



REGULAR ADJOURNED MEETING OF THE
MONTCLAIR PLANNING COMMISSION

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

Monday, December 12, 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 2022-38
Project Address: 4100 Mission Boulevard
Project Applicant: Landex Corp, LLC
Project Planner: Christine Sanchez Caldwell
Request: A Variance for a reduced building side setback and a Precise Plan of Design for on-site and building improvements, including new buildings, landscaping and associated site improvements

ENVIRONMENTAL ASSESSMENT: The project is deemed 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, Manufacturing Industrial Park (MIP) 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.

- b. PUBLIC HEARING: CASE NUMBER 2022-41
Project Address: 4875 Mission Boulevard, Unit H
Project Applicant: IRealty Development, LLC
Project Planner: Silvia Gutierrez
Request: Conditional Use Permit (CUP) request to allow a martial arts studio within a 3,500-square-foot lease space of an existing multi-tenant center located in the Restricted Commercial zone (C-2).

ENVIRONMENTAL ASSESSMENT: The project is deemed categorically exempt from the requirements of the California Environmental Quality Act (CERQA), pursuant to Section 15301 Class1 (a) of the State CEQA Guidelines. The project qualifies because it applies only to the leasing of an existing building requiring only minor interior and/or exterior alterations. There is no substantial evidence the project will pose a significant impact to the environment.

- c. CASE NUMBER: 2022-44
Project Address: 5480 San Jose Street
Project Applicant: Andrew Garcia
Project Planner: Christine Sanchez Caldwell
Request: Precise Plan of Design to construct a 2,198-square-foot, two-story home on the vacant lot, including an exterior remodel to the existing 740-square-foot guest house.

ENVIRONMENTAL ASSESSMENT: The project is deemed categorically exempt from the requirements of the California Environmental quality Act (CEQA), Section 15303(a) of the State CEQA Guidelines, which exempts the construction of a single-family residence or second dwelling unit in a residential zone. The proposed is consistent with the applicable City zoning requirements.

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 December 12, 2022.

9. ADJOURNMENT

City Hall will be closed Thursday, December 22, 2022 through Monday, January 2, 2023 and will re-open on Tuesday, January 3, 2023. The City of Montclair Planning Commission meeting is adjourned to the regularly scheduled meeting of January 9, 2023 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 was posted on the bulletin board adjacent to the north door of Montclair City Hall on December 8, 2022.

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Report on Item Number 6.a

PUBLIC HEARING – CASE NUMBER 2022-38


APPLICATION TYPE(S)	Variance and Precise Plan of Design
NAME OF APPLICANT(S)	Landex Corp., LLC
LOCATION OF PROPERTY	4100 Mission Boulevard
GENERAL PLAN DESIGNATION	Business Park
ZONING DESIGNATION	Manufacturing Industrial Park (MIP)
EXISTING LAND USE	Vacant Parcels
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15332)
PROJECT PLANNER	Christine Sanchez Caldwell

Project Description

Staff is requesting this item be continued to the Planning Commission's regularly scheduled meeting on January 9, 2023, in order to provide the applicant adequate time to prepare a Tentative Parcel Map for the project.

At the time of the public hearing notification for the December 12, 2022 meeting, a Tentative Tract Map application was not included. Therefore, a new public hearing notice will be published for the January 9, 2023 meeting.

Respectfully Submitted,



Michael Diaz
Director of Community Development

MD:csc

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CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 12/12/2022

AGENDA ITEM 6b.

Case No. 2022-41

Application: Conditional Use Permit (CUP) request to allow a martial arts studio within a 3,500 square-foot lease space of an existing multi-tenant center located in the Restricted Commercial zone (C-2), at the above address.

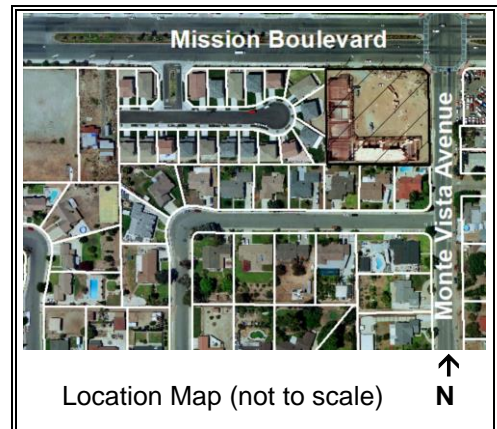
Project Address: 4875 Mission Boulevard, Unit H

Applicant/Property Owner: IRealty Development, LLC

General Plan: General Commercial

Zoning: C-2 Restricted Commercial

Assessor Parcel No.: 1012-311-035-0000



EXISTING SITE FEATURES/CONDITIONS

- Structures:** A 17,480 square foot multi-tenant commercial building.
Parking: 79 on-site parking spaces, including two (2) disabled-accessible stalls

City or other public utility easements: None

ADJACENT LAND USE DESIGNATIONS AND USES

Direction	General Plan	Zoning	Use of Property
Site	General Commercial	C-2 Restricted Commercial	Multiple Tenant Commercial Building
North	Business Park	MIP Manufacturing Industrial Park	Warehouse
South	Low 3-7 units/acre	R-1 (11) Single Family Residential	Single Family Homes
East	General Commercial	C-2 Restricted Commercial	Commercial/Retail Shopping Center
West	Low 3-7 units/acre	R-1 Single Family Residential Small Lot	Single Family Homes

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Report on Item Number 6b

PUBLIC HEARING – CASE NUMBER 2022-41

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	IRealty Development, LLC
LOCATION OF PROPERTY	4875 Mission Boulevard, Unit H
GENERAL PLAN DESIGNATION	General Commerical
ZONING DESIGNATION	Restricted Commercial
EXISTING LAND USE	Multi-tenant commercial building
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Silva Gutiérrez

Project Proposal

The applicant is requesting approval of a Conditional Use Permit (CUP) to operate a martial arts studio at the above-referenced location within the Shopping Center, at the southwest corner of Mission Boulevard and Monte Vista Avenue. The proposed studio would occupy an existing lease space that is approximately 3,500 square feet in overall area, 2,000 square feet of which would be for the instructional fitness area. The remaining balance of the lease space is to be used for a reception/waiting area, office, break room, storage, and restrooms. Public entry into the facility would be from the front (north) side of the building.

