a new building under construction at 4583 Holt Boulevard. The location of the building in question, identified as Building 1, is at the north end of a larger parcel and faces Holt Boulevard directly. Building 1 was part of a larger 3.97-acre (2 parcels and 3 buildings) development project approved by the Planning Commission on April 23, 2020, under Case No. 2020-02, and which is presently under construction (Resolution No. 20-1937 and Planning Commission Staff Report - Exhibit “A”). While the development involves two separate parcels, the project was designed to appear and function as a cohesive modern business park with common areas and reciprocal access and parking.

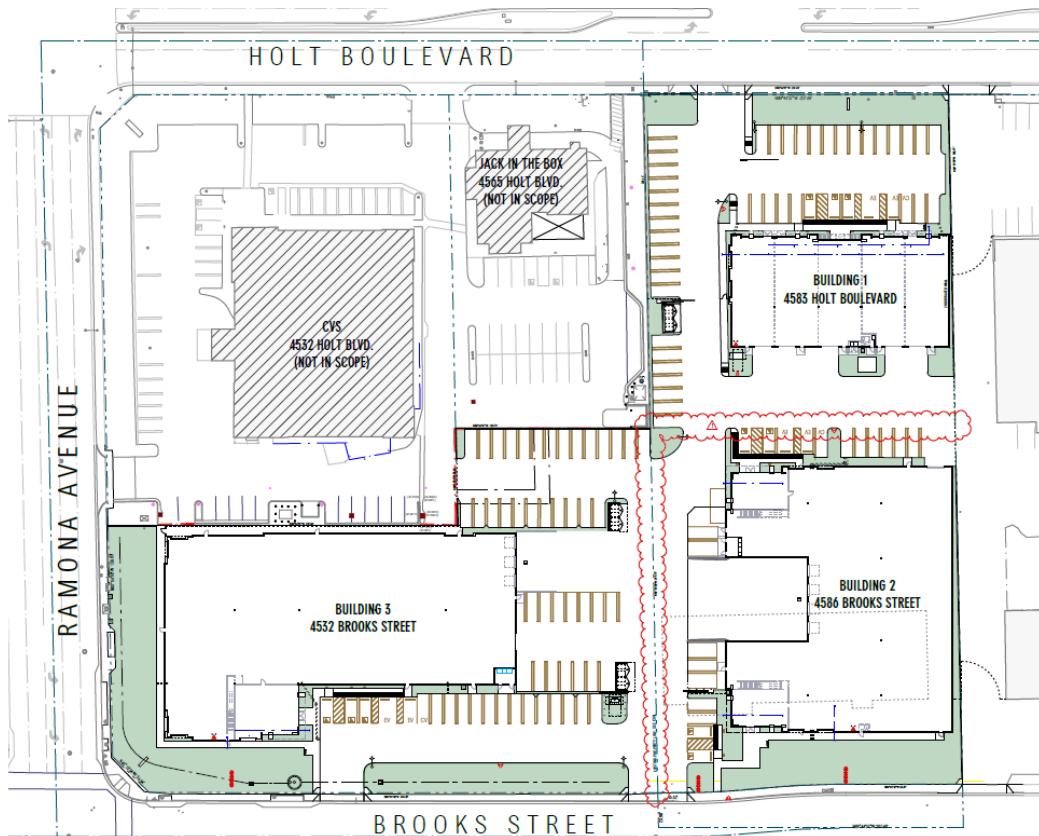
To establish condominiums, approval of the following entitlements is required:

1. A Tentative Tract Map (TTM No. 20499) to subdivide Building 1 into a maximum of five condominium units with common areas and reciprocal parking; and

2. A Conditional Use Permit (CUP) to allow commercial office condominiums under Chapter 11.88 for "Office and Commercial Condominium Developments," of the Montclair Municipal Code. The CUP requirement intends to ensure that the project is orderly and well planned.

Building 1 is located on the north end of a through-lot parcel being developed with two different zoning designations and two new buildings. The second building (Building 2) on this parcel is an industrial building that would be leased and not sold off individually. For the condominium map, the subject site is divided into two parcels: Parcel 1 representing Building 1, and Parcel 2 representing the remainder of the site, including Building 2, as the common area for the Tentative Tract Map No. 20499 (See Exhibit "B").

Overview of TTM No. 20499 APN: 1012-081-01-0000		
Parcel 1 "Commercial" zone per HBSP	Building 1 11,950 square feet	Five proposed condominium units
Parcel 2 "Business Park" zone per HBSP	Building 2	Common area for the map includes Building 2. Building 2 is not a condominium unit and cannot be sold individually and would be owned by the current developer.,
CC&Rs address common access and parking for the entire development, including Buildings 1 and 2 and 3, which is located on a separate parcel and is not a part of this request.		



The proposed condominium units within Building 1 will be similar in size to accommodate a range of small commercial businesses allowed in the “Commercial” Zoning District of the Holt Boulevard Specific Plan. A maximum of five separate tenants would be allowed (or fewer tenants if some or all the units were combined).

Each unit will have separate utility connections (e.g., water, power, sewage, phone, etc.), respective meters and panels, and be billed separately. The following table summarizes the proposed commercial condominiums for the project:

TMM No. 20499 - Proposed Condominium Units	
Unit	Total Floor Area¹
1	2,470 sf
2	2,390 sf
3	2,310 sf
4	2,390 sf
5	2,390 sf
Total	11,950 square feet

¹ Each unit is designed to accommodate a small office, and ADA compliant restroom.

Each condominium owner would receive fee simple title to the “airspace” in their respective unit along with a recordable deed. Declaration of Covenants, Conditions, and Restrictions (CC&R’s) will be required to identify ownership rights and responsibilities for the condominiums and common areas.

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

Background

- On April 13, 2021, the Planning Commission approved Case No. 2020-2 to develop two adjoining parcels (3.97-acres) at the NEC of Ramona Avenue and Brooks Street and the 4500 block of Holt Boulevard. The project included one new commercial building and two new industrial buildings with associated site improvements designed to appear as an interconnected project subject to conditions of approval contained in Resolution No. 20-1937 (Exhibit “A”).
- The entire development project site is located in the Holt Boulevard Specific Plan (HBSP), adopted in 1991, and was developed consistent with the applicable zoning designations – Commercial, Business Park, and Industrial – established by the HBSP.
- The “Commercial” land use district of the HBSP is intended for conveniently located retail, commercial service, and restaurant needs of residents and businesses in the area.
- “Condominium” is an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in

space in a commercial building on such real property such as an office or store. A condominium may include in addition, a separate interest in other portions of such real property:

- Generally, condominiums are created when the following items have been prepared, approved, and recorded:
 - A declaration of conditions, covenants, and restrictions is recorded;
 - A subdivision or parcel map for condominium purposes is recorded;
 - A condominium plan is recorded; and
 - A unit is conveyed from seller to buyer.

- Under the Subdivision Map Act, a condominium map is not required to describe the location of the individual condominium units (See Gov. Code, § 66427.). Rather, the formal legal description is outlined in the condominium plan, which is not regulated by the local government entity. Local governments are now precluded from requiring the recordation of a condominium plan as a condition of a subdivision map. (See Gov. Code, § 66427.)

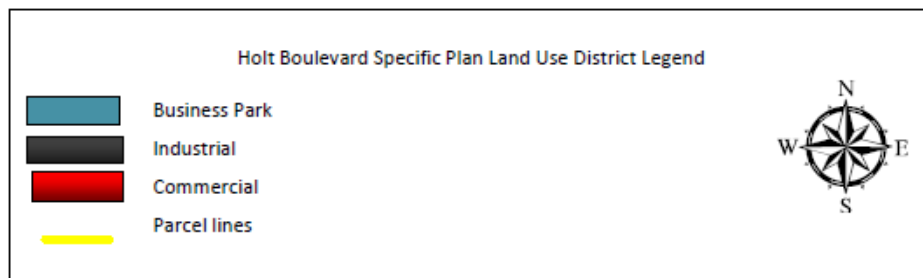
Planning Division Comments

When the project was first submitted for entitlements, the property owner desired to subdivide the site to separate the “Commercial” zoned portion of the site (where Building 1 is located), to have the ability to sell the building. However, the proposed subdivision could not meet the minimum lot size and dimension requirements established by the HBSP and this approach could not go further. The proposed condominium map for Building 1 provides a reasonable alternative in achieving the owner's goal while keeping the building as part of the unified development project approved by the Planning Commission.

Chapter 11.88 of the Montclair Municipal Code allows for the formation of commercial condominiums within the City. In recent years, there have been several commercial and industrial condominium proposals, some of which have been approved by the City. The proposed condominium map meets the requirements of the Municipal Code and Holt Boulevard Specific Plan. In addition, the units are reasonable in size to accommodate a range of uses allowed by the underlying “Commercial” zoning district of the Holt Boulevard Specific Plan in which Building 1 is located. Some of the potential small businesses that could be attracted to the project are commercial offices uses which do not typically need large volumes of space for storage and do not rely on constant truck traffic for deliveries or shipments. Other potential uses may require approval of a conditional use permit and would be considered by the Planning Commission on a case-by-case basis to ensure they are compatible with existing uses and conditions.

Staff further finds Tentative Tract Map No. 20499 to be consistent with the City of Montclair’s General Plan and Zoning Ordinance requirements for parcels in the Commercial zone per Holt Boulevard Specific Plan. The plans have been reviewed by the City’s Public Works Department, the Building Division, Montclair Fire Marshal, and Burrtec

for on-site circulation, ingress, egress, easement access, parking lot configurations, drainage, and all life safety needs for the public's general welfare have been addressed.



Conditional Use Permit

Chapter 11.88 of the Montclair Municipal Code gives the flexibility to employ more innovative land use planning projects subject to a Conditional Use Permit approval. Staff recognizes that commercial condominium developments are different in so many respects from other types and land ownership as it provides variety in the physical development pattern as well as diverse commercial activities that stimulate entrepreneurship. To recognize and encourage innovation, Chapter 11.88.050.B1, B2 of the Montclair Municipal Code (MMC) provides regulations in terms of unit size and uses in which the project would meet.

Unit Size:

The units are sized in compliance with the minimum size specifications per code. Specifically, each commercial condominium unit would meet the minimum code requirements for all the structures, parking, open space, private unit space, and other

appurtenant facilities that are reserved for the exclusive use of each unit as well as a proportionate share of all common space and facilities. Each unit would also have separate water, sewage, and electric utility connections as required by the Montclair Municipal Code. Additionally, the owners of all the individual units would have equal use of on-site assigned parking, landscaped and walkway areas shared driveways, and shared expenses related to common area maintenance.

Allowed Uses:

The types of commercial condominium uses allowed in the project are those allowed per the requirements of 11.88.050 A1. A2., unless a particular use is specifically limited by the owner of the property. Some of the potential small businesses that could be attracted to the project are commercial office uses, which do not typically need large volumes of space for storage or utilize small box trucks or passenger vehicles. Furthermore, the types of office condominium users include professional and business support services.

Finally, the uses would be governed by a Covenant, Conditions, and Restrictions (CC&Rs) agreement, 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.

Tentative Tract Map Findings

Pursuant to California Government Code Section 66410, *et seq.*, the following findings for recommending approval to the City Council of Tentative Tract Map No. 20499 can be made:

- 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 development standards of the “Commercial” zoning district of the Holt Boulevard Specific Plan and provides for ample area on which to develop the proposed commercial 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 types and densities of the development proposed given the overall size of the subject property, the northernmost portion of Parcel 1. The subject site has a combined area totaling 2.38-acres is of a configuration that has sufficient width and depth to allow for orderly development as proposed with the project. The project sites are also located adjacent to a fully improved street that connects to an arterial roadway at Holt Boulevard 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 surrounded by urban development and streets; does not contain any bodies of water, and is not linked to any wildlife corridors. The site does not 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 Tentative Tract Map No. 20499 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 Tentative Tract Map No. 20499 will not conflict with any onsite public or private easements for access or use. Each condominium unit will be provided with separate utility connections and associated meters and panels.
- F. The discharge of wastewater will be into an existing sanitary sewer system installed and/or improved as part of the overall development in which the commercial condominiums are located such that Tentative Tract Map No. 20499 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 under California Plumbing Code and Municipal Code requirements. Sewer mains exist in Holt Boulevard and within the project site, all of which are immediately adjacent to the subject site.

Conditional Use Permit Findings

The Planning Commission finds as follows to approve Conditional Use Permit:

- A. The proposed commercial office condominium development is essential and desirable to the public convenience and public welfare. The new development will provide the City with a different development model not currently available nearby and that encourages smaller size commercial businesses with the City.
- B. The project is well designed and promotes orderly development that will enhance the area or the community as a whole. The proposed commercial office condominium project is consistent with the development standards outlined in Chapter 11.88 of the Montclair Municipal Code for the commercial condominium development, including associated site improvements. Architectural details, materials, and sign program are of high quality and appropriate to the proposed architectural styles of the site that yields an aesthetically pleasing project as approved under associated Case 2020-2.
- C. Granting the CUP for the 5-unit tilt-up commercial condominium use will not be materially detrimental to the public welfare and other properties in the vicinity. Building 1 is part of an approved commercial development that is well designed and under construction. The proposed condominiums with an approved building will not affect the approved design or site development improvements. The project site has

easy and safe access from developed streets, meets all applicable development standards, and when completed, will have a positive impact on 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 commercial condominium project for the subject site is not contrary to the objectives of any part of the General Plan, in that the adopted General Plan encourages orderly development concerning adopted land use plans, and the continual improvement of the City as a place for attractive commercial uses while eliminating or minimizing potential detrimental impacts on surrounding properties and uses.

Public Notice and Comments from the Public

This item was published as a public hearing in the Inland Valley Daily Bulletin newspaper on November 12, 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.

Environmental Assessment

The project is deemed to be exempt from the California Environmental Quality Act, pursuant to Section 15301(k) (Class 1 – Existing Facilities) of the State CEQA Guidelines. The project qualifies because the proposed project is on a developed site that involves no expansion of the existing building, and the division of the existing commercial building into common-interest ownership (condominiums).

Recommendation

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

- A. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). The Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301(k) (Class 1 – Existing Facilities) of the State CEQA Guidelines. The project qualifies because the proposed project is part of an approved developed site that involves no expansion of the building as a result of the division of the building into common-interest ownership (condominiums).
- B. Move to recommend City Council approval of Tentative Tract Map No. 20499 to allow the design and improvement of land subdivision in compliance with the Subdivision Map Act of the State, including the conditions of approval in attached Resolution 21-1954.

- C. Move to approve the Conditional Use Permit for the 5-unit commercial office commercial condominium project and associated site improvements located at 4583 Holt Boulevard, under Case No. 2021-25, subject to the conditions of approval in attached Resolution 21-1954.

Respectfully Submitted,

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

Michael Diaz
Director of Community Development

Md/sg

Attachments: Draft Resolution No. 21-1954
Exhibit "A" –Planning Commission Staff Report dated April 13, 2020, and Resolution No. 20-1937
Exhibit "B" – Tentative Tract Map No. 20499

c: Steve Chuang, property owner, Realogic Investments, LLC. 5423 G Street, Chino, CA 91763
Sylvia Tran and Jovelyn Garcia, Business Development & Project Manager, Xebec Building Company, 3010
Old Ranch Parkway, Suite 480, Seal Beach, CA 90740
Steven Johnson, PE, QSD Blue Peak Engineering, Inc. via email: sjohnson@bluepeakeng.com

Z:\COMMDEV\SILVIA GUTIERREZ\CASES\2021-25\STAFF REPORT

RESOLUTION NO. 21-1954

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING CITY COUNCIL APPROVAL OF TENTATIVE TRACT MAP NO. 20499, AND APPROVING OF A CONDITIONAL USE PERMIT UNDER CASE 2021-25 FOR A PROPOSED 5-UNIT COMMERCIAL CONDOMINIUM DEVELOPMENT AT 4583 HOLT BOULEVARD (APN 1012-081-01-0000).

A. Recitals.

WHEREAS, on July 21, 2021, Realogic Investments, LLC, filed an application for Tentative Tract Map (TTM) No. 20499 and Conditional Use Permit (CUP), under Case No. 2021-25, to subdivide a new commercial building (currently under construction per Case No. 2020-2) into 5-unit commercial condominium units; and

WHEREAS, the subject site is 2.38 acres in size (APN 1012-081-01-0000), and is equally split into two zoning designations with “Commercial” for the northern half and “Industrial” for the southern half as identified by the Holt Boulevard Specific Plan; and

WHEREAS, the “Commercial” zoned northern portion of the site contains a nearly complete, 11,383 square - foot, single-story commercial building, identified as Building 1, in which the proposed condominium units would be located; and

WHEREAS, on April 13, 2020, the Planning Commission approved Case No. 2020-2, a Precise Plan of Design for the site plan, floor plan, elevations, colors, materials, conceptual landscape plan, master sign program for a three-building commercial and industrial development project on two adjoining parcels totaling 3.97 acres. The subject site is the largest of the two parcels and is being developed with two of the three buildings – Building 1 is on the northernmost building on this property; and

WHEREAS, proposed Tentative Tract Map No. 20499 would allow for the creation of a 5-unit industrial condominium within Building 1, to sell or lease in compliance with the subdivision regulations of the City of Montclair and the California Subdivision Map Act; and

WHEREAS, the Conditional Use Permit is required by the Montclair Municipal Code allowing the creation of commercial condominiums pursuant to the development standards contained in the Holt Boulevard Specific Plan and 11.88.050 A1 and A2 as it pertains to the allowable uses and required unit sizes, and other development requirements; and

WHEREAS, staff has found that the proposed 5-unit tilt-up industrial condominium development complies with the guidelines and development standards outlined in Chapter 11.88

of the Montclair Municipal Code and the California Subdivision Map Act as it relates to industrial condominium uses, with conditions of approval; and

WHEREAS, The Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301(k) (Class 1 – Existing Facilities) of the State CEQA Guidelines. The project qualifies because the proposed project is on a developed site that involves no expansion of the existing building, and the division of the existing commercial building into common-interest ownership (condominiums).

WHEREAS, the Planning Commission has reviewed the Planning Division’s determination that the proposed development is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301(k) of the State CEQA Guidelines and based on its 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 a public hearing in the Inland Valley Daily Bulletin newspaper on October 15, 2021, and subsequently re-noticed on November 12, 2021, for the November 22, 2021 meeting. Public hearing notices were also mailed to property owners within the 300-foot radius of the exterior boundaries of the project site following State law for consideration of this discretionary zoning entitlement; and

WHEREAS, a public hearing was conducted at 7:00 p.m. on November 22, 2021, at which time all persons wishing to testify in connection with the said application were heard, and said application was fully considered.

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 outlined in the Recitals, Part A, of this Resolution are true and correct.
2. Based on substantial evidence presented to this Commission during the above-referenced public hearing on November 22, 2021, including written and oral staff reports, together with public testimony, this Commission hereby finds for the Tentative Tract Map No. 20499 and Conditional Use Permit under Case No. 2021-25, request as follows:

Tentative Tract Map Findings

Pursuant to California Government Code Section 66410, *et seq.*, the following findings for recommending approval to the City Council of Tentative Tract Map No. 20499 can be made:

- 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 development standards of the “Commercial” zoning district of the Holt Boulevard Specific Plan and provides for ample area on which to develop the proposed commercial 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 types and densities of the development proposed given the overall size of the subject property, the northernmost portion of Parcel 1. The subject site has a combined area totaling 2.38-acres is of a configuration that has sufficient width and depth to allow for orderly development as proposed with the project. The project sites are also located adjacent to a fully improved street that connects to an arterial roadway at Holt Boulevard 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 surrounded by urban development and streets; does not contain any bodies of water, and is not linked to any wildlife corridors. The site does not 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 Tentative Tract Map No. 20499 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 Tentative Tract Map No. 20499 will not conflict with any onsite public or private easements for access or use. Each condominium unit will be provided with separate utility connections and associated meters and panels.
- F. The discharge of wastewater will be into an existing sanitary sewer system installed and/or improved as part of the overall development in which the commercial condominiums are located such that Tentative Tract Map No. 20499 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 under California Plumbing Code and Municipal Code requirements. Sewer mains exist in Holt Boulevard and within the project site, all of which are immediately adjacent to the subject site.

Conditional Use Permit Findings

The Planning Commission finds as follows for approval of a Conditional Use Permit:

- A. The proposed commercial office condominium development is essential and desirable to the public convenience and public welfare. The new development will provide the City with a different development model not currently available nearby and that encourages smaller size commercial businesses with the City. The project is well designed and promotes orderly development that will enhance the area or the community as a whole. The proposed commercial office condominium project is consistent with the development standards outlined in Chapter 11.88 of the Montclair Municipal Code for the commercial condominium development, including associated site improvements. Architectural details, materials, and sign program are of high quality and appropriate to the proposed architectural styles of the site that yields an aesthetically pleasing project as approved under associated Case 2020-2.
- B. Granting the CUP for the 5-unit tilt-up commercial condominium use will not be materially detrimental to the public welfare and other properties in the vicinity. Building 1 is part of an approved commercial development that is well designed and under construction. The proposed condominiums with an approved building will not affect the approved design or site development improvements. The project site has easy and safe access from developed streets, meets all applicable development standards, and when completed, will have a positive impact on 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.
- C. The proposed commercial condominium project for the subject site is not contrary to the objectives of any part of the General Plan, in that the adopted General Plan encourages orderly development concerning adopted land use plans, and the continual improvement of the City as a place for attractive commercial uses while eliminating or minimizing potential detrimental impacts on surrounding properties and uses.

Conditions of Approval

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

Planning Division

1. This approval is hereby granted to allow the following entitlements at 4583 Holt Boulevard (Assessor Parcel No. 1012-081-01-0000):
 - a. Tentative Tract Map No. 20499 to allow the creation of 5-unit industrial

condominiums units within a new 11,383 square-foot concrete tilt-up building currently under construction and associated on-site improvements; and

- b. A Conditional Use Permit (CUP) to create a 5-unit industrial condominium project pursuant to the development standards contained in and 11.88 as it pertains to the allowable uses and required unit sizes, and other development requirements; and
 - c. All applicable conditions of approval associated with Precise Plan of Design Case No. 2020-2 shall continue to apply as depicted in Exhibit "A"- Signed Resolution No. 20-1937.
2. This approval shall supersede all previously approved land use entitlements for projects on the subject property.
 3. Notice to Applicant/Subdivider: The conditions of approval for this project include certain fees, dedication requirements (if applicable), 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 Planning Commission approves the Conditional Use Permit and Precise Plan of Design for the project and recommends City Council approval of the Tentative Tract Map. All impact fees shall be due and payable at the time stated in the adopted ordinance, resolution, or policy adopting and imposing such fees. If the applicant fails to file a protest regarding any of the fees, dedications, reservations, or other exaction requirements as specified in Government Code Section 66020, the subdivider/applicant shall be legally barred from later challenges.
 4. The subdivider/applicant shall reimburse the City for the legal costs associated with the preparation/review of any agreements and covenants required by these conditions.
 5. 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 related fees.
 6. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
 - a. A \$50.00 check, payable to the "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 \$678.44 check, made payable to the "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.

7. The 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.
8. The subject property shall be developed per approved plans and specifications on file with the City of Montclair, Planning Division.
9. 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.
10. If exhibits and written conditions are inconsistent, the written conditions shall prevail.
11. This CUP approval shall be valid for 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 before the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date.
12. In establishing and conducting the subject use, the applicant shall at all times comply with any laws, ordinances, and regulations of the City of Montclair, the County of San Bernardino, and the State of California. Approval of this TTM, and CUP shall not waive compliance with any such requirements.
13. 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.
14. Before the issuance of grading permits and/or building permits for the project, Tentative Tract Map No. 20499 shall be recorded under California Government Code Section 66456.1.
15. Each Condominium Unit shall have separate utility services (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.
16. The Community Development Director shall approve all CC&Rs for recordation before any Condominium Unit shall be sold.
17. 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 before the 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's 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 the 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 Director of Community Development.
 - viii. Amendment or modification to the CC&Rs shall require the advance review and approval of the city.

18. 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.
19. The developer shall submit for the necessary permits from the Building Department and pay all applicable City of Montclair development fees before issuance of any permits and commencement of grading and/or construction activities.
20. 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.
21. No occupancy of any building and/or structure shall be permitted which is not in compliance with approved plans unless the modifications are approved by the Director of Community Development as appropriate.
22. Before 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 user shall be subject to code enforcement action.
23. 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 forward and City shall cooperate with the applicant in the defense of the Action.

APPROVED AND ADOPTED THIS 22ND DAY OF NOVEMBER, 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 22nd day of November 2021, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SILVIA GUTIERREZ\2021\2021-25 TTM, CUP PCRESO 21-1954

Exhibit "A"

Planning Commission Staff Report dated
April 13, 2020, and Resolution No. 20-1937



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 04/13/20

AGENDA ITEM 6.a

Case No. 2020-02

Application: A Precise Plan of Design for the site plan, architectural design, and a master sign program related to the development of two adjoining parcels with frontages at the NEC of Ramona Avenue and Brooks Street, and a portion of Holt Boulevard, and comprising an overall site area of approximately 3.97-acres. The project consists of two (2) industrial buildings (facing Brooks Street) and totaling approximately 56,305 square feet in gross building area, and an approximate 11,383-square-foot, single-story office building (facing Holt Boulevard).

A Conditional Use Permit is requested to allow wholesale, indoor storage, and distribution in the Business Park zone of the subject site. The project also includes a lot line adjustment that will be processed administratively.

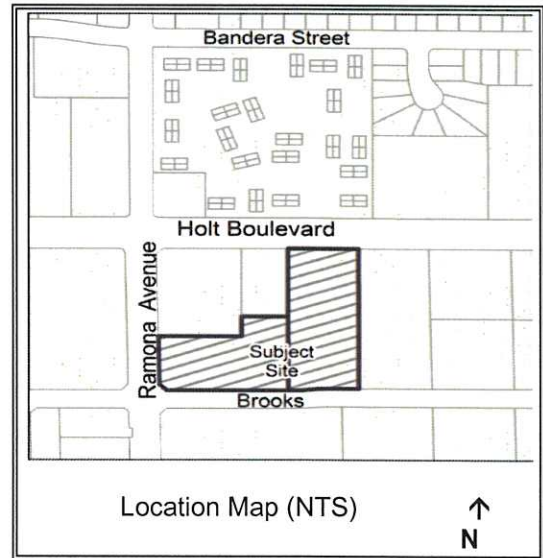
Project Address: NEC corner of Ramona Avenue and Brooks Street, a portion of the 4500 Block of Holt Boulevard (4570 Brooks Street).

