



REGULAR ADJOURNED MEETING OF THE  
MONTCLAIR PLANNING COMMISSION

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

**Monday, March 13, 2023**  
**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](mailto: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  
(continued from the February 13, 2023 meeting)  
Project Address: 4100 Mission Boulevard  
Project Applicant: Landex Corp., LLC  
Project Planner: Christine Sanchez Caldwell  
Request: Landex Corp., LLC proposes to construct a new three-unit light industrial park development on a vacant 1.01-acre site at the north side of the intersection of Mission Boulevard and Pipeline Avenue. Approval of the following entitlements is requested: (1) Tentative Parcel Map No. 20694; and (2) A Variance for a reduced building setback for Building Three and setback reductions for the construction of the trash enclosures; and (3) A Precise Plan of Design (PPD) for on-site and building improvements, including the architectural design of the industrial buildings, landscaping, and other associated site improvements.

**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 15332.

**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**

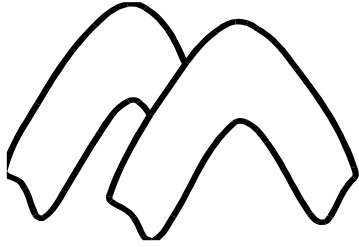
Reports, backup materials, and additional materials related to this project item can be viewed on our website [www.cityofmontclair.org/agendas](http://www.cityofmontclair.org/agendas) by clicking on the Planning Commission agenda for March 13, 2023.

**9. ADJOURNMENT**

The City of Montclair Planning Commission meeting is adjourned to the regularly scheduled meeting of March 27, 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 March 9, 2023.



CITY OF MONTCLAIR  
**PLANNING COMMISSION**

**MEETING DATE: 3/13/2023**

**AGENDA ITEM 6.a**

**Case No.: 2022-38**

**Application:** Landex Corp., LLC proposes to construct a new three-unit light industrial park development on a vacant 1.01-acre site at the north side of the intersection of Mission Boulevard and Pipeline Avenue. To develop the project, approval of the following entitlements is required:

- (1) Tentative Parcel Map No. 20694; and (2) A Variance for a reduced building setback for Building Three and setback reductions for the construction of the trash enclosures; and (3) A Precise Plan of Design (PPD) for on-site and building improvements, including the architectural design of the industrial buildings, landscaping, and other associated site improvements.

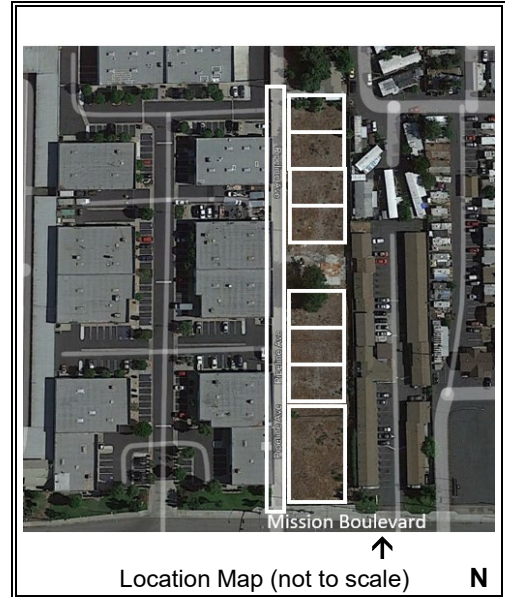
**Project Address:** 4100 Mission Boulevard

**Property Owner:** Landex Corp., LLC

**General Plan:** Business Park

**Zoning:** Manufacturing Industrial Park (MIP)

**Assessor Parcel Nos.:** 1012-181-08,09,10,11,13,14,15 16 & 19



**ADJACENT LAND USE DESIGNATIONS AND USES**

	<b>General Plan</b>	<b>Zoning</b>	<b>Use of Property</b>
Site	Business Park	Manufacturing Industrial Park (MIP)	Vacant
North	Business Park	Manufacturing Industrial Park (MIP)	Auto body Repair Shop
East	Business Park	Manufacturing Industrial Park (MIP)	Welcome Motel
South	San Bernardino County	San Bernardino County	Vacant building
West	Limited Manufacturing/Business Park	Manufacturing Industrial Park (MIP)	Industrial business park

## Report on Item Number 6.a

### PUBLIC HEARING – CASE NUMBER 2022-38

APPLICATION TYPE(S)	Tentative Parcel Map Variance 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

The property owner, Landex Corp., LLC, submitted an application requesting approval of plans to develop a vacant 1.01-acre site with a new three-unit light industrial park development at the subject site. A Planning Commission hearing was originally scheduled for December 12, 2022, but additional time was needed to prepare the Tentative Parcel Map for the project. On February 13, 2023, a second continuation was requested and granted for March 13, 2023.

#### **Project Description**

Landex Corp., LLC proposes to construct a new three-unit light industrial park development on a vacant 1.01-acre site at the north side of the intersection of Mission Boulevard and Pipeline Avenue. To develop the project, approval of the following entitlements is required:

1. Tentative Parcel Map No. 20694; and
2. A Variance for a reduced building setback for Building Three and setback reductions for the construction of the trash enclosures; and
3. A Precise Plan of Design (PPD) for on-site and building improvements, including the architectural design of the industrial buildings, landscaping, and other associated site improvements.

