



REGULAR ADJOURNED MEETING OF THE  
MONTCLAIR PLANNING COMMISSION

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

**Monday, May 22, 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**

The minutes from the December 12, 2022 meeting are presented for approval.

The minutes from the January 23, 2023 meeting are presented for approval.

**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. CASE NUMBER 2023-15  
Project Address: 5045 State Street  
Project Applicant: Flanagan Family Trust  
Project Planner: Silvia Gutiérrez  
Request: Request for Conditional Use Permit (CUP) and Precise Plan of Design (PPD) to establish a regional hub for a telecommunications company with outdoor storage, including the construction of a 5,000 square-foot warehouse building and related site improvement on the subject 2.30-acre site.

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 of the State CEQA Guidelines, which covers infill projects in significantly developed areas. The proposed development of the subject site is consistent with the applicable policies of the General Plan, and zoning designation of the site, is less than five acres in area, has utilities present in the area to serve the development, and is similar to other existing industrial and commercial developments and uses in the vicinity. As such, there is no substantial evidence the project will pose a potentially significant impact on the environment.

**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 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 May 22, 2023.

**9. ADJOURNMENT**

The City of Montclair Planning Commission meeting is adjourned to the regularly scheduled meeting of June 12, 2023, at 7:00 p.m.

**CERTIFICATION OF  
AGENDA POSTING**

I, Michael Diaz, Secretary of the Montclair Planning Commission, hereby certify that a copy of this agenda was posted on the bulletin board adjacent to the north door of Montclair City Hall on May 17, 2023.



# CITY OF MONTCLAIR PLANNING COMMISSION

**MEETING DATE: 5/22/23**

**AGENDA ITEM 6.a**

## Case No. 2023-15

**Application:** A Conditional Use Permit (CUP) and Precise Plan of Design (PPD) requests to establish a regional hub for a telecommunications company with outdoor storage, including the construction of a 5,000 square foot warehouse building and related site improvement on the subject 2.36 acre site.

**Project Location:** 5045 State Street

**Property Owner:** Flanagan Family Trust

**General Plan:** Industrial Park

**Zoning:** M-1 Limited Manufacturing

**Assessor Parcel No.:** 1011-301-10-0000



### ADJACENT LAND USE DESIGNATIONS AND USES

Adjacent Land Use Designations and Existing Uses			
	<i>General Plan</i>	<i>Zoning</i>	<i>Existing Use of Property</i>
<b>Site</b>	Industrial Park	M-1 Limited Manufacturing	Former RV Storage Yard and Powder Coating Paint Shop
<b>North</b>	State Street and Union Pacific Railroad		
<b>South</b>	Industrial Park	MIP Manufacturing Industrial Park	Doja Engineering Contractor
<b>East</b>	Industrial Park	M-1 Limited Manufacturing	Vacant former Dog Kennel
<b>West</b>	Industrial Park	M-1 Limited Manufacturing	Tow Yard and Bone Yard



## Report on Item Number 6.a

### CASE NUMBER 2023-15

APPLICATION TYPE	Conditional Use Permit Precise Plan of Design
NAME OF APPLICANT	Flanagan Family Trust
LOCATION OF PROPERTY	5045 State Street
GENERAL PLAN DESIGNATION	Industrial
ZONING DESIGNATION	M-1 Limited Manufacturing
EXISTING LAND USE	Existing Building and Paved Surfaces for former RV Parking Yard
ENVIRONMENTAL DETERMINATION	Section 15332 of the State CEQA Guidelines, infill projects in significantly developed areas
PROJECT PLANNER	Silvia Gutiérrez, Senior Planner

### **Project Proposal**

The property owner has applied for a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) on behalf of Crown Castle, a national builder of shared cellular antenna and fiber telecommunication facilities. Crown Castle intends to use the 2.36 acre site as a regional hub for constructing and maintaining new and existing telecommunication sites in the area. The proposed project involves the renovation of the existing building on the site, the construction of a new 5,000 SF industrial/ warehouse building, and outdoor storage of vehicles and equipment used by the company. The telecommunications company does not proposed to utilize the front and far rear portions of the site for their operations. The rear area is paved and will remain in reserve for possible future use and the front of the site will be cleaned up and improved with both hardscape and landscape improvements for a finished look. If approved, project activities would include site preparation and minimal grading, building construction, and site improvements, including paving and landscaping.