The proposed hours of operation are as follows:

	M	T	W	T	F		S	S
7-8 AM	Beginner Martial Arts	Beginner Martial Arts	Beginner Martial Arts	Beginner Martial Arts	Beginner Martial Arts	7-8 AM	Beginner Martial Arts	Beginner Martial Arts
4-6 PM	kids martial arts	kids martial arts	kids martial arts	kids martial arts	kids martial arts	9-11 AM	kids martial arts	kids martial arts
6-8 PM	Intermediate Martial Arts	Intermediate Martial Arts	Intermediate Martial Arts	Intermediate Martial Arts	Intermediate Martial Arts	12-2 PM	Intermediate Martial Arts	Intermediate Martial Arts
8-10 PM	Advanced Martial Arts	Advanced Martial Arts	Advanced Martial Arts	Advanced Martial Arts	Advanced Martial Arts			

Certified staff instructors would be on duty to assist students with classes or personal workout regimens. The proposed martial arts studio offers jujitsu classes with cardio and resistance training. The classes would be available for children and adults, with a minimum age limit of 4 years old. No tournaments or competitions would occur at the site.

Background

- In 2006, the Planning Commission approved Case 2006-55, granting a Precise Plan of Design (PPD) approval to construct a 17,480 square-foot multi-tenant retail commercial center at the subject site. A variance request was also granted for the reduction of required front and street-side building setbacks. The center was completed in 2009.
- The center is in good condition overall. Except for the subject lease space, the center is fully leased.
- Under Section 11.78.030 of the Montclair Municipal Code uses such as health/athletic clubs and dance/martial arts studios larger than 2,000 square feet in area are allowed within the C-2 Restricted Commercial zone, subject to the approval of a CUP (see discussion below).

Planning Division Comments

Staff finds the proposed martial arts studio to be appropriate for the existing center. Martial arts facilities are typically found in commercial centers where parking and affordable lease space is available. In this case, the subject lease space is located in the middle of the “L” shaped building which has been vacant since the center was opened. The lease space is large enough to accommodate the proposed use and accommodate future growth in students. As with all martial arts studios, the primary feature is an open area in which mats are installed for workouts and instruction. Most martial arts studios are relatively low-key operations that occur indoors and follow a fairly standard approach to instruction and class schedule.

The class schedule provided by the applicant identifies what could be offered at full operation based on the minimum number of students needed to warrant having a class at a specific time. Reservations would also be required for students wishing to use special equipment (e.g., punching bags) at the facility. Further, many of the classes are held during off-peak hours, as in the early morning or late afternoon before or after other uses open and/or close for business. With no tournaments or outside competitions, the proposed use is not likely to impose a significant impact on the center.

As mentioned above the center is fully developed and in good condition, including exterior lighting within the parking area. The 79 on-site parking spaces are close to all the uses within the center and are easily accessible from Mission Boulevard and Monte Vista Avenue. City staff has visited the center on numerous occasions and at different times of the day and on weekends. Although the center has consistent business

activity, at each visit staff observed several available parking spaces within the parking lot to support the proposed new use.

Conditional Use Permit Findings

Staff finds the request to operate a martial arts studio to be appropriate and believes the necessary findings for granting a CUP can be made as follows:

- A. The proposed use is a desirable land use that offers greater opportunities to the public for personal health and fitness within a structured and safe environment.
- B. That granting the permit will not be materially detrimental to the public welfare and other property in the vicinity, as all activities associated with the fitness studio use would be conducted entirely within an enclosed building and the proposed use will have sufficient on-site parking for its clientele and staff members.
- C. That such use in such location conforms to good zoning practice, in that the C-2 Restricted Commerical zone permits the use, subject to CUP approval. The CUP allows the City to place reasonable conditions to govern the overall operation of the use so that it does not detract from the general quality of the center and surrounding area.
- D. That such use in the proposed location is not contrary to the objective of any part of the adopted General Plan, in that the proposed use is consistent with the land use designation of the site as analyzed in subsection (C) above. Moreover, the General Plan recognizes the need for a variety of land uses to serve the citizens, including recreational use and services offered by the proposed business.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on December 9, 2022. Public hearing notices were mailed out to property owners within a 300-foot radius of the subject property per State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, no comments or inquiries had been received by staff regarding this proposal.

Environmental Assessment

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

Planning Division Recommendation

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

1. Move that, based on the evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301.
2. Move to approve the proposed Conditional Use Permit under Case No. 2022-44, subject to making the required findings and subject to the conditions in attached Resolution Number 22-1975.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Diaz". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "Diaz".

Michael Diaz
Director of Community Development

MD/sg

Attachments: Draft Resolution of Approval for Case No. 2022-1975

Z:\commdev\Silvia Gutierrez\CASES\2022\2022-41

RESOLUTION NO. 22-1775

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MONTCLAIR APPROVING A
CONDITIONAL USE PERMIT UNDER CASE
NUMBER 2022-41 TO ALLOW A MARTIAL ARTS
STUDIO IN THE C-2 RESTRICTED COMMERCIAL
ZONE AT 4875 MISSION BOULEVARD, UNIT H,
MONTCLAIR, CA (APN 1012-311-35-0000)**

A. Recitals.

WHEREAS, IRealty, LLC., owner of the subject property, filed an application on October 24, 2022, requesting a Conditional Use Permit (CUP) under Case No. 2022-41 to allow a martial arts studio use at the subject location; and

WHEREAS, this CUP applies to 4875 Mission Boulevard, Unit H, a 3,500 square-foot of lease space located within an existing 17,480 square-foot, a single-story multi-tenant retail commercial center with an on-site parking area; and

WHEREAS, the existing center and subject lease space is within the C-2 Restricted Commercial zone; and

WHEREAS, Section 11.78.030 of the Montclair Municipal Code requires the approval of a CUP for uses such as health/athletic clubs and dance/martial arts studios larger than 2,000 square feet in area; and