#### **Tentative Parcel Map**

The project site is north of Mission Boulevard and is currently configured as a residential area comprised of 11 small parcels originally laid out when the area was part of unincorporated San Bernardino County. One of the project site parcels is a long and narrow (17.5 ft. wide x 467-ft. long) lot that is part of the existing access lane serving the site. Landex Corp. purchased nine of

the existing parcels (including the long narrow lot) and with the proposed parcel map would reconfigure them into three larger and developable parcels and a letter lot (Lot "A").

The proposed map is designed around a "Not a Part" parcel so that Parcels 1 and 2 of the map are located on the south side of the "Not a Part" parcel while Parcel 3 is on the north. Lot "A" (5,061 sq. ft.) is created for the purpose of providing access to the proposed development and continued access to the adjoining lots "Not a Part" of the project.

<b>Tentative Parcel Map No. 20694</b>	
<b>Mission and Pipeline Industrial Park</b>	
<b>Parcel</b>	<b>Area/Acres</b>
1	12,271 SF / 0.28 acre
2	10,668 SF / 0.24 acre
3	16,027 SF / 0.37 acre
"A"	5,061 SF / 0.12 acre
<b>Total Site Area</b>	<b>44,027 SF / 1.01 acre</b>
The northernmost lot, 10805 Pipeline Avenue, is not part of the proposed map or industrial park development.	

Approval of the map as proposed is contingent upon the developer's ability to secure a recorded agreement with the adjacent property owner to the west to establish and provide access in the form of a 27.5-foot wide private street serving the development. The 27.5-foot wide private street would consist of a 19.5-foot wide strip of land from the adjacent industrial park development to the west ("Lot A" of Tract Map 14019) to be connected with (not merged with) the 8.5-foot wide by 609.67-foot long Lot "A" parcel of the applicant's Tentative Parcel Map No. 20694. Connected together by agreement, the combined private street width would provide the required 26-foot wide paved roadway surface for the length of the development.

Additional public improvements with the project include the installation of a new public sewer line to serve the site, the undergrounding of existing on-site overhead wires, and the removal of utility poles. Finally, since the developer intends to sell the lots individually, the need for the recordation of Covenants, Conditions, and Restrictions (CC&Rs) is necessary to establish an owners association to maintain all on-site property improvements, including parking areas, common areas, trash enclosures, gates, fences, walls, vehicular access ways, sewers, storm drain system, exterior light fixtures, fire prevention water systems, landscaping, irrigation systems, signs, and security cameras.

**Variance**

A setback variance is requested to allow a reduction in the required 25-foot street-side yard setback of the private street on the west to allow the following encroachments that allow the developer to make full use of narrow lots and provide required site improvements, including parking.

<b>Variance Request</b>		
<b>Mission and Pipeline Industrial Park</b>		
<b>Parcel</b>	<b>Required Setback</b>	<b>Proposed Setback</b>
1	25'	3' for Trash Enclosure
2		3' for Trash Enclosure
3		1.9' to 2' For Building 3 and Trash Enclosure
Trash enclosures are located near the private street to facilitate access for solid waste trucks		

## **Precise Plan of Design**

Development of the site includes the construction of one building and associated site improvements for each lot. The proposed buildings would be constructed of varying tan-colored split block materials, with stucco and aluminum bronze details. Storefront window types are distributed along public elevations for each unit. A metal sectional roll-up door is provided for each unit. Projecting aluminum shade canopies are proposed above each entry door to add horizontal articulation. The breakdown of the new building sizes are depicted in the following table:

<b><u>Mission and Pipeline Industrial Park</u> Proposed Building Sizes and Parking</b>		
<b><i>Building Number</i></b>	<b><i>Floor Area<sup>1</sup></i></b>	<b><i>Parking (1:1000 SF)</i></b>
1	5,065 SF	15 spaces
2	5,065 SF	14 spaces
3	8,773 SF	13 spaces
<b><i>Totals</i></b>	<b>18,903 SF</b>	<b>42 spaces</b>

Each parcel/building is provided with trash enclosures. The location of trash enclosures will be within the street-side setback as indicated above in the section describing the variance request.

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 plans propose drought-tolerant plant materials and trees such as Palo Verde, Forrest Pansy, Crape Myrtle, and Brisbane Box Trees. Foxtail Agave, Blue Glow Agave, Dwarf Coastal Rosemary, Japanese Sedge, Cassa Blue Fox Lily, Variegated Flax Lily, and Brakelights Yucca are among the proposed shrubbery. The developer will be using 6- to 8-inch sized cobblestone and Palm Springs Gold ¾ inch gravel as ground cover and accents within the planting beds.

Irrigation for the site is designed to conserve water in compliance with the City's Water Conservation Ordinance, and State conservation requirements. 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**

- The project site is a long linear series of former residential lots on a now-vacated portion of Pipeline Avenue between State Street and Mission Boulevard. Pipeline Avenue north of Mission Boulevard was vacated in July 1929, and half of the street width (17.5 ft.) reverted to the owners on each side of the roadway.
- The subject area in which the lots are located was annexed into the City in 2006 (Annexation No. 27). Two lots, one in the middle of the project identified on the proposed map as "Not a Part," and the northernmost lot, 10805 Pipeline Avenue, are not part of the proposed map or industrial park development.

- Over time, all but one of the former residential uses, and one commercial business use, in the area fell into disrepair and were eventually demolished and removed. Since the site has been vacant numerous incidents of illegal dumping, homeless encampments, graffiti, etc., have required frequent code enforcement action.
- Covenants, Conditions, and Restrictions (CC&Rs) would be recorded on the property as the legal mechanism for the management of the project and the private street. This would include demonstration of clear responsibility for the maintenance of the private road.