### **Conditional Use Permit (CUP)**

The requested CUP is to allow outdoor storage associated with the telecommunications company's mission to build and maintain telecommunication facilities within the region. The CUP would also allow for the renovation and reuse of the existing 5,050 SF building for administrative offices, kitchen/break room, restrooms, conference room, a training

room area (for employees), and the construction of a new 5,000-square-foot storage building and outdoor storage at the rear of the site. The new building would house smaller items used by the company (e.g., cables and wires, forklifts, tools and equipment, and general supplies) while fleet vehicles (trucks, trailers, lifts) and larger items such as spools of wire, poles, etc., would be stored outdoors behind the front (existing) building. These items are used at off-site locations as part of the company’s installation and maintenance activities. Except for identified outdoor storage items and vehicles, no work activities outside the buildings are proposed.

The buildings on the site are generally described in the following table along with parking requirements:

<b>On-site Structures and Parking Requirements</b>		
<b>Structure and Use</b>	<b>Square Footage</b>	<b>Parking Ratio: Required/Provided</b>
Existing Building (Renovated to accommodate administrative offices and a training center)	5,050 SF	1 space per 250 SF / 20 spaces
New Warehouse Building (Indoor storage of smaller equipment and supplies)	5,000 SF	1 space per 1,000 SF/ 5 spaces
<b>TOTAL</b>	<b>10,050 SF</b>	<b>25 spaces</b>

Access to the site would be from a single driveway on the east side of the site off State Street. Surface parking spaces for 25 vehicles (including one required disabled-accessible parking space) are provided. Fleet vehicles and larger trucks would be accommodated on the south side of the new warehouse building.

Crown Castle proposes to have up to 20 employees working from the subject location during hours of operation. Hours of operation are generally 6:00 a.m. to 6:00 p.m. Monday through Friday, with access to the site during off-peak hours as necessary. On occasion, the company may deploy work crews from the site during a weekend, depending on the construction and maintenance schedule and service needs within the region.

Precise Plan of Design

As part of the project, the appearance of the site will be updated and improved with the following improvements:

- Exterior remodel of the existing building to include a new paint scheme, new windows, and doors (south side), the addition of a raised planter, decorative wall-mounted metal lattice, and screening of roof-top equipment (north side). The existing chain link sliding gate at the building would be replaced with a decorative metal gate.
- New 28-foot high metal prefab building featuring a stucco base and decorative wall panels with vertical patterns on all sides. Roll-up doors face east and are covered by

a cantilevered awning extending out 25 feet from the building. A standing seam metal roof is also proposed.

- New parking lot improvements (e.g., paving, striping, exterior lighting, etc.) for 34 parking spaces (10 parking spaces in front of the existing building). New freestanding light poles and fixtures are proposed for the interior of the site to improve visibility and security during non-business hours.
- New covered trash enclosure near the center of the site.
- New eight-foot-high decorative metal fencing along the east and west property lines to replace chain link fencing and match the existing metal fencing already existing on the south portion of the site. Gate access to the building and interior of the site will be restricted to authorized personnel only.
- Roadway dedication and the installation of right-of-way improvements, including street widening, new curb and gutter, new drive approach, sidewalks, and landscaping.
- New desert-themed landscaping for the site, including a 35-foot street setback area adjacent to State Street and within the parking areas of the property visible to the street. The proposed plant plan features a variety of trees selected to provide texture, shade, greenery, and visual interest. Olive and Palo Verde trees, Agave, Aloes, and Kangaroo Paw are featured at the front of the site. Cacti and a climbing vine are featured in the planter against the front building. Crushed gravel will be used to provide a finished look.
- The unpaved area between the required front setback area and the front building will not be developed or paved. As proposed for the front landscape planter, crushed gravel in two colors will also be added to give the existing dirt area a finished look. Vehicular access to the area at front of the property will be cut-off by means of decorative boulders lining the west side of the driveway. The final number and size of the boulders will be subject to approval by the Director of Community Development.