Property Owner: Realogic Investment, LLC

General Plan: Business Park and General Commercial

Zoning: "Business Park," "Industrial," and "Commercial" zones per Holt Boulevard Specific Plan (HBSP)

Assessor Parcel Nos.: 1012-081-01 and 1012-071-04



Adjacent Land Use Designations and Existing Uses			
	<i>General Plan</i>	<i>Zoning</i>	<i>Existing Use</i>
Site	Business Park and General Commercial	"Business Park", "Industrial", "Commercial" zone per the Holt Boulevard Specific Plan (HBSP)	Vacant and Existing warehouse building to be demolished
North	Medium 8 to 14 units/per acre	R-3 Multiple Family Residential on north side of Holt Boulevard	Residential Condominiums on north side of Holt Boulevard
East	Business Park	"Commercial" and "Industrial" per HBSP	Commercial and Industrial buildings
South	Industrial	M-2 General Manufacturing	Industrial Warehouse Uses and Railroad Tracks
West	Business Park	"Business Park" per HBSP	Jack in the Box Restaurant and CVS Pharmacy

Report on Item Number 6.a

PUBLIC HEARING - CASE NUMBER 2020-2

APPLICATION TYPE(S)	Precise Plan of Design Conditional Use Permit
NAME OF APPLICANT	Realogic Investment, LLC
LOCATION OF PROPERTY	NEC Brooks Street and Ramona Avenue and portion of the 4500 Block of Holt Boulevard (4570 Brooks Street)
GENERAL PLAN DESIGNATION	Business Park and General Commercial
ZONING DESIGNATION	“Business Park”, “Industrial Park”, and “Commercial” per Holt Boulevard Specific Plan
EXISTING LAND USE	Vacant land and an industrial building to be demolished
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15332)
PROJECT PLANNER	Silvia Gutiérrez

Pursuant to Sec. 3 of Executive Order N–29–20 issued by Governor Newsom on March 17, 2020, this agenda item was continued from its originally scheduled Planning Commission hearing date of March 23, 2020, to the Commission’s regularly scheduled meeting date of April 13, 2020. In compliance with the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID–19 virus, there will be no in–person meeting location at which the public may appear. In its place, the meeting will be conducted remotely, as indicated in the Agenda for the meeting.

Project Proposal

The applicant is requesting approval of a Precise Plan of Design to develop two adjoining parcels (approximately 3.97 acres) with three new buildings and associated site improvements. The project site has street frontage on Ramona Avenue, Brooks Street, and a portion of Holt Boulevard. One of the parcels contains an old industrial building that will be removed to accommodate the proposed development, while the remainder of the site is undeveloped. The proposed project would also include a separate covered trash enclosure provided for each building, a new sign program, and a public bus shelter on the Ramona Avenue side of the site. A proposed lot line adjustment between the parcels is proposed to adjust the size and configuration of the two properties to allow for orderly development and separate the Commercial zoned portion of the site (approximately 1.07 acre) from the Industrial and Business Park zones and also allow the flexibility to sell the Commercial zoned portion in the future.

The project site is within the *Holt Boulevard Specific Plan* (HBSP) which designates the site as having three separate zoning designations – “Commercial,” “Business Park,” and “Industrial” (see Exhibit A). A Conditional Use Permit (CUP) is also requested for one of the buildings - Building

3 (warehouse) – which is located in the Business District of the HBSP. The HBSP requires that uses within the Business Park zone which involve the storage and/or distribution of goods and products obtain approval of a CUP.

The new development project will consist of three (3) new buildings totaling 56,305 square feet in area, generally described as follows:

Project Summary	
Building 1 (Office/Commercial) – Holt Boulevard Frontage	
Zoning: Commercial	
Building Size	11,383 square feet
Number of Tenant Spaces	Five (5) - ranging in size from 2,180 to 2,343 s.f.
Building 2 (Warehouse) – Brooks St Frontage	
Zoning: Industrial	
Office	2,020 s.f.
Mezzanine	2,020 s.f.
Warehouse (w/ Roll Up Doors)	22,843 s.f.
Total	26,883 square feet
Building 3 (Warehouse) – Ramona Ave & Brooks St Frontage	
Zoning: Business Park*	
Office	1,500 s.f.
Mezzanine	1,500 s.f.
Warehouse (w/ Roll Up Doors)	26,422 s.f.
Total	29,422 square feet
*CUP required for warehouse use per HBSP	

Although no specific tenants for the buildings have been identified, the target users for Building 1 are professional office or service uses that would benefit from having space for limited storage of products, equipment, or a company vehicle. As such, the rear of each unit is provided with a roll-up door to facilitate access. The areas designated for office space in the industrial buildings would have the typical amenities required for administrative purposes related to the business such as a reception area, open office area, restrooms, a copier/storage room, and breakroom. The remaining area would be used for warehouse activities. Buildings 2 and 3 are intended to accommodate light industrial users, in either a single or double user configuration. Each tenant would have access to recessed truck loading docks.

Access to the new development would be from Holt Boulevard on the north of the site via a single driveway (31 feet wide) and from the south via two driveways (31 and 40 feet wide) positioned on Brooks Street. Primary truck access to Buildings 2 and 3 would be from Brooks Street. Internal circulation between both sites would allow for access to on-site parking by employees and visitors and for Fire and Police service.

On-site parking for the project is as follows:

Parking Summary	
Building	Number of Spaces
1	47 (3 disabled / 2 EV stalls)
2 and 3	70 (7 disabled / 8 EV stalls)
Total	127 spaces

To ensure that parking remains available and accessible for all uses within the project boundaries, a reciprocal access agreement will be required as a condition of approval.

Building Architectural Design

The office building and industrial buildings would be constructed of concrete tilt-up panels of varying heights with each panel being visually broken up by means of vertical and horizontal reveal lines. Main entrances to the offices for all buildings are recessed with an accent reveal wall and metal Alucobond canopies. Proposed colors are graduated tones of grays. Window mullions will be anodized aluminum.

Overall height for the proposed office building height is 28 feet, as measured from finished grade to the top of the parapet. Overall height for the proposed industrial buildings would be between 40 to 50 feet high, as measured from finished grade to the top of the parapet. Green grow screens are proposed along the east side of Building 2 to provide a decorative deterrent to graffiti.

Landscape Plan & Water Quality Management

A preliminary landscape plan is proposed to complement the overall architectural style of the proposed buildings. The plan features a variety of drought-resistant plant materials including trees to provide texture, shade, and greenery in the setback along Holt Boulevard and Brooks Street frontages of the site, and within the parking areas of the property facing the street. The proposed trees located in the front setback will include the Golden Medallion Tree, Desert Museum, Camphor Trees, Red Flowering Crape Myrtle, and Brisbane Box. In addition, shrubs, vines, and ground covers populate the planters and create visual interest throughout the site. All new plant materials would be water-saving varieties and the irrigation system would be designed to conserve water in compliance with the State Water Conservation Ordinance.

This project is also designed to meet Water Quality Management Plan (WQMP) requirements by means of an underground hydrodynamic separator to treat stormwater runoff without the need for retention basins along any street frontage on the site.

Lighting and Fencing

The project proposes to use a combination of wall and freestanding lighting fixtures to provide standard illumination around the site. A standard condition of approval has been included requiring that a photometric analysis be prepared to demonstrate compliance with the City of Montclair's Security Ordinance.

All existing chain-link fencing will be removed on the subject site. New gates and decorative fencing will be installed on the north and south side of Industrial Building 2 to restrict access to the dock area. The parking areas near the front entry of all three buildings will remain generally accessible.

Master Sign Program

The proposed master sign program is designed to guide the installation of signs for the project, including monument signs. The master sign program provides graphics and written criteria for the type and locations of signs on each building. All new tenants to the center would be required to comply with the new sign program criteria.

- New Monument Signs – Two new monument signs are proposed and designed to complement the architecture of the project. One double-sided monument sign is proposed to be placed in the existing landscape planter along Holt Boulevard and the second sign is proposed for the corner of Ramona Avenue and Brooks Street. The height of the proposed signs are 8 feet high by 7 feet wide (56 square feet).

The sign program depicts two tenant panels for the Brooks Street sign. However, the applicant has requested additional time to submit a specific design for the monument sign on Holt Boulevard.

- Building Mounted Signs – one sign per lease space is proposed. As a condition of approval, signs would be restricted to channel letters in either a single line of copy with a maximum letter and logo height of 24 inches, or two lines of copy and logo with a maximum total height (including spacing between lines) of 36 inches in height. For tenants occupying two or more suites, only one (1) sign would be allowed.

Detailed plans for the proposed project are included in the Commission's packets for reference. A materials sample board is also available in the Planning Department.

Background

- The subject site is located in the Holt Boulevard Specific Plan (HBSP), adopted in 1991. As mentioned above, the property has three land use designations, including Commercial, Business Park, and Industrial. Parcel 1 exhibits an unusual feature of the HBSP where some of the "through lot" parcels on the south side of Holt Boulevard were assigned two different zoning designations. The northern half is Commercial and the southern half is Industrial. Parcel 2 is zoned Business Park.
- The HBSP contains the following zoning classifications:
 - "Commercial" land use district is intended for conveniently located retail, commercial service, and restaurant needs of residents and businesses in the area.
 - "Business Park" land use district is intended for a mix of light manufacturing, research and development, sales agencies, and office-based firms seeking an attractive and pleasant working environment. Wholesale, storage, and distribution uses in the Business Park district are permitted subject to the approval of a CUP.
 - "Industrial" land use district is to provide for a mix of light and medium manufacturing, research and development, and warehousing and distribution uses. In addition, administrative and professional office will be permitted where they support the primary industrial land uses category. Limitations of the extent of warehouse uses such as the prohibition of outdoor storage may be established.
- The project site is located within the Airport Influence Area of Los Angeles-Ontario International Airport (ONT) and is subject to the ONT Airport Land Use Compatibility Plan (ALUCP). Policy Map 2-2: Safety Zones of the ONT ALUCP identifies the geographic locations of Safety Zones; however, the proposed project is located outside the established Safety Zones and would not result in safety hazards for people residing or working in the project area.
- On June 16, 2016, the Planning Commission approved a Precise Plan of Design for the development of two industrial buildings facing Brooks Street and two 3,000-square-foot restaurant buildings oriented towards Holt Boulevard. The project did not materialize and plan approval expired.

Planning Division Comments

Staff finds the proposed project to be well-designed and a superior project than what was previously approved in 2016. At 3.97 acres in size, the property is of an adequate size and shape to support the proposed project as designed with required site improvements for access, parking, landscaping, and the requirements associated with the approved Water Quality Management Plan (WQMP). Access to the site and on-site circulation is appropriate to support the proposed development and future uses. Moreover, the site plan, drive aisle widths, and turn radii meet Fire Department requirements.

The estimated trip generation for the entire project resulted in less than 41 peak hour trips, which is overall less than the 50-peak hour trips (morning and evening) threshold (Trip Generation Evaluation Letter dated May 10, 2020, prepared by Stantec traffic consultant). The Public Works Director/City Engineer has reviewed and concurred with the traffic analysis provided by the applicant's traffic consultant. The letter is included in the Commission's packets for review.

Further, the project is in compliance with the applicable development standards of the "Business Park," "Industrial," and "Commercial" land use districts of the Holt Boulevard Specific Plan, affecting this site. Despite the unique combination of land use designations and configuration the developer has managed to create a conforming project. All three buildings meet the required front yard setback from Holt Boulevard and Brooks Street, as do the proposed building heights of 28 feet for Building 1 (office building) and 40 feet for the two industrial buildings. By locating all loading activities on the south side of the property behind an 8'0"-high decorative gate the project will be visually attractive and have an office park appearance.

The project provides 127 on-site parking spaces which are four more than the 123 required for the proposed industrial/warehouse building and associated office/administrative areas in the building. To ensure that access to on-site parking for each building is maintained for employees, visitors, and emergency responders (Fire and Police) a condition of approval is added to require the applicant to record a permanent access and parking agreement for the project.

When completed, the new development would result in a positive improvement to the Holt Boulevard and Brooks Street frontages over the view of the existing vacant lots and the dilapidated industrial building, which currently exist on the project site that have been the subject of constant code enforcement action.

Further, since the size of the industrial lease spaces are relatively small, the nature of new uses will be relatively low key operations with fairly low impacts, provided all major activities at the site occur within the building. As standard procedure, all future business(es) and use(s) within the building would be subject to the land use provisions contained in the Holt Boulevard Specific Plan and the Montclair Municipal Code, including the requirement to obtain and maintain a valid business license. As part of the routine review process for any new business application, the property would be inspected to ensure compliance with all applicable codes, including property maintenance and the provision of adequate on-site parking. To ensure that the future uses are appropriate, a condition of approval has been added to the draft resolution of approval.

In regard to the proposed CUP request to allow wholesale, storage, and distribution uses in Building 3, staff believes the request is appropriate. The CUP applies only to Building 3 and allows the applicant to utilize the building in the same manner as the other industrial buildings in the project that are similarly designed and where wholesale, storage, and distribution uses are permitted by right. If approved, the CUP for the subject building will include appropriate conditions

of approval to ensure that future uses are appropriately operated on the site. Outdoor storage would be strictly prohibited.

Building Design and Landscaping

Staff worked with the architect on the design of the buildings and is pleased with its overall design. The use of concrete tilt up panels, reveals (horizontal and vertical), wall offsets, and varied panel heights works well on all sides of the building and provides visual interest. Extra attention was given to the corner of the building facing Ramona Avenue and Brooks Street. Staff also finds the proposed color palette of grays for the building to be appropriate. The height of the tilt-up wall panels (and corresponding parapet) is tall enough to provide appropriate screening of all rooftop equipment from street level. With the exception of skylights and required vents, roof top equipment (e.g., air conditioners) will be limited. Staff has added a condition of approval requiring that any roof top equipment be fully screened from view to the greatest extent possible, as determined by the City Planner.

Staff finds the proposed landscaping to be appropriate and sufficient to enhance the overall appearance of the office industrial development. The selected plant materials are evenly distributed around the site where planter areas are proposed, and no turf areas are proposed. The proposed irrigation system is also designed to be water efficient and meet State water saving requirements. All on-site runoff will be collected by catch basins and conveyed to the on-site underground infiltration system

Lastly, staff is generally supportive of the proposed master sign program, but believes some further refinement of the program is required. With the Planning Commission's consent, staff is recommending that the master sign program be conceptually approved with the condition that the applicant continue to work with staff to work out a few more details of the sign program. A condition of approval is provided with this recommendation.

Precise Plan of Design Findings

Pursuant to Chapter 11.80 of the Montclair Municipal Code, the following findings for the Precise Plan of Design can be made:

- A. The proposed commercial office and industrial development is consistent with the applicable zoning standards and land uses allowed within the respective "Business Park," "Industrial," and "Commercial" districts of site as designated by the Holt Boulevard Specific Plan (HBSP).
- B. At 3.97 acres in area, the overall shape and size of the site is sufficient to accommodate the proposed industrial and commercial development without need for any variances from applicable development standards of the HBSP or Municipal Code. The site is designed with ample onsite parking that will be available to support all on site uses, via a reciprocal access and parking agreement.
- C. The general arrangement of buildings, massing, heights, landscaping and respective architectural designs, as indicated in submitted plans is attractive and up-to-date. When the project is completed, this site will provide a much needed visual boost and image enhancement to the site and to what passersby see from the south side of the Holt Boulevard corridor that extends south to Brooks Street.

Conditional Use Permit Findings – Building 3

Staff believes the required findings for granting a Conditional Use Permit to allow wholesale, storage, and distribution uses in Building 3 of the proposed project can be made as follows:

- A. That wholesale, storage, and distribution uses are essential or desirable to the public convenience and public welfare, in that the development of and use of the site by a wholesale, storage, and distribution use will result in new improvements and expansion of business activity in the community and the potential for employment opportunities for local residents.
- B. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity, in that the project involves the development of a modern warehouse building on a site that has been appropriately developed to support such uses. Moreover, the proposed use of the site for wholesale, storage, and distribution activities is a relatively low key operation within a building designed for that purpose and compatible with similar uses in the immediate area.
- C. That such use in such location conforms to good zoning practice, in the proposed CUP request to allow wholesale, storage, and distribution uses applies to one building, Building 3, (up to separate tenants) on the portion of the subject site that is designated as "Business Park" by the HBSP. The subject building is within and designed as part of the same development that would allow an identical building type where wholesale, storage, and distribution uses are permitted by right. Approval of the CUP for Building 3 in the portion of the site and building zoned as "Business Park" zone will not negatively affect the surrounding uses within the development. Conditions of approval addressing future wholesale, storage, and distribution uses in the affected building and site will be added to ensure these potential uses are appropriately operated.
- D. The approval of a CUP for wholesale, storage, and distribution uses in the subject site for Building 3 of the proposed project is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages orderly development with respect to adopted land use plans, and the continual improvement of the City as place for attractive industrial development while minimizing potential detrimental impacts on surrounding properties.

Environmental Assessment

The project is categorically exempt from environmental review pursuant to State CEQA Guidelines Section 15332 (In-Fill Development Projects), in that the proposed project is consistent with the applicable General Plan land use designation and meets all applicable general plan policies and zoning regulations of the Holt Boulevard Specific Plan. Further, the project site and proposed development is surrounded by urban uses and the project site is less than 5 acres. The site is disturbed and has no known habitat for endangered or threatened species; and will not result in any significant traffic, noise, air quality or water quality impacts or result in any significant negative environmental effects on the surrounding area. Lastly, the site is adequately served by all required utilities and public services to support the project.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on March 13, 2020. Public hearing notices were also mailed to property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary zoning entitlement. As of the completion of this report, no public comments have been received regarding the proposed project. Pursuant to Executive Order N-29-20, this item was continued to the April 13, 2020 meeting date to provide staff the opportunity to establish a non-person remote meeting.

Planning Division Recommendation

Staff recommends the Planning Commission take the following actions:

- A. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). The project qualifies as a Class 32 exemption under State CEQA Guidelines in that the project is consistent with the applicable policies of the General Plan, the development policies and criteria of the adopted Holt Boulevard Specific Plan, is less than five acres in size, has utilities present in the area to serve the development, and is similar to other existing industrial and commercial developments and uses in the vicinity. As such, there is no substantial evidence the project will pose a potential significant impact to the environment.
- B. Move to approve the Precise Plan of Design, the request for the site plan, floor plan, elevations, colors, materials, conceptual landscape plan, master sign program for the proposed office and industrial building development and allowing wholesale, storage and distribution uses in the "Business Park" land Use district of the Holt Boulevard Specific Plan on the 3.97 acre site at NEC Brooks and Ramona Avenue and 4500 block of Holt Boulevard (4570 Brooks Street), per the submitted plans and as described in the staff report, subject to conditions of approval contained in attached Resolution No. 20-1937.
- C. Move to approve the Conditional Use Permit request allowing wholesale, storage and distribution uses in the "Business Park" land Use district of the Holt Boulevard Specific Plan on the 3.97 acre site at NEC Brooks and Ramona Avenue and 4500 block of Holt Boulevard (4570 Brooks), per the submitted plans and as described in the staff report, subject to conditions of approval contained in attached Resolution No. 20-1937.

Respectfully Submitted,



Michael Diaz
Community Development Director

Attachments: Draft Resolution No. 20-1937

- c: Steve Chuang, property owner, Realogic Investment, LLC 5423 G Street, Chino, CA 91763
Sylvia Tran, Business Development & Project Manager, Xebec Building Company, 3010 Old Ranch Parkway, Suite 480 Seal Beach, CA 90740

RESOLUTION NO. 20-1937

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR GRANTING APPROVAL FOR CASE NO. 2020-2, A PRECISE PLAN OF DESIGN AND CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF A 3.97-ACRE SITE IN THE "COMMERCIAL", "BUSINESS PARK", AND "INDUSTRIAL" LAND USE DISTRICTS OF THE HOLT BOULEVARD SPECIFIC PLAN, AT THE NORTHEAST CORNER OF RAMONA AVENUE AND BROOKS STREET AND IN THE 4500 BLOCK OF HOLT BOULEVARD (APNs 1012-071-04 and 1012-081-01).

A. Recitals

WHEREAS, On January 16, 2020 and March 10, 2020 applications for a Precise Plan of Design (PPD) and Conditional Use Permit (CUP) were filed under Case No. 2020-02, to allow the development of two adjoining parcels totaling 3.97 acres in size; and

WHEREAS, the 3.97 acre site is primarily located at the NEC of Ramona Avenue and Brooks Street, with one of the parcels extending northward to the 4500 block of Holt Boulevard (4570 Brooks Street); and

WHEREAS, the majority of the site is vacant land with one existing small industrial building present that will be removed to accommodate the new project improvements; and

WHEREAS, the proposed development includes three new buildings totaling 56,305 square feet in size, and consisting of a single-story office/commercial building fronting Holt Boulevard and two industrial buildings oriented towards Ramona Avenue and Brooks Street; and

WHEREAS, the CUP request applies to Building 3 which is within the portion of the project site located in the Business Park (BP) zone and which the requires CUP approval to allow warehousing and distribution uses; and

WHEREAS, a proposed lot line adjustment between to the parcels is proposed to adjust the size and configuration of the two properties to allow for orderly development and separate the Commercial zoned portion of the site (approximately 1.07 acre) from the Industrial and Business Park zones and also allow the flexibility to sell the Commercial zoned portion in the future; and

WHEREAS, the project site is located in the *Holt Boulevard Specific Plan* (HBSP) adopted in 1991, and the site has three (3) separate land use designations including "Commercial", "Business Park" and "Industrial" affecting the development of the project site; and

WHEREAS, according to the HBSP, the "Commercial" land use district is intended to provide for a broad range of commercial activities, including retail sales, food uses, offices, and wholesale establishments; and

WHEREAS, the "Business Park" (BP) land use district of the HBSP is intended for a mix of light manufacturing, research and development, sales agencies, and office-based firms. Further, the BP zone also requires the approval of a Conditional Use Permit (CUP) to allow warehousing and distribution uses in the Business Park zoning district; and

WHEREAS, the "Industrial" land use district of the HBSP is intended for a mix of light and medium manufacturing, research and development, and warehousing and distribution uses. In addition, administration and professional offices will be permitted when they support the industrial land uses of the subject building; and

WHEREAS, the project proposes the development of two (2) industrial buildings (facing Brooks Street) with a combined total of approximately 56,305 square feet in building area; and one 11,383 square foot office building facing Holt Boulevard, with associated on-site improvements for parking, trash, enclosures, landscaping, exterior lighting, and fences/walls; and

WHEREAS, the subject development proposal is in compliance with the applicable development standards of the "Business Park", "Industrial" and "Commercial" land use district of the Holt Boulevard Specific Plan, including setbacks, building height, and parking; and

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

WHEREAS, the Planning Division has determined the project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines, which covers infill projects in significantly developed areas. The proposed development of two contiguous lots is consistent with the applicable policies of the General Plan, the Holt Boulevard Specific Plan requirements, is less than five acres in area, has utilities present in the area to serve the development, and is similar to other existing industrial and commercial developments and uses in the vicinity. As such, there is no substantial evidence the project will pose a potential significant impact to the environment; and

WHEREAS, pursuant to Sec. 3 of Executive Order N-29-20 issued by Governor Newsom on March 17, 2020, this agenda item was continued from its originally scheduled Planning Commission hearing date of March 23, 2020, to the Commission's regularly scheduled meeting date of April 13, 2020; and

WHEREAS, in compliance with the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, a non-person remote meeting was conducted on April 13, 2020, at which time all persons wishing to testify in connection with said application were heard, and said application was fully considered; and

B. Resolution.

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

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

SECTION 2. Based upon the entire record before the Planning Commission during the above-referenced hearing on April 13, 2020, including written and oral staff reports together with public testimony, this Planning Commission hereby finds as follow with respect to the recommendation of approval of Precise Plan of Design and Conditional Use Permit under Case No. 2020-2, subject to the conditions of approval contained in this resolution enumerated below:

Precise Plan of Design Findings

- A. The proposed commercial office and industrial development is consistent with the applicable zoning standards and land uses allowed within the respective "Business Park," "Industrial, and "Commercial" districts of site as designated by the Holt Boulevard Specific Plan (HBSP).
- B. At 3.97 acres in area, the overall shape and size of the site is sufficient to accommodate the proposed industrial and commercial development without need for any variances from applicable development standards of the HBSP or Municipal Code. The site is designed with ample onsite parking that will be available to support all on site uses, via a reciprocal access and parking agreement.
- C. The general arrangement of buildings, massing, heights, landscaping and respective architectural designs as indicated in submitted plans is attractive and up-to-date. When the project is completed the this site will provide a much needed visual boost and image enhancement to the site and to what passersby see from the south side of the Holt Boulevard corridor that extends south to Brooks Street.

Conditional Use Permit Findings – Building 3

Staff believes that the required findings for granting a Conditional Use Permit to allow wholesale, storage, and distribution uses in Building 3 of the proposed project can be made as follows:

- A. That wholesale, storage, and distribution uses are essential or desirable to the public convenience and public welfare, in that the development of and use of the site by a wholesale, storage, and distribution use will result in new improvements and expansion of business activity in the community and the potential for employment opportunities for local residents.
- B. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity, in that the project involves the development of a modern warehouse building on a site that has been appropriately developed to support such uses. Moreover, the proposed use of the site for wholesale, storage, and distribution activities is a relatively low key operation operated within a building designed for that purpose and compatible with similar uses in the immediate area.
- C. That such use in such location conforms to good zoning practice, in the proposed CUP request to allow wholesale, storage, and distribution uses applies to one building, Building 3, (up to separate tenants) on the portion of the subject site that is designated as "Business Park" by the HBSP. The subject building is within and designed as part of the same development that would allow an identical building type where wholesale, storage, and distribution uses are permitted by right. Approval of the CUP for Building 3 in the portion of the site zoned as "Business Park" zone will not negatively affect the surrounding uses within the development. Conditions of approval addressing future wholesale, storage, and distribution uses in the affected building and site will be added to ensure these potential uses are appropriately operated.
- D. That wholesale, storage, and distribution uses in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages orderly development with respect to adopted land use plans, and the continual improvement of the City as place for attractive industrial development while minimizing potential detrimental impacts on surrounding properties. Approval of a CUP for Building 3 of the subject project is not contrary to the objective of any part of the adopted General Plan.

SECTION 3. Based upon the substantial evidence presented to this Commission during the above-referenced hearing on April 13, 2020, including written and oral staff reports together with public testimony, this Commission hereby finds the proposed development of the 3.97 project site, and requested Conditional Use Permit request, to be consistent with the overall objectives of the City of Montclair General Plan, the Holt

Boulevard Specific Plan, the Montclair Municipal Code, and good planning principles, and approves the application subject to each and every condition set forth below.