### **Planning Division Comments**

Staff finds the proposed project to be a good solution to develop a deep and narrow site with a number of difficult challenges to address, including multiple ownerships, lack of utilities, and complicated access issues. For many years the site has been plagued with substandard housing units and code enforcement activity. If approved, the proposed project will result in positive improvements to the area and complement newer improvements occurring along Mission Boulevard.

### **Tentative Parcel Map**

Given the existing number of parcels to work with, the proposed Tentative Parcel Map is the appropriate way to reorganize the narrow site for sensible development. The proposed configuration was necessitated to work around the “Not a Part” parcel and for clarifying the means of access to the site and area. Despite the efforts by the developer, the one vacant (“Not a Part” – APN 1012-181-12) lot located in the middle of the project site could not be acquired. As such, the developer designed the proposed project around the parcel.

When reconfigured, the nine existing lots will create three standard-sized parcels that will appropriately accommodate the proposed three industrial buildings. The proposed parcels are consistent with the applicable minimum development standards regarding lot size and dimensions for new parcels within the MIP zoning district. Moreover, the site will have direct access to Mission Boulevard.

Staff worked at length with the applicant to ensure the project has a way to provide a 27.5-foot wide private street to provide adequate and organized access to the site to serve the interest of all the affected properties along the existing drive lane. The new improved 26-ft wide paved roadway would provide access to the proposed project as well as serve the two lots off of the road shown on the map as “Not a Part,” and the existing residence located north of the proposed development. It should be further noted, the City Engineer considers a 26-ft. wide roadway a conforming minimum private street width. Additionally, the Fire Department has also approved the drive lane (private street) for this development

Although the existing access lane has been in constant use for decades, conditions of approval of the Tentative Parcel Map will require the applicant to formally obtain agreement(s) with the adjacent west landowner to establish a 27.5-foot private road as described above. Further, the agreement will need to clarify the use of and maintenance of the private street between the two developments. If such an agreement is obtained the project can move forward as proposed. If an agreement cannot be obtained, the project would need to be redesigned to provide full access completely within the site owned by the developer. The developer has indicated that he has been

in contact with the adjacent property owner and that an agreement would be forthcoming. A condition of approval addressing this agreement requirement has been added.

The developer has designed the private road width and parking areas to accommodate Fire Department, Public Works, and Burrtec trash truck access. The developer will construct a new drive approach off of Mission Boulevard and any necessary curb, gutter, and sidewalk improvements along the public right-of-way. Finally, the remaining residences at the north end of the private street will continue to have access via the private street to Mission Boulevard.

### Variance

Staff finds that the overall long and narrow configuration of the site establishes special physical circumstances that make the application of required setbacks as set forth in Chapter 11.30 of the Montclair Municipal Code impractical and detrimental to developing the site in an appropriate manner. First, the project site is impacted by the requirement to provide an additional portion of the site to establish a new 26-foot wide private road on the west. Secondly, the application of the required 25-foot deep landscape setback from the edge of the required private street limits the use of the property in a way that diminishes the full and best use of the shallow-depth parcels for development and provisions of required on-site parking spaces.

With the exception of Parcel 3, the reduced setbacks for Parcels 1 and 2 would apply only to the location of the proposed trash enclosures off the new private street where they have been situated to facilitate access for solid waste removal vehicles without the need to pull fully into the small parking lots between the buildings. The setback reduction for the new building on Parcel 3, would allow for a moderately larger building in the project area that is similar to the existing industrial buildings in the adjacent development some of which are built on or near a property line. Moreover, Building 3 would have no impact to Mission Boulevard because it is set almost 300 ft. off of the public right-of-way.

### Precise Plan of Design

Staff finds the proposed project to be well designed and the buildings to be appropriately situated on the shallow depth parcels. Except for the side setbacks, the proposed project complies with the applicable development standards of the MIP zoning designation of the property including setbacks, building height, and parking as generally described above. Building One on Parcel 1 meets the required 25-foot setback from Mission Boulevard and the project site exceeds the minimum lot width requirement of 50 ft. 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 project also provides 42 on-site parking spaces which exceeds the required 38 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. Other on-site improvements include covered trash enclosures, exterior site lighting, and landscaping.

At 28'1" in height at its highest point, the buildings are lower than the 50-foot height limit of the MIP zone. Exterior lighting for the site is evenly distributed around the site, and will be instrumental in highlighting the site. All new exterior lights will be required to be shielded and directed downward and contained within the boundaries of the subject site, to ensure adjacent and surrounding properties are not adversely affected. The developer's use of stucco, varying split face block materials and a decorative scored-block wainscot has produced an attractive



collection of well-designed buildings. The color palette is warm and will be accented with bronze accents and awnings.

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 cobblestone and 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 surrounding area by eliminating the current conditions of blight that currently characterize the appearance and use of the site. The proposed building designs are well designed and appropriate for a light industrial park development. Proposed building heights should fully screen roof top equipment and/or future installation of solar panels.

## **Findings**

### **Tentative Parcel Map**

Pursuant to California Government Code Section 66410, *et seq.*, the following findings for recommending approval to the City Council of Tentative Tract Map No. 20694 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 Parcel Map proposal meets minimum lot size and dimension standards of the Manufacturing Industrial Park “MIP” zoning district and provides for ample area on which to develop the proposed industrial project and to accommodate future land uses compatible with the underlying zoning district. Moreover, the Tentative Parcel 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 1.01 acres in area (approximately 44,027 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 Mission Boulevard and will provide direct and safe access to the project site.
- 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 Parcel 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 Parcel 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 Parcel 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 Mission Boulevard and within the project site, all of which are immediately adjacent to the subject site.