WHEREAS, Staff has determined that the application meets the intent and requirements of the Municipal Code for the proposed use and the applicable development standards of the C-2 Restricted Commercial zone; and

WHEREAS, The existing building was constructed in 2009 under Case No. 2006-55; 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 December 12, 2022, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a public hearing at which time all persons wishing to testify in connection with the said application were heard, and said application was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts outlined in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on December 12, 2022, including written and oral staff reports, together with public testimony, the Commission hereby finds as follows:
 - a. The proposed martial arts studio is a desirable land use that offers greater opportunities to the public for personal health and fitness within a structured and safe environment.
 - b. That granting the permit will not be materially detrimental to the public welfare and other property in the vicinity, as all activities associated with the fitness use would be conducted entirely within an enclosed building and the proposed use will have sufficient on-site parking for its clientele and staff members.
 - c. That such use in such location conforms to good zoning practice, in that indoor recreational uses are permitted in the “C-2 Restricted Commercial zone, subject to the approval of a CUP. The property is adequately developed that will accommodate the use with minimal impact on adjacent properties.
 - d. That such use in the proposed location is not contrary to the objective of any part of the adopted General Plan, in that the proposed use is consistent with the land use designation of the site by the General Plan. Moreover, the General Plan recognizes the need for a variety of land uses to serve the citizens, including recreational use and services offered by the proposed business.
3. Planning Division staff has determined the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City’s CEQA Guidelines. The project qualifies as a Class 1 exemption under Section 15301 of the State CEQA Guidelines, which exempts projects involving little to no expansion of existing structures or uses. The project does not involve an expansion of the existing structure or a use that is not consistent with those permitted by the applicable zoning regulations. In addition, there is no substantial evidence that the

project may have a significant effect on the environment. The Planning Commission has reviewed the Planning Division's determination of exemption, and based on its independent judgment, concurs with the staff's determination of exemption and directs staff to prepare a Notice of Exemption; and

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

Planning

1. This CUP approval is for the operation of a martial arts studio and related administrative activities in a 3,500-square-foot tenant space at 4875 Mission Boulevard, Unit H, as described above in the staff report and depicted on approved plans.
2. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
 - a. A check for \$50.00, payable to "Clerk of the Board of Supervisors," to cover the County administrative fee for filing a Notice of Exemption as required by the California Environmental Quality Act (CEQA).
 - b. A check for \$ 429.95, payable to the "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.
3. This CUP approval shall be valid for six months (180 calendar days) from the date of Planning Commission action. Failure to initiate the approved use and/or improvements before the end of the six months shall result in the termination of and automatically void the CUP approval. No further notice from the City will be given regarding the project's CUP expiration date.
4. A copy of the signed resolution containing all conditions of approval relating to this application shall be kept within the premises at all times and shall be made immediately available for viewing to any law enforcement officer, fire, building, or code enforcement inspector in the course of inspecting said premises.
5. The property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 15 days of receipt of the Planning Commission Resolution.

6. 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.
7. The activities of the approved martial arts studio shall occur indoors and be limited to those uses generally described in the staff report prepared for this project. The floor plan of the fitness area shall also substantially conform to the proposed floor plan submitted for this application at all times. Any modification, intensification, or new or expanded uses, including an increase in the floor area beyond that which is specifically approved with this Conditional Use Permit shall require review and approval by the Planning Commission.
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. If exhibits and written conditions are inconsistent, the written conditions shall prevail.
10. Approved hours of operation shall be 7:00 a.m. to 10:00 p.m. and 7:00 a.m. to 2 p.m. during the weekends. A facility manager, 21 years of age or older, shall be on duty at all times when the martial arts studio is open for use. The facility manager shall be responsible for ensuring rules of the facility and applicable conditions of approval are enforced.
11. The applicant shall comply with all applicable requirements of the City, County, State, and other responsible agencies.
12. The following activities are not approved as a component of the approved use allowed on the premises:
 - a. Tournaments or competitions;
 - b. Temporary or permanent living quarters;
 - c. Outdoor seating or product display areas for food and/or merchandise;
 - d. Exterior sound systems for music or paging;

- e. Public telephones, vending machines, collection boxes, children's rides or other coin-operated machines located on the exterior of the site or building;
 - f. Indoor coin-operated amusements or video games, pool tables, darts, or other similar devices at any time;
 - g. Outside storage of items of any type, including but not limited to, containers, boxes, shelving, vehicles, exercise equipment, basketball backboards, etc.;
 - h. Cooking equipment and/or a kitchen area intended for the preparation and sale of food items.
13. No loitering at the site shall be permitted. The property owner shall post "No Loitering" signs within the parking area under the Montclair Municipal Code.
14. The interior layout of the fitness area shall not place exercise equipment, storage racks/cabinets, window signs/displays, etc., on or against windows that would obscure visibility into the premises from exterior windows by emergency personnel, subject to the satisfaction of the Director of Community Development.
15. Window signs, graphics or displays, whether opaque or translucent, shall not cover more than 25 percent of each window and shall not be placed in windows in a manner that will obstruct the view of the interior of the building by emergency personnel.
16. All mechanical equipment, devices, and their parts (e.g., wiring, conduit, meters, etc.) for such items as air conditioners, evaporative coolers, exhaust fans, vents, transformers, utility meters, or similar equipment, whether located on the ground, building walls, 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 to the satisfaction of the City Planner.
17. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner incorporated into the architectural design of the building to the satisfaction of the Planning Division.
18. Prior to the installation of any signs on the property, the applicant shall submit plans prepared by a licensed sign contractor for review and approval by the Planning and Building Divisions. Signs shall conform to an approved sign program for the center. Cabinet signs with translucent

backgrounds and vinyl graphics shall not be permitted. Exposed raceways for building-mounted signs shall also be prohibited.

