



REGULAR ADJOURNED MEETING OF THE
MONTCLAIR PLANNING COMMISSION

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

Monday, July 25, 2022 7:00 p.m.

Remote Participation Information:
Zoom Link: <https://zoom.us/j/95858571900>
Dial Number: 1-(669)-900-6833
Meeting ID: 95858571900

*To make a public comment or speak on an agenda item, including a public hearing, please complete the online public comment form at <https://www.cityofmontclair.org/public-comment/>. 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 pcclerk@cityofmontclair.org at least one hour before the meeting begins. The chair (or the meeting's Presiding Officer) will call on those who submitted requests to speak at the appropriate time during the meeting. Those participating remotely may request to speak using the "raise hand" function in Zoom (dial *9 if on the phone, and then *6 to un-mute when called on to speak).*

AGENDA

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

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 an online public comment form as described above.

6. AGENDA ITEMS

- a. PUBLIC HEARING – CASE NUMBER 2022-13
Project Address: 5059 State Street
Project Applicant: W.C. Homes, LLC
Project Planner: Christine Sanchez Caldwell
Request: Tentative Tract Map, Conditional Use Permit and Precise Plan of Design

7. INFORMATION ITEMS

Although the Planning Commission is prohibited from taking action on or discussing items, not on the posted agenda, a member of the Planning Commission may ask for information, request a report back, or to place a matter of business on the agenda for a subsequent meeting, ask a question for clarification, make a brief announcement, or briefly, report on his or her own activities, provided the foregoing are related to, or within the jurisdiction of, the Planning Commission.

8. PUBLIC INSPECTION OF MATERIALS

Reports, backup materials, and additional materials related to this project item can be viewed on our website www.cityofmontclair.org/agendas by clicking on the Planning Commission agenda for July 25, 2022.

9. ADJOURNMENT

The City of Montclair Planning Commission meeting is adjourned to the regularly scheduled meeting of August 8, 2022 at 7:00 p.m.

CERTIFICATION OF AGENDA POSTING

I, Laura Embree, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda has been posted on the bulletin board adjacent to the north door of Montclair City Hall on July 21, 2022.

Report on Item Number 6.a

PUBLIC HEARING – CASE NUMBER 2022-13

APPLICATION TYPE(S)	Tentative Tract Map, Conditional Use Permit, and Precise Plan of Design
NAME OF APPLICANT(S)	W.C. Homes, LLC
LOCATION OF PROPERTY	5059 State Street
GENERAL PLAN DESIGNATION	Industrial Park
ZONING DESIGNATION	M-1 Zone
EXISTING LAND USE	Vacant Dog Kennel
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15332)
PROJECT PLANNER	Christine Sanchez Caldwell

Project Description

The property owner, W.C. Homes, LLC, submitted an application requesting approval of plans to develop a vacant 1.82-acre site with a new 12-unit industrial condominium project. Proposed development would consist of a new “tilt-up” multi-tenant industrial building, with on-site parking, landscaping, and a master sign program. To develop the project, the following entitlements are required:

1. A Tentative Tract Map (TTM No. 20503) to allow 12 industrial condominium units within a newly constructed 37,350 square-foot building.
2. A Conditional Use Permit (CUP) to allow the industrial condominium project pursuant to Chapter 11.88 for “Office and Industrial Condominium Developments,” of the Montclair Municipal Code.
3. A Precise Plan of Design (PPD) for on-site and building improvements, including the architectural design of the new tilt-up industrial building, proposed sign program, landscaping, and other associated site improvements.

Tentative Tract Map No. 20503

The proposed Tentative Tract Map provides the necessary means to create 12 individually-owned industrial condominium units located within the multi-unit building proposed by the applicant. Covenants, Conditions, and Restrictions (CC&Rs) would be recorded on the property as the legal mechanism for management of the project.

Conditional Use Permit

Pursuant to Chapter 11.88 of the Montclair Municipal Code, approval of a CUP is required to establish an industrial condominium project to ensure it is orderly and well planned. If approved, the proposed project would result in the complete development and use of the site which is currently an underdeveloped linear site that once was the home of a dog kennel.

Proposed condominium units would vary in size to accommodate a range of small businesses and light industrial uses. Each unit is required to have separate water, sewage, utility connections, and respective meters. The following table summarizes the sizes of the proposed industrial condominiums:

State Street Business Park			
Proposed Unit Sizes (with 2nd floor Mezzanine)			
Unit Number	Total Floor Area¹	Unit Number	Total Floor Area¹
1	2,774 Sq. Ft	7	3,968 Sq. Ft
2	2,933 Sq. Ft	8	2,933 Sq. Ft
3	2,933 Sq. Ft	9	2,933 Sq. Ft
4	2,933 Sq. Ft	10	2,933 Sq. Ft
5	2,933 Sq. Ft	11	2,933 Sq. Ft
6	3,968 Sq. Ft	12	2,975 Sq. Ft
		Utility Room	201 Sq. Ft
Grand Total:			37,350 Sq. Ft*
<small>(Calculation includes the 274 sq. ft. second floor mezzanine for each unit.)</small>			
<small>¹Each unit is designed to accommodate an office, ADA restrooms, and a second floor mezzanine for storage only.</small>			

Each condominium owner would receive fee simple title to the “airspace” in their respective unit along with a recordable deed. An association consisting of all the condominium owners would own the land, the building itself, and other common areas of the property. Ownership rights and responsibilities for the common areas will be spelled out in the project's CC&Rs will be recorded at the time of recordation of the Final Map.

Precise Plan of Design

Site Plan

Access to the site will be from a newly constructed drive approach off State Street. Internal access and circulation will be provided from a 27-foot wide driveway along the east side of the site. Drive aisle width and turning radii at the south end of the site are designed to accommodate Fire Department, Public Works, and Burrtec trash truck access. A total of 70 parking spaces (including three accessible disabled parking spaces) are distributed around the development, including a bike rack near the site entryway. Other on-site improvements include a three-bin covered trash enclosure (for trash, and recyclables), exterior site lighting, and landscaping.