Planning

1. This approval shall be for the following:
 - a. A Precise Plan of Design for the site plan, elevations, conceptual landscape plan, colors and materials associated with the proposed development of the 3.97-acres site at the NEC of Ramona Avenue and Brooks Street , and the 4500 Block of Holt Boulevard (4570 Brooks Street), per the submitted plans and as described in the staff report and summarized in the following table:

Approved Project Summary	
Building 1 (Office/Commercial) – Holt Boulevard Frontage	
Zoning: Commercial	
Building Size	11,383 square feet
Number of Tenant Spaces	Five (5) - ranging in size from 2,180 to 2,343 s.f.
Building 2 (Warehouse) – Brooks St Frontage	
Zoning: Industrial	
Office	2,020 s.f.
Mezzanine	2,020 s.f.
Warehouse (w/ Roll Up Doors)	22,843 s.f.
Total	26,883 square feet
Building 3 (Warehouse) – Ramona Ave & Brooks St Frontage	
Zoning: Business Park*	
Office	1,500 s.f.
Mezzanine	1,500 s.f.
Warehouse (w/ Roll Up Doors)	26,422 s.f.
Total	29,422 square feet
*CUP approved required for warehouse use per HBSP	

- b. A conditional use permit for Building 3 located in the portion of the project site zoned as Business Park (BP), allowing warehousing and distribution uses; and
2. PPD approval shall be valid for a period of one year and the CUP shall be valid for six-months shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan checks and building permits to allow eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD and CUP expiration date.
3. No changes to the approved set of plans, including the exterior design and materials/finishes, shall be permitted without prior City review and approval. Any modifications, intensification, or expansion of the use and design found by the

City Planner to be significantly different from the approved plan shall be referred to the Planning Commission for review and approval.

4. In the event that exhibits and written conditions are inconsistent, the written conditions shall prevail.
5. In establishing and conducting the subject use, the property owner shall at all times comply with any and all laws, ordinances, and regulations of the City of Montclair, the County of San Bernardino and the State of California. Approval of this PPD and CUP shall not waive compliance with such requirements.
6. This approval shall supersede all previously approved entitlements for the subject project site.
7. Prior to the issuance of building permits, the applicant shall prepare a reciprocal access agreement by and between the properties comprising the project site to guarantee in perpetuity internal circulation and access to buildings and parking spaces therein, and for access by emergency responders (Fire and Police). Said covenant shall be reviewed by the City Attorney and recorded with the County of San Bernardino Records Office.
8. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions which are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
9. Prior to the approval of any signs for the project, the applicant shall continue to work the Planning Division staff to refine the proposed master sign program exhibits and details, including the preparation of a design for the Holt Boulevard monument sign. Final approval shall be made the Director of Community Development. Upon approval all signs erected on the site shall conform to the provisions of the approved master sign program.
10. The applicant and subsequent property owners and users shall comply with the following operational standards:
 - a. Outdoor storage of personal or other items (including motor vehicles) not directly related to the primary use of the property shall be prohibited anywhere on the exterior of the site.
 - b. No outdoor pay telephones, loudspeakers, or vending machines shall be installed or used on the property.

- c. No outdoor storage of raw materials, finished products, high-pile storage of pallets, equipment and/or other supplies of any kind on the ground, on racks, or within storage/shipping containers shall be allowed.
 - d. No outdoor manufacturing or assembly operations.
 - e. No temporary or permanent residential living quarters shall be established on the premises. Indications that a property is being used as temporary or permanent residential living quarters include actions such as spending significant time at the location on more than one day, sleeping at the location, and performing other life activities at the location repeatedly.
11. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
- a. A check in the amount of \$50.00, payable to "Clerk of the Board of Supervisors," to cover the filing fee for the Notice of Exemption (NOE) as required by the California Environmental Quality Act (CEQA).
 - b. A check in the amount of \$719.15 the actual cost of publication, payable to the "City of Montclair," to cover the cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.
12. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 15 days of receipt of the Planning Commission Resolution. No building permits shall be issued without a signed Affidavit of Acceptance.
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.
14. Each and every future business(es) occupying the completed building shall be required to obtain and maintain valid business licenses and comply with all applicable City regulations at all times. As part of the routine review process for each new business, the property and subject lease space will be inspected to ensure compliance with all applicable codes, including the provision of adequate on-site parking.
15. Prior to issuance of building permits, the applicant shall provide the following to the Planning Division to be submitted for review:
- a. Obtain approval of the proposed lot line adjustment (LLA) from the Engineering Division. Contact Public Works Director Noel Castillo at

ncastillo@cityofmontclair.org or at (909) 625-9441, for further information on the process and fees.

- b. Applicant shall submit a fencing and gate plan for review. The design of the metal fence and gates shall be complementary to overall appearance and colors of the new building and constructed of durable and easily maintained materials as follows:
 - i. Fencing shall have a durable finish (e.g., powder coat) in a color that complements the building.
 - ii. The maximum height of the fence shall not exceed eight feet (8'-0") in height along any interior side and rear property line as adjusted for existing grade conditions and subject to the satisfaction of the Community Development Director. The use of chain-link fencing and security deterrents such as barbed, concertina wire, or electric fences are expressly prohibited.
 - iii. Any blocks wall shall incorporate a finish cap piece.
 - iv. Unfinished gray colored masonry block is prohibited. However, gray colored split-face block is acceptable.
 - v. All gates shall be made accessible to emergency personnel (Police and Fire) during times when they are closed. Contact the Montclair Fire Department for further information and requirements.
16. All exterior lighting shall comply with the submitted photometric plan for the entire site.
- a. Provide a minimum maintained illumination level of one (1) foot-candle across the site.
 - b. All lighting fixtures shall be vandal-resistant and of a design that complements the architecture of the building.
 - c. All parking lot and other freestanding light fixtures shall incorporate 90-degree cut-off style luminaires and flat lenses so as to direct illumination downward to the surface to be illuminated away from public rights-of-way and properties adjacent to the subject site. Cut-off shields may be required to ensure illumination does not adversely impact adjacent properties to the greatest extent possible.
 - d. Freestanding light fixtures and poles shall not exceed a maximum height of 20'-0" as measured from adjacent grade to top of luminaires. Details must be shown on plans.

- e. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be clad in a color coordinated stucco finish to complement the main building. Details must be shown on plans.
 - f. Wall-mounted fixtures shall be shielded. The use of unshielded wall packs, barn lighters, other similar unshielded luminaires, and/or decorative lighting installed solely for the purpose of illuminating the roof shall not be permitted.
 - g. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.
17. Prior to issuance of a Certificate of Occupancy, the applicant shall install approved landscaping materials on the property, subject to the satisfaction of the City Planner. Except as otherwise specified on the approved landscape plan, the following standards shall apply:
- a. All shrubs shall be minimum five-gallon container size (except herbaceous perennials and woody spreading shrubs on slopes).
 - b. All trees (except required street trees) shall be minimum 24-inch box size and double-staked.
 - c. All trees within the public right-of-way parameters shall be 24-inch box size.
 - d. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
18. All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency.
19. Any plant material that does not survive or is removed or destroyed shall be replaced upon its demise or removal with plant material of a like type and size as that originally approved and installed.
20. Plant material shall not be severely pruned such that it stunts or deforms its natural growth pattern or characteristic feature(s). Trees shall be pruned to ISA (International Society of Arboriculture) standards and only as necessary to promote healthy growth and for aesthetic purposes (i.e., to enhance the natural form of the tree). Improperly or severely pruned trees, including topping as defined by the Water Conservation Ordinance, that results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with a tree of

similar size and maturity as that which was removed or, as required by the Community Development Director.

21. All automobile parking spaces shall be clearly delineated with double-line (e.g. "hairpin") striping.
22. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code. Temporary banners for the purpose of announcing a grand opening or promotional event shall require a banner permit from the Planning Division prior to installation.
23. No portable flags, pennants, spinners, painted-on signs, off-premise signs, trailer-mounted electronic sign/message boards or other similar types of portable signs shall be allowed.
24. 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.
25. Roof-mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts and exhaust vents, meters, pumps and filters, transformers and generators, conduit, satellite dishes and similar equipment, but excluding solar collectors shall be screened from direct view from adjacent public right(s)-of-way in any direction (360 degrees) and adjacent residential properties, subject to the approval of the Director of Community Development. In addition, screening of the top of roof-mounted mechanical equipment may be required by the Director of Community Development, 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:
 - a. 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.
 - b. Equipment wells integrated into the design of roof of the building.
26. All on-site ground-mounted mechanical equipment, including, but not limited to, utility meters, air conditioners, condenser units, and repair equipment shall be located within the building or on the exterior of the building only when necessary and screened in a manner that is compatible with the architectural design of the building subject to the satisfaction of the City Planner.

27. Freestanding electrical transformers and double check detector assembly (DCDA) fire equipment shall be screened in a manner which is compatible with the building architecture and/or landscaping to the satisfaction of the Director of Community Development and Building Official. Efforts shall be made to place these elements in locations that are the least visually unobtrusive as possible.
28. Exposed gutters shall be prohibited for use with flat roof building designs. Exposed downspouts shall not be allowed on any side of the building when directly visible to the public right of way and/or interrupts any architectural design features. The applicant shall be responsible for noting on plans submitted for plan check where exposed downspouts are proposed for City review. Any exposed downspouts allowed shall be constructed of high-quality, commercial grade metal in a durable, color coordinated, finish, as approved by the City Planner.
29. The property owner/applicant shall ensure that all building exteriors, site fences and walls, exterior lighting, trash enclosures, drainage facilities, driveways and parking areas are maintained in good condition/repair and reasonably free of:
 - a. Litter and debris;
 - b. Chipped, faded, peeling, and cracked paint;
 - c. Rust and corrosion;
 - d. Cracks, dents, and discoloration;
 - e. Broken and misshapen structural parts;
 - f. Graffiti, bills, stickers, advertisements;
 - g. Damaged or inoperable structures or mechanisms.
30. Any graffiti shall be removed within 24 hours of discovery or notification by the City. The paint utilized to cover the graffiti shall match the affected structure. In the event that the paint finish of the abated area is noticeably distinguishable from the balance of the surface area of the building side just abated for graffiti, or noticeably distinguishable from the rest of the structure, the entire surface area of either the abated side or of the structure shall be painted to minimize the disparity, subject to City Planner approval.
31. The applicant/property owner shall upon notification by the City restore and/or replace any glazing, architectural metal panels, or other exterior design feature/material that have been permanently damaged by graffiti, etching, or by other means.

32. 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.
33. In establishing and conducting the subject use, the applicant shall at all times comply with any and all laws, ordinances, and regulations of the City of Montclair, the County of San Bernardino and the State of California. Approval of this CUP shall not waive compliance with such requirements.
34. 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

35. Submit four (4) complete sets of plans including the following:
 - a. Site/Plot Plan;
 - b. Floor Plan;
 - c. Reflected Ceiling Plan;
 - d. Electrical Plans including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;

- e. Plumbing plans, (including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning);
 - f. Provide an existing plan of the building including all walls to be demolished; and
 - g. Waste recycling plan, recycling 65% of all construction debris.
36. 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.
 37. A building, structure, sewage system, utility line, eave or projection of a structure, shall not cross over a property line so as to encroach on another property.
 38. Submit two sets of structural calculations, if required and two sets energy conservation calculations.
 39. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
 40. Separate permits are required for fencing and/or walls. Submit details of construction on the plans. Double wall conditions which have been created by an adjacent property line wall shall not be allowed.
 41. Provide and clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
 42. Prior to issuance of building permits for a new commercial or industrial development project or major addition, the applicant shall pay development fees at the established rate. Such fees may include but are not limited to: Transportation Development Fee, Permit and Plan Check Fees, School Fees. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District. Applicant shall provide a copy of the school fees receipt to the Building and Safety Division prior to permits issuance.
 43. Exposed raceways shall be prohibited on all building-mounted and freestanding signs.

44. 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.
45. Once a lot line adjustment has been approved by the City Council sealed by the City Engineer and recorded with the County of San Bernardino, street address numbers will assigned to each building by the Building Official.
46. Each 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.
47. 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.
48. 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.
49. 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.
50. 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.
51. 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.
52. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357.
53. The numerical address of the building shall be displayed in a maximum of two locations on the south-facing or north-facing elevation, respectively as follows: 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.

54. 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.
55. 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.
56. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
57. 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.
58. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
59. 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.
60. 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.
61. 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.

62. Temporary construction and storage trailers placed on the property shall first obtain approval from the Planning and Building Divisions. If any trailers will include uses for public access, handicap accessibility requirements shall apply. Before any trailer is set in its location, obtain all permits from the building division. Plans and structural calculations will be required for the tie-down devices. Trailers used for public use (and not used for construction only) are required to be handicapped accessible. The trailer will requires access to the facility by way of ramps which comply with the California Building Code (CBC) 2016 edition, Chapter 11B, in addition to access to each feature of the trailer.

Water Quality Management Plan

63. The WQMP must have final approval from the Engineering Division prior to obtaining grading/building permit(s). Contact Joe Rosales, NPDES Coordinator, at (909) 625-9470.
64. Prepare and submit plans for erosion and sediment control. Plans shall include all phases of the construction project, including rough grading, utility and road installation, and vertical construction to the satisfaction of the City Engineer. Contact Joe Rosales, NPDES Coordinator, at (909) 625-9470.
65. Prior to receiving a City Grading permit a State Construction General permit must be obtained and proof must be shown (WDID number) to the Building Division.
66. At the time of Grading permit issuance; Post-Construction BMP inspection permit fees associated with the approved WQMP shall be paid. Contact Joe Rosales, NPDES Coordinator, at (909) 625-9470 for further information regarding permit and fees.
67. Prior to issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Engineering Division an electronic copy of the approved WQMP in PDF format.
 - b. Submit to the Engineering Division as built drawings as it relates to the WQMP.
 - c. Record the WQMP Maintenance Agreement with the County of San Bernardino and provide evidence of said recording to the Engineering Division.
68. Prior to release of the certificate of occupancy for the building, the person or corporation responsible for the preparation of the WQMP shall certify in writing to the NPDES Coordinator that all conditions and requirements of the WQMP have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the

- NPDES Coordinator that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the WQMP.
69. 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. Landscape Conditions of Approval Associated with the WQMP
 70. Landscape plans must show catch basins in landscaping that are associated with the WQMP.
 71. Landscape plans must show profile of swale adjacent to catch basins.
 72. It is required prior to receiving Certificate of Occupancy the Landscape Architect of record to comply and submit a Letter of Completion to both Planning Division and Engineering Division.
 73. Property Owner/Lessee is required to employ a Bonded and California Licensed C-27 Landscape Contractor to conduct all landscaping on property.
 74. Landscape Contractor must have City Business License to operate in the City of Montclair.
 75. To ensure the landscaping associated with the stormwater treatment device(s) is maintained properly for the life of the project, the property owner/lessee must provide to the Public Works Department every third year after receiving the Certificate of Occupancy, a wet stamped letter of certification from a licensed, certified Landscape Architect, or recognized horticulturist organization or business.
 76. The certified letter must state that the plants located within the boundaries of and immediately adjacent to stormwater treatment devices are currently in good health and has been maintained to continue to promote the long-term functional and aesthetic performance of the stormwater treatment device. For example, if the planted component of the stormwater device was designed to control erosion, aid in pollutant capture, or maintain permeability, the plant material must be kept at a level of health and vigor to continually meet these functional requirements.
 77. Individuals qualified to submit the certification letter must be able to identify species present and report on their conditions. Providing the original planting design documents to the consulting horticulturist may help them in this process.

78. If mulch is present in the assessment area, this must be noted in the letter along with the current depth of the mulch layer and a description of which areas of the stormwater treatment device are mulched.
79. Five to ten clear and representative site photos showing the condition of the various plant materials located in and adjacent to the stormwater treatment device and any other notable conditions related to the device, printed in color on standard 8.5 x 11 paper, must also be submitted as part of the letter.
80. Representatives of the Public Works Department may follow up with site inspections to confirm the accuracy of certification letters and the overall functional condition of stormwater treatment devices.

Engineering

81. 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.
82. Existing Bus Stop on the east side of Ramona Avenue north of Brooks Street within the frontage of the property shall be renovated with an Omni Bus Premium Bus Stop Shelter with waste receptacle and electronic message board. The installation will require a right-of-way dedication to allow minimum sidewalk width to allow pedestrian passage. A curb adjacent concrete bus pad shall be constructed as part of the bus stop.
83. The tentative map 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 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.
84. Payment of transportation-related development impact fees is required. Fees shall be assessed at the rate in effect at the time the fees are paid.
85. Street improvement plans are required for all public and private streets. Construction drawings shall be 24" by 36" with City standard title block.
86. Street names shall be at the discretion of the developer, subject to the approval of the Public Works Director/City Engineer.
87. All streets public and private shall have sidewalks conforming to Americans with Disabilities Act. Public and private streets shall have sidewalks on each side. Widths and scoring patterns shall conform to City Standard 114.

88. 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. Three additional street lights will be needed at the intersection of Brooks at Ramona, additional ones may be required after the photometric is developed. One additional street light will be required on Holt Boulevard to meet minimum lighting spacing required by City Standards. The Applicant shall provide the design and construction of additional streets lights as required by the City Engineer.
89. Streetlights on public streets shall be owned and maintained by Southern California Edison.
90. Monument signs shall not be permitted in the line of sight triangles next to driveway locations (see City STD 110).
91. All pavement damaged by excavation will be replaced with permanent pavement per the City Standard for paving and trench repair STD No. 301.
92. 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. Curb Ramp on the north east corner of Brooks at Ramona will need to be replaced to meet ADA standards. Existing driveways need to be removed and replaced with ADA complaint driveways, including the two driveway on the easterly property limits that straddle the property line that provide access to Brooks Street and Holt Boulevard.
93. All Utilities in the public right of way portion of each street frontage adjacent to the site shall be placed underground. This requirement applies to electrical services (facilities operated at nominal voltages in excess of 20,000 volts not included), and switches, and where technology exists, telephone and cable television facilities as well.
94. All utilities within development boundaries shall be placed underground. This requirement applies to electrical services, transformers and switches, telephone, communications, and cable television facilities as well.
95. The developer shall make payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.
96. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
97. Sewers intended to be maintained by the City of Montclair shall be designed and constructed per Public Works Department standards, and shall be located in

public streets or easements dedicated to the City for sanitary sewer purposes. Sewers not constructed per Public Works Department standards shall be constructed per California Building Code and City of Montclair Building Division requirements and shall be privately maintained.

98. Sewer improvement plans are required for all sewers, public or private, and shall include both plan and profile views on 24" by 36" construction drawings.
99. Approval of the WQMP is required prior to the preparation of grading and/or other improvement plans. Requirements for the WQMP may be obtained from the City NPDES Coordinator Joseph Rosales at 909-625-9470. Requirements of the WQMP may require significant modifications to the approved tentative map. If significant modifications are required, a resubmittal to the Planning Commission and City Council may be required.
100. 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.
101. Prepare and submit a final hydrology and hydraulic study showing the tributary area, layout of storm drains and downstream impacts to a point as defined as the closest receiving point on a master storm drain line or existing facility as approved by the City Engineer. The study shall identify off-site and on-site runoff impacts resulting from build-out of permitted General Plan uses, the project's contribution, location and sizes of catchments and system connection points plus all downstream drainage mitigation measures. All mitigations/recommendations resulting from any final approved report shall be included in the improvement design submittals
102. 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.
103. All drainage facilities shall comply with requirements of the approved WQMP.
104. 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.
105. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at 800-422-4133.

Environmental

106. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Code.
107. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA). For more information contact Marissa Pereya, Environmental Manager, at (909) 625-9446.
108. All trash enclosures must be designed in accordance with the provisions of AB 341 Mandatory Commercial Recycling and AB 1826 Mandatory Commercial Organics Recycling (MORe) as established by California Department of Resources Recycling and Recovery (CalRecycle). Sufficient facilities must be provided and all required services set up with the City's Franchise Waste Hauler, Burrtec Waste Industries, Inc. and maintained for the mandatory recycling of all recyclable materials and organics/landscaping wastes. For additional information, contact Environmental Manager, Marissa Pereya at (909) 625-9446.

Fire

109. General plan review. This is a general plan review only and is to determine if this project should be allowed to move forward to the City Development Review and/or the Fire Department plan check phase. Additional requirements may be necessary to comply with all applicable codes and will be determined during the Fire Department plan check process. The Fire Department requires two sets of plans be submitted with an application and all fees pre-paid.
110. Permits required. Permits are required for the plan review and inspection of fire detection, fire sprinkler, hood and duct, and occupancy plan reviews. Fees shall be collected by the fire department at the time an application for permit is filed (CFC 2016 105.3.8).
111. Plan submittal. Provide 3 Complete architectural, structural, Fire Alarm and Fire Sprinkler plans, including all specifications, shall be submitted to the fire department for review prior to the issuance of any building permits. These plans and specifications shall include, but are not limited to, construction type, exits, fire protection equipment, building protection, and interior finish. The developer is responsible for, and shall apply for and receive, all fire department permits, paying all necessary fees prior to beginning construction. (CFC 2016 105.4.1)
112. Construction documents for fire protection systems. Construction documents and calculations for all fire protection systems and permits are required for the installation, rehabilitation or modification of any fire protection system. Construction documents for fire protection systems shall be submitted for review and approval prior to system installation.(2016 CFC 105.4.2.1 and Chapter 9)

113. Each page shall have Contractor's license number, including expiration date, wet stamp and signature of the contractor licensee on each plan (California Business & Professions Code Sec. 7031.5).
114. Provide an accurate description of the scope of work for the project on the Title Page.
115. Show all exterior and interior building dimensions on the plans.
116. The plan check application can be found on the City of Montclair website: <http://www.cityofmontclair.org> and click on the following Departments: Fire, Fire Prevention, Plan check and permit process.
117. Development standards. This project is required to comply with the 2016 California Fire Code as amended in the Montclair Municipal Code, and Montclair Fire Department development standards.
118. Fire Department Fees. All fees are required to be paid in full prior to any permit issuance.
119. Fire apparatus access roads to buildings. Fire apparatus access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility (2016 CFC 503.1.1). Exception: Dimension may be increased if the building is equipped throughout with an approved automatic sprinkler system installed in accordance with 2016 CFC Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
120. Fire apparatus road dimensions. Fire apparatus roads shall have an unobstructed width of not less than 20 feet. (D103.6.1) and Vertical clearance of not less than 13 feet 6 inches. Show all dimensions on the plans. (2016 CFC 503.2.1)
121. Provide a site plan shall be drawn to a 20, 30 or 40 engineering scale and show the turn radii for all corners, using a minimum 32 feet inside & 45 feet outside radii dimension. (CFC 2016 503.2.4)
122. Provide a fire apparatus turn-around dimensions (hammerhead, boot, or cul-de-sac) where fire apparatus access roads and driveways shall exceed 150 feet (2016 CFC 503.2.5)
123. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. (2016 CFC 503.2.3).

124. Traffic calming devices shall be prohibited unless approved by the fire code official (2016 CFC 503.4.1)
125. Fire apparatus access roads shall not exceed 10 percent in grade. Exception: Grades steeper than 10 percent with mitigating protection measures as approved by the fire code official. (CFC 2016 503.2.7)
126. The angles of approach and departure for any means of access shall not exceed the design limitations of the fire apparatus of the fire department, subject to the approval of the Fire Code Official. (CFC 2016 503.2.8)
127. A Knox Box is required and shall be of an approved type and shall contain Master keys to allow the fire department to gain necessary access (2016 CFC 506.1).
128. Security gates are required to be setback 45 feet from the public roadway curb line.
129. Exterior doors and openings shall be maintained readily accessible for emergency access by firefighters. An approved ramped access walkway leading from the fire apparatus road to exterior openings is required (2016 CFC 504.1).
130. Install parapet ladders and emblems. Locations to be determined by the Fire Prevention Bureau during plan check.
131. Commercial Address numbers must be 8-10" tall and automatically illuminated and facing the street. Contact Planning for further information. (CFC 2016 505.1)
132. Exact number, location, and type of fire extinguishers shall be determined by Fire Prevention Bureau.
133. Public Water Systems must meet all Monte Vista Water District standards. Contact the Monte Vista Water District at 909-624-0035
134. Exact number, location, and design of fire hydrants shall be determined by Fire Department and the Monte Vista Water District.
135. Private Water Systems must comply with the NFPA 24 standard and the 2016 California Fire Code. Must install a Fire Department Connection (FDC) located at the Double Detector Check Assembly (DCDA) / Outside Screw and Yoke valve (OS&Y) to act as a Fire Department Boost. The combination FDC shall be equipped with two 2 ½ -inch NST female swivel inlets and one 7-inch NST female swivel and the riser to this FDC must be at least 6 inches in diameter.

136. An approved water supply capable of providing the required fire flow for fire protection shall be provided (2016 CFC 508.1).
137. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in 2016 CFC Appendix B, Table B105.1. Exception: A reduction in required fire flow of up to 50 percent, as approved, is allowed when the building is provided with an automatic sprinkler system installed in accordance with 2013 CFC Section 903.3.1.1, 903.3.1.2 or 903.3.1.3. The resulting fire flow shall not be less than 1,500 gallons per minute for the prescribed duration as specified in Table B105.1
138. Private fire service mains and appurtenances shall be installed in accordance with NFPA 24 (508.2.1). Submit plans to the fire department showing the fire water system detail.
139. Fire Department Connections (FDC) and Post Indicator Valves (PIV) locations to be determined by the fire department during plan check. Every sprinkler system shall have at least (1) fire department connection located within 50 feet of a fire hydrant. (MMC 10.28.060K(1)).
140. The installation of check valves is required between fire hydrants and Fire Department Connections (FDC).
141. Show pipe size of the fire water system on the plans.
142. Provide a site plan showing all fire hydrants and distances to nearest fire hydrants in all directions along fire apparatus access roads.
143. Minimum underground fire service supply pipe shall be 6 inches in diameter. (MMC 10.28.060K(5))
144. Double Check Detector Assembly shall be painted Rustoleum Hunt Club Green, satin acrylic finish stock #7944502.
145. An approved automatic fire sprinkler system shall be provided throughout, as defined by the most current edition of NFPA 13, in all newly constructed buildings of any occupancy group. (CFC 2016 903.2). Three (3) sets of plans shall be submitted to the Montclair Fire Prevention Bureau for review and approval prior to starting work.
146. Trash enclosures shall be fully enclosed per Planning Division's requirements, and shall have fire sprinklers installed should any one of the following conditions exist; the trash enclosure has a combustible roof covering, the trash enclosure contains two or more individual trash containers, or the trash enclosure is under or within 5 feet of combustible construction. (MMC 10.28.060) Three (3) sets of

plans shall be submitted to the Montclair Fire Prevention Bureau for review and approval prior to starting work.