19. The applicant and/or property owner shall be responsible for maintaining the condition of the property, including building/structures, parking areas and drive aisles, signs, exterior lighting, landscaping, and all improvements in good working order at all times. Any accumulation of trash, weeds, or debris on the property shall be removed immediately so as not to present a public nuisance. Graffiti on the building or associated improvements shall be removed immediately by the applicant/property owner upon notification by the City.
20. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including, but not limited to, the following:
 - a. Temporary banners to announce a grand opening or advertising promotions shall require banner permits from the Planning Division before installation.
 - b. Portable signs, including A-frames, inflatable, animated, human signs, air puppets, etc., shall not be permitted on the property.
 - c. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
 - d. Portable flags, pennants, spinners, painted-on signs, or the like shall be prohibited.
 - e. No trailer-mounted electronic sign/message boards or other similar types of portable signs shall be permitted on the property at any time.
21. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
22. The City shall have the right of entry to inspect the premises to verify compliance with the Conditions of Approval and the Montclair Municipal Code.
23. This CUP shall be subject to revocation or modification by the Planning Commission or City Council at such time as any of the following conditions are found to exist:
 - a. Conditions of Approval have not been fulfilled;

- b. The use has resulted in a substantial adverse impact on the health and/or general welfare of users of the adjacent or proximate property.
 - c. The use has resulted in a substantial adverse impact on public facilities or services.
24. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs, and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.

Building

25. Prior to the issuance of building permits, the applicant shall complete the following Building Division requirements:
26. 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
27. 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.
28. Submit two sets of structural calculations, if required, and two sets of energy conservation calculations.
29. Architect's/Engineer's stamp and "wet" signature are required before plan check approval.

30. 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 does not exceed two percent (2%).
31. 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.
32. 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.
33. All mechanical devices and their parts, such as air conditioners, evaporative coolers, exhaust fans, vents, transformers, or similar equipment, whether located on the ground or the roof of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building and to the satisfaction of the Planning Division.
34. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner incorporated into the architectural design of the building to the satisfaction of the Planning Division.
35. 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.
36. 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: 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.
37. The applicant shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.

38. A Certificate of Occupancy is required before occupancy of the subject lease space. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection, all City Departments, Monte Vista Water District and approval of all conditions.
39. 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) 2022 edition, Chapter 11B, in addition to access to each feature of the trailer.

Police

40. 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.
41. 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.
42. There shall be no special promotional events held on the property unless a written request for such is received and approved by the Planning Division, the Police Chief, or their designee.
43. 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.
44. The premises shall install and maintain a closed circuit video surveillance (CCVS) system. The system shall at minimum be capable of monitoring all entrances/exits to the premises and be positioned to allow for the identification of patron facial features and physical characteristics. A minimum of one camera shall be placed in a position to monitor the parking lot of the premises, positioned in a manner that allows for the widest view from the entrance, without significant lens distortion, and one camera per entrance/exit door. Typically acceptable camera angles range from 50-130 degrees. Cameras shall be capable of no less a resolution

than 1920x1080 pixels, otherwise known as 1080p. 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.

- 45. Audio recording is desirable, but not a requirement. Camera footage shall be retained for no less than 90 days. To conserve storage space, cameras may reduce the 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. 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.
- 46. Alarm systems are encouraged to complement the C CVS system. Current responsible party information shall be on file with the Police Department for appropriate response and notifications.

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

APPROVED AND ADOPTED THIS 12TH DAY OF DECEMBER, 2022.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Manny Martinez, Chair

ATTEST: _____
Michael Diaz, Secretary

I, Michael Diaz, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 12th day of December 2022, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Report on Item Number 6c

CASE NUMBER 2022-44

APPLICATION TYPE	Precise Plan of Design
APPLICANT/OWNER	Andrew Garcia
LOCATION OF PROPERTY	5480 San Jose Street
GENERAL PLAN DESIGNATION	Low-Density Residential
ZONING DESIGNATION	R-1 (Single-Family Residential)
EXISTING LAND USE	Largely Vacant
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15303(a))
PROJECT PLANNER	Christine Sanchez Caldwell

Project Description

The applicant, Andrew Garcia, is requesting approval of a Precise Plan of Design (PPD) to construct a 2,198 sq. ft. two-story home on the vacant lot at the northeast corner of San Jose Street and Columbine Avenue, currently addressed as 5480 San Jose Street. An attached 769 sq. ft. three-car garage will be constructed as part of the project. The PPD application also includes an exterior remodel to the existing 740 sq. ft. guest house to complement the design features of the new residence. An in-ground swimming pool in the backyard is also located on the site.

The floor plan for the main house includes four bedrooms, three bathrooms, a living room, a dining room, a kitchen, a family room, a den, and a laundry room. The existing guest house is 740 sq. ft. and has two bedrooms, a kitchen, and a bathroom. The structure meets the provisions of the City's Accessory Dwelling Unit (ADU) Ordinance, so going forward, the structure will be referenced as an ADU and counted as such for State reporting purposes.

The proposed residence and existing structures will result in an overall footprint of approximately 3,081 sq. ft. in area, as described as follows:

- Main House: 1,472 sq. ft. (first floor) and 726 sq. ft. (second floor); totaling 2,198 sq. ft.
- Attached Garage: 769 sq. ft. three-car garage
- Existing Guest House (Accessory Dwelling Unit): 740 sq. ft.
- Freestanding existing storage shed: 100 sq. ft.

The proposed new residence is designed with a 31 ft. high roof peak that falls short of the 35 ft. high maximum height limit. The ADU will be given a new 20 ft. high roof peak with a design to complement the roof pitch of the main residence.

Building Design – Elevations

The architectural style of the house can be best described as traditional with a contemporary interpretation of the French Country style. The French Country style includes the following elements:

- Tall sloping roof
- Tall rectangular windows
- Prominent (tall) chimney
- Use of stone
- Neutral color palette
- Formal organization of windows and entrance

A set of plans and elevations are included in the Planning Commissioner's agenda packets.