Building Design

The developer proposes a 37,350 square-foot (including second floor mezzanine areas) tilt-up industrial building in blue and gray hues. The building footprint measures 34,062 sq. ft. The building would be constructed of concrete masonry tilt-up panels with storefront windows evenly distributed along all elevations for each unit. A metal sectional roll-up door is provided for each unit. To identify and add differentiation to each unit, variations of Sherwin Williams colors, such as *Drift of Mist* (gray), *Whirlpool* (light gray-blue) and *Granite Peak* (a darker blue), with *Slate Gray* metal awnings will be used. Each unit is horizontally recessed three-inches with varying building heights up to 34 feet with a decorative crown molding element. Building heights should fully screen roof top equipment and/or future installation of solar panels. Projecting seam metal roofs are also proposed above each entry door to add vertical articulation.

Landscape Plan

A conceptual landscape plan prepared by a licensed landscape architect for the site is included. Landscaping is proposed throughout the site's frontage, along the boundaries of the property and within the parking lot landscaped planters. The plan indicates drought tolerant plant materials such as Australian Willow and Brisbane Box Trees. Creeping fig vines are proposed that would naturally climb up the walls of the proposed trash enclosure to deter graffiti. Skyrocket Juniper, Red Bunny Tails grass, Gem Coast Rosemary and Morning Light Coast Rosemary are among the proposed shrubbery. In addition, the proposed irrigation system would be designed to conserve water in compliance with the City's Water Conservation Ordinance. A Water Efficiency Calculation Worksheet is included in the landscape proposal indicating the project meets State water conservation requirements.

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

Background

- Chapter 11.88 of the Montclair Municipal Code allows development of industrial condominiums within the M-1 Zone, subject to the approval of a Conditional Use Permit.
- The project site is a long linear lot on State Street south of the railroad tracks, between a mostly vacant lot to the west and an automotive repair business to the east. Both adjacent lots are underdeveloped.
- For years, Cadence Kennels operated out of the site as both a boarding facility and a dog training academy. City records indicate Cadence Kennels closed for business on March 30, 2000.

Planning Division Comments

Precise Plan of Design

Overall, staff finds the proposed project to be well-designed and the building to be appropriately situated on the subject site. The 1.82-acre property has sufficient size and shape to accommodate the proposed project and has direct access onto State Street. Other site improvements such as parking, trash enclosure, exterior lighting, landscaping, and required elements of the approved Water Quality Management Plan (WQMP) have been accommodated in the proposed site plan.

The proposed project complies with the applicable development standards of the M-1 zoning designation of the property including setbacks, building height, and parking as generally described above. The building meets the required 30-foot setback from State Street and the rear of the building is situated almost 84 feet from the south property line, exceeding the 75-foot rear setback requirement.

At 34 feet in height, the building is lower than the 75-foot height limit of the M-1 zone. The project also provides 70 on-site parking spaces which meets the minimum code requirement for the size of the building and proposed use. On-site parking is properly distributed on the site where it is needed and easily accessible to the units.

Exterior lighting for the site is evenly distributed around the site, and will be instrumental in highlighting the site and in providing a sense of security. All new exterior lights will be required to be shielded and directed downward so that light is contained within the boundaries of the parcel and adjoining properties, are not adversely affected.

The proposed master sign program creates standard design guidelines that would regulate the number of signs, height, location, sign area, and font styles to provide a consistent and professional visual theme for the project.

The applicant is proposing a straight forward sign program with non-illuminated individual foam letters with a 1/8" painted acrylic face. This type of sign design is commonly found in industrial centers where the majority of business occurs during the day, thereby making illuminated signs not necessary. Backer panels are also included as a tenant sign option. Logos are permitted under the sign program however they must be of dimensional design.

The proposed landscape plan meets State water conservation requirements. Moreover, the proposed plant palette has been selected to complement the new building. The liberal use of rock and decomposed gravel throughout the planting areas, with minimal use of mulch material, will contribute to the longevity of the initial planting material, as well as promote a clean and crisp landscape appearance.

In conclusion, the proposed site improvements will make a positive impact to the neighborhood by eliminating the current conditions of blight that currently characterize the appearance and use of the site. The proposed building is well designed and appropriate

for an industrial area. The varying heights of tilt-up wall panels provides visual interest and is of sufficient height to fully screen any roof top equipment or the future installation of solar panels. Colors and exterior details add further dimensional qualities to the project.

Tentative Tract Map

The tentative tract map seeks to provide the legal mechanism to develop a 12-unit industrial condominium project for the individual sale of each unit. It should be noted the proposed tentative map is consistent with the applicable minimum development standards regarding minimum property size and dimensions for new parcels within the M-1 zoning district in which the site is located. Below is the summary of the proposed lot configuration that demonstrates all development standards are met and will be maintained with the approval of this action:

TTM 20503 – Zoning Compliance with M-1 Development Standards			
<i>Development Standard</i>	<i>Minimum Lot Size</i>	<i>Minimum Lot Width</i>	<i>Minimum Lot Depth</i>
Required	10,000 square feet	75 feet	100 feet
Provided	79,483 square feet	115.15 feet	576 feet

Staff further notes the map is consistent with the City of Montclair’s General Plan and Zoning Ordinance requirements for parcels in the M-1 zone. The plans have been reviewed and conditionally approved by the City’s Public Works Department, the Building Division, and the Fire Department, as well as the City’s waste hauler, Burrtec Waste Industries, for onsite circulation, ingress, egress, easement access, parking lot configurations, drainage, and all life safety needs for the public’s general welfare have been addressed.

The new map would allow the industrial condominium units to be sold and ensure each owner has control and sense of ownership over the physical facility on the ground and in the airspace related to their unit and business.

Conditional Use Permit

Montclair Municipal Code Chapter 11.88 gives the flexibility to employ more innovative and imaginative land use planning concepts subject to a Conditional Use Permit approval. Staff recognizes that industrial condominium developments are different in many respects from other types of land ownership as it provides variety in the physical development pattern as well as diverse industrial activities that stimulate innovation. To recognize and encourage innovation, Chapter 11.88.100.C.2.b of the Montclair Municipal Code provides regulations in terms of unit size, storage, and uses in which the project would meet as follows:

Unit Size

The units are sized in compliance with the minimum size specifications per code. Specifically, each industrial 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 utility connections as required by the MMC. Each utility would be separately billed and have access to its own meters, heaters, air-conditioners with its own electrical panels. Additionally, the owners of all the individual units would have equal use of on-site assigned parking, landscaped and walkway areas, shared driveways, outdoor picnic area, and shared expenses related to common area maintenance.