147. Any Outdoor detached facilities greater than 200 square feet is required to install an approved fire sprinkler system. (MMC 10.28.060 J(3))
148. Fire sprinkler system plans are required to be a separate plan submittal with a completed application and all fees pre-paid.
149. Commercial cooking equipment that produces grease laden vapors shall be provided with a Type 1 hood, in accordance with the California Mechanical Code. An automatic fire-extinguishing system that is listed and labeled for its intended use is also required. (2016 CFC 904.12)
150. The application, installation, performance and maintenance of fire alarm systems and their components in new and existing buildings and structures shall be in compliance with 2016 CFC Chapter 9 (2016 CFC 907.1). Fire alarm and detections system plans are required to be a separate plan submittal with a completed application and all fees pre-paid.
151. Fire Sprinkler riser assemblies shall be weather protected in an enclosure large enough to accommodate repair or replacement of components. The enclosure shall have a door or hatch large enough to accommodate the removal of the largest component of the riser assembly which it contains.
152. When automatic fire sprinkler systems or fire alarm systems are installed in buildings constructed for multiple tenants and these systems protect multiple tenant spaces, the main controls and control appurtenances, such as risers, fire alarm control panels, and valves for such systems, shall be located in an attached or included room or an approved weather resistant enclosure with at least one exterior access door of not less than 3'-0" by 6'-8".
153. 2016 CFC Chapter 33 conditions shall apply to this project during construction and demolition (2016 CFC 3301.1).
154. Develop and maintain an approved pre-fire plan in cooperation with the fire department (2016 CFC 3308.2).
155. An approved water supply for fire protection, either temporary or permanent, shall be made available prior to combustible materials arriving on-site. The water supply, including mains and hydrants, shall be acceptably tested, painted, and approved by the Monte Vista Water District and Fire Prevention Bureau prior to the issuance of permits (2016 CFC 3312.1).
156. Fire Apparatus access road and water supply must be inspected and approved by the Montclair Fire Department prior to lumber being dropped at the project

site. The Fire Apparatus access road shall be 2" thick, 20' wide (minimum) paved asphalt road through-out the project. (CFC 2016 503.2.3)

157. Access for firefighting. Approved vehicle access firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections. Vehicle access shall be provided by temporary or permanent roads, capable of supporting imposed loads of fire apparatus under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available (2016 CFC 3310.1).
158. Fire apparatus roads shall not be obstructed in any manner, including the parking of vehicles (CFC 2016 503.4).
159. Buildings and structures under construction shall post temporary 8-10" inch address signs meeting fire department standards and at locations determined by the Fire Code Official (CFC 2016 505.1.2).
160. Welding, cutting, open torches and other hot work operations and equipment shall comply with 2016 CFC Section 2601.1.
161. Provide a readily accessible telephone on-site for emergency use. The street address of the construction site. The emergency telephone number of the fire department dispatch center at 911 for emergencies and (909) 884-7248 for non-emergencies, shall be posted adjacent to the telephone (2016 CFC 3309.1).
162. Structures under construction, alterations or demolition shall be provided with not less than one approved portable fire extinguisher (2016 CFC 3315.1).
163. The application, installation, performance and maintenance of fire alarm systems and their components in new and existing buildings and structures shall be in compliance with 2016 CFC Chapter 9 (2016 CFC 907.1). Fire alarm and detections system plans are required to be a separate plan submittal with a completed application and all fees pre-paid.
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173. Structures under construction, alterations or demolition shall be provided with not less than one approved portable fire extinguisher (2016 CFC 3315.1).
174. KNOX boxes are required and shall be of an approved type and shall contain keys to gain necessary access as required by the Fire Code Official (2016 CFC 1410.2 & 506).

Police

175. 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.
176. 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.

177. 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.
178. 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.
179. The premises shall install and maintain a closed circuit video surveillance (CCVS) system. The system shall at minimum be capable of monitoring all entrances/exits to the premises and be positioned as to allow for identification of patron facial features and physical characteristics. A minimum of one camera shall be placed in a position to monitor the parking lot of the premises, positioned in a manner which allows for the widest view from the entrance, without significant lens distortion, and one camera per entrance/exit door. Typical acceptable camera angles range from 50-130 degrees. Cameras shall be capable of no less a resolution than 1920×1080 pixels, otherwise known as 1080p. Cameras shall be capable of no less a resolution than 1920×1080 pixels, otherwise known as 1080p. All cameras shall have IR or low light capability.
180. 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.
181. 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.

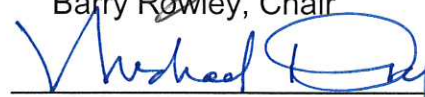
APPROVED AND ADOPTED THIS 13TH DAY OF APRIL 2020 BY THE
PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By:



Barry Rowley, Chair

ATTEST:



Michael Diaz, Secretary

I, Michael Diaz, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 13th day of April 2020, by the following vote, to-wit:

AYES: Chair Rowley, Vice Chair Martinez, Commissioners Eaton, Sahagun and Sanchez.

NOES: None.

ABSENT: None.

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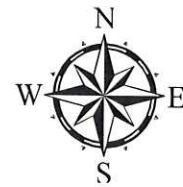
Exhibit A:
Case 2020-2

NEC Brooks and Ramona 4500 Block of Holt (4570 Brooks Street)



Holt Boulevard Specific Plan Land Use District Legend

-  Business Park
-  Industrial
-  Commercial
-  Parcel lines



To:	Noel Castillo	From:	Sandhya Perumalla, and Daryl Zerfass PE, PTP
	City of Montclair		Stantec
File:	2042562100	Date:	March 10, 2020

Reference: Trip Generation Study for the Warehouse and Office Development Project at 4570 Brooks Street in the City of Montclair

Stantec Consulting Services Inc. (Stantec) has prepared a trip generation study for a proposed warehouse and office development (Project) in the City of Montclair. The proposed Project is located at the northeast corner of Ramona Avenue and Brooks Street (4570 Brooks Street). See attachment for a map showing the Project location.

The Project includes the development of three individual buildings. Building 1 would be approximately 11,383 square feet of office, Building 2 and Building 3 would be approximately 26,883 square feet and 29,422 square feet, respectively, of warehouse and supporting office. The purpose of this memo is to present the Project's traffic generation estimates.

Access to the Project site would be via a driveway on Holt Boulevard and two driveways on Brooks Street. See attachment for an illustration of the site plan. The Project will provide a total of 127 parking spaces. The Project is expected to be occupied in the year 2021. Currently, the Project site is mostly vacant except on the southeast corner of the Project site where there is an existing 11,000 square feet industrial building.

Trip generation estimates for the proposed Project were prepared using standard Institute of Transportation Engineers (ITE) trip generation rates for the office and the warehouse buildings. As mentioned in the City's Traffic Impact Analysis (TIA) guidelines, the ITE trip rates were converted to Passenger Car Equivalent (PCE) trips based on vehicle splits documented in the City of Fontana Truck Trip Generation Study.

As shown in Table 1, the existing industrial warehouse building generates approximately 27 trips and 29 trips during the AM and PM peak hours respectively and 63 average daily trips (ADT). After taking credit for the trips generated by the existing facility and converting them to PCEs by conservatively assuming all the trucks to be 4-axle trucks, the proposed Project is expected to generate net new PCE trips of approximately 211 average daily trips (ADT), with 20 trips occurring during the AM peak hour and 21 trips occurring during the PM peak hour.

Since the proposed Project generates less than 50 peak hour trips, based on the City of Montclair TIA guidelines, a traffic analysis is not required, and a trip generation memo such as this is considered sufficient unless the City has specific concerns related to the Project access and interactions with adjacent intersections.

March 10, 2020

Noel Castillo

Page 2 of 2

Reference: Trip Generation Study for the Warehouse and Office Development Project at 4570 Brooks Street in the City of Montclair

Table 1 - Trip Generation Summary

Trip Rates	Amount	Units	AM Peak Hour			PM Peak Hour			ADT
			In	Out	Total	In	Out	Total	
General Office Building (710)		TSF	1.00	0.16	1.16	0.18	0.97	1.15	9.74
Warehousing (150)		TSF	AM	0.12(X)+25.32		77% IB / 23% OB			
			PM	0.12(X)+27.82		27% IB / 73% OB			
			ADT	1.58(X)+45.54		50% IB / 50% OB			
Trip Generation									
Existing									
Warehouse	11.000	TSF	21	6	27	8	21	29	63
Proposed									
Building 1 - Office	11.383	TSF	11	2	13	2	11	13	111
Buildings 2 & 3 - Warehouse	56.305	TSF	25	7	32	9	26	35	135
<i>Total Net New Trips (Warehouse)</i>			4	1	5	1	5	6	72
Passenger Cars Only - Warehouse		*80.3%	3	1	4	1	4	5	58
Trucks Only - Warehouse		*19.7%	1	0	1	0	1	1	14
¹ Trucks with PCE Factor (4-axle trucks - 3 PCE)			3	0	3	0	3	3	42
Total New Trips PCE			17	3	20	3	18	21	211
Trip Rate Source: Institute of Transportation Engineers (ITE), 10th Edition, 2017, with ITE code in parentheses									
* Vehicle Splits Source: Truck Trip Generation Study, City of Fontana, August 2003									
¹ assumed all the trucks are 4-axle trucks									
ADT - Average Daily Trips									

If you have any questions on the above material, please feel free to contact Daryl or Sandhya to discuss.

Stantec Consulting Services Inc.



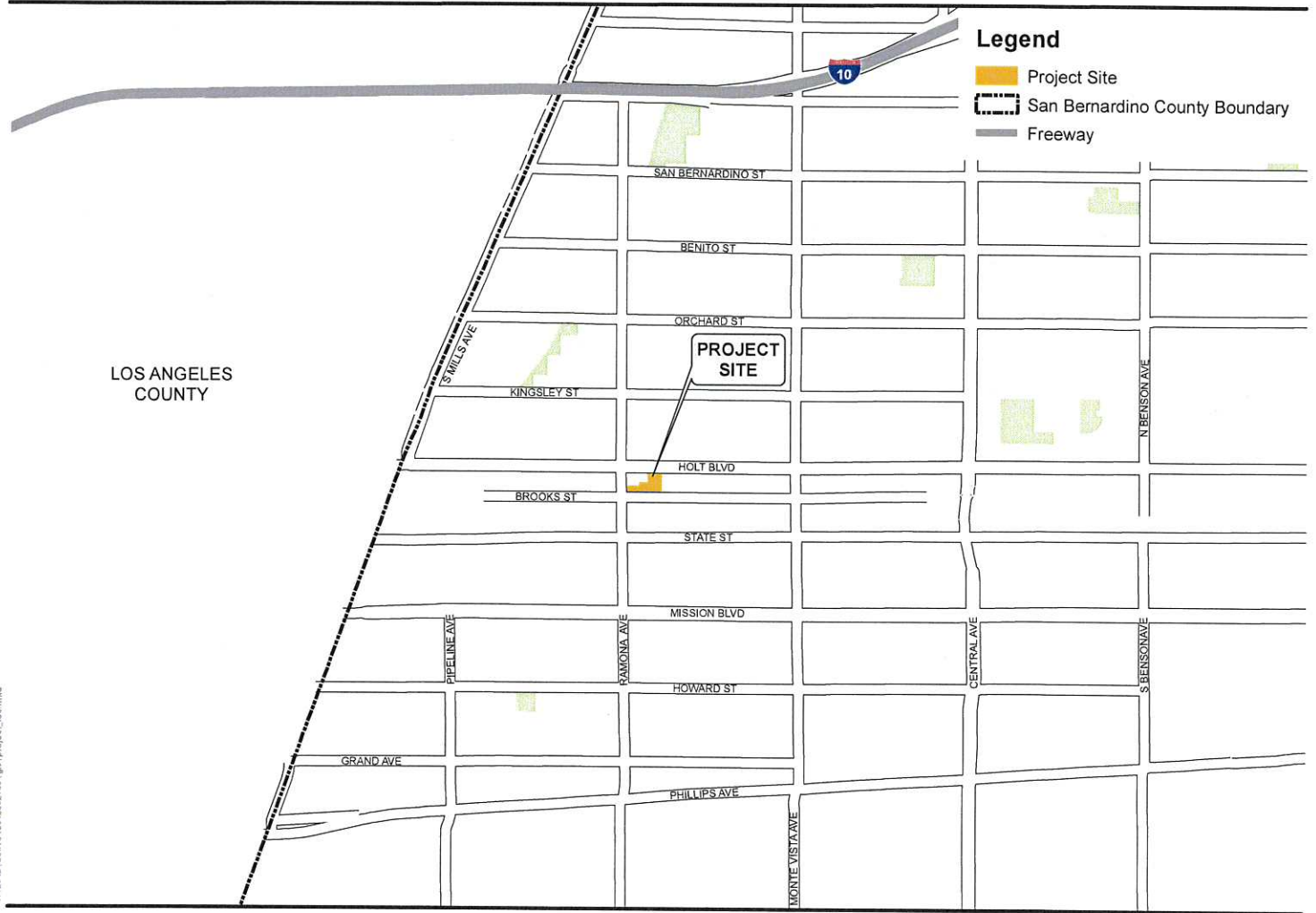
Daryl Zerfass PE, PTP
 Principal, Transportation Planning & Traffic Engineering
 Phone: 949 923 6058
 Fax: 949 923 6121
 Daryl.Zerfass@stantec.com



Sandhya Perumalla
 Senior Transportation Planner
 Phone: 949 923 6074
 Fax: 949 923 6121
 Sandhya.Perumalla@stantec.com

Attachment: Figure 1 - Project Location Map
 Figure 2 - Site Plan

BROOKS STREET
TRAFFIC IMPACT ANALYSIS

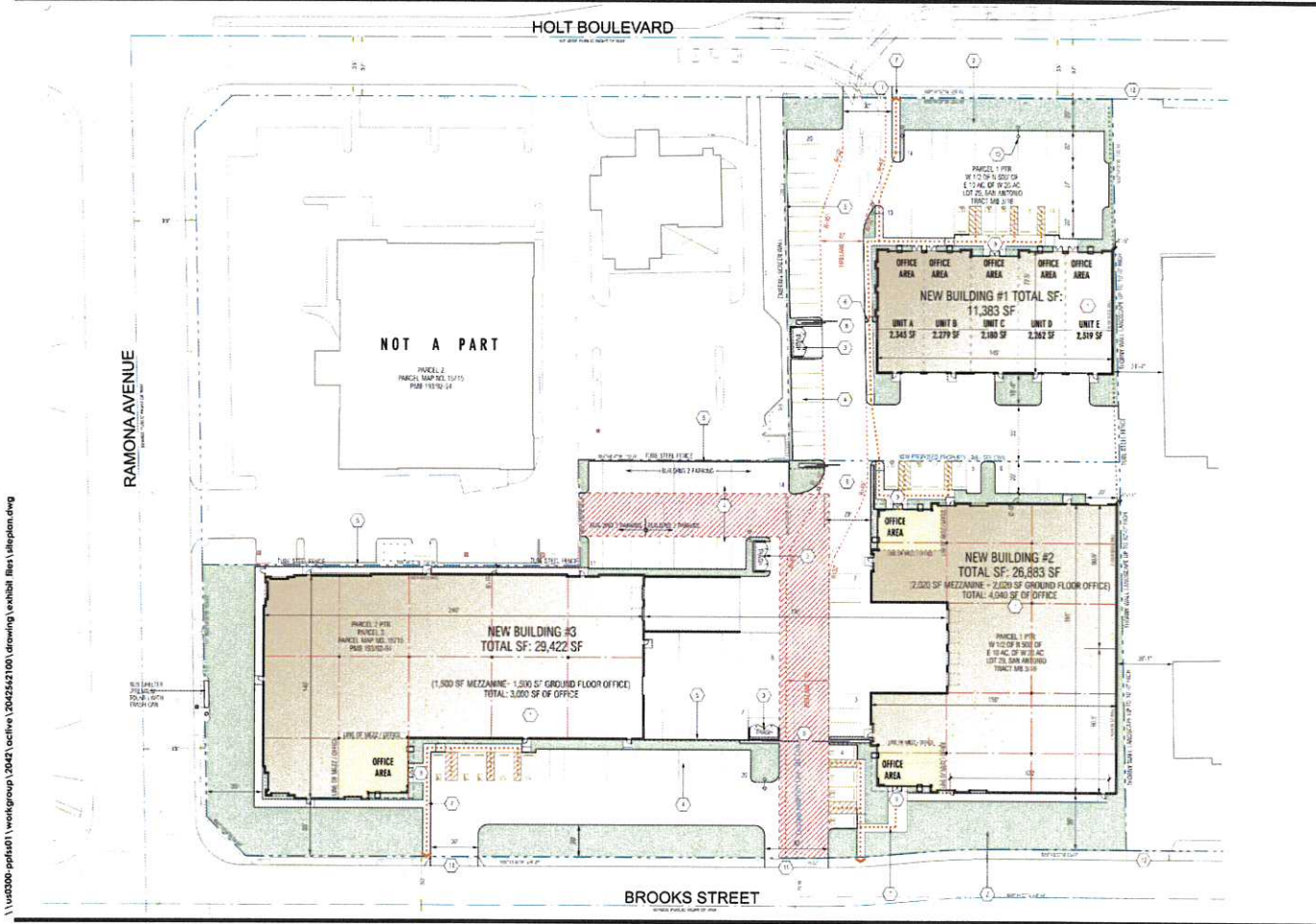


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Figure 1
Project Location Map

**BROOKS STREET
TRAFFIC IMPACT ANALYSIS**



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Figure 2
Proposed Project Site Plan

RESOLUTION NO. 21-1954

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING CITY COUNCIL APPROVAL OF TENTATIVE TRACT MAP NO. 20499, AND APPROVING OF A CONDITIONAL USE PERMIT UNDER CASE 2021-25 FOR A PROPOSED 5-UNIT COMMERCIAL CONDOMINIUM DEVELOPMENT AT 4583 HOLT BOULEVARD (APN 1012-081-01-0000).

A. Recitals.

WHEREAS, on July 21, 2021, Realogic Investments, LLC, filed an application for Tentative Tract Map (TTM) No. 20499 and Conditional Use Permit (CUP), under Case No. 2021-25, to subdivide a new commercial building (currently under construction per Case No. 2020-2) into 5-unit commercial condominium units; and

WHEREAS, the subject site is 2.38 acres in size (APN 1012-081-01-0000), and is equally split into two zoning designations with “Commercial” for the northern half and “Industrial” for the southern half as identified by the Holt Boulevard Specific Plan; and

WHEREAS, the “Commercial” zoned northern portion of the site contains a nearly complete, 11,383 square - foot, single-story commercial building, identified as Building 1, in which the proposed condominium units would be located; and

WHEREAS, on April 13, 2020, the Planning Commission approved Case No. 2020-2, a Precise Plan of Design for the site plan, floor plan, elevations, colors, materials, conceptual landscape plan, master sign program for a three-building commercial and industrial development project on two adjoining parcels totaling 3.97 acres. The subject site is the largest of the two parcels and is being developed with two of the three buildings – Building 1 is on the northernmost building on this property; and

WHEREAS, proposed Tentative Tract Map No. 20499 would allow for the creation of a 5-unit industrial condominium within Building 1, to sell or lease in compliance with the subdivision regulations of the City of Montclair and the California Subdivision Map Act; and

WHEREAS, the Conditional Use Permit is required by the Montclair Municipal Code allowing the creation of commercial condominiums pursuant to the development standards contained in the Holt Boulevard Specific Plan and 11.88.050 A1 and A2 as it pertains to the allowable uses and required unit sizes, and other development requirements; and

WHEREAS, staff has found that the proposed 5-unit tilt-up industrial condominium development complies with the guidelines and development standards outlined in Chapter 11.88

of the Montclair Municipal Code and the California Subdivision Map Act as it relates to industrial condominium uses, with conditions of approval; and

WHEREAS, The Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301(k) (Class 1 – Existing Facilities) of the State CEQA Guidelines. The project qualifies because the proposed project is on a developed site that involves no expansion of the existing building, and the division of the existing commercial building into common-interest ownership (condominiums).

WHEREAS, the Planning Commission has reviewed the Planning Division’s determination that the proposed development is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301(k) of the State CEQA Guidelines and based on its 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 a public hearing in the Inland Valley Daily Bulletin newspaper on October 15, 2021, and subsequently re-noticed on November 12, 2021, for the November 22, 2021 meeting. Public hearing notices were also mailed to property owners within the 300-foot radius of the exterior boundaries of the project site following State law for consideration of this discretionary zoning entitlement; and

WHEREAS, a public hearing was conducted at 7:00 p.m. on November 22, 2021, at which time all persons wishing to testify in connection with the said application were heard, and said application was fully considered.

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 outlined in the Recitals, Part A, of this Resolution are true and correct.
2. Based on substantial evidence presented to this Commission during the above-referenced public hearing on November 22, 2021, including written and oral staff reports, together with public testimony, this Commission hereby finds for the Tentative Tract Map No. 20499 and Conditional Use Permit under Case No. 2021-25, request as follows:

Tentative Tract Map Findings

Pursuant to California Government Code Section 66410, *et seq.*, the following findings for recommending approval to the City Council of Tentative Tract Map No. 20499 can be made:

- 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 development standards of the “Commercial” zoning district of the Holt Boulevard Specific Plan and provides for ample area on which to develop the proposed commercial 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 types and densities of the development proposed given the overall size of the subject property, the northernmost portion of Parcel 1. The subject site has a combined area totaling 2.38-acres is of a configuration that has sufficient width and depth to allow for orderly development as proposed with the project. The project sites are also located adjacent to a fully improved street that connects to an arterial roadway at Holt Boulevard 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 surrounded by urban development and streets; does not contain any bodies of water, and is not linked to any wildlife corridors. The site does not 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 Tentative Tract Map No. 20499 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 Tentative Tract Map No. 20499 will not conflict with any onsite public or private easements for access or use. Each condominium unit will be provided with separate utility connections and associated meters and panels.
- F. The discharge of wastewater will be into an existing sanitary sewer system installed and/or improved as part of the overall development in which the commercial condominiums are located such that Tentative Tract Map No. 20499 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 under California Plumbing Code and Municipal Code requirements. Sewer mains exist in Holt Boulevard and within the project site, all of which are immediately adjacent to the subject site.

Conditional Use Permit Findings

The Planning Commission finds as follows for approval of a Conditional Use Permit:

- A. The proposed commercial office condominium development is essential and desirable to the public convenience and public welfare. The new development will provide the City with a different development model not currently available nearby and that encourages smaller size commercial businesses with the City. The project is well designed and promotes orderly development that will enhance the area or the community as a whole. The proposed commercial office condominium project is consistent with the development standards outlined in Chapter 11.88 of the Montclair Municipal Code for the commercial condominium development, including associated site improvements. Architectural details, materials, and sign program are of high quality and appropriate to the proposed architectural styles of the site that yields an aesthetically pleasing project as approved under associated Case 2020-2.
- B. Granting the CUP for the 5-unit tilt-up commercial condominium use will not be materially detrimental to the public welfare and other properties in the vicinity. Building 1 is part of an approved commercial development that is well designed and under construction. The proposed condominiums with an approved building will not affect the approved design or site development improvements. The project site has easy and safe access from developed streets, meets all applicable development standards, and when completed, will have a positive impact on 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.
- C. The proposed commercial condominium project for the subject site is not contrary to the objectives of any part of the General Plan, in that the adopted General Plan encourages orderly development concerning adopted land use plans, and the continual improvement of the City as a place for attractive commercial uses while eliminating or minimizing potential detrimental impacts on surrounding properties and uses.

Conditions of Approval

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

Planning Division

1. This approval is hereby granted to allow the following entitlements at 4583 Holt Boulevard (Assessor Parcel No. 1012-081-01-0000):
 - a. Tentative Tract Map No. 20499 to allow the creation of 5-unit industrial

condominiums units within a new 11,383 square-foot concrete tilt-up building currently under construction and associated on-site improvements; and

- b. A Conditional Use Permit (CUP) to create a 5-unit industrial condominium project pursuant to the development standards contained in and 11.88 as it pertains to the allowable uses and required unit sizes, and other development requirements; and
 - c. All applicable conditions of approval associated with Precise Plan of Design Case No. 2020-2 shall continue to apply as depicted in Exhibit "A"- Signed Resolution No. 20-1937.
2. This approval shall supersede all previously approved land use entitlements for projects on the subject property.
 3. Notice to Applicant/Subdivider: The conditions of approval for this project include certain fees, dedication requirements (if applicable), 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 Planning Commission approves the Conditional Use Permit and Precise Plan of Design for the project and recommends City Council approval of the Tentative Tract Map. All impact fees shall be due and payable at the time stated in the adopted ordinance, resolution, or policy adopting and imposing such fees. If the applicant fails to file a protest regarding any of the fees, dedications, reservations, or other exaction requirements as specified in Government Code Section 66020, the subdivider/applicant shall be legally barred from later challenges.
 4. The subdivider/applicant shall reimburse the City for the legal costs associated with the preparation/review of any agreements and covenants required by these conditions.
 5. 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 related fees.
 6. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
 - a. A \$50.00 check, payable to the "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 \$678.44 check, made payable to the "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.

7. The 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.
8. The subject property shall be developed per approved plans and specifications on file with the City of Montclair, Planning Division.
9. 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.
10. If exhibits and written conditions are inconsistent, the written conditions shall prevail.
11. This CUP approval shall be valid for 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 before the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date.
12. In establishing and conducting the subject use, the applicant shall at all times comply with any laws, ordinances, and regulations of the City of Montclair, the County of San Bernardino, and the State of California. Approval of this TTM, and CUP shall not waive compliance with any such requirements.
13. 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.
14. Before the issuance of grading permits and/or building permits for the project, Tentative Tract Map No. 20499 shall be recorded under California Government Code Section 66456.1.
15. Each Condominium Unit shall have separate utility services (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.
16. The Community Development Director shall approve all CC&Rs for recordation before any Condominium Unit shall be sold.
17. 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 before the 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's 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 the 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 Director of Community Development.
 - viii. Amendment or modification to the CC&Rs shall require the advance review and approval of the city.

18. 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.
19. The developer shall submit for the necessary permits from the Building Department and pay all applicable City of Montclair development fees before issuance of any permits and commencement of grading and/or construction activities.
20. 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.
21. No occupancy of any building and/or structure shall be permitted which is not in compliance with approved plans unless the modifications are approved by the Director of Community Development as appropriate.
22. Before 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 user shall be subject to code enforcement action.
23. 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 forward and City shall cooperate with the applicant in the defense of the Action.