Background

- The subject corner property is 14,500 sq. ft. in size and is located in the R-1 Single Family residential zone. Two-story homes are permitted by right.
- The proposed new two-story home will replace a two-story grove house, built in a Craftsman style that once graced this lot. Over the years, the former home deteriorated due to disrepair and neglect, eventually becoming a neighborhood nuisance. The home was demolished in 2019 by the new owner, Mr. Garcia. The property owner (applicant) intends to move into the new house with his family.
- The proposal includes design modifications to the existing and permitted guest house (ADU). Although ADUs are permitted without a hearing, it is included in this review because it is part of the overall PPD review of the site with the construction of the proposed new single-family main residence. A main residence on the site is a prerequisite for approving ADUs.

Planning Division Comments

Staff has worked with the property owner on the design of the proposed residence since 2021; during this time the applicant developed several design iterations for the site. Staff appreciates the owner's and architect's willingness to work with staff on the development of the design and taking into consideration the impact of its design on the surrounding neighborhood.

The project complies with the general development standards applicable to residential development within the R-1 zoning district, including setbacks, building height, and lot coverage. The placement of the home at 19 feet from the west property line allows for greater privacy between the new home and the street corner and the applicant has increased the interior side yard setback from five ft. to 10 ft., thereby further reducing the impact of the building to the eastern neighbor. The proposed new residence meets all required setbacks and is designed with a 31-foot-high roof peak that falls short of the 35 feet maximum height limit. The ADU will be given a new roof form but needs to be reduced to a maximum height of 16 feet to comply with the City's ADU design standards. A condition of approval requiring the revised roof height for the ADU has been included. Lastly, lot coverage for the property with the new and existing structures is 21 percent, well below the 35 percent maximum lot coverage restriction for the R-1 Zone.

The attractive French Country design is unique to the area. The elements of the proposal—the prominent roof design and abundance and style of windows - are well-designed and attractive. The design includes appropriate detailing and the use of quality materials. The bulk of the two-story building massing is situated on the corner of the property near Columbine Avenue. The majority of the second story-windows are found at the back of the house and on the west side of the house facing Columbine Avenue. This configuration creates less impact on surrounding neighbors. The placement of the garage, which is one story and does not have a second-floor level above it, presents the least impact on the adjacent neighbor to the east. Staff believes these small design decisions result in a well-thought-out project.

Lastly, some adjustments to the existing sidewalk and driveways will be necessary. Staff will also continue to work with the applicant in developing a final landscape plan for the property. It should be noted that the existing wrought iron fence will remain (Building and Engineering encroachment permits were issued in 1987) but requires some repair and refurbishment including the repainting of the wrought iron material in a complementary color and the repair of damaged masonry. These issues are included in a condition of approval.

Public Notice

A Precise Plan of Design review does not require public notification. However, on December 1, 2022, a courtesy written notice describing the proposed residential development was mailed to owners of properties abutting the exterior boundaries of the project site and directly across San Jose Street. At the writing of this report, no comments regarding the project had been received.

Environmental Assessment

The Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303(a) of the State CEQA Guidelines, which exempts the construction of a single-family residence or second dwelling unit in a residential zone. The proposed

development of a new single-family and accessory dwelling unit is deemed to be categorically exempt and consistent with the applicable City zoning requirements.

Precise Plan of Design Findings


- A. The proposed development of a 2,198 square-foot two-story single-family home (plus an attached 769 square-foot three-car garage), and a detached, one-story 740 square-foot Accessory Dwelling Unit would be consistent with the “R-1” – Single-Family Residential zoning designation for the subject site. Further, the inclusion of ADUs on the site is consistent with the provisions of State law regarding their development and use.
- B. The proposed development with a new two-story single-family residence and detached ADU is designed in a manner that will complement and contribute to the improvement of the street and surrounding neighborhood. This proposed development also serves to address the need for more housing opportunities within the City. The proposed site plan is also generally consistent with the development pattern of the area and does not overcrowd the site per the goals and objectives of the General Plan.
- C. The project promotes orderly development within the community. Overall, the project is well-designed and consistent with the design standards of the R-1 zoning district. The architectural style proposed for the home is appropriate and the details and materials are of high quality.

Planning Division Recommendation

Staff finds that the proposal is consistent with the development standards of the R-1 zone, and the Low-Density General Plan land use designation for the subject site will be compatible with surrounding land uses and will result in the addition of high-quality housing stock to the City. Accordingly, staff recommends approval of Case No. 2022-44 by taking the following actions:

- A. Move that, based on the evidence submitted, the Planning Commission has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), under Section 15303(a) of the State CEQA Guidelines, which exempts the construction of a single-family residence or second dwelling unit in a residential zone.
- B. Move to approve the Precise Plan of Design request under Case No. 2022-44 for the site plan, floor plans, elevations, colors, and materials associated with the proposed residential development consisting of a 2,198 square-foot two-story single-family home with an attached 769 square-foot three-car garage and one detached, one-story 740 square-foot Accessory Dwelling Unit, and associated on- and off-site improvements per the submitted plans and as described in the staff report, subject to the conditions of approval contained in Resolution No. 22-1977.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Diaz". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "Diaz".

Michael Diaz
Director of Community Development

MD:csc

Attachments: Draft Resolution of Approval No. 22-1977

c: Andrew Garcia, 5546 Armsley St., Montclair CA 91763
Sohel Iqbal, 13611 12th Street, Unit B, Chino CA 91710
Moksud Rahman, 13611 12th Street, Unit B, Chino CA 91710

Z:\COMMDEV\CSC\CASES\2022-44\5480 SAN JOSE ST

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RESOLUTION NO. 22-1977

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A PRECISE PLAN OF DESIGN UNDER CASE NO. 2022-44 FOR THE SITE PLAN, FLOOR PLANS, ELEVATIONS, COLORS, AND MATERIALS, TO CONSTRUCT A 2,198 SQUARE-FOOT TWO-STORY SINGLE-FAMILY HOME WITH A 769 SQ. FT. ATTACHED THREE-CAR GARAGE, AND A DETACHED ONE-STORY 740 SQUARE-FOOT ACCESSORY DWELLING UNIT ON A LARGELY VACANT 14,500 SQ. FT. LOT AT 5480 SAN JOSE STREET (ASSESSOR PARCEL NUMBER: 1008-312-02-0000)