Outdoor Storage

The project is not designed to allow for outdoor storage and has no capacity to allow for it. CC&R's for the project would contain provisions to disclose that outdoor storage is not a permitted use and that all unit owners/lessees would be required to store everything entirely inside each respective unit.

Allowed Uses

The types of industrial condominium uses allowed in the project are those allowed per the requirements of Chapter 11.32 M-1 Limited Manufacturing zone, 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 light industrial uses (i.e., glass blowers, small artisan-related industries, etc.) which do not typically need large volumes of space for storage, or are reliant on constant large commercial truck traffic.

Finally, the uses would be governed by a Declaration of Covenant, Conditions, and Restrictions (CC&Rs), and the site will be managed by a professional property management company that will ensure daily maintenance, assignment of parking spaces, guest management, proper use of the units, and security of the site.

Findings

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. 20503 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 minimum lot size and dimension standards of the "M-1" zoning district and provides for ample area on which to develop the proposed industrial condominium project and to accommodate future land uses compatible with the underlying zoning district. Moreover, the Tentative Tract Map is consistent with the overall goal of the General Plan to promote good planning

practices and orderly development within the City.

- B. The subject site is physically suitable for the types and densities of the development proposed given the overall size of the property. The site totals 1.82 acres in area (approximately 79,000 square feet) and is of a configuration that has sufficient width and depth to allow for orderly development as proposed with the project. The project site is also located adjacent to a fully improved street that connects to an arterial roadway at Monte Vista Avenue and Central Avenue 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 industrial urban development and streets; does not contain any bodies of water; and is not linked to any wildlife corridors. The site does not contain any evidence of known habitats of significance including rare or endangered species of plant, animal, or insect life.
- D. The subdivision design and type of improvements proposed in the Tentative Tract Map are not likely to cause serious public health problems because all development and public improvements will be constructed per the requirements of all applicable standards and codes including the zoning and building codes.
- E. The subdivision design and type of improvements proposed in the Tentative Tract Map will not conflict with any onsite public or private easements for access or use.
- F. The discharge of wastewater into the existing sanitary sewer system from the development proposed in the Tentative Tract Map will not cause a violation of existing requirements prescribed by the Regional Water Quality Control Board. The entire project will be required to connect to the City's sanitary sewer system pursuant to California Plumbing Code and Municipal Code requirements. Sewer mains exist in State Street 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 with respect to approval of a Conditional Use Permit:

- A. The proposed industrial 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 non-retail 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 industrial condominium project is consistent with the development standards set forth in Chapter 11.88 of the Montclair Municipal Code for the industrial condominium development, including associated site improvements. Architectural details, materials, and sign program are of a high quality and appropriate to the proposed architectural styles of the site that yields an aesthetically pleasing project. Proposed landscaping is well distributed around the site and designed to conserve water.
- C. Granting the CUP for the 12-unit tilt-up industrial condominium use will not be materially detrimental to the public welfare and to other properties in the vicinity. The proposed development is well designed and appropriately located in an area where there would be little to no impacts. The project site has easy and safe access from developed streets, meets all applicable development standards, and when completed, will have a positive impact to the area and surrounding streetscape. Conditions of approval and CC&Rs will ensure proper uses and operations of each unit, including the requirement to install and operate security cameras that will help to minimize potential adverse impacts to the area.
- D. The proposed industrial 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 with respect to adopted land use plans, and the continual improvement of the City as a place for attractive industrial uses while eliminating or minimizing potential detrimental impacts on surrounding properties and uses.

Precise Plan of Design Findings

The Planning Commission finds as follows with respect to approval of a Precise Plan of Design:

- A. The proposed project will not have an adverse impact on or substantially depreciate property values in the vicinity, unreasonably interfere with use and enjoyment of property in the vicinity, or endanger the public peace, health, safety, or general welfare in that the proposed 12-unit industrial condominium development is well designed and will continue to the steady improvement of properties on State Street.
- B. That such use in such location conforms to good zoning practices, in that the proposed 12-unit industrial condominium project is consistent with the applicable development standards of the Montclair Municipal Code and types of future uses permitted in the project will be consistent with those allowed in the M-1 (Limited Manufacturing) zone.

Public Notice and Comments from the Public

This item was published as a public hearing in the Inland Valley Daily Bulletin newspaper on July 15, 2022, 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 by staff.

Environmental Assessment

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

Recommendation

Staff recommends 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). Further, the project qualifies as a Class 32 exemption under State CEQA Guidelines Section 15332.
- B. Move to recommend City Council approval of Tentative Tract Map No. 20503 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 No. 22-1970
- C. Move to approve the Conditional Use Permit and Precise Plan of Design per the submitted plans and as described in the staff report for the 12-unit industrial condominium project and associated site improvements located at 5059 State Street, under Case No. 2022-13, subject to the conditions of approval in attached Resolution No. 22-1970.

Respectfully Submitted,

Michael Diaz
Director of Community Development

Attachment: Draft Resolution No. 22-1970

c: W.C. Homes, LLC, 1773 San Bernardino Road, B-42, West Covina, CA 91790
Al Saito, 20803 Valley Blvd., Suite 105, Walnut, CA 91789
Anacal Engineering Company, 1211 N. Tustin Ave., Anaheim, CA 92807
Jonathan Cook, 100 N. Citrus Street, Suite 415, West Covina, CA 91791

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RESOLUTION NO. 22-1970

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING CITY COUNCIL APPROVAL OF TENTATIVE TRACT MAP NO. 20503 AND APPROVING A CONDITIONAL USE PERMIT AND PRECISE PLAN OF DESIGN UNDER CASE NO. 2022-13 FOR THE SITE PLAN, FLOOR PLAN, ELEVATIONS, CONCEPTUAL COLORS AND MATERIALS, CONCEPTUAL LANDSCAPE PLAN, AND MASTER SIGN PROGRAM FOR A PROPOSED 12-UNIT INDUSTRIAL CONDOMINIUM DEVELOPMENT AT 5059 STATE STREET (APN 1011-301-29-0000)