### Variance

The necessary findings for granting a Variance for a reduced side yard setback can be made as follows:

- A. The special circumstances applicable to the subject property, including its size, shape, topography, location, or surroundings, and the strict application of the provisions of Chapter 11.30 of the Montclair Municipal Code, is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications. The requirement to establish a new 26-foot wide private road on the west combined with the application of the required 25-foot deep landscape setback from the edge of the required private street significantly limits how the parcels can be developed in a manner that is similar to other newer developments in the area. With the requested variances, the applicant/owner was able to consolidate nine non-conforming rectangular-shaped vacant lots to redevelop the site into a well-designed and desirable light industrial park development. Given the characteristics of the site, at 1.01 acres, the applicant is constructing two smaller sized buildings but the rear building will have no impact to Mission Boulevard because it is set almost 300 ft. off of the public right-of-way.
- B. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners in the vicinity and under identical zone classifications. The subject site is narrow in size and quality design and construction will allow the developer to build a feasible project by the inclusion of a larger sized building that will provide greater opportunities for sale.
- C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity and zone in which the property is located, in that the Building Three (the building that is designed within the side yard setback) would be constructed almost 300 feet north of Mission Boulevard and will have no detrimental impact to the public welfare. Furthermore, development of a light industrial park on the site is consistent with surrounding industrial uses, and will not negatively impact any sensitive land uses in the surrounding area.
- D. That the granting of such variance will not be contrary to the objectives of any part of the adopted General Plan, in that, the General Plan specifically recognizes the importance of retaining the economic viability of Mission Boulevard, and promotes continued maintenance and improvement of the thoroughfare to attract new patronage and new complementary uses to maximize its utilization and intensification of the area's activity.

### Precise Plan of Design Findings

The Planning Commission finds as follows with respect to the 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 the use and enjoyment of property in the vicinity, or endanger the public peace, health, safety, or general welfare. The proposed three-building industrial development is well-designed and will substantially improve conditions on and around the site.
- B. That such use in such location conforms to good zoning practices, in that the proposed three-building industrial 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 Manufacturing Industrial Park (MIP) zone.

### Public Notice and Comments from the Public

This item was published as a public hearing for February 13, 2023, in the Inland Valley Daily Bulletin newspaper on February 2, 2023, 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. At its February 13, 2023, meeting the Planning Commission continued the hearing on the item to its regularly scheduled meeting on March 13, 2023. By continuing the item to a date specific, no further public notice was required.

Staff received a phone call from the residents located at the end of the private road. The residents expressed concern regarding continued access to Mission Boulevard. Staff explained the road would remain accessible to the residents and that conditions of approval would be attached to the project approval to ensure access remained available for their use.

### 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 light industrial project on the underdeveloped site is consistent with the applicable policies of the General Plan, Manufacturing Industrial Park (MIP) 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.

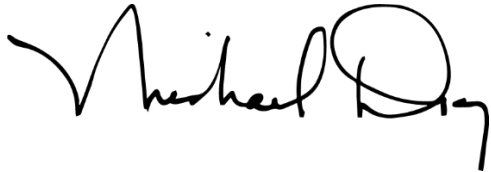
### Recommendation

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 Parcel Map No. 20694 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. 23-1981.

- C. Move to approve the Variance and Precise Plan of Design per the submitted plans and as described in the staff report for the three-building industrial development and associated site improvements located at 4100 Mission Boulevard, under Case No. 2022-38, subject to the conditions of approval in attached Resolution No. 23-1981.

Respectfully Submitted,

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

Michael Diaz  
Director of Community Development

Attachment: Draft Resolution No. 23-1981

c: Landex Corp, LLC, PO Box 9559 Alta Loma CA 91701  
KVH, 165 E. 24th Street, Upland CA 91784  
SD Engineering & Associates, 242 Airport Drive Ste. 212, San Bernardino CA 92408  
Andrew Verdugo, Monte Vista Homes, [andrew@montevistahomes.us](mailto:andrew@montevistahomes.us)

Z:\COMMDEV\CCALDWELL\CASES\2022-38\STAFF REPORT

**RESOLUTION NO. 23-1981**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING CITY COUNCIL APPROVAL OF TENTATIVE PARCEL MAP NO. 20694 AND APPROVING A VARIANCE AND PRECISE PLAN OF DESIGN UNDER CASE NO. 2022-38 FOR THE SITE PLAN, FLOOR PLAN, ELEVATIONS, CONCEPTUAL COLORS AND MATERIALS, AND CONCEPTUAL LANDSCAPE PLAN, FOR A PROPOSED THREE-UNIT INDUSTRIAL PARK DEVELOPMENT AT 4100 MISSION BOULEVARD (APN 1012-181-08, 1012-181-09, 1012-181-10, 1012-181-11, 1012-181-13, 1012-181-14, 1012-181-15, 1012-181-16, AND 1012-181-19)**

A. Recitals.

**WHEREAS**, on October 11, 2022, Landex Corp, LLC, property owner, applied for a Variance, Precise Plan of Design (PPD), and Lot Line Adjustment under Case No. 2022-38, to construct a three-unit industrial development, including associated site improvements; and

**WHEREAS**, the subject application applies to a nine-lot assemblage of property totaling 1.01 acres at 4100 Mission Boulevard; and

**WHEREAS**, the subject site is zoned "MIP" (Manufacturing Industrial Park) and is a series of vacant former residential lots; and