A. Recitals.

WHEREAS, on November 1, 2022, Andrew Garcia, owner of the subject site, filed an application for a Precise Plan of Design (PPD) under Case No. 2022-44, to develop a two-story single-family residence and make modifications to an existing 740 sq. ft. detached one-story Accessory Dwelling Unit (ADU) on the subject site; and

WHEREAS, the subject parcel is zoned R-1 (Single-Family Residential) Zone, hereafter "R-1"; and

WHEREAS, the R-1 zone is intended for the development of single-family residences consistent with the General Plan's Low-Density Residential (3-7 dwelling units per acre) land use designation; and

WHEREAS, Chapter 11.18 of the Montclair Municipal Code (MMC) provides development standards for the R-1 zone, including minimum setbacks, building height, minimum dwelling size, etc.; and

WHEREAS, pursuant to MMC Chapter 11.18 the Precise Plan of Design pertains to the overall site plan, floor plan, elevation, color, and materials plan for the proposed development of a single-family home and exterior remodel of the existing ADU; and

WHEREAS, in 2019, the original dilapidated two-story former grove house was demolished; and

WHEREAS, the remaining development on the site is an existing 740 sq. ft. guest house, a 100 sq. ft. storage shed, and an in-ground swimming pool; and

WHEREAS, the existing 740 sq. ft. guest house will be formally converted into an Accessory Dwelling Unit (ADU) per State law; and

WHEREAS, State law requires all local cities to allow and approve ADUs through a ministerial process. Said ADU is included in the project because the exterior remodel of the unit was submitted simultaneously with plans for the new single-family residence; and

WHEREAS, the Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), under Section 15303(a) of the State CEQA Guidelines, which exempts the construction of a single-family residence or second dwelling unit in a residential zone. The proposed development of a new single-family and ADU is deemed to be categorically exempt and consistent with the applicable City zoning requirements; and

WHEREAS, courtesy notices were mailed out to owners of properties abutting the subject site and neighbors on San Jose Street on December 1, 2022; and

WHEREAS, on December 12, 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 the said project were heard and said proposal was fully studied.

B. Resolution.

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

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

SECTION 2. Based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows with respect to the recommendation of approval of a Precise Plan of Design under Case No. 2022-44:

Precise Plan of Design Findings

- A. The proposed development of a 2,198 sq. ft. two-story single-family home (plus an attached 769 sq. ft. three-car garage), and the detached, one-story, 740-sq. ft. ADU is consistent with the “R-1” – Single-Family Residential zoning designation for the subject site. Further, the inclusion of the ADU on the site is consistent with the provisions of State law regarding their development and use.
- B. The proposed development with a new two-story single-family residence and detached ADU is designed in a manner that will complement and contribute to the positive improvement of the street and surrounding neighborhood. This

proposed development also serves to address the need for more housing opportunities within the City. The proposed site plan is also generally consistent with the development pattern of the area, does not overcrowd the site, and is in accordance with the goals and objectives of the General Plan.

- C. The project promotes orderly development within the community. Overall, the project is well-designed and consistent with the design standards of the R-1 zoning district. The architectural style proposed for the home is appropriate and the details and materials are of high quality.

SECTION 4. Pursuant to Section 66412.3 of the Government Code, based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission finds the improvements proposed help the City of Montclair to meet its regional housing needs by increasing the supply of homes within the City.

SECTION 5. Based upon the facts and information contained in the application, together with all written and oral reports included for the environmental assessment for the application, the Planning Commission concurs with staff's determination that project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), under Section 15303(a) of the State CEQA Guidelines, which exempts the construction of a single-family residence or second dwelling unit in a residential zone. Further, the Planning Commission directs staff to prepare a Notice of Exemption.

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

Conditions of Approval.

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

Planning Division

1. This approval is for the following as described in the staff report and depicted on approved conceptual plans dated October 4, 2022, on file with the Planning Division:
 - a. A Precise Plan of Design (PPD) for the site plan, floor plans, elevations, colors, and materials, associated with the construction of a 2,198 sq. ft.

two-story single-family home with an attached 769 sq. ft. three-car garage;
and

- b. A one-story 740 sq. ft. Accessory Dwelling Unit (ADU)
 - c. The plans and elevations are approved as submitted and modified or conditioned herein and shall not be further modified, amended, or altered without prior City review and approval.
2. The applicant shall at all times comply with all laws, ordinances, and regulations of the City of Montclair, the County of San Bernardino, and the State of California, including but not limited to Title 11 of the Montclair Municipal Code. Approval of this PPD shall not waive compliance with any such requirements.
 3. Precise Plan of Design (PPD) approval shall be valid for one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing a building plan check toward the eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days before the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
 4. If exhibits and written conditions are inconsistent, the written conditions shall prevail.
 5. No changes to the approved set of plans for the new home, including the exterior design and materials/finishes, shall be permitted without prior City review and written approval. Any modification, intensification, or expansion of the use and design plan beyond that which is specifically approved with this PPD shall require review and approval by the Planning Commission.
 6. Within five (5) days of approval by the Planning Commission, the applicant shall submit to the Planning Division a \$50.00 check, payable to "Clerk of the Board of Supervisors," for filing a Notice of Exemption (NOE) as required by the California Environmental Quality Act (CEQA).
 7. The applicant and/or the property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 15 days of receipt of the Planning Commission Resolution.
 8. The applicant and/or property owner shall ensure that a copy of this Resolution is reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the Project.