A. Recitals.

WHEREAS, on March 22, 2022, W. C. Homes, LLC, property owner, filed an application for Tentative Tract Map (TTM) No. 20503, Conditional Use Permit (CUP), and Precise Plan of Design (PPD), under Case No. 2022-13, to construct a 12-unit industrial condominium development, including associated site improvements and master sign program on the subject site; and

WHEREAS, the subject application applies to the 1.82-acre property at 5059 State Street; and

WHEREAS, the subject site is zoned "M-1" (Limited Manufacturing) and is a vacated dog kennel and canine training academy; and

WHEREAS, proposed Tentative Tract Map No. 20503 would allow for the creation of a 12-unit industrial condominium within a 37,350 sq. ft. industrial tilt-up building (including the second floor mezzanine per unit). The subdivision would divide the new floor space into 12 individual air space units to sell or lease in the marketplace 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 to create an industrial condominium project pursuant to the development standards contained in Chapters 11.32 and 11.88 as it pertains to the allowable uses and required unit sizes, and other development requirements; and

WHEREAS, the Precise Plan of Design pertains to the overall site plan, floor plan, elevations, conceptual colors and materials, conceptual landscape/irrigation plan, and master sign program associated with the 12-unit tilt up industrial condominium development; and

WHEREAS, staff has found that the proposed 12-unit tilt up industrial condominium development complies with the guidelines and development standards set forth 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 the project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of State CEQA Guidelines, in that Class 32 covers infill projects in significantly developed areas. The proposed development of a 12-unit industrial condominium is consistent with the applicable policies of the General Plan, M-1 (Limited Manufacturing) zone, is less than five acres in area, has utilities present in the area to serve the development, and would not result in any significant effects related to traffic, noise, air quality, or water quality; and

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

WHEREAS, this item was advertised as public hearing in the Inland Valley Daily Bulletin newspaper on July 15, 2022. Public hearing notices were also mailed to property owners within the 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary zoning entitlement; and

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

WHEREAS, on July 25, 2022, commencing at 7:00 p.m. in the Council Chambers at Montclair City Hall, the Planning Commission conducted a meeting at which time all persons wishing to testify in connection with said project were heard and said proposal was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based on substantial evidence presented to this Commission during the above-referenced public hearing on July 25, 2022, including written and oral staff reports, together with public testimony, this Commission

hereby finds with respect to the Tentative Tract Map No. 20503, Conditional Use Permit, and Precise Plan of Design under Case No. 2022-13, 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. 20503 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 minimum lot size and dimension standards of the “M-1” zoning district and provides for ample area on which to develop the proposed industrial condominium project and to accommodate future land uses compatible with the underlying zoning district. Moreover, the Tentative Tract Map is consistent with the overall goal of the General Plan to promote good planning practices and orderly development within the City.
- B. The subject site is physically suitable for the types and densities of the development proposed given the overall size of the property. The site totals 1.82 acres in area (approximately 79,000 square feet) and is of a configuration that has sufficient width and depth to allow for orderly development as proposed with the project. The project site is also located adjacent to a fully improved street that connects to an arterial roadway at Monte Vista Avenue and Central Avenue 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 industrial urban development and streets; does not contain any bodies of water; and is not linked to any wildlife corridors. The site does not contain any evidence of known habitats of significance including rare or endangered species of plant, animal, or insect life.
- D. The subdivision design and type of improvements proposed in the Tentative Tract Map are not likely to cause serious public health problems because all development and public improvements will be constructed per the requirements of all applicable standards and codes including the zoning and building codes.
- E. The subdivision design and type of improvements proposed in the Tentative Tract Map will not conflict with any onsite public or private easements for access or use.
- F. The discharge of wastewater into the existing sanitary sewer system from the development proposed in the Tentative Tract Map will not cause a violation of existing requirements prescribed by the Regional Water Quality Control Board.

The entire project will be required to connect to the City's sanitary sewer system pursuant to California Plumbing Code and Municipal Code requirements. Sewer mains exist in State Street 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 with respect to approval of a Conditional Use Permit:

- A. The proposed industrial 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 non-retail 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 industrial condominium project is consistent with the development standards set forth in Chapter 11.88 of the Montclair Municipal Code for the industrial condominium development, including associated site improvements. Architectural details, materials, and sign program are of a high quality and appropriate to the proposed architectural styles of the site that yields an aesthetically pleasing project. Proposed landscaping is well distributed around the site and designed to conserve water.
- C. Granting the CUP for the 12-unit tilt-up industrial condominium use will not be materially detrimental to the public welfare and to other properties in the vicinity. The proposed development is well designed and appropriately located in an area where there would be little to no impacts. The project site has easy and safe access from developed streets, meets all applicable development standards, and when completed, will have a positive impact to the area and surrounding streetscape. Conditions of approval and CC&Rs will ensure proper uses and operations of each unit, including the requirement to install and operate security cameras that will help to minimize potential adverse impacts to the area.
- D. The proposed industrial 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 with respect to adopted land use plans, and the continual improvement of the City as a place for attractive industrial uses while eliminating or minimizing potential detrimental impacts on surrounding properties and uses.

Precise Plan of Design Findings

The Planning Commission finds as follows with respect to approval of a Precise Plan of Design:

- A. The proposed project will not have an adverse impact on or substantially depreciate property values in the vicinity, unreasonably interfere with use and

enjoyment of property in the vicinity, or endanger the public peace, health, safety, or general welfare in that the proposed 12-unit industrial condominium development is well designed and will continue to the steady improvement of properties on State Street.

- B. That such use in such location conforms to good zoning practices, in that the proposed 12-unit industrial condominium project is consistent with the applicable development standards of the Montclair Municipal Code and types of future uses permitted in the project will be consistent with those allowed in the M-1 (Limited Manufacturing) zone.