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

### **Background**

- The project site is zoned M-1 Limited Manufacturing. Section 11.78.030.E of the Montclair Municipal Code requires approval of a CUP for a storage facility for vehicles or equipment in industrial zones.
- Crown Castle is a real estate investment trust and provider of shared communications infrastructure in the United States. Its network includes over 40,000 cell towers, approximately 85,000 route miles of fiber supporting small cells, and fiber solutions.

- On November 9, 2009, the Montclair Planning Commission approved a Conditional Use Permit for an RV storage yard at the rear portion of the property under Case No. 2009-19. The RV storage facility closed in 2022.

### **Planning Division Comments**

Staff finds the proposed project to be well-designed and the building appropriately situated on the site. At 2.36 acres in size, the property is of adequate size and shape to support the proposed project as designed with required site improvements for access, parking, landscaping, and the requirements associated with the approved Water Quality Management Plan (WQMP). Outdoor storage is common in industrial areas and when done in a clean and organized fashion is typically not a significant issue, particularly when storage is at the rear or center of the property away from street views.

The proposed project makes good use of the site and has direct frontage and convenient access to State Street. Several street improvements are required with the project and when completed, they will tie into improvements associated with the property to the east and contribute to the ongoing development of a visually attractive State Street streetscape. Although Crown Castle does not intend to use the far south portion of the site, a condition of approval has been added to ensure that this area remains clean and uncluttered, until and if, an amendment to this CUP is reviewed and approved by the City.

The project is also in compliance with the applicable development standards of the M-1 Limited Manufacturing zoning designation of the property including setbacks, building height, and parking as generally described above. The existing building is setback 134 feet from the State Street property line, and the new building will be approximately 278 feet back both of which more than adequately meet the minimum 30-foot setback requirement for the street. The side yard setback for the new building will be five feet. Moreover, the 28-foot building height for the project is well below the maximum 75-foot height limit.

The parking spaces meet the minimum required for the use and are situated where they are easily accessible to employees and visitors. If additional parking is ever needed there is ample area on the property to meet the need. The rear (southern) parking area of the site will be adequately secured using a new eight-foot-tall iron fence, and controlled access gate.

### **Building Improvements**

The proposed improvements to the existing building located at the front of the site are simple but are effective in changing the appearance of the current non-descript building as it appears on the street. New paint and the addition of wall-mounted trellises and planter work to break up the existing large blank wall of the north elevation. Moreover, roof-mounted decorative metal panels will help to screen existing and new roof-mounted equipment. On the south side of the building where the majority of changes to the building occur are attractive and work to make the building functional for the new user.



The new warehouse building is a contemporary design that will complement the updated look of the existing building. The decorative exterior metal walls are attractive that add a touch of visual interest to what could otherwise be an ordinary-looking building. The large metal canopy extending from the front of the building adds depth to the look of the warehouse building.

Finally, staff finds the proposed landscaping to be appropriate and well-designed to match the proposed site and building improvements. The selected landscape desert theme, plant selections, and use of decorative gravel are complementary to the building improvements and are attractive. No turf areas are proposed and the proposed irrigation system will be water efficient and meet State water-conservation requirements.