9. The approved architectural details and colors shall include the following design elements:
 - a. Eagle Roofing—Ceramic tile SMB 8403
 - b. Golden White Ledger Stone Veneer—ICC#ESR 3568
 - c. La Habra Stucco—Latte SW-6108
 - d. White multi-paned windows as shown on plans dated October 4, 2022.
10. Exposed gutters and downspouts shall be located in appropriate locations and shall not interrupt architectural design features. Any exposed gutters and downspouts shall be constructed of high-quality, commercial-grade metal and finished to match the balance color of the residential dwelling.
11. Prior to the issuance of building permits, the applicant shall provide the following information or exhibit on plans submitted for plan check for the Director of Community Development for review and approval, including:
 - a. Details for any new fence or wall built on the site. Masonry walls shall be split face with a top cap and in a color that complements the architecture of the building (no gray precision block) or stuccoed.
 - b. Wood or Vinyl fences shall be limited to interior locations between properties and not utilized as perimeter walls of the subject subdivision. The use of White vinyl fences for perimeter walls exposed to the street is not recommended.
 - c. Before installation of a mailbox for the property, the applicant shall ascertain and comply with United States Postal Service (USPS) and City of Montclair requirements. Placement within the public right-of-way will require the approval of an Encroachment Permit from the City Engineer. Contact James Diaz at Jdiaz@cityofmontclair.org for further information.
 - d. Submit a landscape plan for Planning Division approval. The plan shall be designed to be consistent with the City's Water-Efficient Landscaping and Conservation Ordinance, MMC 11.60. and include at least the minimum number of street trees as determined by the Engineering and Public Works Department. Trees shall be a minimum 24-inch box size and double-staked per City standards. (* minimum 30 feet on center.)
 - e. The applicant shall submit proposed exterior light fixtures for Planning approval.

12. Maintenance of landscape areas in the front yard and street side yard shall be the responsibility of the property owner.
13. The applicant shall incorporate sufficient sound attenuation measures (i.e. dual-paned glazing, upgraded insulation, etc.) in the residence to meet the maximum interior noise level of 45 dBA.
14. All large mechanical devices, such as air conditioning condensers, shall be located on the ground within interior yard areas not visible to the public right-of way. All wall- and roof-mounted exhausts and vents shall be designed to be compatible and blend with the architectural design of each residence.
15. Any new fences or walls within the front yard or street setbacks shall not exceed 48- inches in height. Chain-link is expressly prohibited for property fencing.
16. The existing block wall and wrought iron fencing shall be repaired where necessary and shall be painted a complementary color to the residence. All necessary masonry repairs to the existing wall shall be completed before the issuance of a Certificate of Occupancy.
17. The height of the existing Accessory Dwelling Unit (ADU) shall not exceed a maximum height of 16 feet per the design requirements of the City's ADU Ordinance. Staff will work with the applicant and architect to ensure the reduced roof height ratio is complementary to the new main residence.
18. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
19. Before issuance of a Certificate of Occupancy for the residence, the property owner shall install landscaping materials and irrigation for the front yard (and applicable street side yard areas) for each lot per the approved plan and subject to the satisfaction of the Director or designee. The following standards shall apply:
 - a. All shrubs shall be a minimum five-gallon container size.
 - b. All trees shall be a minimum 24-inch box size and double-staked.
 - c. A minimum of three inches (3") of bark mulch (shredded or chips) shall be provided in all planted areas.

- d. All front yard landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
20. Any plant material that does not survive or which is removed or destroyed shall be replaced upon its demise or removal with plant material of like type and size as that which was originally approved and installed.
- a. Plant material shall not be severely pruned such that the natural growth pattern or characteristic form is significantly altered. 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, which results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with trees of similar size and maturity as that which was removed or, as required by the Community Development Director.
 - b. Modifications to and/or removal of existing landscaping shall require prior approval by the Planning Division.
21. All landscaping and irrigation systems shall be maintained per the approved site and/or landscape plan to ensure water use efficiency.
22. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner that is in keeping with the architectural design of the new home to the satisfaction of the Director of Community Development.
23. Surface-mounted exposed conduit or electrical lines shall not be allowed. Electrical switchgear, meters, etc., shall be screened or housed in an enclosure to the extent allowed by the utilities.
24. No exterior surface-mounted exposed ducts, conduit, or electrical lines shall be allowed on walls, awnings, or other exterior faces of the building. In addition, all electrical switchgear, meters, etc., shall be screened or housed in an enclosure to the extent allowed by the utilities.
25. Ground-mounted mechanical equipment shall be fully screened from view from streets or surrounding residential or commercial uses by a combination of decorative walls and an evergreen hedge equal to or exceeding the height of the equipment.

26. The finish quality of all exterior design elements and materials for the project, including but not limited to, building façade colors and finishes, the quality or condition of materials, the application of wood or metal decorative trim, and landscaping shall be subject to the approval of the Director of Community Development before issuance of Certificate of Occupancy.
27. To ensure compliance with the conditions of approval, a final inspection is required from the Planning Division upon completion of construction and all improvements for each unit. The applicant shall contact the City by calling 909-625-9477, or the assigned Planner, to schedule an appointment for such inspections.
28. The applicant shall agree to defend, at his sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or, in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs, and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of his obligations under this condition.

Building Division

29. Submit four complete sets of plans including the following:
 - a. Site/Plot Plan;
 - b. Soils Report;
 - c. Foundation Plan;
 - d. Framing Plan;
 - e. Roof Plan;
 - f. Floor Plan;
 - g. Mechanical Plan;
 - h. Electrical Plans including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
 - i. Plumbing plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning;
 - j. Title 24 documentation and CA Energy Code compliance forms; and

- k. Waste recycling plan, recycling 65% of all construction debris.
- 30. The applicant shall comply with the latest adopted California Building Code and other applicable codes, ordinances, and regulations in effect at the time of permit application. These applicable codes shall be indicated on the first page of the submitted plans.
- 31. A building, structure, sewage system, utility line, eave or projection of a structure, or similar shall not cross over a property line so as to encroach on another property. All property, if separated by property line, shall be merged into a singular property by way of lot merger before the beginning of improvements to the site.
- 32. Submit two sets of structural calculations, if required and two sets of energy conservation calculations.
- 33. Architect's/Engineer's stamp and "wet" signature are required before plan check approval.
- 34. Submit detailed plans for all walls and fencing associated with the project.
- 35. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
- 36. 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.
- 37. All on-site utility lines shall be installed underground.
- 38. No soil shall be imported or exported to or from the project site from an adjacent building site or other sources for construction purposes without first obtaining approval from the City Engineer. A plan satisfactory to the City Engineer shall be prepared to show the proposed haul route within the City. The plan shall include provisions for street sweeping and cleanup. Applicant/contractor shall comply with all NPDES requirements.
- 39. Underground Service Alert shall be notified 48 hours before any excavation at (800) 422-4133.
- 40. 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.