**WHEREAS**, this item was advertised as a public hearing in the *Inland Valley Daily Bulletin* newspaper on December 1, 2022. Public hearing notices were also mailed to property owners within a 300-foot radius of the exterior boundaries of the project site per State law for consideration of this discretionary zoning entitlement; and

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

**WHEREAS**, the current City Engineer determined that due to the complex nature of the project, a Tentative Parcel Map was the appropriate means of reorganizing the site for development rather than utilizing a Lot Line Adjustment; and

**WHEREAS**, at the public hearing, the Planning Commission continued the item to allow the applicant time to prepare a Tentative Parcel Map for the proposed subdivision; and

**WHEREAS**, the applicant submitted an application for Tentative Parcel Map 20694 on January 20, 2023, under Case No. 2022-38; and

**WHEREAS**, this item was advertised as a public hearing in the *Inland Valley Daily Bulletin* on February 3, 2023, for consideration of Tentative Parcel Map 20694, a Variance, and Precise Plan of Design. Public hearing notices were mailed to property owners within the 300-foot radius of the exterior boundaries of the project site per State law for consideration of this discretionary zoning entitlement; and

**WHEREAS**, on February 13, 2023, at the request of City staff the Planning Commission review of the proposed project was continued for a second time to March 13, 2023, thereby requiring no additional public hearing notification; and

**WHEREAS**, on March 13, 2023, 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 the proposal was fully studied; and

**WHEREAS**, proposed Tentative Parcel Map No. 20694 would allow for the creation of a three-lot subdivision of a 1.01-acre site; and

**WHEREAS**, the proposed Tentative Tract Map No. 20694 is the appropriate way to reorganize the narrow site for sensible development; and

**WHEREAS**, the subdivision creates three new buildable lots and a Lot "A" for access purposes, in compliance with the subdivision regulations of the City of Montclair and the California Subdivision Map Act; and

**WHEREAS**, proposed Lot "A" (5,061 sq. ft) of Tentative Tract Map 20694 would be combined with a 19-ft. existing private roadway belonging to the west property owner (adjacent industrial park) to create a 27.5-ft. wide private street for use by the proposed development and existing residents/property owners with direct access to the private road; and

**WHEREAS**, the developer/owner/applicant is required to obtain an agreement with the adjacent property owner(s), and such agreement must be developed and recorded to the satisfaction of the City Engineer and City Attorney before approval of the Final Map; and

**WHEREAS**, the agreement between the developer/owner/applicant and the owner(s) of Tract No. 14019 shall allow for the utilization of Lot "A" (private street) of said tract for public ingress, egress, and public utility purposes as well as maintenance of the 27.5-ft wide roadway, of which 26 ft. is asphalt pavement.

**WHEREAS**, the inability of the developer/owner/applicant to obtain an agreement for utilization of Lot "A" of Tract No. 14019 for this project nullifies this Planning Commission approval and will require the developer/owner/applicant to redesign the project; and

**WHEREAS**, redesign of approved development design plans and maps under Case No. 2022-38 would require subsequent Planning Commission review and approval and would be considered a new project; and

**WHEREAS**, the Variance is requested by the applicant for a reduced setback for Building Three and setback reductions for the construction of the trash enclosures; and

**WHEREAS**, the Precise Plan of Design pertains to the overall site plan, floor plan, elevations, conceptual colors and materials, and conceptual landscape/irrigation plan associated with the industrial park development; and

**WHEREAS**, staff has found the proposed three-unit industrial development complies with the guidelines and development standards set forth in Chapter 11.30 of the Montclair Municipal Code and the California Subdivision Map Act as it relates to industrial park development and 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), according to Section 15332 of State CEQA Guidelines, in that Class 32 covers infill projects in significantly developed areas. The proposed development of a three-unit industrial development is consistent with the applicable policies of the General Plan, Manufacturing Industrial Park (MIP) 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) according to Section 15332 of the State CEQA Guidelines and based on its independent judgment, concurs with staff's determination of said exemption and finding of no significant effect on the environment; and

B. Resolution.

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

1. This Commission hereby specifically finds that all the facts outlined in the Recitals, Part A, of this Resolution are true and correct.
2. Based on substantial evidence presented to this Commission during the above-referenced public hearing on Monday, March 13, 2023, including written and oral staff reports, together with public testimony, this Commission hereby finds with respect to the Tentative Parcel Map No. 20694, Variance, and Precise Plan of Design under Case No. 2022-38, request as follows:

## Tentative Parcel Map Findings

According to California Government Code Section 66410, et seq., the following findings for recommending approval to the City Council of Tentative Tract Map No. 20694 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 Parcel Map proposal meets minimum lot size and dimension standards of the Manufacturing Industrial Park “MIP” zoning district and provides for ample area on which to develop the proposed industrial project and to accommodate future land uses compatible with the underlying zoning district. Moreover, the Tentative Parcel 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 1.01 acres in area (approximately 44,027 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 Mission Boulevard and will provide direct and safe access to the project site.
- 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 Parcel 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 Parcel 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 Parcel 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 according to California Plumbing Code and Municipal Code requirements. Sewer mains exist in Mission Boulevard and within the project site, all of which are immediately adjacent to the subject site.