### **Conditional Use Permit Findings**

Staff believes the required findings for granting a Conditional Use Permit to allow outdoor contractor storage and a new 5,000 SF warehouse building in conjunction with a telecommunications company at the subject site can be made as follows:

- A. The proposed outdoor storage is a component of the telecommunication company's efforts to construct and maintain telecommunication facilities in the region. The outdoor storage enables the company to keep its vehicle fleet and supplies close by to support its telecommunication facilities and allow carriers the ability to maintain continuous and widespread coverage for local customers.
- B. Granting of the CUP for the proposed outdoor storage area on the site will not be materially detrimental to the public welfare and to other property in the vicinity, in that the project site is of ample size and that outdoor storage will be located in the middle of the site where vehicles or supplies will not be directly visible to the street or nearby uses. Moreover, the site, along with existing and new structures, will be updated in a manner that is attractive and improves the appearance of the property and surrounding area.
- C. The proposed contractor outdoor storage at the subject site will conform to good zoning practice, in that the M-1 (Limited Manufacturing) zone where the property is located allows outdoor storage for contractor equipment subject to CUP approval. Outdoor storage is common in industrial areas and the CUP allows the City to place reasonable conditions to govern the overall operation of the use, including the type, and location of the proposed equipment and trucks that comprise proposed outdoor storage so that it does not adversely impact surrounding land uses.
- D. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan promotes the visual improvement of industrial areas and encourages compatible land uses within the community.

## **PRECISE PLAN OF DEVELOPMENT FINDINGS**

- A. The proposed improvements to the site and design update of existing and construction of new structures are consistent with the objectives of the Montclair Municipal Code and standards of the M-1 Limited Manufacturing zoning district where the property is located. Outdoor storage associated with this approval will be located at the rear of the site and generally out of sight from the street and surrounding uses.
- B. The proposed site and building improvements are well-designed and appropriate for the proposed use of the site. The improvements will result in significant improvement to the appearance of the site and surrounding area.
- C. The proposed building improvements to the existing building located at the front of the site and the new warehouse buildings are well done and effective in changing the appearance of the site to the street. The new paint scheme, complementary water-efficient landscape design, and other site and street improvements will complete an updated look of the property and enhance the appearance of State Street.

## **Public Comment from Adjoining Property Owners**

On May 10, 2023, public hearing notices were mailed to property owners within a 300-foot radius of the exterior boundaries of the project site and notices were also published in the Daily Bulletin per State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, no comments regarding the project were received.

## **Environmental Assessment**

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

## **Planning Division Recommendation**

Staff recommends the Planning Commission approve the proposed project by taking the following actions:

- A. Move that, based upon evidence submitted, the Planning Commission finds the CUP for outdoor storage at the subject site, including the construction of a 5,000

square foot warehouse building and related site improvements are categorically exempt from the requirements of the California Environmental Quality Act (CEQA), under Section 15332 of the State CEQA Guidelines, which covers infill projects in significantly developed areas. The proposed development of the subject site is consistent with the applicable policies of the General Plan, and zoning designation of the site, is less than five acres in area, has utilities present in the area to serve the development, and is similar to other existing industrial and commercial developments and uses in the vicinity. As such, there is no substantial evidence the project will pose a potentially significant impact on the environment.

- B. Approve the Conditional Use Permit and Precise Plan of Design for the site plan, elevations, landscape plan, colors, and materials associated with the proposed exterior and interior improvements to an existing 5,050 SF building and the construction of a new 5,000 SF warehouse building, and associated site development improvements on the 2.36-acre site at 5045 State Street, per the submitted plans and as described in the staff report, subject to conditions of approval contained in Planning Commission 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 initial "M" and "D".

Michael Diaz  
Director of Community Development

MD/sg

Attachments: Draft Resolution No. 23-1981

c: Kelly Flanagan, Flanagan Family Trust, 4080 Clemence Court, Corona, CA 92881  
Justin Najaar-Keith, Abel Design Group, 1700 Broadway, Suite 630, Denver, CO 80290

Z:\COMMDEV\SG\CASES\5045 STATE ST CROWN CASTLE WAREHOUSE RPT



**RESOLUTION NO. 23-1981**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT AND PRECISE PLAN UNDER CASE NO. 2023-15 TO ALLOW OUTDOOR STORAGE AND APPROVE THE SITE PLAN, FLOOR PLANS, ELEVATIONS, COLORS, AND MATERIALS, FOR A NEW 5,000 SQUARE-FOOT WAREHOUSE AT 5045 STATE STREET (ASSESSOR PARCEL NO. 1011-301-10-0000).**