Conditions of Approval

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

Planning

1. This approval is hereby granted to allow the following entitlements at 5059 State Street, Montclair, California (Assessor Parcel No. 1011-301-29-0000):
 - a. Tentative Tract Map No. 20503, to allow the creation of 12 industrial condominiums units within a new 37,350 square-foot building and associated on-site improvements; and
 - b. A Conditional Use Permit (CUP) to create a 12-unit industrial condominium project pursuant to the development standards contained in Chapters 11.32 and 11.88 as it pertains to the allowable uses and required unit sizes, and other development requirements; and
 - c. A Precise Plan of Design (PPD) for the site plan, floor plans, elevations, conceptual colors and materials, conceptual landscape plan, and master sign program associated with the construction of the 12-unit industrial condominium as described in the staff report and depicted on approved plans on file with the Planning Division.
2. 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.

3. 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.
4. 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.
5. 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 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 \$578.09, made payable to "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.
 - c. A check in the amount of \$220.00, made payable to "City of Montclair," reference Case No. 2022-13, 5059 State Street. Attention to Merry Westerlin, Building Official/Code Enforcement Manager, to cover the actual cost for fire review fees.
6. 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.
7. The subject property shall be developed in accordance with approved plans and specifications on file with the City of Montclair, Planning Division.
8. 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.
9. In the event that exhibits and written conditions are inconsistent, the written conditions shall prevail.
10. This approval shall supersede all previously approved land use entitlements for projects on the subject property.

11. This CUP approval shall be valid for a period of six months (180 calendar days) from the date of Planning Commission approval and shall automatically expire on the sixth month anniversary date of Planning Commission action, unless the applicant is diligently pursuing building plan check toward eventual construction or implementation of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date.
12. In establishing and conducting the subject use, the applicant shall at all times comply with any and all laws, ordinances, and regulations of the City of Montclair, the County of San Bernardino, and the State of California. Approval of this TTM, CUP, and PPD shall not waive compliance with any such requirements.
13. The applicant and/or property owner shall ensure that a copy of the Planning Commission Resolution, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project. Any discontinuation or substantial changes to the building and associated site improvements without City approval shall be a violation of this CUP and may be cause for revocation. Upon transfer, sale or re-assignment of the property to another individual or entity, the applicant shall make full disclosure of the CUP requirements and restrictions to future buyers, transferees or assignees.
14. The developer shall submit for the necessary permits from the Building Department and pay all applicable City of Montclair development fees prior to issuance of any permits and commencement of grading and/or construction activities.
15. In the event conditions of approval by the Planning Commission (as the case may be) require the revision of plans as submitted, the applicant shall submit three (3) copies of the approved plan (revised to incorporate conditions of approval) to the Planning Division for record purposes for approval of any grading and/or building permits.
16. No occupancy of any building and/or structure shall be permitted which is not in compliance with approved plans unless the modifications are approved by the Community Development Director as appropriate.
17. Prior to the commencement of business activities at the site, each business owner, shall apply for and obtain a City of Montclair Business License, and shall maintain a valid City business license at all times. Should such licensing be denied, expire or lapse at any time in the future, this permit shall become considered a violation of this condition and the use shall be subject to code enforcement action.

18. 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.
19. Prior to the issuance of grading permits and/or building permits for the project, Tentative Tract Map No. 20503 shall be recorded in accordance with California Government Code Section 66456.1.
20. Each Condominium Unit shall have its own separate utility service (e.g., water, electricity, sewer, gas, etc.), panels, and metering, so that the unit can be separately billed for each utility. Each unit shall have access to each meter for the unit without entry through another unit.
21. The Community Development Director shall approve all CC&Rs for recordation before any Condominium Unit shall be sold.
22. The developer and/or owner shall form and incorporate an Owners Association that complies with the Commercial CID Act and is approved by the Community Development Director prior to assumption of Project management by the Owners Association.
 - a. An Owners Association shall be established for commercial Condominium Units by recordation of the following: (1) Articles of Incorporation of the Association; (2) Declarations of Codes Covenants and Restrictions (CC&Rs); (3) Bylaws of the Owners Association.
 - b. CC&Rs shall be prepared at the developer/owner expense and submitted to the City, in a form and content satisfactory to the Director of Community Development and City Attorney, for review and approval. The CC&Rs shall contain but not be limited to the following provisions:
 - i. The Condominium Project shall be managed by a professional manager or management firm.
 - ii. Except where maintained by a public utility, all on-site property (building and site) improvements, including common areas, trash enclosures, gates, fences, walls, vehicular access ways, sewers, storm drains, exterior light fixtures, fire prevention water systems, and/or landscaping and irrigation systems, security cameras, shall be maintained as a common expense by the Association.
 - iii. Formation of a fund account in the name of the Owners Association to be used to repair, maintain and/or replace common areas or common equipment. In the event maintenance responsibilities of the Association are not fulfilled, the City shall have the power but not the obligation to compel such maintenance. Any costs incurred

by the City shall be billed to and paid by the Association. The City may also seek recovery by any means allowed by law, including but not limited to placing a lien on the property.

- iv. No individual owner may avoid liability for his or her prorated share of the expenses for common area by renouncing his or her rights in the common area.
 - v. Provisions to govern the use of designated parking spaces for each Condominium Unit.
 - vi. Provisions to prohibit outdoor storage of any kind on the premises.
 - vii. Additional conditions as required by the Director of Community Development.
 - viii. Amendment or modification to the CC&Rs shall require the advance review and approval of the City.
23. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval, unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
24. Approval of this PPD shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances, the San Bernardino County Health Department, or the State of California.
25. Prior to the issuance of building permits, the applicant shall submit the following plans for plan check by the Building and Planning Divisions:
- a. Fence and/or Wall plan for the entire site that shows the elevation and specifications. The design of the block wall with cap shall be complementary to the overall appearance of the new building and constructed of durable, graffiti-resistant, and easily maintained materials as follows:
 - i. At no point shall the maximum height of the wall with cap exceed the eight feet (8'-0") in height, adjusted for existing grade conditions, without the satisfaction and approval of the Community Development Director.
 - ii. Double wall or fence/wall conditions shall not be permitted. The applicant shall be responsible for receiving required permits and coordinating with all adjacent property owners regarding the