## Variance Findings

The Planning Commission finds as follows for approval of a Variance:

- A. The special circumstances applicable to the subject property, including its size, shape, topography, location, or surroundings, the strict application of the provisions of Chapter 11.30 of the Montclair Municipal Code is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications. The requirement to establish a new 27.5-foot wide private road on the west combined with the application of the required 25-foot deep landscape setback from the edge of the required private street significantly limits how the parcels can be developed in a manner that is similar to other newer developments in the area. With the requested variances, the applicant/owner was able to consolidate nine non-conforming rectangular-shaped vacant lots to redevelop the site into a well-designed and desirable light industrial park development. Given the characteristics of the site, at 1.01 acres, the applicant is constructing two smaller-sized buildings but the rear building will have no impact on Mission Boulevard because it is set almost 300 ft. off of the public right-of-way.
- B. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners in the vicinity and under identical zone classifications. The subject site is narrow in size and quality design and construction will allow the developer to build a feasible project by the inclusion of a larger-sized building that will provide greater opportunities for sale.
- C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity and zone in which the property is located, in that Building Three (the building that is designed within the side yard setback) would be constructed almost 300 feet north of Mission Boulevard and will have no detrimental impact to the public welfare. Furthermore, the development of a light industrial park on the site is consistent with surrounding industrial uses, and will not negatively impact any sensitive land uses in the surrounding area.
- D. That the granting of such variance will not be contrary to the objectives of any part of the adopted General Plan, in that, the General Plan specifically recognizes the importance of retaining the economic viability of Mission Boulevard, and promotes continued maintenance and improvement of the thoroughfare to attract new patronage and new complementary uses to maximize its utilization and intensification of the area's activity.

## Precise Plan of Design Findings

The Planning Commission finds as follows with respect to the 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 public peace, health, safety, or general welfare. The proposed three-building industrial development is well-designed and will substantially improve conditions on and around the site.

- B. That such use in such location conforms to good zoning practices, in that the proposed three-building industrial 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 Manufacturing Industrial Park (MIP) zone.

### Conditions of Approval

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

### Planning

1. This approval is hereby granted to allow the following entitlements at 4100 Mission Boulevard, Montclair, California, that includes the following parcels: Assessor Parcel No. APN 1012-181-08, 1012-181-09, 1012-181-10, 1012-181-11, 1012-181-13, 1012-181-14, 1012-181-15, 1012-181-16, and 1012-181-19):
  - a. Tentative Parcel Map No. 20694, to allow the creation of three industrial park buildings condominiums units for a total of 18,903 sq. ft. of building area and associated on-site improvements; and
  - b. A Variance for a reduced building setback for Building Three and setback reductions for the construction of the trash enclosures; and
  - c. A Precise Plan of Design (PPD) for the site plan, floor plans, elevations, conceptual colors and materials, and conceptual landscape plan associated with the construction of the three-unit industrial park development 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 Variance and Precise Plan of Design for the project and recommends City Council approval of the Tentative Parcel 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 \$1,124.56, 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.
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 Variance 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 Variance's 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 Tentative Parcel Map, Variance, and Precise Plan of Design 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 TPM, Variance and Precise Plan of Design 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 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 the 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. The developer/owner/applicant shall bring before the Planning Commission for approval, a Master Sign Program under a Precise Plan of Design application for the industrial park development.
19. Tentative map approval shall expire three years from the date of Planning Commission 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.

20. Prior to the issuance of grading permits and/or building permits for the project, Tentative Tract Map No. 20694 shall be recorded in accordance with California Government Code Section 66456.1.
21. The Community Development Director shall approve all CC&Rs for recordation before the Final Map is considered for approval by the City Council.
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/applicant/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 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, signs, 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 building.
  - 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 approval by Planning Division:
- a. Fence and/or Wall plan for the entire site pursuant to MMC 11.30 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 Director of Community Development.
    - 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 Director of Community Development.
  - 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.
  - 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. Following future receipt of Planning Commission approval of a Master Sign Program for the project, 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. is 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 6" to 8" cobblestone and ¾" Palm Springs Gold gravel—where indicated on plans. Where, and if, noted on plans, a minimum of 3 inches of bark mulch (shredded or chips) shall be noted in landscape plans.
  - 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 TPM, Variance, 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 Planning and Building 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

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; and
  - g. Submit two sets of structural calculations, if required and two sets energy conservation calculations.
50. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
  51. 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.
  52. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
  53. Separate permits are required for fencing and/or walls. Submit details of construction on the plans. Double wall conditions which have been created by an adjacent property line wall not be allowed.
  54. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number.
  55. Construction activity shall only be permitted between the hours 7:00 a.m. to 8:00 p.m. daily.
  56. Before the issuance of building permits for a new commercial or industrial development project or major addition, the applicant shall pay development fees at the established rate. Such fees may include but are not limited to Transportation Development Fee, Permit and Plan Check Fees, and School District Fees. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District. The applicant shall provide a copy of the school fees receipt to the Building and Safety Division before permit issuance.
  57. Construct trash enclosure(s) per City Standard (available at the Building Division's public counter).
  58. All utility services to the project shall be installed underground.
  59. Electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside the building.
  60. 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.

61. Provide and indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths of travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path of travel shall not exceed two percent (2%).
62. Construction drawings submitted to the building division for plan review shall comply with the Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
  - a. Install a numerical address on the South building elevation. Address numerals shall be in font acceptable to the Planning Division, a minimum of ten inches in height, a minimum of 1 ½ inches in depth, and be in contrasting color which adequately contrast to the background to which they are attached.
  - b. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn every day.
  - c. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.
63. 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
64. All construction work carried out under the review of the Building Division shall be of good quality. The Building Official shall have the authority to enforce the installation of work that is straight, level, plumb, square, etc., as the situation requires. All work shall be well fit and of a durable nature. Paint and stucco in all cases shall not be below standard for the use applied.
65. 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.
66. Each unit shall have individual and independent one-hour separation walls enveloping each assigned airspace or unit and independent utility meters, sewer and water connections and fire protection systems, subject to the review and approval of the Public Works, Community Development and Fire Departments.
67. Security gates to the rear of the building shall be equipped with Medeco locks or other acceptable devices to allow access by emergency personnel and utility providers at all times.
68. 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.

69. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner incorporated into the architectural design of the building to the satisfaction of the Planning Division.
70. Fire sprinkler risers and roof access ladders shall be located entirely within the enclosed buildings. Double-detector check facility shall be adequately screened by landscaping or an architectural screen wall.
71. All trash enclosures shall be constructed of a material consistent with the primary type and color of that used on the building. The construction of such trash enclosure(s) shall conform to City standards and shall have a solid roof complementary to the main building. Black-colored concrete shall be used for the trash enclosure floor and its apron.
72. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
  - a. The numerical address of the building shall be displayed in a maximum of two locations on the East-facing elevation as follows:
  - b. Numerals shall be in a font acceptable to the Planning Division, minimum 10 inches in height, minimum 1½ inches in depth, and in a color that adequately contrasts with the background to which they are attached.
  - c. The facility shall be provided with a minimum maintained illumination level of one (1) foot-candle from dusk until termination of business every business day. During all other hours of darkness, a minimum of one-quarter (.25) foot-candles of illumination shall be maintained at grade.
73. No soil shall be imported or exported to or from the project site from an adjacent building site or from other sources for construction purposes without first obtaining approval from the City Engineer. A plan satisfactory to the City Engineer shall be prepared showing the proposed haul route within the City. Subject plan shall include provisions for street sweeping and cleanup. Applicant/contractor shall comply with all NPDES requirements.
74. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
75. 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.
76. The applicant/developer shall install approved emergency lighting to provide

adequate illumination automatically in the event of any interruption of electrical service.

77. Prior to issuance of a Certificate of Occupancy, the person or corporation responsible for the preparation of the Water Quality Management Plan shall certify, in writing, to the Building Official that all conditions and requirements of the Water Quality Management Plan have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the Building Official that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the Water Quality Management Plan.
78. 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.
79. A certificate of Occupancy is required prior to the occupancy of the building. Issuance of the Certificate of Occupancy shall be contingent upon the Fire Department inspection and the final approvals from all other departments and/or agencies.
80. Prior to the issuance of a Certificate of Occupancy, the applicant shall:
  - a. Complete all on- and off-site improvements.
  - b. Install all disabled parking stalls and parking lot signage.
81. 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 which comply with the California Building Code (CBC) 2016 edition, Chapter 11B, in addition to access to each feature of the trailer.

#### Environmental Compliance Conditions

82. 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.
83. 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](mailto:ssanton@cityofmontclair.org) for more information.

84. 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](mailto: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.
85. Discharge of wastewater into the City of Montclair sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
86. 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).
87. Connection to the City of Montclair Sanitary Sewer System is required. Additional comments may follow pending submittal of plans for plan check review.

#### NPDES

88. 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.
89. 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.
90. Owner understands no permits are issued prior to the approval of the WQMP.
91. Prepare and submit plans for erosion and sediment control. Plans shall include all phases of the construction project, including rough grading, utility and road installation, and vertical construction to the satisfaction of the City Engineer. Contact Steve Stanton, Engineering Division Manager, at (909) 625-9444.



92. At the time of Grading permit issuance; Post-Construction BMP inspection permit fees associated with the approved WQMP shall be paid. Contact Steve Stanton, Engineering Division Manager, at (909) 625-9444 for further information regarding permit and fees.
93. 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.
94. 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.
95. 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

96. 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.
97. Property Owner/Lessee is required to employ a Bonded and California Licensed C -27 Landscape Contractor to conduct all landscaping on property.
98. Landscape Contractor must have City Business License to operate in the City of Montclair.
99. 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.
100. 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.
101. Individuals qualified to submit the certification letter must be able to identify species present and report on their conditions. Providing the original planting design documents to the consulting horticulturist may help them in this process.
102. If mulch is present in the assessment area, this must be noted in the letter along with the current depth of the mulch layer and a description of which areas of the storm water treatment device are mulched.
103. Five to ten clear and representative site photos showing the condition of the various plant materials located in and adjacent to the 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.
104. 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

105. 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.

106. The tentative tract map shall expire three years from the date of Planning Commission approval unless extended under Government Code Section 66452.6. The final map shall be filed with the City Engineer and shall comply with the Subdivision Map Act of the State of California and all applicable Ordinances, requirements, and Resolutions of the City of Montclair.
107. The final tract 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 final 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.
108. 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.
109. Street improvement plan is required for all public and private streets. Construction drawings shall be 24" by 36" with City standard title block.
110. All public and private streets shall have sidewalks conforming to Americans with Disabilities Act. Widths and scoring patterns shall conform to City Standard Plan No. 114.
111. Replace curb, gutter and sidewalk along the frontage of the property as determined by the Senior Inspector. All existing lifted or cracked damaged utility pull box lids shall be replaced. Curb ramps not in compliance with ADA guidelines shall be removed and replaced.
112. 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 are issued.
113. Monument signs shall not be permitted in the line of sight next to driveway locations (see City Standard No. 110).
114. All pavement damaged by excavation will be replaced with permanent pavement per City Standard for Paving and Trench Repair No. 301.