APPROVED AND ADOPTED THIS 22ND DAY OF NOVEMBER, 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 22nd day of November 2021, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SILVIA GUTIERREZ\2021\2021-25 TTM, CUP PCRESO 21-1954



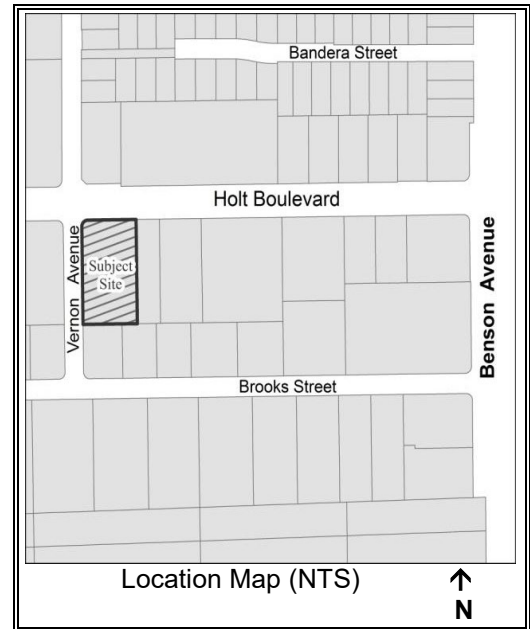
CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 11/22/21

AGENDA ITEM 6.b

Case No. 2021-31

Application: A request for a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) to re-establish an automated car wash, gas station, and allow a 1,236±-square-foot addition to an existing retail building that will accommodate a convenience store, a new attached 311±-square-foot equipment room, a new 3,432± freestanding gas station canopy and the addition of one new pump islands resulting in a total of 6 pump islands. The CUP also includes a request to allow an ABC Type 20 off-sale license to sell beer and wine within the proposed convenience store. The PPD is for site improvements, a major site and building remodel, expansion, including new landscaping.



Project Address: 5515 Holt Boulevard

Property Owner: Shenoty Fuel, LLC.

General Plan: General Commercial

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

Assessor Parcel No.: APN 1011-071-10-0000

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

Report on Item Number 6.b

PUBLIC HEARING - CASE NUMBER 2021-31

APPLICATION TYPE(S)	Conditional Use Permit Precise Plan of Design
NAME OF APPLICANT	Shenoty Fuel, Inc.
LOCATION OF PROPERTY	5515 Holt Boulevard
GENERAL PLAN DESIGNATION	General Plan
ZONING DESIGNATION	“Business Park” per Holt Boulevard Specific Plan
EXISTING LAND USE	Vacant Car Wash and Gas Station
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Silvia Gutiérrez

Project Proposal

On July 25, 2016, the Planning Commission granted a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) to re-establish the use at the above property. However, due to an ownership change, several design changes by the new owner, and unexpected delays, the project’s approval period expired on April 24, 2018.

In late 2020, the current owner/applicant purchased the property and has since then been working with staff to submit a new application to re-establish the business. The new application requests approval of a Conditional Use Permit and Precise Plan of Design to re-establish and expand the former gas station use, under the new name Montclair Fuel.

Conditional Use Permit (CUP) – seeks approval for the following elements:

- Re-opening of the car wash operation within the existing tunnel located on the east side of the building. The car wash entry point will be on the north side (Holt Boulevard) of the building, where two covered pay stations will also be located. Customers remain in their vehicles for the entire wash/dry process that will take five minutes to complete. A water recovery system is included with the system to collect, filter, and recycle wash and rinse water to the greatest extent practical. When the car wash operation is closed, decorative roll-down gates will secure the tunnel openings.
- Ten new self-serve outdoor vacuum stations for customer use. Vacuums will be located to the west of the building.
- Six new fuel pumps below a new overhead canopy approximately 3,432 square feet in area.

- A new 4,273 square foot convenience store (3,037-s.f. existing carwash retail store plus a 1,236-s.f. addition). The convenience store would provide an assortment of general merchandise items including a fresh food “island,” frozen foods, candy, fruit, sandwiches, and soft drinks. Also requested is approval to sell beer and wine beverages under a Type 20 ABC License (Off sale of Beer and Wine Only).
- 24/7 operations for fueling and convenience store. Approximately two to four employees will be on-site at all times to staff the business during business hours.
 - The sale of alcoholic beverages would be prohibited between the hours of 2:00 a.m. to 6:00 a.m.
 - Car wash closed during periods of inclement weather.
 - The facility will be equipped with a security surveillance system.

Precise Plan of Design – for site improvements, building addition, exterior remodel of the existing building and gas station canopy, and landscaping. New improvements include:

- Primary access to the site would continue to be from the two existing 40-foot wide driveways modified to meet ADA accessibility requirements. A third access point off Vernon Avenue on the south side of the site would remain to allow customers easy access to the proposed vacuum stations.
- New metal fence and gate on the east property line at the southeast corner of the site to control unauthorized access through the existing drive aisle on the south boundary of the site. Fire Department access through the gate will be provided.
- New pavement to replace deteriorated portions of the existing parking lot, including stamped concrete areas at the driveway entrances. New striping for 17 parking spaces and 10 vacuum spaces.
- A new covered trash enclosure is located at the rear of the site surrounded by a landscape planter.
- Remodel of the existing and expanded carwash tunnel and convenience store building. New building design elements include modern parapet roof design, accentuated with cement board siding sections to provide visual interest on the north, west, and south elevations. A new metal canopy facing north and west to identify the primary sides of the building and the front door to the convenience store. Clerestory windows are added at equal intervals above the new storefront.

The remainder of the building elevations feature a sleek metal coping trim design, storefront window/door frames down to the floor that is dark bronze, and a 2-inch

reveals above a stucco base. Walls will be finished in stucco and painted a “Crepe Paper” grey color.

- New modern design for the fuel station canopy with recessed LED lighting.
- New conceptual landscape and irrigation plan prepared by a California-licensed landscape architect. Existing street trees and some existing on-site plant materials are retained, but the majority of landscaping materials will be new and drought-tolerant shrubs and groundcovers. No turf areas are proposed.

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

Background

- Shenoty LLC was formed on October 10, 2018. Shenoty, LLC also owns Garey One Stop Auto at 2455 N. Garey Avenue, in Pomona, which features a coin carwash and an automated express wash, and a convenience store. The company also has a 7-11 Eleven Convenience Store in Anaheim.
- The proposed Car Wash concept is a new express car wash that features the use of recycled water and drought-tolerant landscaping at its locations with site upgrades to create an enjoyable car wash experience for customers.
- The project site, a corner lot, located at the southeast corner of Holt Boulevard and Vernon Avenue is approximately 1.24 acres in size. The property has been vacant for almost eight (8) years.
- The subject site is located in the "Business Park" (BP) zoning district within the Holt Boulevard Specific Plan (HBSP). Car wash, gas station, convenience store uses, and the sale of alcoholic beverages all require approval of a CUP according to Chapter 11.78 of the Montclair Municipal Code. In addition to City requirements, the applicant must comply with all applicable requirements of the Department of Alcoholic Beverage Control (ABC).
- The property was originally entitled to be used as a gas station and car wash/detail center under Case No. 88-7. Over the years, there have been various owners and closures.
- Most recently, the Planning Commission granted a CUP and PPD under Case No. 2018-23 to re-establish, expand, and renovate a former car wash and gas station use. The construction of the new project was never constructed.
- The Real Estate Committee reviewed the proposed project in September 2021, which found this proposal to be a superior proposal.

Planning Division Comments

Overall, staff is pleased with the proposed improvements with this project. City staff has worked with the new property owner and appreciates the effort made to bring forward the proposal amidst the challenges created by the COVID-19 pandemic. Should the Planning Commission approve the proposed project, the expectation is that the required plan check process will follow quickly.

The reestablishment of a car wash facility at the site is appropriate and consistent with the provisions of the Holt Boulevard Specific Plan in which it is situated. The area is fully developed and the improvement of the site will eliminate an unsightly parcel and replace it with a functioning use that will benefit the community. The site is of adequate size and shape to easily support the proposed use and improvements. Access to the site is appropriate, and proposed site improvements including parking, and landscaping is consistent with applicable City development standards.

City staff supports the installation of a new metal fence and gate on the east property line at the southeast corner of the site as a means of gaining reasonable control of unauthorized access and activity in the area. The existing 20-foot wide drive aisle is not a public alley and emergency access to the adjacent property by Fire and Police personnel will be preserved. Controlling access in this area would prevent adjacent businesses from using the drive aisle for parking and storing vehicles as currently occurs. A condition of approval requiring emergency access and identifying the aisle as a Fire Lane is included.

The project also complies with the applicable development standards of the "Business Park" zoning district of the Holt Boulevard Specific Plan, including setbacks, building height, and parking as generally described above. The car wash/convenience store building with new design building elements will be between 21 feet to 23 feet in height and well below the maximum 40-foot height limit of the Business Park zoning designation for the site.

Staff believes the addition of the proposed convenience store is also appropriate and will be a benefit to both customers and the public in that, quality convenience stores selling groceries, foodstuffs, and various sundry products play an essential role in areas of the City where major grocery stores are few. By condition, the sale of prepackaged beer and wine products will be limited to a small portion of the floor area of the store to ensure that the business does not evolve into a liquor store. City staff contacted the cities of Pomona and Anaheim and confirmed that the other businesses owned by the applicant are operating appropriately.

On-site parking is sufficient and properly distributed around the site where it is useful for patrons and staff. Although Montclair Municipal Code does not contain parking standards specifically for car wash uses, staff focused on the convenience store portion of the project with the highest demand for customer parking. As such, the 4,273-square-foot

convenience store would require 17 spaces at a ratio of one (1) space per 250 square feet of gross floor area. The proposed site plan indicates 17 parking spaces (including two disabled-accessible spaces) with (10) ten spaces designated as vacuum stations. Since all the uses on the site do not require extended stays (except for employees), staff believes the parking provided is more than sufficient. If in the future the car wash portion of the building were to be converted to retail use, the ten spaces used for vacuums would be converted to standard parking spaces to meet the need for additional parking.

Regarding the hours of operation, the staff is in general support if adequate staff and security measures (i.e., surveillance cameras) are in place at all times. To address this requirement, several conditions of approval are included in the draft resolution. In addition, staff recommends a condition requiring the posting of signs indicating the expected code of conduct by customers using the facility.

Building Design

Staff worked with the architect on the exterior remodel and expansion to the existing building and are generally pleased with the proposed facade enhancements. After reviewing many site plans and building elevation iterations, the project design eliminates the old mansard roof and adds a new parapet cornice that creates a modern look for the car wash/ convenience store building on the site. Staff is also pleased to see that the proposed architectural enhancements of the building facade are extended to each side (except the east side abutting an existing building) of both the car wash/convenience store building and gas station canopy. Further, the new parapet design for the building is tall enough to provide appropriate screening of any rooftop equipment from street level and adjacent properties. A condition of approval requiring all future rooftop equipment to be fully screened from view has been added. The new proposed design of the carwash/convenience store building will result in an attractive development on Holt Boulevard.

Landscape Plan & Water Quality Management

The conceptual landscape plan complements the architectural style of the proposed building and structures. The plan features a variety of drought-resistant plant materials including trees to provide texture, shade, and greenery in the setback along Holt Boulevard and Vernon Street frontages of the site, and within the parking areas of the property facing the street. The proposed trees located in the front setback will include the Crape Myrtle, Brisbane box, and Bottle Tree. In addition, shrubs, vines, and ground covers populate the planters and create visual interest throughout the site. All new plant materials would be water-saving varieties and the irrigation system would be designed to conserve water in compliance with the State Water Conservation Ordinance.

This project is also designed to meet Water Quality Management Plan (WQMP) requirements utilizing infiltration trenches. The existing condition is the gas station and convenience store with one subarea sheet flowing from the northeasterly to the

southeasterly corner of the project site. The runoff from the proposed condition will have two sub-drainage areas and the runoff in each area will sheet flow to the proposed infiltration trenches.

The overflow from each infiltration trench will then be routed via a parkway drain along Vernon Avenue. Each BMP is designed to treat the runoff from storm events up to a 100-year event.

Security and Noise

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

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

Conditional Use Permit Findings

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

- A. The proposed CUP for the re-establishment of the car wash/gas station with the addition of a convenience store on the subject site is essential and desirable to the public convenience and public welfare. The grouping together of the proposed uses is very common, provides a benefit to both customers and the public. Convenience stores selling groceries, foodstuffs, and various sundry products play an essential role in areas of the City where major grocery stores are non-existent. The sale of prepackaged beer and wine products will be limited to a small portion of the floor area of the store to ensure that the business does not evolve into a liquor store. The property owner and proposed business operators have the

resources and experience to properly implement and operate the businesses in question in a professional manner.

- B. That granting the CUP for the re-establishment of a car wash, gasoline station use, expanded canopy, and building an addition to accommodate a convenience store with Type 21 AB license will not be materially detrimental to the public welfare and other property in the vicinity. Except for the convenience store, the gas station and car wash businesses were existing uses on the property at one time and the addition of a convenience store would complement the former uses. The revised project design is well done and in compliance with all applicable development standards of the underlying zoning district. When completed, the project will have an immediate and positive impact on the area and surrounding streetscape. Lastly, conditions of approval are intended to ensure that the operation of the automated car wash, convenience store with on-sale beer and wine, and gasoline station facility operates appropriately.
- C. That such use in such location conforms to good zoning practice, in that the proposed automated car wash, convenience store with on-sale beer and wine, and gasoline station is consistent with the types of uses permitted in the "Business Park" zoning district of the Holt Boulevard Specific Plan, subject to CUP approval. Moreover, the project complies with the applicable development standards of the "Business Park" zoning district, including setbacks, building height, and parking.
- B. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages orderly development concerning adopted land use plans, and the continual improvement of the City as a place for attractive commercial uses while minimizing potential detrimental impacts on surrounding properties.

Department of Alcoholic Beverage Control (ABC) Finding

Based on California Department of Alcohol Beverage Control (ABC) requirements, a Public Convenience or Necessity (PCN) finding is necessary. The PCN requirement is necessary due to an over-concentration of retail off-sale alcohol outlets in the underlying Census Tract No. 3.06, where the site is located. According to the ABC license database, there are currently two (2) off-sale licenses within the census tract where two (2) off-sale licenses may be.

Staff consulted with the Montclair Police Department regarding the requested license who did not oppose the request since there are have not been significant calls for service in the vicinity within the last year, and because the store is not a liquor store. Moreover, the area in which the proposed convenience market would be located is not within a geographical region identified as a high crime area by Montclair Police Department. Conditions of approval requiring the installation and use of surveillance cameras help to further mitigate any future concerns.

Staff finds that the proposed convenience store will provide residents with a nearby location to purchase general groceries, including packaged beer and wine products in an underserved portion of the City with no traditional grocery stores.

Precise Plan of Design Findings

According to Chapter 11.80 of the Montclair Municipal Code, the following findings for the Precise Plan of Design are:

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

Environmental Assessment

Staff has determined the proposed reopening of the former fuel dispensing station and car wash use to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15332 of the California Environmental Quality Act (CEQA) Guidelines – In-Fill Development Projects in that the proposed project is consistent with the applicable General Plan land use designation and meets all applicable general plan policies and zoning regulations of the Holt Boulevard Specific Plan. Further, the project site and proposed development are surrounded by urban uses and the project site is less than 5 acres. The site is disturbed and has no known habitat for endangered or threatened species; and will not result in any significant traffic, noise, air quality, or water quality impacts or result in any significant negative environmental effects on the surrounding area. Lastly, the site is adequately served by all required utilities and public services to support the project.

Public Notice

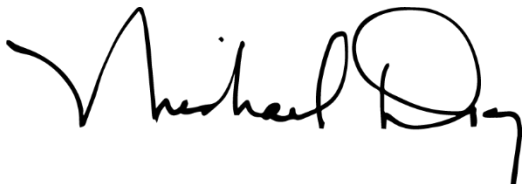
A public hearing notice was published in the Inland Valley Daily Bulletin newspaper on November 12, 2021. Notices were also mailed to property owners within a 300-foot radius of the exterior boundaries of the project site per State law for consideration of this discretionary zoning entitlement. No comments from the public were received at the time this report was prepared.

Planning Division Recommendation

Staff recommends the Planning Commission take the following actions:

- A. Move that based upon evidence submitted the project is deemed categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15332 of the California Environmental Quality Act (CEQA) Guidelines – In-Fill Development Projects in that the proposed project is consistent with the applicable General Plan land use designation and meets all applicable general plan policies and zoning regulations of the Holt Boulevard Specific Plan. Further, the project site and proposed development are surrounded by urban uses and the project site is less than 5 acres. The site is disturbed and has no known habitat for endangered or threatened species; and will not result in any significant traffic, noise, air quality, or water quality impacts or result in any significant negative environmental effects on the surrounding area. Lastly, the site is adequately served by all required utilities and public services to support the project.
- B. Approve the Conditional Use Permit and Precise Plan of Design request for the site plan, floor plan, elevations, colors, materials, conceptual landscape plan, as amended per conditions of approval contained in Resolution No. 21-1957.

Respectfully Submitted,

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

Michael Diaz
Director of Community Development

Attachment: Draft Resolution No. 21-1957

- c: Property Owner: Evon Hakala and Eddie Awada, Shenoty Fuel, LLC. 515 Holt Avenue, Ontario, CA 91761
Winston Liu, PE, QSD President W&W Land Design Consultants, Inc. 2335 W. Foothill Boulevard, Suite 1, Upland, CA 91786

RESOLUTION NO. 21-1957

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT AND PRECISE PLAN OF DESIGN UNDER CASE NO. 2021-31 FOR THE SITE PLAN, FLOOR PLAN, ELEVATIONS, COLORS, MATERIALS, AND CONCEPTUAL LANDSCAPE PLAN ASSOCIATED WITH A REQUEST TO RE-ESTABLISH A GAS STATION USE WITH AN AUTOMATED CAR WASH AND NEW CONVENIENCE STORE WITH ABC TYPE 20 OFF- SALE LICENSE TO SELL BEER AND WINE IN THE "BUSINESS PARK" ZONING DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN AT 5515 HOLT BOULEVARD (APN 1011-071-10)

WHEREAS, on October 12, 2021, Shenoty Fuels, LLC, property owner, applied for a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) to re-establish a gas station, car wash, and convenience store with an ABC Type 20 off-sale license to sell beer and wine at 5515 Holt Boulevard; and

WHEREAS, the application applies to a 1.24-acre site in the "Business Park" zoning district within the Holt Boulevard Specific Plan (HBSP); and

WHEREAS, the proposal involves the use of the existing building with a 1,236 square foot addition, totaling 4,273 square feet in area, and associated on-site improvements including a 3,342 square foot canopy over six fuel dispensing pumps, outdoor vacuum stations, parking, and trash enclosure; and

WHEREAS, pursuant to the Montclair Municipal Code and the Holt Boulevard Specific Plan, car washes, convenience stores, fuel stations, and licenses to sell or serve alcoholic beverages all require the approval of a CUP; and

WHEREAS, entitlements and time extensions for plans previously approved by the Planning Commission on July 25, 2016, under Case No. 2016-12 and on October 22, 2018, under Case 2018-23 have expired and are no longer valid; and

WHEREAS, the PPD pertains to the site plan, floor plans, elevations, colors, materials, and conceptual landscape plan associated with the proposed remodeling and site improvements; and

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

WHEREAS, the Planning Commission has reviewed the Planning Division's

determination that finds the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines. Section 15301 covers the operation, repair, and use of existing facilities with no significant expansion of uses already on the site. As such, there is no substantial evidence the project will pose a potentially significant impact on the environment; and

WHEREAS, this item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on November 12, 2021. Public hearing notices were also mailed to property owners within a 300-foot radius of the exterior boundaries of the project site per State law for consideration of this discretionary zoning entitlement; and

WHEREAS, on November 22, 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 the said application were heard, and said application was fully studied.

SECTION 1. RECITALS. The Planning Commission hereby finds that that the foregoing recitals are true and correct and incorporated herein as substantive findings of this Resolution.

SECTION 2. FINDINGS FOR CONDITIONAL USE PERMIT

Staff believes that the required findings for granting a Conditional Use Permit to allow the proposed re-establishment of the gas station/car wash and new convenience store in the "Business Park" within the Holt Boulevard Specific Plan can be made as follows:

- A. That granting the CUP for the re-establishment of a gas station/car wash car use, with six fuel-dispensing pumps, overhead canopy, and building an addition to accommodate a convenience store with Type 21 ABC license will not be materially detrimental to the public welfare and other property in the vicinity. Except for the convenience store, the gas station and car wash businesses were existing uses on the property and the addition of a convenience store is consistent with this type of development. The proposed remodel design and site enhancements are well done and in compliance with all applicable development standards of the underlying zoning district. When completed, the project will have an immediate and positive impact on the area and surrounding streetscape. Lastly, conditions of approval are intended to ensure that the operation of the automated car wash, convenience store with on-sale beer and wine, and gasoline station facility operates appropriately.
- B. That such use in such location conforms to good zoning practice, in that the proposed automated car wash, convenience store with on-sale beer and wine, and gasoline station is consistent with the types of uses permitted in the "Business Park" zoning district of the Holt Boulevard Specific Plan, subject to CUP approval. Moreover, the project complies with the applicable development standards of the

"Business Park" zoning district, including setbacks, building height, and parking.

- C. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages orderly development concerning adopted land use plans, and the continual improvement of the City as a place for attractive commercial uses while minimizing potential detrimental impacts on surrounding properties.

Concerning Public Convenience or Necessity (ABC finding), the Commission finds the proposed ABC Type 20 license (Off-Sale Beer & Wine) associated with this proposed convenience market is in an area within an "undue concentration" of retail alcohol outlets. The convenience store provides residents with a nearby location to purchase general groceries, including packaged beer and wine products in an underserved portion of the City with no large grocery stores. Moreover, the area in which the proposed convenience market will be located is not within a geographical region identified as a high crime area by local law enforcement.

SECTION 3. FINDINGS FOR PRECISE PLAN OF DESIGN.

Pursuant to Chapter 11.80 of the Montclair Municipal Code, the following findings for the Precise Plan of Design are:

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

SECTION 4. CONDITIONS OF APPROVAL

Based upon the findings and conclusions outlined in the paragraphs above, including substantial evidence presented to the Planning Commission during the above-referenced hearing on November 22, 2021, including written and oral staff reports together with public testimony, the Planning Commission hereby finds the proposal to be consistent with the overall objectives of the City of Montclair General Plan, the Holt Boulevard Specific Plan, the Montclair Municipal Code, and good planning principles, and approves the proposed CUP application subject to every condition set forth below.

Planning

1. The approved Conditional Use Permit shall be for the following uses at 5515 Holt Boulevard, as described in the staff report and depicted on approved plans:
 - a. A gasoline station use; and
 - b. An automated car wash use; and
 - c. A convenience store with an ABC Type 20 Off-Sale Beer and Wine License.
2. The approved Precise Plan of Design is for the proposed building remodel, building addition, and exterior site and building improvements, including gas station canopy, exterior lighting, and landscaping per approved plans.
3. The approval of this Conditional Use Permit and Precise Plan of Design shall supersede all other previous entitlements governing the use of the subject site.
4. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
 - a. A \$50.00 check, payable to the "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 \$763.40 payable to the "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.
5. The applicant and the 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. CUP approval shall be valid for six months (180 calendar days) from the date of Planning Commission approval and shall automatically expire on the six-month anniversary date of Planning Commission action unless the applicant is diligently pursuing building plan check toward eventual construction or implementation of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days before the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date.
7. PPD approval shall be valid for 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 before the expiration date. No further notice from the City will be given regarding the project's PPD expiration date.

8. No changes to the approved set of plans, including the exterior design and colors/materials/finishes, shall be permitted without prior City review and approval. Any modification, intensification, or expansion of the use and design plan beyond that which is specifically approved with this approval shall require further review and approval by the Planning Commission.
9. Approved colors and materials for the project shall be per sample colors and finishes on file with the City and presented to the Planning Commission.
10. In establishing and conducting the subject uses, the applicant shall at all times comply with any laws, ordinances, and regulations of the City of Montclair, the County of San Bernardino, and the State of California. Approval of this CUP and PPD shall not waive compliance with such requirements.
11. 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.
12. Before the commencement of business activities, the business owner shall apply for and obtain a City of Montclair Business License, and shall maintain a valid City business license at all times. Should such licensing be denied, expire or lapse at any time in the future, this permit shall become considered a violation of this condition and subject the use to revocation proceedings.
13. Any plant materials that do not survive, are removed, or are destroyed shall be replaced with plant material of a like type and size as that originally approved and installed at the time issuance of a certificate of occupancy.
14. All landscaping on the project site shall be regularly maintained in a healthy and vigorous living condition at all times. This shall include proper pruning, weeding, removal of litter, fertilizing, and sufficient irrigation of all plants. Dead vegetation shall be promptly replaced within two weeks with a like type and size as originally approved and installed. The property owner shall also be responsible to keep the landscaped areas free of weeds, trash, and debris.
15. Plant material shall not be severely pruned such that it stunts or deforms its natural growth pattern or characteristic feature(s). Trees shall be pruned to ISA (International Society of Arboriculture) standards and only as necessary to promote healthy growth and for aesthetic purposes (i.e., to enhance the natural form of the tree). Improperly or severely pruned trees, including topping as defined by the Water Conservation Ordinance, that results in the removal of the

normal canopy and/or disfigurement of the tree shall be replaced with a tree of similar size and maturity as that which was removed or, as required by the Director of Community Development

16. The applicant and/or property owner shall be responsible for maintaining the property including building exteriors, fabric vacuum canopies, parking areas, exterior lighting, signs, and landscaping in good condition and/or working order at all times. Any accumulation of trash, weeds, or debris on the property shall be removed immediately so as not to present a public nuisance.
17. The applicant/property owner upon notification by the City shall remove graffiti on the buildings or other site improvements or structures immediately.
18. A copy of the CUP approval letter with all conditions of approval relating to this application shall be kept on file at the subject location and be made available for viewing to any law enforcement officer, fire, building, or code enforcement inspector in the course of inspecting said premises.
19. Any subsequent sale or lease to another operator involving a car wash, convenience store with off-sale beer and wine, gasoline station activities shall require separate review and approval of an application for a Business License by the Director of Community Development or City Planner to determine its compatibility with this CUP approval.
20. Business operations at the site shall be subject to the applicable noise requirements of Chapter 6.12 of the Montclair Municipal Code. Outdoor noise levels for commercial areas are a maximum of 65 dBA between the hours of 7:00 a.m. and 10:00 p.m.
21. Car wash hours of operation and the use of vacuums shall be limited to 6:00 a.m. to 10:00 p.m. daily; however, the business operator may open the business later and/or close the business earlier within the stated range of operating hours.
22. Approved hours of operation for the convenience market shall be 24 hours per day, seven days a week, subject to the following requirements:
 - a. No alcoholic beverages shall be sold between the hours of 2:00 a.m. and 6:00 a.m.
 - b. All alcoholic beverage displays and storage areas, and all electrical coolers containing alcoholic beverages shall be locked between the hours of 2:00 a.m. and 6:00 a.m. to prevent public access to alcoholic beverages during those hours.
 - c. Employees selling beer and wine shall be at least 21 years of age and subject to such supervision, as is specified in B&P Code Section 25663(b).