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

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

27. 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.
28. All automobile parking spaces shall be clearly delineated with double-line (e.g. "hairpin") striping.
29. Prior to the installation of any signs, a licensed sign contractor or property owner shall submit a Sign Permit Application in compliance with the adopted master sign program and set of scaled plans to the Planning Division for review and approval. The set of plans shall be drawn to scale, and include all proposed building mounted signs, directional signs, wall mounted, and freestanding monument. All permanent signs shall be installed by a licensed and insured sign contractor only. Building permits for installation of all signs shall be required. The plans shall also comply with the following standards:
 - a. All wall signs shall utilize individual routed channel letters with dimensional logos.
 - b. Building mounted signs shall be limited to the name/nature of the business only and numerical address.
 - c. Exposed raceways shall be prohibited for all building-mounted and freestanding signs.
 - d. All signs shall be maintained at all times in a safe and secure manner. Exposed surfaces shall be cleaned and painted as necessary. Broken and defective parts shall be repaired or replaced immediately.
30. 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.
31. 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.

32. All roof-mounted mechanical equipment (e.g., air conditioning, heating ventilation ducts and exhaust vents, meters, pumps, and filters, transformers and generators, conduit, satellite dishes and similar equipment, but excluding solar collectors shall be screened from direct view from adjacent public right(s)-of-way in any direction (360 degrees) and adjacent properties, subject to the approval of the Director of Community Development. In addition, screening of the top of roof-mounted mechanical equipment may be required by the Director, if necessary, to protect views from a higher elevation. Screening of roof-mounted equipment shall be accomplished by means of one or both of the following methods:
 - 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.
 - b. Wooden lattice, painted metal panels, or fence-like screens/covers, or similar are not appropriate screening materials and shall not be allowed.
33. Access to the roof of the building shall be from within the structure and not by means of roof access ladders mounted to the exterior of the building.
34. 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.
35. Freestanding electrical transformers and double check detector assembly (DCDA) equipment shall be painted and screened with a powder-coated green backflow armor and backflow enclosure to prevent vandalism.
36. No outdoor storage and/or display areas for merchandise, vehicles, trucks, furniture, machinery, pallets, boxes, etc. are allowed at any time.
37. No temporary or permanent residential living quarters shall be established on the premises within any building or motorhome/recreational vehicle. Indications that a property is being used as temporary or permanent residential living quarters include actions such as spending significant time at the location on more than one day, sleeping at the location, within the unit, and performing other life activities at the location repeatedly.
38. 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.
39. At no time shall any storage occur in the area outside the exterior of the building, including shelving, boxes, supplies, etc.
40. The property owner shall be responsible for maintaining all building, yards,

structures, signs, parking areas, and other improvements in such a manner that does not detract from the appearance of the surrounding area. Parking lots shall be maintained in an attractive and suitable fashion with any potholes, significantly cracked or uneven paving, and any other significant damage repaired in a timely fashion throughout the life of the project.

41. Graffiti or etching of glass/window areas on any portion of the building or site improvements shall be removed and/or replaced immediately by the applicant/property owner with or without notification by the City. Paint utilized in covering such graffiti shall be of a color that matches the color of the adjacent surfaces, and extends outward to cover the entire surface.
42. Prior to issuance of a Certificate of Occupancy, the applicant shall install all approved landscaping materials on the site, subject to the satisfaction of the Community Development Director. The following standards shall apply:
 - a. All shrubs shall be minimum five-gallon container size.
 - b. All trees shall be a minimum 36-inch box size and double-staked.
 - c. The majority of the planting materials shall utilize decorative rock (Arizona River Rock 2'-3" and stabilized decomposed granite Palm Springs Gold—Southwest Boulder and Stone) where indicated on plans. Where noted on plans, a minimum of 3 inches of bark mulch (shredded or chips) shall be provided noted planted areas.
 - d. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
 - e. Within the public right-of-way, any tree plantings shall be setback a minimum of five feet behind (back of) sidewalk to prevent tree root damage to the public sidewalk in the future.
 - f. Submit a Certificate of Completion for the project from the Landscape Architect declaring that the landscaping material and irrigation system have been installed per approved plans.
43. All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency.
44. All plant material that does not survive or is removed or destroyed shall be replaced upon its demise or removal with plant materials of a like type and size as that originally approved and installed.
45. Plant materials shall not be severely pruned such that it stunts or deforms its natural growth pattern or characteristic feature(s). Trees shall be pruned to ISA (International Society of Arboriculture) standards and only as necessary to promote healthy growth and for aesthetic purposes (i.e., to enhance the natural

form of the tree). Improperly or severely pruned trees, including topping as defined by the Water Conservation Ordinance, that results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with a tree of similar size and maturity as that which was removed or, as required by the Director of Community Development.

46. A copy of the TTM, CUP, and PPD approval letter and resolution with all conditions of approval related to the application shall be conspicuously posted alongside the establishment's Business License and Certificate of Occupancy and shall be made available to law enforcement officers, Code Enforcement officers, and/or fire and building inspectors in the course of conducting inspections of said premises.
47. 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.
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. City shall promptly notify the applicant of any action brought and City shall cooperate with the applicant in the defense of the action.

Building

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

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, recycling 65% of all construction debris;
 - g. Submit two sets of structural calculations, if required and two sets energy conservation calculations; and
 - h. Soils report.
50. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
51. 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 require access to the facility by way of ramps that comply with the California Building Code (CBC) 2019 edition, Chapter 11B, in addition to access to each feature of the trailer.
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. Submit detailed plans for all walls and fencing associated with the project. Block walls and fencing shall be under separate permit.
54. Clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way from the affected area of new construction or renovation. All required disabled-accessible parking lot signs, sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
55. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
56. 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.
57. Each unit shall have individual and independent one-hour separation walls

enveloping each assigned airspace or unit and independent utility meters, sewer, water connections, and fire protection systems, subject to the review and approval of the Public Works, Community Development, and Fire Departments.