41. A Certificate of Occupancy is required before occupancy of the subject building. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection, all City Departments, Monte Vista Water Dist., and approval of all conditions.
42. 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 per all City Standards, Specifications, Conditions of Approval, and approved plans.
43. All mechanical devices and their parts, such as air conditioners, evaporative coolers, exhaust fans, vents, transformers, or similar equipment, whether located on the ground or the roof of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building and to the satisfaction of the Planning Division.
44. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357.
45. The address of the new residence shall be displayed in minimum four-inch (4") tall numerals on a contrasting background and backlit with a low-voltage illumination source. Said identification shall be installed in a consistent location on each residence.
46. 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.
47. A Certificate of Occupancy is required before 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.
48. Temporary construction and storage trailers placed on the property shall first obtain approval from the Planning and Building Divisions. Before any trailer is set in its location, obtain all permits from the building division. Plans and structural calculations will be required for the development.
49. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City before permit issuance.
50. Construction activity shall only be permitted between the hours of 7:00 a.m. to 8:00 p.m. daily.

Engineering Division

51. All public and private streets shall have sidewalks conforming to the Americans with Disabilities Act (ADA). Coordinate with Senior Public Works Inspector during the permit process for the new driveway approach and sidewalk along San Jose Street.
52. Replace all existing lifted or cracked curb gutter, damaged utility pull box lids, and the sidewalk adjacent to the property along San Jose Street and Columbine Avenue. Additionally, remove and replace all sidewalk areas that show signs of ponding, pitting, scaling, or spalling, as determined by the Public Works Senior Inspector.
53. Remove the existing driveway on San Jose Street and replace it with a new sidewalk and parkway as determined by the City Engineer.
54. All pavement damaged by excavation for utility cuts will be replaced with permanent pavement per City Standard for Paving and Trench Repair No. 301.
55. All driveways, existing or proposed, shall comply with the Americans with Disabilities Act and shall conform to City Standard Plan No. 102. Construction and acceptance of street improvements shall be required to obtain a release for a Certificate of Occupancy from the Building Division.
56. Pay in-lieu fees of \$32,000. All utilities in the public right of way adjacent to the site shall be placed underground. This requirement applies to electrical services (facilities operated at nominal voltages in excess of 20,000 volts not included), transformers and switches, and where technology exists, telephone and cable television facilities as well.
57. Sewer plans, if required, 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.
58. 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. Before the commencement of any demolition, clearing and grubbing, and/or grading, a grading permit shall be obtained from the Building Division. Plan approval is required before the issuance of a grading permit by the Building Division.
59. 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 per City standards and guidelines, and shall be on 24" by 36" sheets.

60. No soil may be imported or exported to or from the project site from any adjacent building site or other sources for construction purposes without first obtaining approval from the City Engineer. A plan acceptable to the City Engineer shall be prepared showing proposed haul routes within the City. The plan shall include provisions for street sweeping and cleanup. The contractor (s) shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements.
61. Prepare and submit to the satisfaction of the City Engineer plans for erosion control and stormwater pollution prevention. A general construction stormwater permit may be required. Contact Steve Stanton at 909-625-9444 for details. The erosion control plan shall be an integral part of the grading plans. Plan approval is required before the issuance of a grading permit by the Building Division.
62. A Public Works construction permit shall be obtained from the Engineering Division before any removals or construction of improvements in the public right-of-way.

Environmental Manager

63. Connection to the City of Montclair Sanitary Sewer System is required. No lift or pump stations shall be permitted.
64. Discharge of wastewater into the City of Montclair sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
65. Regional Sewerage Supplemental Capital Outlay fees are required per Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA).
66. Connection to the City of Montclair Sanitary Sewer System is required. Additional comments may follow pending submittal of plans for plan check review.
67. The property owner shall be responsible to contract with a qualified firm to inspect and maintain any stormwater treatment devices specified by the approved LID Manual. If any stormwater treatment device fails due to lack of, or insufficient maintenance and/or inspection, or some other unforeseen circumstance, it shall be the responsibility of the property owner to correct the

deficiency and restore the stormwater treatment device(s) to its original working condition.

68. The owner understands that if the stormwater treatment device is infeasible at the proposed location, and an alternative treatment device is proposed that may affect the site design project owner may have to revisit with the Planning Department for any revised site changes.
69. Prepare and submit plans for erosion and sediment control. Plans shall include all phases of the construction project, including rough grading, utility and right-of-way improvements, and vertical construction to the satisfaction of the City Engineer. Contact Steve Stanton, Engineering Division Manager, at (909) 625-9444.
70. Prior to issuance of a Certificate of Occupancy, the applicant shall: Submit to the Engineering Division as-built drawings as it relates to the LID design and, provide adequate plan notes identifying grades and elevations for all inlets, outlets, flow lines, and basins. Submit the certification of landscape document stamped and signed post-construction BMP certification by the Engineer of Record, identifying that all BMPs have been installed per plans and specifications.

Fire Department

71. The project shall comply with all requirements set forth by the California Code of Regulations Title 24 Parts 1-12 respectively.
72. 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.
73. Prior to the issuance of grading permits, evidence of sufficient fire flow of 1,000 GPM for 2- hours shall be provided to the City of Montclair. The City of Montclair Building and Fire Marshal Water Available/Fire Flow Form shall be utilized.
74. 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.
75. Prior to construction a temporary address sign shall be posted and clearly visible from the street.
76. 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.

77. The building shall be provided with an automatic fire sprinkler system per NFPA 13. Construction plans shall be submitted for review and approval to the City of Montclair before installation.

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

APPROVED AND ADOPTED THIS 12th DAY OF DECEMBER, 2022.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Manny Martinez, Chair

ATTEST: _____
Michael Diaz, Secretary

I, Michael Diaz, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 12th day of December 2022, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

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