23. Beer and wine may only be sold at the subject site in conjunction with the operation of the approved convenience market and subject to the issuance of a valid State of California Department of Alcoholic Beverage Control Type 20 (Off-Sale Beer and Wine) license. At all times during the conduct of the permitted use, the permittee shall maintain and keep in effect valid licensing approval from ABC as provided by law. Should such licensing be denied, expire, or lapse at any time in the future, this approval to sell alcoholic beverages of any kind shall become null and void.
24. The sale and display of alcoholic beverages shall be limited to the interior of the convenience store building and shall be subject to the following requirements:
 - a. The sale of alcoholic beverages shall be restricted to beer and wine only. The sale of distilled spirits (hard liquor) is expressly prohibited.
 - b. No displays of beer, wine, or other alcoholic beverages shall be located on the transaction counter or within ten (10) feet of any building entrance or cashier station.
 - c. Windows and glass doors of the convenience store shall not be obstructed or restrict visibility from the outside by code and law enforcement personnel at any time. Window tinting, glazing, signage, or one-way graphics shall be subject to review and approval by the Director of Community Development or designated representative before installation. This condition shall be considered in conjunction with applicable window sign limits.
 - d. Not more than 15 percent of the total floor area within the convenience store, including refrigerated coolers, shall be dedicated to the display of beer and wine products. Beer and wine products shall be generally grouped in the same area at the rear half of the store, away from exit doors, the main access aisle, and the cashier counter. A note shall be added to the floor plan for the convenience store submitted during the plan check process to demonstrate compliance with this requirement.
 - e. The sale of single containers of beer or malt beverage is prohibited. Beer or malt beverages shall only be sold in manufacturer-prepackaged packs of four or more containers. Wine shall not be sold in containers of less than 750 milliliters unless sold in manufacturer-packaged, multi-unit quantities. Wine coolers and beer coolers shall not be sold in less than four-pack quantities.
 - f. No miniature bottles of any type of alcoholic beverage may be sold.
 - g. No display of alcoholic beverages shall be made using an ice tub or similar

container. Cold beer or wine shall be stored within approved refrigerated coolers.

- h. The on-premises consumption of alcoholic beverages is expressly prohibited, whether inside the store or outside in the parking lot.
 - i. No beer and wine advertising shall be located on motor fuel islands and no self-illuminated advertising, including neon lighting, for beer or wine, shall be located on buildings or windows; and
 - j. Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. shall be at least 21 years of age to sell beer and wine.
 - k. No sale of alcoholic beverages shall be made from a drive-in window.
25. The permittee shall acknowledge and agree that the City has a legitimate and compelling governmental interest in the permittee's strict compliance with all conditions imposed upon the permit including adherence to State statutes, rules, and regulations as specified in subsection (C)(12) of this section. The permittee shall further acknowledge and agree that any violation of a State statute, rule, or regulation concerning the sale to or consumption of alcoholic beverages by a minor has been determined by the City to have a deleterious secondary effect upon:
- a. The specific land use requested by the permittee and authorized by the City;
 - b. The compatibility of permittee's authorized land use with adjacent land uses; and
 - c. The welfare and safety of the general public within the City, given the nature of such deleterious secondary effects, the permittee shall acknowledge that the City has specifically reserved the right and authority to impose sanctions, including suspension or revocation of the CUP, as a consequence of one or more violations of a State statute, rule, or regulation concerning the sale to or consumption of alcoholic beverages by a minor.
26. The applicant shall install and maintain signs stating no alcoholic beverages shall be consumed on the site nor shall any person have an open alcoholic beverage container on the site or adjacent sidewalks, streets, or alleys. Signs shall be placed at each entrance and in the parking lot of the licensed premises: Signs shall state:

"NO LOITERING. POSSESSION OF OPEN ALCOHOLIC

BEVERAGE CONTAINERS ON THESE PREMISES AND ADJACENT PUBLIC AREAS IS PROHIBITED PURSUANT TO MMC SECTION 7.08.010(A)".

27. In addition to the applicable requirements of Section 25600 et seq. of the Business and Professions (B&P) Code, the following mandatory conditions of approval shall be imposed on the site for current and future owners:
- a. No inventory, materials, merchandise, or supplies, containers, vehicles, personal or other business items shall be stored or displayed outdoors.
 - b. The premises shall be maintained at all times in a neat and orderly manner.
 - c. No exterior security bars and rollup doors applied to windows and pedestrian building entrances shall be allowed.
 - d. Exterior lighting of the parking areas shall 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.
 - e. Window signs or displays shall comply with the following requirements:
 - i. 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.
 - ii. Window sign placement shall not obstruct the view of the sales transaction area from inside and outside the building.
 - iii. Any window tinting shall allow for physical identification of all persons in the sales transaction area from outside the building.
 - iv. Temporary or permanent window signs, interior or exterior banners, or other signs placed within the store are visible from outside the store advertising the availability of or offer for purchase alcoholic beverages of any kind at the site shall be prohibited.
 - f. No video or arcade games, pinball machines, pool tables, jukeboxes, or similar devices shall be allowed within the subject lease space except official State lottery machines.
 - g. No exterior public telephones, vending or other coin-operated machines, children's rides, collection boxes, and so forth shall be located on the exterior of the subject lease space or the remainder of the site.
 - h. The exterior appearance of the permittee's premises shall be designed and

maintained in a manner consistent with the exterior appearance of commercial premises existing or proposed in the immediate neighborhood so as not to cause blight or deterioration or to substantially diminish or impair property values in the neighborhood.

28. The CUP shall, after notice to the permittee and an opportunity to be heard, be subject to the imposition of additional conditions following its issuance, which additional conditions may be imposed by the Planning Commission or, upon appeal, by the City Council to address problems of land use compatibility, security, or crime control that have arisen since the issuance of the permit.
29. Any substantial changes to the nature or scope of the business, as approved by this permit, including, but not limited to, added services, an increase in floor area, relocation, exterior appearance, etc., shall require prior City review and approval. Any substantial changes to the establishment without City approval shall be deemed a violation of this CUP and may be cause for revocation. Upon transfer, sale, or re-assignment of the establishment to another individual or entity, the applicant shall make full disclosure of these CUP requirements and restrictions to future buyers, transferees, or assignees.
30. Approval of this CUP shall not waive compliance with any regulations as outlined in the Uniform Building Code, City Ordinances, by the San Bernardino County Health Department and/or California State Department of Alcoholic Beverage Control (ABC).
31. This decision, or any aspect of this decision, can be appealed to the City Council within 15 days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
32. The on-site manager of the car wash, convenience store, and gas station shall take whatever steps are necessary to assure the orderly conduct of employees, patrons, and visitors on the premises. No loud music, noise, or other sounds using radio or other broadcasting apparatus or device, or other nuisance which disturbs the quiet and peace of the premises of surrounding uses or properties shall be permitted.
33. Before the issuance of building permits, the applicant shall submit the following plans for plan check by the Building and Planning Divisions:
 - a. 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 to direct illumination downward surface to be illuminated and away from public rights-of-way and properties adjacent to the subject site. Cut- off or "house-back" shields may be required to ensure illumination does not adversely impact adjacent properties to the greatest extent possible, particularly the residential properties to the south.
 - iv. Freestanding light fixtures and poles shall not exceed a maximum height of 20'-0" as measured from adjacent grade to top of luminaires.
 - v. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be clad in a color-coordinated stucco finish to complement the main building.
 - vi. Wall-mounted fixtures shall be shielded. The use of unshielded wall packs, barn lighters, other similar unshielded luminaires, and/or decorative lighting installed solely to illuminate the roof shall be permitted.
 - vii. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.
- b. The trash enclosure(s) shall have a solid roof cover and be designed to complement the overall architecture of the main building. Contact Burrtec Waste Industries to determine the number of required bins to support the most likely end-user(s) of the building.
 - c. The placement and design of the gate on the east property line shall be consistent with the submitted conceptual plans and shall be complementary to the overall appearance and colors of the project.
 - i. The proposed metal gate shall have a durable finish (e.g. powder coat) in a color that complements the building to the satisfaction of the Director of Community Development or designee.
 - ii. The maximum height of the gate fence shall not exceed six feet

(7'-0") along the interior side or rear property line as adjusted for existing grade conditions and subject to the satisfaction of the Director of Community Development.

- iii. The applicant shall coordinate with adjoining property owners when developing a plan for the gate.
 - iv. The use of barbed or concertina wire is strictly prohibited.
 - v. Any gates on the premises shall be made accessible to emergency personnel (Police/Fire/Building and Safety) during times when they are closed. Contact Brett Petroff, Deputy Fire Marshal, firemarshal@cityofmontclair.org for further information on requirements.
34. All automobile parking spaces shall be delineated using double-line (e.g. "hairpin") striping. Parking stalls shall be a minimum of 9'-0" in width as measured to the center of the "hairpin," and a minimum of 20'-0" in length.
35. A separate sign permit application shall be submitted by the property owner (or licensed sign contractor) for all signs installed on the site in compliance with the Montclair Municipal Code. Building-mounted signs building shall be limited to the name/nature of the business only and numerical address. Monument signs shall be limited to one sign per street frontage (i.e. one sign-on Holt Boulevard and one sign-on Vernon Avenue) Building permits for the installation of all signs is be required.
36. All signs shall be maintained at all times safely and securely. Exposed surfaces shall be cleaned and painted as necessary. Broken and defective parts shall be repaired or replaced within 72 hours of occurrence.
37. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code. Temporary banners to announce a grand opening or promotional event shall require a banner permit from the Planning Division before installation.
38. No portable flags, pennants, spinners, painted-on signs, off-premise signs, trailer-mounted electronic sign/message boards or other similar types of portable signs shall be allowed.
39. No exterior surface-mounted exposed ducts, conduit, or electrical lines are allowed on the exterior face of walls, awnings, or other surfaces 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.

40. All roof-mounted mechanical equipment (e.g., vents, meters, HVAC units, ducts, conduit, satellite dishes, photovoltaic systems, etc.), enclosures, or equipment screen walls shall not project above the roof parapet.
41. Screening of roof-mounted equipment shall be accomplished by either raised parapet walls of adequate height or by using a mechanical roof well recessed below the roofline. Screening shall be compatible with the architectural style, materials, and color of the building upon which the equipment is located, subject to the approval of the Director of Community Development.
42. 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 Director of Community Development.
43. Freestanding electrical transformers and Fire Department double check detector assembly (DCDA) equipment shall be screened with masonry walls compatible with the building architecture and/or landscaping to the satisfaction of the Director of Community Development and Fire Marshal. Efforts shall be made to place these elements in locations that are as visually unobtrusive as possible.
44. This CUP shall be subject to revocation or modification by the Planning Commission or City Council at such time as any one of the following conditions are found to exist:
 - a. Conditions of approval have not been fulfilled.
 - b. The use has resulted in a substantial adverse impact on the health and/or general welfare of users of the adjacent or proximate property.
 - c. The use has resulted in a substantial adverse impact on public facilities or services.
45. The property owner shall be responsible for maintaining all buildings, yards, structures, signs, parking areas, and other improvements in sound condition and in such a manner that does not detract from the appearance of the surrounding area. Parking areas shall be maintained attractively and suitably with any potholes, significantly cracked or uneven paving, and any other significant damage repaired in a timely fashion throughout the life of the project.
46. Graffiti or etching of glass areas on any portion of the building or site improvements shall be removed and/or replaced immediately by the property owner upon notification by the City. Paint utilized in covering such graffiti shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

47. 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.
48. 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. The city shall promptly notify the applicant of any action brought and City shall cooperate with the applicant in the defense of the Action.

Building Division

49. Submit four complete sets of plans including the following:
 - a. Site/Plot Plan;
 - b. Floor Plan;
 - c. Reflected Ceiling Plan;
 - d. Electrical Plans, including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
 - e. Plumbing Plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning;
 - f. Waste Recycling Plan, demonstrating the recycling of a minimum of 65 percent of all construction debris.

50. Submit two sets of structural calculations, if required, and two sets of energy conservation calculations.
51. Architect's/Engineer's stamp and "wet" signature are required before plan check approval.
52. The applicant shall comply with the latest adopted California Building Code, and other applicable codes, ordinances, and regulations in effect at the time of permit application. These applicable codes shall be indicated on the first page of the submitted plans.
53. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City before permit issuance.
54. Separate permits are required for trash enclosures, accessory structures, site lighting, fencing, and/or walls.
55. All utility services to the project shall be installed underground.
56. Plans shall be submitted for plan check and approved before construction. All plans shall be marked with project Case Number 2021-31.
57. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
58. Before issuance of building permits for a new commercial development project or major addition, the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to Transportation Development Fee, Permit and Plan Check Fees, Sewer Fees, and School Fees. Required school fees shall be paid directly to the Ontario-Montclair School District and Chaffey Joint Union High School District. The applicant shall provide a copy of the school fee receipts to the Building Division before permit issuance. A stamped approval by the San Bernardino Environmental Health Department is required before any building permits may be issued.
59. 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.
60. 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.
61. 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.

62. 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.
63. Construct trash enclosure(s) per City Standard (available at the Building Division's public counter). All trash enclosures shall be constructed of material consistent with the primary type and color 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.
64. 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.
65. Provide and indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
66. Construction drawings submitted to the Building Division for plan review shall comply with the Montclair Security Ordinance No. 357.
 - a. The numerical address of the building shall be displayed in a maximum of two locations on the north-facing elevation as follows:
 - b. Numerals shall be in a font acceptable to the Planning Division, minimum 10 inches in height, minimum 1½ inches in-depth, and in a color that adequately contrasts with the background to which they are attached.
 - c. The facility shall be provided with a minimum maintained illumination level of one (1) foot-candle from dusk until termination of business every business day. During all other hours of darkness, a minimum of one-quarter (.25) foot- candles of illumination shall be maintained at grade.
67. A Certificate of Occupancy is required before the occupancy of the car wash/convenience store building. Issuance of the Certificate of Occupancy shall be contingent upon the Fire Department inspection and the final approvals from other departments and/or agencies.
68. 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.

69. Provide and indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
70. Temporary construction and storage trailers intended to be placed on the property shall be reviewed and approved by the Planning and Building Divisions before their placement. Permits are required for all trailers. Plans and structural calculations will be required for the tie-down devices. Trailers to be used by the public (and not used for construction only) are required to be accessible by disabled persons. Such trailer(s) will require access to the facility by way of ramps in compliance with the California Building Code (CBC) 2013 edition, Chapter 11B, in addition to access to each feature of the trailer.

Engineering

71. The developer shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code.
72. Construction permit shall contain provisions for performance and payment bonds for all work within the public rights of way and a documentation bond for tract monuments per the Subdivision Map Act.
73. A parkland fee is not applicable since this will be a commercial site.
74. Payment of transportation-related development impact fees. Fees shall be assessed at the rate in effect at the time the fees are paid.
75. Any street improvements shall be shown on street improvement plans, they may also be included in the grading plans.
76. All pavement damaged by excavation will be replaced with permanent pavement per the City Standard for paving and trench repair STD No. 121.
77. Replace all existing lifted or cracked curb gutter, damaged utility pull box lids, and the sidewalk adjacent to the property. Additionally remove sidewalk that shows signs of ponding or is pitting, scaling, or spalling. Curb Ramps not in compliance with ADA guidelines will be removed and replaced. Additionally, all three driveways need to be removed and replaced with ADA complaint driveways. A

public easement dedication may be required if new driveways extend beyond the right-of-way for ADA accessibility.

78. Damaged or cracked existing Portland Cement Concrete (PCC) throughout the site shall be saw cut to facilitate removal by a power-driven concrete saw. The depth of the cut shall be deep enough to produce a clean, straight break, without cracking, chipping, or loosening adjoining PCC throughout the entire site. The existing PCC shall be cut beyond the configuration of the trench or excavation area as may be required by the public works inspector to eliminate small "floating" pieces of concrete. Concrete panels shall be removed or replaced from score line to score line (entire panel) when PCC is damaged or cracked. In general, the replacement and the additional saw cut limits shall be located no closer than 5 feet from a scoreline or cold joint. Minimum PCC removal is 25 square feet, scoreline to scoreline.
79. The southernmost driveway and drive approach accessed from Vernon Avenue shall be entirely removed and replaced to current city standards with PCC. A vacuum shall be used to clean the dust that is generated during the saw cutting process. The removal and replacement of PCC concrete on site shall be in conformance to the approved WQMP on file with the Public Works Department /Engineering Division.
80. Payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.
81. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
82. Approval of the WQMP is required before the preparation of grading and/or other improvement plans. Requirements for the WQMP may be obtained from the City NPDES Coordinator Joseph Rosales at 909-625-9470.
83. 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 per City standards and guidelines, and shall be on 24" by 36" sheets.
84. No soil may be imported or exported to or from the project site from any adjacent building site or 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.
85. All drainage facilities shall comply with the requirements of the approved WQMP.
86. 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.

87. Underground Service Alert shall be notified at least 48 hours before any excavation. Contact Underground Service Alert at 800-422-4133.

Environmental Division

88. The following are Environmental Compliance Division comments to be addressed on the Plan Submittal for 5515 Holt Blvd:

- a. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
- b. Regional Sewerage Supplemental Capital Outlay fees are required per Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA). Contact Steve Stanton sstanton@cityofmontclair.org for fee information.
- c. The applicant shall contact Samantha Contreras, Environmental Compliance Inspector at (909) 625-9446, and provide 72 hours notice in advance to schedule all inspections. The Environmental Compliance Inspector shall be given access to complete inspections for the interior and exterior rough plumbing, grease interceptor rough plumbing, and the sand/oil clarifiers/ interceptor rings and covers to grade before the issuance of a Certificate of Occupancy.
- d. An NSIU Wastewater Discharge Survey for the Car Wash Tunnel and water recycling system/wash tunnel specifications must be submitted to the Environmental Manager before plan submittal.
- e. A Wastewater Discharge Survey for the food mart convenience store must be submitted to Steve Stanton, Environmental Manager sstanton@cityofmontclair.org before plan submittal.
- f. If an additional fast-food/full-service restaurant is added in the future in the unoccupied retail space of the convenience store, an additional Waste Water Discharge Survey must be completed. A grease interceptor may be required. The capacity of said Interceptor shall be determined by the Environmental Manager.
- g. A pressurized waste fry-oil removal system (or approved fry oil collection system) may be required for any proposed future fast-food/full-service restaurant. Notation and schematics of the system must be provided in the plans for review and approval by the Environmental Manager. No barrels for grease or waste oil shall be stored outside of the building at any time, including within the trash enclosures. Failure to comply with this

condition will result in the issuance of a Notice to Correct and possible citation. All business activities pertaining to meal/food preparation shall occur within the approved kitchen area of the buildings.

- h. The existing Sand Oil Clarifier for the car wash tunnel must be removed and replaced except as provided herein. The capacity for the replaced Sand Oil Clarifier must be approved by the Engineering D before the plan is submitted to the Building Department. The existing Sand Oil Clarifier may remain in place should the determination be made by the Public Works Director/City Engineer upon the submission of Sand Oil Clarifier Condition Assessment performed by a licensed engineering consultant with prior experience conducting assessments on Sand Oil Clarifiers, as approved by the Engineering Division. This assessment must be performed after the completion of grading activities at the site. Should the interceptor require replacement/retrofit, plans must be submitted to the Building and Environmental Divisions for approval.
 - a. All trash enclosures must be designed per the provisions of AB 341 Mandatory Commercial Recycling and AB 1826 Mandatory Commercial Organics Recycling (MORe) as established by the California Department of Resources Recycling and Recovery (CalRecycle). Sufficient facilities must be provided and maintained for the mandatory recycling of all recyclable materials and food water/organics. For additional information, contact Steve Stanton at (909) 625-9444.

NPDES

- 89. The WQMP must have final approval from the Engineering Division before obtaining grading/building permit(s). Contact Steve Stanton, NPDES Coordinator/Engineering Manager, at (909) 625-9444.
- 90. 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. If 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.
- 91. 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 NPDES Coordinator, at (909) 625-9444.

92. At the time of Grading permit issuance; Post-Construction BMP inspection permit fees associated with the approved WQMP shall be paid. Contact NPDES Coordinator, at (909) 625-9444 for further information regarding permits and fees.
93. Prior to issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Engineering Division an electronic copy of the approved WQMP in PDF format.
 - b. Submit to the Engineering Division as-built drawings as it relates to the WQMP.
 - c. Record the WQMP Maintenance Agreement with the County of San Bernardino and provide evidence of said recording to the Engineering Division.
 - d. Provide a letter from the Engineer of Record that states all BMPs associated with the WQMP are constructed and functional per the City approved WQMP.
94. Prior to the release of the certificate of occupancy for the building, the person or corporation responsible for the preparation of the WQMP shall certify in writing to the NPDES Coordinator that all conditions and requirements of the WQMP have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, the developer shall also submit evidence in the form of a duly notarized signed lease to the NPDES Coordinator that the lessee or purchaser has been advised in writing of the lessee's or purchaser's ongoing maintenance responsibilities with respect to the requirements of the WQMP.

WQMP - Landscape Conditions

95. The landscaping/Irrigation plan should accommodate Water Quality Management Plan (WQMP) requirements for the site. The applicant will be required to work with staff in developing a new landscape plan as the WQMP is developed. The final landscape and irrigation plans will be subject to final review and approval by the Director of Community Development and NPDES Coordinator before the issuance of building permits.
96. Prior to receiving the Certificate of Occupancy the Landscape Architect of record to comply and submit a Letter of Completion to both the Planning Division and Engineering Division.
97. Property Owner/Lessee is required to employ a Bonded and California Licensed C-27 Landscape Contractor to conduct all landscaping on the property.
98. The landscape Contractor that is working on site must have a City Business License to operate in the City of Montclair.

99. To ensure the landscaping associated with the stormwater treatment device(s) is maintained properly for the life of the project, the property owner/lessee must provide to the Engineering Department every third year after receiving the Certificate of Occupancy, a wet stamped letter of certification from a licensed, certified Landscape Architect, or recognized horticulturist organization or business.
100. The certified letter must state that the plants located within the boundaries of and immediately adjacent to stormwater treatment devices are currently in good health and have been maintained to continue to promote the long-term functional and aesthetic performance of the stormwater treatment device. For example, if the planted component of the stormwater device was designed to control erosion, aid in pollutant capture, or maintain permeability, the plant material must be kept at a level of health and vigor to continually meet these functional requirements.
101. Individuals qualified to submit the certification letter must be able to identify species present and report on their conditions. Providing the original planting design documents to the consulting horticulturist may help them in this process.
102. If mulch is present in the assessment area, this must be noted in the letter along with the current depth of the mulch layer and a description of which areas of the stormwater treatment device are mulched.
103. Five to ten clear and representative site photos showing the condition of the various plant materials located in and adjacent to the stormwater treatment device and any other notable conditions related to the device, printed in color on standard 8.5 x 11 paper, must also be submitted as part of the letter.
104. Representatives of the Engineering Department may follow up with site inspections to confirm the accuracy of certification letters and the overall functional condition of stormwater treatment devices.

Fire Department

115. The project shall comply with all applicable requirements outlined in the 2019 California Fire Code (CFC).
116. Before the issuance of building 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.
117. Before the issuance of grading permits, evidence of sufficient fire flow of 1500 GPM for 2- hours shall be provided to the City of Montclair. The City of Montclair Building and Fire Marshal Water Available/Fire Flow Form shall be utilized

118. A fire department access road complying with the CFC, Chapter 5, and the approved fire department access plans shall be installed before building construction.
119. The fire department access road shall be inspected by Montclair Fire Prevention Bureau before building construction.
120. The fire department access road shall remain unobstructed at all times.
121. 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 the Montclair Fire Prevention Bureau.
122. All required fire hydrants shall be installed and operational before building construction. All fire hydrants shall remain operational during construction.
123. 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.
124. Prior to construction a temporary address sign shall be posted and clearly visible from the street.
125. 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.
126. 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.
127. 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.
128. Prior to building final, the building shall be provided with a Knox Lock key box located no more than seven feet above the finished surface and near the main entrance door.
129. All fire sprinkler risers shall be located inside the building and not visible from the exterior.
130. The access road from Vernon Ave along the southern property line shall be designated as a "Fire Lane-No Parking". No parking signs shall be placed every 50 feet or fraction thereof. The signs shall comply with the City of Montclair

Guideline for Fire Department Access & Water Requirements for Commercial & Residential Development Attachment 12.

Police Department

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. This Conditional Use Permit (CUP) shall be reviewed one year from the date of approval and may be reviewed each year thereafter. The review shall be conducted jointly by the Community Development Director and Police Chief or designees. The purpose of this review shall be to identify uniquely adverse issues such as curfew, loitering, vandalism, criminal activity, noise, or nuisance issues. If such issues are identified, the CUP shall be presented to the Planning Commission for their consideration of conditions, modifications, or revocation.
133. 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.
134. Premises falling within the regulations of the State Alcoholic Beverage Control Board (ABC) remain consistent with plans submitted for review by the Planning Commission. No changes to the floor plans will occur unless a permit is issued by the Community Development Department. None of the floor area will be converted for dancing or live entertainment unless a subsequent amendment to the approved Conditional Use Permit or Entertainment Permit is approved by the Planning Commission and Police Department.
135. Premises falling within the regulations of the State Alcoholic Beverage Control Board (ABC) shall not allow any consumption of alcoholic beverages on any property adjacent to the licensed premises under the control of the license. All other ABC provisions shall be followed at all times.
136. There shall be no special promotional events held on the property unless a written request for such is received and approved by the Director of Community Development and the Police Chief or their designee. Promoter-produced parties or events shall be prohibited. These events include private parties that involve third parties who profit from organizing and/or drawing attendees to the events.
137. All windows and glass doors shall not have any obstructions, coatings, or signage beyond what is specifically allowed by any applicable building codes, ABC regulations, or other provisions of the CUP. Security glazing/coatings and/or any

ultraviolet protective coatings shall not be reflective/mirror or obstruct or diminish the visibility from the outside.

138. The parking lot of the premises shall be equipped with the lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot.
139. 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 to allow for identification of patron facial features and physical characteristics. A minimum of one camera shall be placed in a position to monitor the parking lot of the premises, positioned in a manner that allows for the widest view from the entrance, without significant lens distortion. Cameras shall also be installed monitoring all Points of Sale (POS), including fuel pumps and cashier and ATM locations. Typically acceptable camera angles range from 50-130 degrees. Cameras shall be capable of no less a resolution than 1920x1080 pixels, otherwise known as 1080p. IR (night-vision) is preferred, however, cameras shall at minimum be capable of low-light operation.

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

140. 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.
141. The applicant/developer shall be required to schedule a joint inspection with the Planning Division and a representative of the Montclair Police Department before issuance of a certificate of occupancy.