58. All utility lines shall be installed underground.
59. 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.
60. Security gates on the property shall be equipped with Medeco locks or other acceptable devices to allow access by emergency personnel and utility providers at all times.
61. All mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, vents, transformers, or similar equipment, whether located on the ground or on the roof of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building and to the satisfaction of the Planning Division. All roof-mounted mechanical units shall be sufficiently screened by a parapet or other screening methods so units are not visible from the highest street view.
62. Exposed raceways shall be prohibited on all building-mounted and freestanding signs. An architectural sign backing/raceway may be allowed on the commercial building subject to review and approval by the Director of Community Development.
63. An address for the new building will be determined and issued by the Building Official after the Tract Map has been approved and recorded.
64. 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.
65. All trash enclosures shall be constructed of 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.
66. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. The numerical address of the building shall be displayed in a maximum of two locations on the building. Each unit shall be addressed at the main entrance to the unit.

- b. Numerals shall be in a font acceptable to the Planning Division, minimum 10 inches in height, minimum 1½ inches in-depth, and in a color that adequately contrasts with the background to which they are attached.
 - 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.
 - d. All gates and units shall have Fire Prevention Bureau approved Knox locking devices to provide emergency access.
67. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
68. Prior to a final inspection by the Building Division, clearance shall be provided from all City Divisions involved with the project. As the project draws near to completion, the following divisions are requested to provide clearance for final: Fire, Planning, Public Works, Environmental, Monte Vista Water District, NPDES, and Business License. When all Divisions provide a clearance, the Building Division can then perform a Final Inspection. When approved, a Certificate of Occupancy will be issued.
69. 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.
70. 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.
71. Prior to issuance of a Certificate of Occupancy, the person or corporation responsible for the preparation of the Water Quality Management Plan shall certify, in writing, to the Building Official that all conditions and requirements of the Water Quality Management Plan have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, the developer shall also submit evidence to the Building Official that the lessee or purchaser has been advised in writing of the lessee's or purchaser's ongoing maintenance responsibilities with respect to the requirements of the Water Quality Management Plan.

Environmental Compliance Conditions

72. Trash enclosures must be designed in accordance with the provisions of AB 341 Mandatory Commercial Recycling and AB 1826 Mandatory Commercial Organics

Recycling as established by California Department of Resources Recycling and Recovery (CalRecycle). Contact Steve Stanton, Engineering Division Manager at (909) 625-9444 for more information.

73. Documentation from Burrtec Waste Industries, Inc. (Burrtec) indicating that a service agreement has been set up with Burrtec that meets all Mandatory Commercial Recycling Requirements (AB 341) and Mandatory Organics Recycling Requirements (AB 1826) for waste hauling as established by the State of California and that the appropriate number of refuse/recycling dumpsters has been established is required. Submit documentation to Steve Stanton, Engineering Division Manager at (909) 625-9444 ssanton@cityofmontclair.org for more information.
74. The future tenant/occupant of the building must complete and submit the City of Montclair's Wastewater Discharge Survey to Environmental Compliance Coordinator Steve Stanton (ssanton@cityofmontclair.org) for review to determine pretreatment/wastewater discharge requirements. Steve Stanton, Engineering Division Manager at (909) 625-9444 for more information. In the event that the project includes or, is required the installation of a grease interceptor, the installation shall conform to Chapter 9.20 of the Montclair Municipal Code.
75. Discharge of wastewater into the City of Montclair sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
76. 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).
77. Connection to the City of Montclair Sanitary Sewer System is required. Additional comments may follow pending submittal of plans for plan check review.

NPDES

78. The property owner shall be responsible to contract with a qualified firm to inspect and maintain any storm water 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 storm water 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 storm water treatment device(s) to its original working condition.
79. Owner understands that if the storm water treatment device is infeasible at proposed location, and an alternative treatment device is proposed that may affect site design project owner may have to revisit with the Planning Department for any revised site changes.

80. Owner understands no permits are issued prior to the approval of the WQMP.
81. Prepare and submit plans for erosion and sediment control. Plans shall include all phases of the construction project, including rough grading, utility and road installation, and vertical construction to the satisfaction of the City Engineer. Contact Steve Stanton, Engineering Division Manager, at (909) 625-9444.
82. At the time of Grading permit issuance; Post-Construction BMP inspection permit fees associated with the approved WQMP shall be paid. Contact Steve Stanton, Engineering Division Manager, at (909) 625-9444 for further information regarding permit and fees.
83. Prior to issuance of a rough grading and/or precise grading permit, the applicant must:
 - a. Must have a City approved WQMP.
 - b. Submit to the Engineering Division an electronic copy of the approved WQMP and, erosion and sediment control plans in PDF format.
 - c. Obtain a State Construction General Permit and proof must be shown (WDID Number) on both rough grading plan and precise grading plan.
 - d. Qualified SWPPP Developer and Practitioner contact information must be included on the title page of grading plans.
84. Prior to issuance of Certificate of Occupancy, the applicant shall:
 - a. Submit to the Engineering Division as built drawings as it relates to the WQMP and, provide adequate plan notes identifying grades, elevations for all inlets, outlets, flow lines and basins.
 - b. Submit the certification of landscape document.
 - c. Submit stamped and signed post construction BMP certification by the Engineer of record, identifying that all BMP's have been installed per plans and specifications.
 - d. Record the WQMP Maintenance Agreement with the County of San Bernardino and provide evidence of said recording to the Engineering Division.
 - e. Provide electronic copy of FINAL WQMP including all as-built drawings, certification forms and, recorded WQMP maintenance agreement as described above.
85. 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.

Landscape Conditions of Approval Associated with the WQMP

86. 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.
87. Property Owner/Lessee is required to employ a Bonded and California Licensed C -27 Landscape Contractor to conduct all landscaping on property.
88. Landscape Contractor must have City Business License to operate in the City of Montclair.
89. To ensure the landscaping associated with the storm water 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.
90. The certified letter must state that the plants located within the boundaries of and immediately adjacent to storm water treatment devices are currently in good health and has been maintained to continue to promote the long-term functional and aesthetic performance of the storm water treatment device. For example, if the planted component of the storm water 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.
91. 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.
92. 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 storm water treatment device are mulched.
93. Five to ten clear and representative site photos showing the condition of the various plant materials located in and adjacent to the storm water 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.

94. 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 storm water treatment devices.