115. All driveways, existing or proposed, shall comply with the Americans with Disabilities Act and shall conform to City Standard Plan No. 102.
116. 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.
117. 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.
118. All poles in the right-of-way or within development boundaries shall be placed underground prior to building permit issuance. This requirement applies to electrical services (facilities operated at nominal voltages in excess of 20,000 volts not included), transformers and switches, telephone, communications, and cable television facilities as well. Provide easement(s) for the utilities to be underground.
119. All existing overhead utilities within project boundaries and within street frontages adjacent to the project shall be placed underground.
120. The developer shall make payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.
121. Payment of all sewer connection fees, outstanding sewer reimbursement fees or assessments as imposed by a district or reimbursement agreement, if any shall be paid at time building permits are requested.
122. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
123. 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.
124. 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.
125. Prepare and submit to the satisfaction of the City Engineer a Water Quality Management Plan (WQMP) in accordance with the State of California Santa Ana Regional Water Quality Control Board Guidelines for San Bernardino County.
126. 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.

127. 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.
128. 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.
129. No soil may be imported or exported to or from the project site from any adjacent building site or from other sources for construction purposes without first obtaining approval from the City Engineer. A plan acceptable to the City Engineer shall be prepared showing proposed haul routes within the City. The plan shall include provisions for street sweeping and cleanup. Contractor(s) shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements.
130. All drainage facilities shall comply with requirements of the approved WQMP.
131. Prepare and submit to the satisfaction of the City Engineer plans for erosion control and storm water pollution prevention. A general construction storm water permit may be required. Contact Steve Stanton at 909-625-9441 for details. The erosion control plan shall be an integral part of the grading plans. Plan approval is required prior to the issuance of a grading permit by the Building Division.
132. Prepare and submit to the satisfaction of the City Engineer "will serve" letters from all utility companies serving the site. The developer will be required to coordinate with the various public and private utilities for the necessary improvements for said utilities to service the site.
133. 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.
134. 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.
135. Lot "A" Private Street of Tentative Parcel Map (TPM) 20694 and Lot "A" of Tract

No. 14019 shall be grinded and overlaid to create an evenly and smooth access roadway.

136. Install **NO PARKING FIRE LANE** signs along Lot "A" Private Street of TPM 20694 and Lot "A" of Tract No. 14019. The number of signs to be installed on both sides of the private street shall be between four to six signs, but final determination of the number of signs shall be made by the City Engineer.
137. 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.
138. Vehicular access is required to all sewer, water and storm drain manholes.
139. Prior to recordation of final map, owner shall provide a recorded agreement with the owner(s) of Tract No. 14019 to utilize Lot "A" (Private Street) of said tract for public ingress, egress and public utility purposes as well as maintenance of the 27.5-foot roadway.
140. Obtain a temporary construction easement across Lot "A" of Tract No. 14019 for street and storm drain improvements.

#### Fire

141. The project shall comply with all requirements set forth by the California Code of Regulations Title 24 Parts 1-12 respectively.
142. 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.
143. 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.
144. The east wall on buildings 1 and 2 shall be a 4-hour fire-resistive wall with no opening. Construction shall be in accordance with the California Building Code, Chapter 7. Details showing compliance shall be included in the architectural plans set that shall be submitted to the city for review and approval prior to the issuance of building permits.
145. Prior to the to the issuance of a grading permits, evidence of sufficient fire flow of 1,500 GPM for 2- hours shall be provided to the City of Montclair. The City of Montclair Building and Fire Marshal Water Available/Fire Flow Form shall be utilized.

146. 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.
147. The fire department access road shall be inspected by Montclair Fire Prevention Bureau prior to building construction.
148. The fire department access road shall remain unobstructed at all times.
149. A fire department connection (FDC) shall be provided and located within 100 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.
150. A minimum of two points of connection to the public water shall be provided for the private fire-line water.
151. The private underground fire-line system shall be a looped design.
152. The private underground fire-line system shall have indicating sectional valves for every five (5) appurtenances.
153. All required fire hydrants shall be installed and operational prior to building construction. All fire hydrants shall remain operational during construction.
154. 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.
155. Prior to construction a temporary address sign shall be posted and clearly visible from the street.
156. 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.
157. 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.
158. 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.
159. 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.
160. 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 subsection. 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.

### Police

161. 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.
162. 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.
163. 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.
164. 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.
165. The premises shall install and maintain a closed circuit video surveillance (CCVS) system. The system shall at minimum be capable of monitoring all entrances/exits to the premises and be positioned as to allow for identification of patron facial features and physical characteristics. A minimum of one camera shall be placed in a position to monitor the parking lot of the premises, positioned in a manner which allows for the widest view from the entrance, without significant lens distortion, and one camera per entrance/exit door. Typical acceptable camera angles range from 50-130 degrees. Cameras shall be capable of no less a resolution than 1920×1080 pixels, otherwise known as 1080p. Cameras shall be capable of no less a resolution than 1920×1080 pixels, otherwise known as 1080p. All cameras shall have IR or low light capability.

Audio recording is desirable, but not a requirement. Camera footage shall be retained for a period no less than 90 days. To conserve storage space, cameras may reduce frame-rate when no motion is detected, however must record at no less than 30 frames per second when motion is detected. Motion sensors shall be



configured to activate properly in all areas covered including the parking area, if applicable. Motion sensors may be configured to prevent incidental activation from hanging or moving displays. Depending on the nature of the premises, additional cameras may be required.

166. 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.

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

APPROVED AND ADOPTED THIS 13th DAY OF MARCH, 2023.

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 13th day of March 2023, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

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