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

APPROVED AND ADOPTED THIS 22nd DAY OF NOVEMBER 2021

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Manny Martinez, Chair

ATTEST: _____

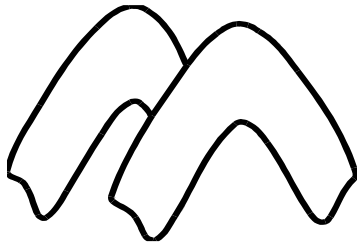
Michael Diaz, Secretary

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 22nd day of November 2021 by the following vote, to-wit:

AYES:

NOES:

ABSENT:



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 11/22/2021

AGENDA ITEM 6.c

Case No. 2021-32

Application: A Conditional Use Permit and Precise Plan of Design request to allow the construction of a 3,800 square foot full-service sit down restaurant with outdoor dining and drive-thru service.

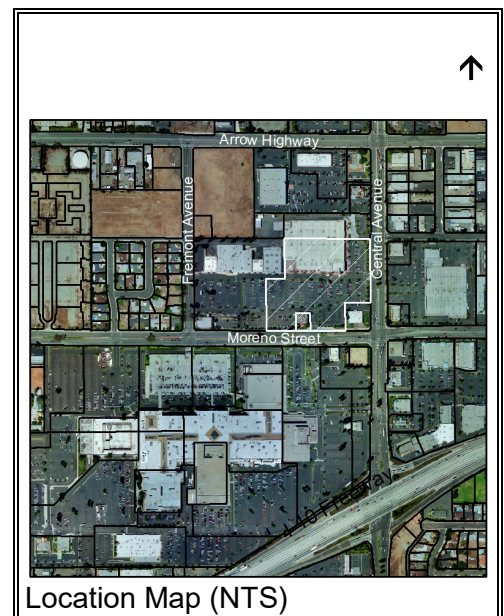
Project Address: 9052 Central Avenue and 5220 Moreno Street

Property Owner: 5060 Montclair Plaza Lane Holdings Venture, LLC and Target Corporation

General Plan: Specific Plan

Zoning: North Montclair Downtown Specific Plan (NMDSP): Town Center—Transition Overlay

Assessor Parcel Nos.: 1008-151-02 and 1008-151-03



ADJACENT LAND USE DESIGNATIONS AND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	Specific Plan	North Montclair Downtown Specific Plan (NMDSP): Town Center—Transition Overlay (OT)	Target Shopping Center Parking Lot
North	Specific Plan	TC (Town Center) North Montclair Downtown Specific Plan	Shopping Center
South	Specific Plan	Montclair Place District Specific Plan	Montclair Place
East	Specific Plan	C-3 (General Commercial) per North Montclair Specific Plan	Promenade Shopping Center
West	Specific Plan	North Montclair Downtown Specific Plan (NMDSP): Town Center—Transition Overlay (OT)	Target Shopping Center

Report on Item Number 6.c

CASE NUMBER 2021-32

APPLICATION TYPE(S)	Conditional Use Permit Precise Plan of Design
NAME OF APPLICANT	5060 Montclair Plaza Lane Holdings Venture, LLC and Target Corporation
LOCATION OF PROPERTY	9052 Central Avenue and 5220 Moreno Street
GENERAL PLAN DESIGNATION	Specific Plan
ZONING DESIGNATION	North Montclair Downtown Specific Plan (NMDSP) - Town Center (TC) Transition Overlay (TO)
EXISTING LAND USE	Parking Lot and Vacant Restaurant Building
ENVIRONMENTAL DETERMINATION	Consistent with the Adopted EIR prepared for amended North Montclair Downtown Specific Plan (NMDSP) pursuant to CEQA Guidelines Sections 15162 and 15182.
PROJECT COORDINATOR	Christine Sanchez Caldwell Economic Development Consultant

Project Proposal

5060 Montclair Plaza Lane Holdings Venture, LLC and Target Corporation are co-applicants to allow the construction of a 3,800-square-foot Panera Bread Café full-service sit-down restaurant with drive-thru service at the Target Shopping Center. The proposed location for the new restaurant is to the west of the existing Islands Restaurant (5220 Moreno Street) within the existing Target parking as depicted in Exhibit "A".

The project requires approval of a Conditional Use Permit (CUP) for the proposed drive-thru service and outdoor patio dining areas, and Precise Plan of Design (PPD) approval for the proposed site plan, building design, landscape plans, and signage. A Lot Line Adjustment (LLA) to create a new 12,000-square-foot lot to accommodate the new restaurant site is also proposed and described further below.

The affected properties fall within the boundaries of the North Montclair Downtown Specific Plan (NMDSP) and are subject to the development standards of the Plan. Since the final review authority for all entitlements within the NMDSP boundaries rests with the City Council, the Planning Commission is requested to review the project and forward its recommendations to the City Council for its consideration.

Lot Line Adjustment

An integral part of the proposal is the creation of a new lot to accommodate the proposed Panera Bread Café restaurant pad via a Lot Line Adjustment (LLA). Through the LLA, a new 12,000-square-foot lot would be created identical in size to the current lot on which Island's Restaurant presently exists. The former Islands Restaurant building would be demolished and, in its place, a parking field would be constructed to serve as parking for Panera Bread Café customers and the balance of Target Shopping Center patrons, including the online stores. The new 12,000-square-foot lot would be of sufficient size to accommodate the proposed building footprint, hardscape area, trash enclosure, and drive-thru lane for the new restaurant.

5060 Montclair Plaza Lane Holdings Venture, LLC currently owns the 12,000-square-foot lot on which the Islands Restaurant building is located. 5060 Montclair Plaza Lane Holdings Venture, LLC would become the owner of the new lot that would, in turn, be sold to a private developer who will develop the restaurant. Target Corporation will own the land where the former Islands Restaurant building is presently situated. The two property owners, 5060 Montclair Plaza Lane Holdings Venture, LLC, and Target Corporation, are essentially proposing to "swap" equal-sized landmasses to accommodate this project. When the LLA is approved and the property transactions are complete, 5060 Montclair Place Holdings Venture, LLC will no longer retain an interest in any real property in the Target Shopping Center. Neither of the current property owners of the affected lots will develop the restaurant.

The final restaurant site would be developed by the new property owner in conjunction with Panera Bread. The new owner will, in turn, lease the site to Panera Bread.

Conditional Use Permit

The CUP for the project is to allow the following:

- A drive-thru lane for the ordering and pick up of meals without having to leave one's vehicle.
- An outdoor patio dining area with a capacity for approximately 26 seats is provided on the south side of the building and three tables with nine seats on the east side of the building.

No alcohol service will be provided. Proposed business hours for the restaurant are 6:00 a.m. to 10:00 p.m. Monday through Saturday and 7:00 a.m. to 9:00 p.m. on Sundays.

Precise Plan of Design

Site Plan

The restaurant's proposed drive-thru lane is a single-lane design with a stacking capacity for 11 vehicles. The drive-thru lane begins on the east side of the building where the order menu board and speaker are located, then wraps around the backside of the building. The pick-up window is located on the west side of the building. A new parking field east of the restaurant would be developed with fully-constructed curbs, aisles, planter areas, sidewalks, and 53 parking spaces, including three accessible spaces adjacent to the building with one van-accessible parking space. The parking spaces for the restaurant would be located on the Target Corporation property but would be available for Panera's use through a Fourth Amendment to Declaration of Restrictions, Easements, Agreements, and Covenants (hereafter Agreement) document. Parking for Island's Restaurant was generally set up in this manner at the time the former restaurant was in operation.

Architecture

The proposed architectural style for the restaurant is a modern design that features a "downtown storefront" look with expansive windows, use of considerable classic brick elements, and painted wall signs to achieve the objectives of the NMDSP "downtown" design standards. Other exterior materials include stucco (EFIS), brick, and vertical fiberglass panels, in a palette of taupe, gray, brown, and green colors. An aluminum "knot wood" patterned cladding system in white ash will also be added as a horizontal detail on the building. Outdoor patio areas are proposed on both the south and east elevations with the south elevation incorporating an open trellis design to "shelter" the dining tables and seats.

The project also includes a primary outdoor patio dining area on the south side of the building with a mix of tables, seats, and benches. An open-air metal trellis will be incorporated into the patio design and will be fabricated in a manner that provides a defined "shelter" for patrons. The final details of the furniture placement will be included as a condition of approval and must meet the satisfaction of the Building Official's requirements for table separation and path of travel standards.

A preliminary sign program proposal has been submitted as part of the application project. The proposal includes painted logos on the north and west elevations of the building, advertising sign panels on the east wall, and several directory signs. Proposed building-mounted signs are shown on the building elevations for reference.

Landscaping/Hardscape

The applicant has submitted preliminary landscape and irrigation plans for the project site. The selection and distribution of plant materials are intended to complement the architecture of the building and the existing shopping center landscaping. As identified on the plans, several mature trees will be retained, and additional Sycamore trees will be included in the landscape design to complement similar trees already existing in the center.

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

Background

- The subject property is located within the boundaries of the North Montclair Downtown Specific Plan (NMDSP) and is zoned Town Center (TC) Transition Overlay (TO).
- Following an environmental review process and subsequent amendment to the NMDSP in 2017, the Plan now allows for drive-thru restaurants at three specific sites in the Plan Area, of which one includes this site. Panera Bread desired to build a drive-thru restaurant at the former Island's Restaurant site in 2015, but the NMDSP did not permit drive-thru restaurants in the Plan Area before the Specific Plan Amendment in 2017.
- The proposed restaurant site is presently a portion of the parking field owned by Target Corporation.
- The proposal includes demolition of the Island's Restaurant to accommodate parking that will be shared by Target, Panera Bread Café, and the current in-line stores via an amended *Declaration of Restrictions, Easements, Agreements, and Covenants (the Agreement)*.
- The objective of the NMDSP is to introduce urban-style residential projects to the area and begin the process of creating a "downtown" environment with walkable neighborhoods, outdoor dining, local retail and service businesses, and convenient access to rail transit. Both the site plan and building have been designed to meet the standards of the NMDSP.
- Under Section 5.1.040 of the NMDSP, the applicant completed the formal Peer Review process by the City's architectural design consultant before staff scheduled this application for Planning Commission review. The primary purposes for formal peer review are (1) maintaining consistency with the Specific Plan; (2) establishing a high standard of architectural quality and design variety; and (3) compatibility with adjoining properties and development applications within the NMDSP. The Peer Review process includes site plan and circulation analysis, in addition to the

architectural review. All development proposals within the boundaries of the NMDSP are required to undergo the Peer Review process.

- On November 15, 2021, the project was reviewed by the Real Estate Committee, which found the proposed development to be well done.

Planning Division Comments

Overall, staff finds the project to be well designed, visually attractive, and consistent with the intent and design goals of the NMDSP. If approved, and the site is developed accordingly, the project would result in an immediate and significant improvement and activation to the appearance and ambiance of Moreno Street as envisioned by the NMDSP. Moreover, the project will be the first complete commercial development within the NMDSP and strategically located to complement the existing and future development anticipated by the Montclair Place District Specific Plan (MPDSP), directly across Moreno Street.

Lot Line Adjustment

Staff finds the Lot Line Adjustment (LLA) proposal to be a logical and appropriate method for supporting the proposed development of the site. The current Island's Restaurant pad and size could not accommodate a drive-thru lane that met the development standards of the NMDSP or the preferences of the Target Corporation concerning impacts to the center by the drive-thru lane. Because of these limitations, the applicant was challenged in creating a site plan that met the NMDSP design requirements.

Moreover, the NMDSP required the main entry door to face, and be accessible from, Moreno Street, and that the drive-thru lane did not wrap around all four sides of the building and/or be adjacent to the main street frontage. Panera Bread produced many design iterations for the current Island's Restaurant site, but could not meet the NMDSP requirements without shifting the restaurant to the west. It was at that time the property owner began a conversation with Target Corporation to consider "swapping" the land via an LLA to accommodate the new Panera Bread Café site.

The proposed drive-thru configuration will now provide good queuing of the vehicles in the drive-thru lane and allow for appropriate internal pedestrian and vehicular circulation on the site with little to no adverse impact to the surrounding parking fields in the center. The proposed plan has been designed so that the drive-thru lane will not be the prominent feature of the restaurant in accordance with the design goals and spirit of the NMDSP. Staff believes the applicant succeeded and exceeded staff's expectations with their creativity and commitment in achieving a site plan in full compliance with the strict design standards of the NMDSP.

Staff finds the size of the new lot to be adequate in size and dimension and supports the site plan and proposed LLA. All affected property owners agree with the proposal and are finalizing an amendment to the existing *Agreement* to address reciprocal access

and parking for the site. Receipt of an executed copy of the amended *Agreement* is a condition of approval before the issuance of a building permit.

Finally, according to the NMDSP, parking for the restaurant is calculated at one space per 200 square feet of building area. Therefore, at 3,800 square feet, 19 parking spaces are required for the new restaurant. A total of 53 spaces will be provided under the amended REA.

Conditional Use Permit

As stated earlier in the report, a great amount of effort went into the design of the drive-thru lane for the proposed restaurant. Staff is confident the design of the drive-thru lane and on-site circulation meets the development standards of the NMDSP. It should be noted the Coronavirus-19 (COVID-19) pandemic created several operational challenges for restaurant uses, including the need for noncontact delivery of food to customers. Some changes have proven to be popular with the community and are incorporated into this design such as the drive-thru lane, outdoor dining opportunities, and specific parking spaces reserved for curbside and/or “rapid pick-up” delivery.

Outdoor dining is strongly encouraged in the NMDSP Plan Area, so the proposed outdoor seating area for Panera Bread Café is consistent with the Specific Plan. The restaurant’s outdoor patio area is the first introduction of street-adjacent open-air dining on the block. The outdoor patio areas will kick off the first “downtown” element on Moreno Street as envisioned through the Plan. The proposed drawings for the tables and seating areas require more refinement and will be finalized before final review by the City Council.

Precise Plan of Design

Staff worked closely with the applicant’s architect and the City’s architectural design consultant to ensure the project was developed following the development standards and guidelines of the NMDSP. The resultant project architecture is relatively simple in form and utilizes an appropriate range of architectural details and the application of durable materials that will be long-lasting. Architectural design and details are generally extended to all sides of the building. Staff believes the project architecture and colors selected for the project will help provide a comfortable level of distinction from the adjacent developments. Although the outdoor dining area is modest in size, it will be the first project on Moreno Street to set the stage for further improvements intended to create new street activity and ambiance for the area.

The building’s proposed “wood-like” white ash elements and the large wooden entry doors add warmth to the design as it smartly complements the cool silver found on the window mullions and dark bronze awning features. The proposal is a fresh Panera Bread Café restaurant style that does not include the purple shots of colors and canvas awning elements typically found in the restaurant’s earlier decidedly more suburban building designs. The painted logo wall signs will add significant visual interest and

design impact to what would otherwise be a plain wall expanse. The brick stack bond pattern and the metal details all add to an attractive and vibrant building design.

Landscaping and Sign Program

Regarding the proposed landscape plan and sign program, staff finds them both to be generally appropriate for the project. Conceptually, the proposed preliminary landscaping plan, including hardscape elements, is essentially appropriate for the proposed architecture and size of the property. In addition, staff finds the proposed painted wall sign design to be consistent with the design standards found in the NMDSP. However, staff is recommending the applicant continue to work with staff on a small number of modifications and refinements to these project elements. Some of the items include modifications to plant and hardscape material selections, and adjustments to the number and type of signs that are proposed. Staff is confident these small details can be easily resolved. A condition of the Planning Commission's recommendation has been added to address the above items before final review by the City Council.

Conditional Use Permit Findings for Drive-thru Service and Outdoor Seating

Staff believes the required findings for granting a Conditional Use Permit to allow a drive-thru lane and outdoor seating for the Panera Bread Café restaurant can be made as follows:

- A. That said use is essential or desirable to the public convenience and public welfare, in that the use will provide customers the convenience of dining outdoors or purchasing food and drink items without leaving their vehicle. Furthermore, the North Montclair Downtown Specific Plan encourages outdoor dining in the Plan Area to activate a lively and walkable neighborhood. Outdoor seating is conducive to attracting customers to food and drink businesses. When passersby observe the outdoor activity of people enjoying meals, drinks, and socializing, it adds to the potential of attracting more customers, especially if the outdoor areas are well designed and inviting such as this project. The site design encourages walk-up customers under the North Montclair Downtown Specific Plan by appropriately separating the outdoor dining area and entry walkways from the drive-thru lane.
- B. That granting the permit will not be materially detrimental to the public welfare and other property in the vicinity, in that the drive-thru lane for the restaurant is designed to minimize on- and off-site traffic conflicts, and the primary outdoor seating area will be separated from the drive-thru queuing lanes and speakers. A drive-thru lane for restaurant businesses has become a desirable and convenient feature when it can be adequately accommodated on a particular site. Given the tight constraints of the site, staff believes the proposed drive-thru lane is effectively separated from the entrances to minimize adverse traffic/circulation conflicts within the site or to surrounding area parking caused by vehicles waiting for service during peak business hours.

- C. That such use in such location conforms to good zoning practice, in that the North Montclair Downtown Specific Plan (NMDSP) -Town Center - zoning district allows drive-thru businesses and outdoor seating in conjunction with restaurants, subject to CUP approval at this location.
- D. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages a wide range of retail and service uses within the retail commercial area to realize optimum benefits for the residents of the community.

Precise Plan of Design Findings

- A. The proposed 3,800-square-foot Panera Bread Café project is consistent with the “Planned Development” land use designation of the City General Plan and the Town Center (TC) zoning district of the North Montclair Downtown Specific Plan. The proposed site plan and building design contribute to the ongoing development of an attractive and continuous Moreno Street streetscape and will be poised to complement future residential and commercial development in the NMDSP and MPDSP planning areas.
- B. The site plan, building form, height, drive-thru service lane location, and primary outdoor patio dining areas will contribute to the ongoing formation of the streetscape and development pattern envisioned by the NMDSP for Moreno Street.
- C. The proposed architectural design of the project, as indicated on the submitted plans, is well done, attractive, and complementary to recent development in the area. The design is consistent with the architectural style guidelines depicted in the NMDSP, and features high-quality exterior materials and finishes, and incorporates appropriate lighting and landscape materials to give the project a distinctive and pleasing appearance.

Public Comment from Adjoining Property Owners

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on November 12, 2021. Public hearing notices were mailed out to property owners within a 300-foot radius from the boundaries of the subject property per 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

Pursuant to State CEQA Guidelines, section 15182, when a public agency has prepared an EIR on a specific plan after January 1, 1980, no EIR or negative declaration need be prepared for a project undertaken under and in conformity to that specific plan if the project meets the requirements of section 15182. The main requirement of section 15182 that a project must satisfy is that the project cannot trigger any of the conditions

in State CEQA Guidelines section 15162 requiring subsequent environmental review. So long as the subsequent environmental review is not triggered, and the project is consistent with the specific plan for which an EIR has been certified, then the city may find the project exempt from CEQA review. Therefore, the project satisfies the first criterion in State CEQA Guidelines, section 15182.

According to Public Resources Code Section 21166 and State CEQA Guidelines Sections 15162, no subsequent or supplemental EIR is required in connection with subsequent discretionary approvals of the same project unless: (i) substantial changes are proposed to the project that indicates new or more severe impacts on the environment; (ii) substantial changes have occurred in the circumstances under which the project was previously reviewed that indicates new or more severe environmental impacts; or (iii) new important information shows the project will have new or more severe impacts than previously considered; or (iv) additional mitigation measures are now feasible to reduce impacts or different mitigation measures can be imposed to substantially reduce impacts.

Here, the potential environmental impacts of the proposed restaurant project with drive-thru service were evaluated in the EIR. There are no changes to the significant and unavoidable impacts disclosed in the EIR. In sum, the project would not have one or more significant effects not discussed in the previously certified EIR, not have more severe effects than previously analyzed, and that additional or different mitigation measures are not required to reduce the impacts of the project to a level of less than significant. As such, none of the conditions listed in Section 15162 of the CEQA Guidelines requiring the preparation of a subsequent or supplemental EIR are present and the second criterion of State CEQA Guidelines section 15182 can be satisfied.

Therefore, the proposed project qualifies for the exemption for projects described in Section 15182 of the state CEQA.

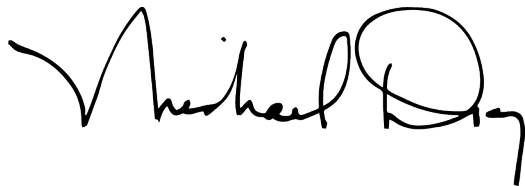
Planning Division Recommendation

Staff recommends that the Planning Commission find the proposal to construct the 3,800-square-foot full-service restaurant with drive-thru service and outdoor dining consistent with the General Plan and the goals and development standards of the North Montclair Downtown Specific Plan. Accordingly, staff recommends that the Commission take the following actions:

- A. Based upon evidence submitted, recommend the City Council find the application for the proposed 3,800-square-foot full-service restaurant with drive-thru service and outdoor patio dining is consistent with and conforms to the provisions of the North Montclair Downtown Specific Plan for which an EIR has been certified. The Commission further recommends the City Council find that none of the conditions outlined in State CEQA Guidelines section 15162 and 15182 calling for preparation of a subsequent or supplemental EIR have occurred. Thus, the Planning Commission recommends the City Council find the project exempt from CEQA under State CEQA Guidelines sections 15162 and 15182.

- B. Approve Planning Commission Resolution No. 21-1956, recommending City Council approval of:
1. A Conditional Use Permit to allow for the establishment of a drive-thru lane and outdoor dining at the proposed 3,800-square-foot Panera Bread Café restaurant, based on required findings; and
 2. A Precise Plan of Design for the site plan, floor plans, elevations, colors, materials, and conceptual landscape and sign program associated with the proposed Panera Bread Café restaurant development at Moreno Street, and associated on-site improvements per the submitted plans and as described in the staff report.

Respectfully Submitted,



Michael Diaz
Director of Community Development

MD/csc

Attachments: Draft Resolution No. 2021-1956
Exhibit "A" – Location Map
Exhibit "B" – Sign Program

- c: Terry Wachsner, 5060 Montclair Plaza Lane Holdings Venture, LLC,
4700 Wilshire Boulevard, Los Angeles, CA 90010
Norr Architects, 325 N. La Salle Street, Suite 500, Chicago, IL 60654
Cole & Associates, Inc., 401 S. 18th Street, Suite 200, St. Louis, Missouri, 63103
Nina Raey, RSI Group, Inc., 3187-A Airway Ave., Costa Mesa CA 92626
David Malin, Scottsdale Development Partners, 3821 E Devonshire Ave, Phoenix, AZ 85018

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RESOLUTION NUMBER 21-1956

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING CITY COUNCIL APPROVAL OF A CONDITIONAL USE PERMIT AND PRECISE PLAN OF DESIGN UNDER CASE NO. 2021-32, TO ALLOW THE ESTABLISHMENT OF A 3,800-SQUARE-FOOT FULL-SERVICE RESTAURANT WITH DRIVE-THRU SERVICE AND OUTDOOR DINING IN AN EXISTING SHOPPING CENTER WITHIN THE BOUNDARIES OF THE NORTH MONTCLAIR DOWNTOWN SPECIFIC PLAN LOCATED AT 9052 CENTRAL AVENUE AND 5220 MORENO STREET (APNs 1008-151-02 AND 1008-151-03)

A. Recitals.

WHEREAS, on October 4, 2021, 5060 Montclair Plaza Lane Holdings Venture, LLC, and Target Corporation, property owners, filed an application for a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) requesting approval to construct a new 3,800 sq. ft. full-service sit-down restaurant with drive-thru service and outdoor patio dining on a 12,000 sq. ft. parcel in the Target Shopping Center; and

WHEREAS, the applications apply to two properties at 9052 Central Avenue and 5220 Moreno Street both of which are located in the “Town Center (TC) -- Transitional Overlay (TO)” zoning district of the North Montclair Downtown Specific Plan (NMDSP); and

WHEREAS, the property at 9052 Central Avenue is owned by the Target Corporation and is fully developed with a Target store and parking fields; and

WHEREAS, the property at 5220 Moreno Street is owned by 5060 Montclair Plaza Lane Holdings Venture, LLC, and is currently developed with a restaurant building (former Island’s Restaurant) which closed in 2010; and

WHEREAS, the new restaurant site proposed with this project is to be carved out of a portion of the existing Target Shopping Center parking lot located directly west of the former Island’s Restaurant site at 5220 Moreno Street; and

WHEREAS, a Lot Line Adjustment (LLA) application was filed to create a new 12,000 sq. ft. parcel to accommodate the proposed development of a new full service restaurant (Panera Bread Café); and

WHEREAS, it is the intent of the two property owners/applicants to exchange the location of equal-sized land areas and thereby creating a new site for the proposed

restaurant on a portion of the parking field owned by Target Corporation while eliminating an existing parcel which is currently developed with a former restaurant use presently and eliminate an existing parcel via an approved and recorded LLA; and

WHEREAS, upon City Council approval and recordation of the LLA and after property transactions are complete, 5060 Montclair Place Holdings Venture, LLC will no longer retain an interest in any real property in the Target Shopping Center.

WHEREAS, neither of the current property owners of the affected lots will develop the restaurant; and

WHEREAS, the final restaurant site would be developed by the new property owner in conjunction with Panera Bread. The new owner will, in turn, lease the site to Panera Bread.

WHEREAS, the NMDSP was amended by the Montclair City Council on March 20, 2017, to allow a drive-thru restaurant with or without outdoor dining at this general location, subject to review and approval of a Conditional Use Permit; and

WHEREAS, the NMDSP encourages outdoor dining opportunities in the Plan Area particularly along main corridors such as Moreno Street; and

WHEREAS, staff has determined the proposed restaurant with drive-thru service and outdoor dining meets the intent and requirements of the applicable development standards of the Town Center (TC) – Transitional Overlay (TO) zoning district of the NMDSP; and

WHEREAS, the Planning Commission find the requested entitlements to be consistent with the adopted General Plan, NMDSP, and good planning principles; and

WHEREAS, the Planning Commission based on its own independent judgment, concurs with staff's determination that the proposed project qualifies for the exemption described in Section 15182 of the state CEQA Guidelines, which states that when a public agency has prepared an EIR on a specific plan after January 1, 1980, no EIR or negative declaration need be prepared for a project undertaken under and in conformity to that specific plan if the project meets the requirements of section 15182. The EIR and subsequent EIR Supplement for the North Montclair Downtown Specific Plan (NMDSP) were prepared in 2006 and 2017, respectively in which the potential environmental impacts of the proposed restaurant project with drive-thru service were evaluated in the EIR. There are no changes to the significant and unavoidable impacts disclosed in the EIR. In sum, the project would not have one or more significant effects not discussed in the previously certified EIR, not have more severe effects than previously analyzed, and that additional or different mitigation measures are not required to reduce the impacts of the project to a level of less than significant. As such, none of the conditions listed in Section 15162 of the CEQA Guidelines requiring the preparation of a subsequent or supplemental EIR are present and the second criterion

of State CEQA Guidelines section 15182 can be satisfied. The proposed restaurant with drive thru service will replace a similar use in essentially the same location as an existing use with no new significant impact than already present and anticipated in the EIR. Therefore, the proposed project qualifies for the exemption for projects described in Section 15182 of the state CEQA; 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 November 22, 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 of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon substantial evidence presented to this Commission during the above-referenced public hearing on November 22, 2021, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:

Conditional Use Permit Findings for Drive-thru Service and Outdoor Seating

- A. The use is essential or desirable to the public convenience and public welfare, in that the use will provide customers the convenience of dining outdoors or purchasing food and drink items without leaving their vehicle. Furthermore, the North Montclair Downtown Specific Plan encourages outdoor dining in the Plan Area to activate a lively and walkable neighborhood. Outdoor seating is conducive to attracting customers to food and drink businesses. When passersby observe the outdoor activity of people enjoying meals, drinks, and socializing, it adds to the potential of attracting more customers, especially if the outdoor areas are well designed and inviting such as this project. The site design encourages walk-up customers under the North Montclair Downtown Specific Plan by appropriately separating the outdoor dining area and entry walkways from the drive-thru lane.
- B. The granting of the permit will not be materially detrimental to the public welfare and other property in the vicinity, in that the drive-thru lane for the restaurant is designed to minimize on- and off-site traffic conflicts, and the

primary outdoor seating area will be separated from the drive-thru queuing lanes and speakers. A drive-thru lane for restaurant businesses has become a desirable and convenient feature when it can be adequately accommodated on a particular site. Given the tight constraints of the site, staff believes the proposed drive-thru lane is effectively separated from the entrances to minimize adverse traffic/circulation conflicts within the site or to surrounding areas parking caused by vehicles waiting for service during peak business hours.