Engineering

95. Subdivider/Owner shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code. The owner/applicant shall process any right-of-way dedications, easements or grant deeds required for the development.
96. 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.
97. Street improvement plan is required for all public and private streets. Construction drawings shall be 24" by 36" with City standard title block.
98. All streets public and private shall have sidewalks conforming to Americans with Disabilities Act. Widths and scoring patterns shall conform to City STD No. 114.
99. Streetlights shall be provided on all public and private streets. Streetlights on public streets shall be owned and maintained by Southern California Edison. Applicant shall provide Street Lighting plans for City approval. All street lights shall be placed at the back edge of the sidewalk unless otherwise directed by the City Engineer. The developer shall pay all costs involved directly to the Southern California Edison Company. Proof of payment shall be submitted to the City Engineer's office prior to any Public Works construction permits being issued.
100. Dedication of six feet of street right-of-way is required on State Street in accordance with the City's Development Plan for Circulation and Transportation.
101. Monument signs shall not be permitted in the line of sight triangles next to driveway locations (see City STD No. 110).
102. All pavement damaged by excavation will be replaced with permanent pavement per the City Standard for paving and trench repair STD No. 301.
103. All Utilities in the public right of way adjacent to the site shall be placed underground and poles removed. This requirement applies to electrical services (facilities operated at nominal voltages in excess of 20,000 volts not included), transformers and switches, and where technology exists, telephone and cable television facilities as well.
104. 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.
105. The developer shall make payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.

106. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
107. 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.
108. Street, sewer, and storm drain plans 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.
109. 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 Steve Stanton 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.
110. 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.
111. A grading plan shall be prepared subject to the approval of the City Engineer. The applicant shall submit two (2) copies of a soils and geotechnical report. 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.
112. 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.
113. 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.

114. All drainage facilities shall comply with requirements of the approved WQMP.
115. 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.
116. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at 800-422-4133.
117. 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.
118. Where street construction, surfacing, or resurfacing is required, all utility work within the frontage of the development shall be completed prior to the street being capped.
119. New drive approach shall have a minimum width of 25 feet for commercial development. Refer to City standard drawings for other details.
120. 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.
121. Disabled-accessibility shall be provided around all new, reconstructed, or existing drive approaches serving the site, except as may be otherwise approved by the City Engineer. Additional street right-of-way shall be dedicated as necessary.
122. The final tract or parcel map may be submitted for plan checking prior to, in conjunction with, or after the submittal of the public improvement plans. Tract map submittals shall include a preliminary title report, reference deeds, closure calculations, reference maps, and other reference material as may be necessary to check the map. An advance plan check fee, the amount to be determined by the City Engineer, shall be required at the time map is submitted. Prior to approval of the final map, a subdivision agreement will be required. The agreement shall contain provisions for performance and payment bonds for all work within the public rights-of-way, and a monumentation bond for corner monuments in accordance with the Subdivision Map Act.

Fire

123. The project shall comply with all requirements set forth by the California Code of Regulations Title 24 Parts 1-12 respectively.
124. The adopted edition of the California Code of Regulations, Title 24, Parts 1 through 12, and the Montclair Municipal Code shall apply at the time the architectural plans are submitted for construction permits.
125. Prior to the issuance of a grading permits a fire department access plan shall be

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

126. Prior to the to the issuance of a grading permits, evidence of sufficient fire flow of 2000 GPM for 4- 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.
127. 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.
128. The fire department access road shall be inspected by Montclair Fire Prevention Bureau prior to building construction or lumber drop.
129. The fire department access road shall remain unobstructed at all times.
130. 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.
131. A minimum of two points of connection to the public water shall be provided for the private fire-line water.
132. The private underground fire-line system shall be a looped design.
133. The private underground fire-line system shall have indicating sectional valves for every five (5) appurtenances.
134. All required fire hydrants shall be installed and operational prior to building construction. All fire hydrants shall remain operational during construction.
135. 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.
136. The fire department connection shall be on the addressed side of the building immediately adjacent to the fire department access road.
137. Prior to construction a temporary address sign shall be posted and clearly visible from the street.
138. 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.

139. 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.
140. Montclair Fire Prevention Bureau approval shall be obtained prior to high pile storage as defined by the California Fire Code.
141. 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.
142. 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.
143. Prior to the issuance of a Certificate of Occupancy the building shall be provided with an emergency radio communication enhancement system. The emergency radio communication enhancement system shall meet the requirements of CFC § 510 and all applicable subsections. The system shall be installed and inspected by the City of Montclair Building Department before the Certificate of Occupancy is issued. The requirement can be waived by the Fire Marshal if the building is evaluated by an Emergency Radio Communication Specialist license by FCC, who certifies the building meets the emergency communications capability as specified by the California Fire Code § 510. The certification shall be in the form of a written report which outlines the analysis used in determining the building meets the emergency communications without an enhancement system.
144. A copy of the approved alternate means & request form shall be copied onto all construction plans to include, architectural, fire department access, and fire sprinkler plans.
145. As part of the approved alternate means & methods request the following construction items shall be incorporated into the project design:
 - The west wall is 4-hour fire resistive with no openings.
 - Use of K-16 ESFR fire sprinklers in the warehouse with a minimum operating pressure of 40 PSI.
 - The sprinkler density in the office area of .20/1500 with no reductions in the design area.
146. 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.
147. 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.

148. 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.
149. 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.
150. The premises shall install and maintain a closed circuit video surveillance (CCVS) system. The system shall at minimum be capable of monitoring all entrances/exits to the premises and be positioned as to allow for identification of patron facial features and physical characteristics. A minimum of one camera shall be placed in a position to monitor the parking lot of the premises, positioned in a manner which allows for the widest view from the entrance, without significant lens distortion, and one camera per entrance/exit door. Typical acceptable camera angles range from 50-130 degrees. Cameras shall be capable of no less a resolution than 1920x1080 pixels, otherwise known as 1080p. Cameras shall be capable of no less a resolution than 1920x1080 pixels, otherwise known as 1080p. All cameras shall have IR or low light capability.

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.

151. Alarm systems are encouraged to complement the CCVS system. Current responsible party information shall be on file with the Police Department for appropriate response and notifications.

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