- C. That such use in such location conforms to good zoning practice, in that the North Montclair Downtown Specific Plan (NMDSP) -Town Center - zoning district allows drive-thru businesses and outdoor seating in conjunction with restaurants, subject to CUP approval at this location.
- D. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages a wide range of retail and service uses within the retail commercial area to realize optimum benefits for the residents of the community.

Precise Plan of Design Findings

- A. The proposed 3,800-square-foot Panera Bread Café project is consistent with the “Planned Development” land use designation of the City General Plan and the Town Center (TC) zoning district of the North Montclair Downtown Specific Plan. The proposed site plan and building design contribute to the ongoing development of an attractive and continuous Moreno Street streetscape and will be poised to complement future residential and commercial development in the NMDSP and MPDSP planning areas.
 - B. The site plan, building form, height, drive-thru service lane location, and primary outdoor patio dining areas will contribute to the ongoing formation of the streetscape and development pattern envisioned by the NMDSP for Moreno Street.
 - C. The proposed architectural design of the project as indicated on the submitted plans is well done, attractive, and complementary to recent development in the area. The design is consistent with the architectural style guidelines depicted in the NMDSP, and features high-quality exterior materials and finishes, and incorporates appropriate lighting and landscape materials to give the project a distinctive and pleasing appearance.
3. Based upon the substantial evidence presented to this Commission during the above-referenced hearing on November 22, 2021, including written and oral staff

reports together with public testimony, this Commission hereby finds the proposed restaurant use with drive-thru service, to be consistent with the overall objectives of the City of Montclair General Plan, the North Montclair Downtown Specific Plan, the Montclair Municipal Code, and good planning principles, and recommends City Council approval of the application subject to each and every condition set forth below.

Planning Division

1. This approval is for the following entitlements per approved plans on file with the Planning Division and dated October 6, 2021, for the new parcel at 5212:
 - a. A Conditional Use Permit (CUP) to allow:
 - i. Drive-thru service and drive-thru lane for the new 3,800 square foot restaurant; and
 - ii. Outdoor dining areas with approximately 35 seats located on the south and east sides of the restaurant building.
 - b. A Precise Plan of Design for the proposed site plan, building design, landscape plans, and signage.
2. Minor modifications to this approval, which are determined to be in substantial conformance with the approved site plan, building elevations, landscaping, exterior lighting, and signage, which do not intensify or change the use or require any deviations from adopted standards, may be approved by the Director of Community Development upon submittal of prepared plans submitted for review and approval. Any modification, intensification, or expansion of the use and design plan deemed by the Director to be beyond that which is specifically approved with this PPD and CUP shall require review and approval by the City Council.
3. The above entitlements shall only be valid upon the effective date of City Council approval of the Lot Line Adjustment application associated with this project.
4. Prior to final review and determination on the proposed project by the City Council, the applicants and/or project developer shall complete the following items:
 - a. Provide black concrete used for the entire length of each drive-through lane, and the floor and adjacent apron of the proposed trash enclosure.

- b. Show aall automobile parking spaces with double-line (e.g. "hairpin") striping. Parking stalls shall be a minimum of 9'-0" in width as measured to the center of the "hairpin," and a minimum of 20'-0" in length.
- c. Work with City staff to refine landscape plan and sign program to be consistent with the standards of the NMDSP.
- d. Provide catalog cuts for proposed exterior tables and chairs, umbrellas, trash receptacles, etc., for City review and approval. All patio furniture and umbrellas shall be made of high quality, durable materials. No plastic furniture shall be allowed.
- e. 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 parking lot and other freestanding light fixtures shall incorporate 90-degree cut-off style luminaires and flat lenses so as to direct illumination downward to the surface to be illuminated and away from public rights-of-way surrounding the subject site.
 - iii. The use of roof-mounted light fixtures wall packs, barnlighters, or other similar unshielded luminaires on the property shall be prohibited.
 - iv. Maximum total height for freestanding light fixtures shall be limited to 20 feet, inclusive of the height for concrete bases.
 - v. Above-grade concrete bases for lights, menu boards, speakers, vertical clearance bars, etc., shall be finished with colored stucco matching the primary color and finish of stucco on the buildings.
 - vi. All exterior wall-mounted lighting fixtures shall be vandal-resistant and of a design that complements the architecture of the building.
- f. Submit details for trash enclosure(s).

- i. Each trash enclosure shall have a solid roof cover and be designed to complement the overall architecture of the main building.
 - ii. Contact Burrtec Waste Industries to determine the number of required bins and pick up schedules to support the most likely end user(s) of the buildings.
5. Prior to the issuance of a grading and/or building permit, the applicant shall submit a duly recorded copy of the Fourth Amendment to the Real Estate Agreement between the affected parties in the Target Shopping Center including the new site and use in regard to reciprocal access and parking. Please note, no grading and or building permits shall be issued for the project without this document.
6. Upon City approval and recordation of the Lot Line Adjustment with the County of San Bernardino Recorder's Office, all previous entitlements associated with 5220 Moreno Street that parcel, including prior CUP approval for alcohol sales, shall be revoked and considered null and void.
7. CUP approval shall be valid for a period of six months (180 calendar days) from the date of City Council approval and shall automatically expire on the six-month anniversary date of City Council 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.
8. This PPD approval shall be valid for a period of one year from the date of City Council approval and shall automatically expire on the one year anniversary date of City Council 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 PPD expiration date.
9. In establishing and conducting the subject use, the applicant shall at all times comply with any and all laws, ordinances, and regulations of the City of Montclair, the County of San Bernardino, and the State of California. Approval of this CUP and PPD shall not waive compliance with any such requirements.
10. Upon transfer, sale or re-assignment of the restaurant to another individual or entity, the applicant shall make full disclosure of the CUP requirements and restrictions to future buyers, transferees or assignees.

11. 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 City Council Resolution approving the project.
12. 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 related fees.
13. Within five (5) days of approval by the City Council, the applicant shall submit the following payments to the Planning Division:
 - a. A check in the amount of \$50.00, payable to "Clerk of the Board of Supervisors," to cover the fee for filing a Notice of Exemption for the project as required by the California Environmental Quality Act (CEQA).
 - b. A check in the amount of **\$494.36** 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.
14. Restaurant hours shall be limited to 6:00 a.m. through 10:00 p.m. seven days a week. The applicant may close the restaurant earlier than the hours stated herein. Any extension of the restaurant hours beyond the limits stated herein shall require written notification to the Planning Division and is subject to City approval.
15. The sale or service of alcoholic beverages from the restaurant or upon the premises shall not be permitted without City review and approval, and appropriate licensing by the State Alcoholic Beverage Control Board (ABC).
16. The new use shall comply with following operational standards:
 - a. No outdoor display areas for merchandise are allowed at any time.
 - b. No exterior public telephones, vending machines, children's rides or other coin-operated machines shall be located on the site.
 - c. No outdoor storage, including shelving, boxes, supplies, etc.
 - d. On-site electronic arcade and amusement games shall be prohibited.

17. The use of cabinets or receptacles to collect used dishware, serving dishes and utensils, cups, etc., shall be limited in scope and designed to be screened from view and complement, not detract, from the appearance of the outdoor dining areas. The placement, size, and design of such receptacles are subject to Director review and approval.
18. The applicant and/or property owner shall ensure that a copy of the final City Council 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.
19. Prior to the commencement of business activities, the business owner shall apply for and obtain a City of Montclair Business License, and shall maintain a valid City business license at all times. Should such licensing be denied, expire or lapse at any time in the future, this permit shall become considered a violation of this condition and the use shall be subject to revocation proceedings.
20. The pick-up window associated with the drive-thru lane shall be covered by a solid roof or canopy structure integral and complementary to the architecture of the building to which it is attached, to the satisfaction of the Director of Community Development.
21. Speakers at the drive-thru ordering position shall be in compliance with the City's Noise Ordinance (Chapter 6.12 of the Montclair Municipal Code) at all times and shall be subject to periodic inspection by the City. Violation of this condition shall be grounds for modification of the hours of operation of the drive-thru, closing of the drive-thru until compliance can be achieved or revocation of the Conditional Use Permit.
22. The drive-thru lane shall be constructed of black concrete for the entire length of the lane. The condition of the drive-thru lane shall be maintained in a clean and sound condition at all times.
23. The following mandatory conditions are hereby imposed as part of the CUP approval:
 - a. The premises shall be maintained at all times in a neat and orderly manner. The timely removal of trash, used dishes/cups, carts, etc., and the regular sanitizing of tables and chairs in outdoor dining areas and surrounding areas (including parking field) shall be performed on a regular basis to ensure a clean, orderly, and appearance of the facility to the street.

- b. Trash receptacles shall be provided in such number and at such locations as may be specified by the Director of Community Development.
 - c. All patio furniture shall be properly maintained with any damaged items being promptly repaired or replaced within 72 hours.
 - d. No alcoholic beverages shall be served and/or consumed anywhere on the subject premises.
 - e. The on-site manager shall take whatever steps are deemed necessary to assure the orderly conduct of employees, patrons, and visitors on the premises.
24. Prior to the issuance of building permits for the project, the property owner or applicant shall provide on plans submitted for Building Division Plan Check the following items to the satisfaction of the Director of Community Development:
- a. Catalog cuts for proposed exterior tables and chairs, umbrellas, trash receptacles, dish collections cabinets, etc., for Director of Community Development review and approval. All patio furniture and umbrellas shall be made of high quality, durable materials. No plastic furniture shall be allowed.
 - i. Catalog cut outs for all building mounted light fixtures for Director of Community Development approval.
 - i. All exterior wall-mounted lighting fixtures shall be vandal-resistant and of a design that complements the architecture of the building. Freestanding parking lot luminaires shall match the style and color of freestanding light fixtures utilized for the adjacent parking lot.
 - ii. No roof-mounted light fixtures shall be allowed.
 - iii. The use of wall packs, barnlighters, or other similar unshielded luminaires on the property shall be prohibited.
 - iv. Soffit lights on the exterior of the building, including under drive-thru canopies, shall be flush-mounted with the surface to which they are attached.
25. No exterior security bars and roll-up doors shall be installed on windows and pedestrian building entrances.

26. All landscaping disturbed during construction shall be replanted subject to the approval of the Director of Community Development.
27. No outdoor storage of used fats, oils, or grease (FOG) shall be allowed within or outside of trash enclosures. Applicants are advised to utilize an internal collection system and contract with a certified company duly licensed for waste removal.
28. All graffiti and vandalism and/or damage to the subject site and/or structure shall be removed or repaired within 72 hours of notice from the City.
29. All rooftop or roof-mounted equipment shall be fully screened from view to the satisfaction of the Director of Community Development.
30. 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.
31. Mechanical equipment including, but not limited to, utility meters, air conditioners, kitchen vents or hoods, repair equipment, etc., shall be located within the building or screened in a manner that is compatible with the architectural design of the building to the satisfaction of the City Planner. Wooden lattice or fence-like screens/covers are not appropriate within the context of a commercial development and are therefore not allowed.
32. No surface-mounted exposed conduit or electrical lines shall be allowed. Electrical switchgear, meters, etc. must be screened or housed in an enclosure, to the extent allowed by the utilities.
33. No live entertainment activities are included with this approval. It shall be the responsibility of the business owner to submit an application for an Entertainment Permit pursuant to the Montclair Municipal Code. Entertainment Permits shall be reviewed and approved by the Montclair Police Department.
34. Prior to the installation of any signs, the applicant shall submit an application(s) for City review and approval of a required Sign Permit and applicable building permits. All signs shall be consistent with the sign program approved for the project.

35. 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.
36. All signs shall be maintained at all times, in good appearance and operating condition. Exposed surfaces shall be cleaned regularly and painted as necessary. Broken and defective parts shall be immediately repaired or replaced.
37. A copy of the CUP 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.
38. 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.
39. 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 Division

40. 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. Provide an existing plan of the building including all walls to be demolished.
 - g. Waste recycling plan, recycling 65% of all construction debris
41. 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.
42. 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. A project site consisting of more than one property shall be merged into a single property by way of an approved and recorded lot merger or lot line adjustment before the beginning of improvements to the site.
43. Submit two sets of structural calculations, and two sets energy conservation calculations.
44. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
45. The address for this location will be 5212 Moreno Street. Please refer to this new address on all plans submitted for plan check and subsequent building permit applications. The number will be temporary until the Lot

Line Adjustment is recorded at the County of San Bernardino. When proof of recordation for the LLA is received by the Building Official, notifications will be sent by the Building Official to all appropriate agencies and utilities as an official notification of the permanent address.

46. Clearly indicate on submitted plans disabled-accessible path(s) by way of directional arrow, from the public entrance to the building, 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%).
47. Exposed raceways shall be prohibited on all building-mounted and freestanding signs. An architectural sign backing/raceway may be considered for approval by the Director of Community Development as part of a sign for commercial building.
48. 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.
49. Decorative foam trim shall not be used in areas subject to damage such as entry doors, low windows, wall corners, etc.
50. 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.
51. All roof-mounted equipment, 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.
52. 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.
53. 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.

54. 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 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
 - ii. In a color that adequately contrasts with the background surface to which they are attached.
 - b. 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.
55. 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.
56. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
57. 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.
58. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
59. The patio is not depicted on the floor plan. Table placement for the patio is required to be shown for accurate accessible widths access.

60. 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.
61. 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.
62. 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.
63. 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.

Engineering

64. All streets public and private shall have sidewalks conforming to Americans with Disabilities Act. Widths and scoring patterns shall conform to City Standard 114.
65. The permanent pavement restoration limits on Moreno Street will be from the west property line spanning the Development frontage to the signalized entrance to the site, from the north curb to the median island curb. The overlay in the roadway will capture all street cuts for all wet and dry underground utilities. For any street cuts for utilities that go beyond the west and or east property line, those areas will be included in the overall permanent pavement restorations limits. Should there be any street cuts spanning the median island to eastbound lanes, The permanent

pavement restoration limits for the eastbound lanes will be the same as for the westbound lanes.

66. All work in the Right of Way must have a Construction and Street/Lane Closure Permit issued by the City of Montclair, Engineering Division.
67. All construction methods and practices shall be done per the City of Montclair Standards and General Permit Conditions.
68. All pavement damaged by excavation will be replaced with permanent pavement per City Standard 301 for paving and trench repair.
69. 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 at Target Lane are not in compliance with ADA guidelines. See City Standard 116 for Wheelchair Ramps.
70. Install new sidewalk along the west side of Target Lane from the northwest corner of Moreno Street at the existing curb ramp to the end of the parking area.
71. Restore striping legends on Target Lane.
72. All Utilities in the public right of way portion of each street frontage adjacent to the site shall be placed underground. This requirement applies to electrical services (facilities operated at nominal voltages in excess of 20,000 volts not included), and switches, and where technology exists, telephone and cable television facilities as well.
73. All utilities within development boundaries shall be placed underground. This requirement applies to electrical services, transformers and switches, telephone, communications, and cable television facilities as well.
74. Approval of the WQMP is required prior to the preparation of the precise grading plan and/or other improvement plans.
75. A precise 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 precise grading plan. Grading plans shall be designed in accordance with City standards and guidelines, and shall be on 24" by 36" sheets.
76. Prepare and submit to the satisfaction of the City Engineer a preliminary soils report addressing site geology, site stability, grading requirements, over-excavation requirements, and other pertinent soil information.

77. All drainage facilities shall comply with requirements of the approved WQMP.
78. 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.
79. Prepare and submit to the satisfaction of the City Engineer a comprehensive grading and drainage plan prepared by a Registered Civil Engineer in conformance with Chapter 70 of the Uniform Building Code. Prior to commencement of any demolition, clearing and grubbing, and/or grading, a grading permit shall be obtained from the Building Division. Plan approval is required prior to issuance of a grading permit by the Building Division.
80. Prepare and submit to the satisfaction of the City Engineer plans for erosion control and storm water pollution prevention. The erosion control plan shall be an integral part of the grading plans. Plan approval is required prior to issuance of a grading permit by the Building Division. A general construction storm water permit may be required. Please contact Steve Stanton at 909-625-9441 for details.
81. No soil shall be imported to or exported from the site without first obtaining approval from the City Engineer. Prepare and submit to the satisfaction of the City Engineer a plan showing proposed haul routes. Plans shall include provisions for street sweeping and cleanup. Plan approval is required prior to issuance of a grading permit by the Building Division.
82. Prepare and submit to the satisfaction of the City Engineer a letter of non-interference from any utility company that may have rights or easement within the property boundaries.
83. Where street construction, surfacing, or resurfacing is required, all utility work within the frontage of the site shall be completed prior to the street being capped.
84. Payment of transportation-related development impact fees. Fees shall be assessed at the rate in effect at the time the fees are paid.
85. Underground Service Alert (800-422-4133) shall be notified 48 hours prior to any excavation at the site.
86. 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.

87. All existing overhead utilities shall be placed underground and poles removed.
88. Developer shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code.
89. The lot line adjustment may be submitted for plan checking prior to, in conjunction with, or after the submittal of the public improvement plans. Lot Line Adjustments submittals shall include a preliminary title report, reference deeds, closure calculations, reference maps, and other reference material as may be necessary to check the lot line adjustment map. An advance plan check fee, the amount to be determined by the City Engineer, shall be required at the time map is submitted.
90. Street, sewer, and storm drain plans shall be prepared in a format acceptable to the City Engineer and shall be submitted to the City Engineer's office for approval. An advance plan check fee, the amount to be determined by the City Engineer shall be required at the time plans are submitted. Construction and acceptance of street improvements, as per the approved plans, shall be required to obtain a release for a Certificate of Occupancy from the Building Division.
91. A Public Works construction permit shall be obtained from the Engineering Division prior to any removals or construction of improvements in the public right-of-way.
92. Vehicular access is required to all sewer and storm drain manholes. Easements shall be further deed restricted with respect to building to the satisfaction of the City Engineer.
93. Conduct a photometric study to determine compliance with minimum parking lot lighting requirements.

Environmental

94. Discharge of wastewater into the City of Montclair sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
95. 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).
96. Connection to the City of Montclair Sanitary Sewer System is required. Additional comments may follow pending submittal of plans for plan check review.

97. A grease interceptor is required for this project, please complete the Waste Discharge Survey form and submit for sizing requirements. Contact Engineering Division Manager, Steve Stanton at (909) 625-9444 or (sstanton@cityofmontclair.org) for more information.
98. A Sampling Station/Sample Wye is required to be installed at the last point of the non-domestic waste line prior to connection to the domestic waste line and final connection to the main sewer line. Please include the Sample Wye schematic on the plumbing plan.
99. The Sampling Station/Sample Wye must be located in a location that will not be obstructed by equipment or storage. The clean-out cover for the Sample Wye shall be accessible for inspection at all times.
100. Interior grease removal devices are not permitted by County of San Bernardino and City of Montclair.
101. 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 Engineering Division Manager, Steve Stanton at (909) 625-9444 for more information.
102. 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, including meeting Montclair Municipal Code 6.16.025, Commercial recycling and organic waste recycling/diversion. Submit documentation to Engineering Division Manager, Steve Stanton (sstanton@cityofmontclair.org). Contact Steve Stanton at (909) 625-9444 for more information.
103. The WQMP must have preliminary approval from the Engineering Division prior to obtaining grading/building permit(s). Contact Steve Stanton at (909) 625-9444 or (sstanton@cityofmontclair.org) for more information.
104. 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.

105. 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 at (909) 625-9444 or (sstanton@cityofmontclair.org) for more information.
106. At the time of Grading permit issuance; Post-Construction BMP inspection permit fees associated with the approved WQMP shall be paid. Contact Steve Stanton at (909) 625-9444 or (sstanton@cityofmontclair.org) for further information regarding permit and fees.
107. Prior to issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Engineering Division an electronic copy of the approved WQMP in PDF format.
 - b. Submit to the Engineering Division as built drawings as it relates to the WQMP.
 - c. Record the WQMP Maintenance Agreement with the County of San Bernardino and provide evidence of said recording to the Engineering Division.
 - d. Provide a letter from the Engineer of Record that states all BMPs associated with the WQMP are constructed and functional per the City approved WQMP.
 - e. Provide Certification of Landscape Completion form, to be completed by the landscape architect of record.
108. 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 Engineering Division Manager 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.

Landscape Conditions of Approval Associated with the WQMP

109. It is required prior to receiving Certificate of Occupancy the Landscape Architect of record to comply and submit a Letter of Completion to both Planning Division and Engineering Division.
110. Property Owner/Lessee is required to employ a Bonded and California Licensed C-27 Landscape Contractor to conduct all landscaping on property.
111. Landscape Contractor must have City Business License to operate in the City of Montclair.
112. To ensure the landscaping associated with the stormwater treatment device(s) is maintained properly for the life of the project, the property owner/lessee must provide to the Engineering Department every third year after receiving the Certificate of Occupancy, a wet stamped letter of certification from a licensed, certified Landscape Architect, or recognized horticulturist organization or business.
113. The certified letter must state that the plants located within the boundaries of and immediately adjacent to stormwater treatment devices are currently in good health and has been maintained to continue to promote the long-term functional and aesthetic performance of the stormwater treatment device. For example, if the planted component of the stormwater device was designed to control erosion, aid in pollutant capture, or maintain permeability, the plant material must be kept at a level of health and vigor to continually meet these functional requirements.
114. Individuals qualified to submit the certification letter must be able to identify species present and report on their conditions. Providing the original planting design documents to the consulting horticulturist may help them in this process.
115. If mulch is present in the assessment area, this must be noted in the letter along with the current depth of the mulch layer and a description of which areas of the stormwater treatment device are mulched.
116. Five to ten clear and representative site photos showing the condition of the various plant materials located in and adjacent to the stormwater treatment device and any other notable conditions related to the device, printed in color on standard 8.5 x 11 paper, must also be submitted as part of the letter.

117. Representatives of the Engineering Department may follow up with site inspections to confirm the accuracy of certification letters and the overall functional condition of stormwater treatment devices.

Police Department

118. 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.
119. 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.
120. 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.
121. 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.
122. The premises shall install and maintain a closed circuit video surveillance (CCVS) system. The system shall at minimum be capable of monitoring all entrances/exits to the premises and be positioned as to allow for identification of patron facial features and physical characteristics. A minimum of one camera shall be placed in a position to monitor the parking lot of the premises, positioned in a manner which allows for the widest view from the entrance, without significant lens distortion, and one camera per entrance/exit door. Typical acceptable camera angles range from 50-130 degrees. Cameras shall be capable of no less a resolution than 1920×1080 pixels, otherwise known as 1080p. Cameras shall be capable of no less a resolution than 1920×1080 pixels, otherwise known as 1080p. All cameras shall have IR or low light capability.

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.

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

Fire Department

124. Prior to the 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.
125. Prior to the to the issuance of a grading permits, evidence of sufficient fire flow of 1,500 GPM for 2 hours shall be provided to the Montclair Fire Prevention.
126. 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.
127. The fire department access road shall be inspected by Montclair Fire Prevention Bureau prior to building construction.
128. The fire department access road shall remain unobstructed at all times.
129. 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.
130. All required fire hydrants shall be installed and operational prior to building construction. All fire hydrants shall remain operational during construction.
131. 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.
132. Prior to construction a temporary address sign shall be posted and clearly visible from the street.

133. 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.
134. 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.
135. 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.
136. 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.

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

APPROVED AND ADOPTED THIS 22ND DAY OF NOVEMBER, 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 22nd day of November 2021, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

z:\COMMDEV\CSC\CASES\2021-32 RESO

CASE NO. 2021-32

EXHIBIT "A"

PANERA BREAD BAKERY AND CAFÉ



LEGEND

-  **Proposed Panera Bread Cafe 5012 Moreno Avenue**
-  **Former Islands Restaurant 5220 Moreno Avenue**

Report on Item Number 6.d

PUBLIC HEARING – CASE NUMBER 2019-26

APPLICATION TYPE(S)	Time Extension Request for Conditional Use Permit, Precise Plan of Design, Variance
NAME OF APPLICANT	Ismail Emilie Living Trust
LOCATION OF PROPERTY	10330 – 10338 Central Avenue
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	"C-2" (Restricted)
EXISTING LAND USE	Multi-tenant Commercial Center
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301, Class 1)
PROJECT PLANNER	Silvia Gutierrez

Project Description

Emilie Ismail, the property owner, and applicant, is requesting a time extension for the above entitlements approved for the exterior remodel, master sign program, and associated site improvements of an existing multi-tenant commercial building. The Planning Commission approved the project on October 26, 2020.

Due to continuing financial constraints and impacts caused by COVID-19, the applicant has not been able to move forward on implementing the approved project. As a result, the applicant has submitted a second official time extension request to October 2022.

Planning Division Comments

Given the circumstances surrounding this project, staff believes the time extension request to be valid and reasonable. Staff continues to support the project and believes that the project layout and design continue to comply with the Municipal Code and the General Plan. The 80 conditions identified in Resolution No. 20-1944 would continue to be valid and in effect for the project.

Planning Division Recommendation

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

1. Move to approve a time extension for the Precise Plan of Design, Conditional Use Permit, and Variance approved under Case No. 2019-26, to October 26, 2022, subject to the original 80 conditions of approval in Resolution No. 20-1944.

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

Michael Diaz
Director of Community Development

c: Emilie Ismail, 9361 Shadowood Drive, Unit A, Montclair, CA 91763

Attachment: Time Extension Request Letter