**WHEREAS**, on May 4, 2023, Kelly Flanagan representing the Flanagan Family Trust, property owner, filed applications for a Conditional Use Permit (CUP) and a Precise Plan of Design (PPD) under Case No. 2023-15, to allow outdoor storage and the construction of a new 5,000 SF warehouse building associated with a telecommunications company; and

**WHEREAS**, the subject property is approximately 2.36 acres in size and developed with an existing 5,050 SF building and paved parking surfaces; and

**WHEREAS**, the project site is located within the M-1 Limited Manufacturing zone; and

**WHEREAS**, Section 11.78.030.E of the Montclair Municipal Code requires approval of a CUP for a storage facility for vehicles or equipment in industrial zones; and

**WHEREAS**, outdoor storage is a common feature within industrial zones and when properly located and organized often poses no significant issues; and

**WHEREAS**, in this instance the proposed area for outdoor storage is located at the center of the site behind an existing building and generally out of view from the street; and

**WHEREAS**, the telecommunication company, known as Crown Castle, is requesting approval to store company vehicles and trailers, and larger construction-related supplies and materials, to support of their construction and maintenance efforts related to telecommunication facilities; and

**WHEREAS**, Crown Castle is a national provider of shared communications infrastructure in the United States. Its network includes over 40,000 cell towers, approximately 85,000 route miles of fiber supporting small cells, fiber solutions; and

**WHEREAS**, at 2.36 acres in size, the property is of adequate size and shape to support the proposed project as designed with required site improvements for access, parking, landscaping, and the requirements associated with the approved Water Quality Management Plan (WQMP); and

**WHEREAS**, the proposed improvements, including the renovation of the existing 5,050 SF foot building and the construction of a new 5,000 SF warehouse building at the center of the property, meets the intent and applicable development standards of the M-1 Limited Manufacturing zoning district; including required setbacks, building height, and required parking; and

**WHEREAS**, the Planning Division has determined the project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines, which covers infill projects in significantly developed areas; and

**WHEREAS**, the Planning Commission on May 22, 2023, commencing at 7:00 p.m. in the Council Chambers at Montclair City Hall, conducted a public hearing at which time all persons wishing to testify in connection with the said application were heard and said application was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all the facts outlined in the Recitals, Part A, of this Resolution, are true and correct.
2. Based upon substantial evidence presented to this Commission during the above-referenced public hearing on May 22, 2023, including written and oral staff reports, together with public testimony, this Commission hereby finds with respect to the Conditional Use Permit and Precise Plan of Design applications as follows:

**Conditional Use Permit Findings**

Staff believes the required findings for granting a Conditional Use Permit to allow outdoor storage and construction of a new 5,000 SF warehouse building in conjunction with operations of a telecommunications company at the subject site can be made as follows:

- A. The proposed outdoor storage is a component of the telecommunication company's efforts to construct and maintain telecommunication facilities in the region. The outdoor storage enables the company to keep its vehicle fleet and supplies close by to support its telecommunication facilities and allow carriers the ability to maintain continuous and widespread coverage for local customers.
- B. Granting of the CUP for the proposed outdoor storage area on the site will not be materially detrimental to the public welfare and to other property in

the vicinity, in that the project site is of ample size and that outdoor storage will be located in the middle of the site where vehicles or supplies will not be directly visible to the street or nearby uses. Moreover, the site, along with existing and new structures, will be updated in a manner that is attractive and improves the appearance of the property and surrounding area.

- C. The proposed contractor outdoor storage at the subject site will conform to good zoning practice, in that the M-1 (Limited Manufacturing) zone where the property is located allows outdoor storage for contractor equipment subject to CUP approval. Outdoor storage is common in industrial areas and the CUP allows the City to place reasonable conditions to govern the overall operation of the use, including the type, and location of the proposed equipment and trucks that comprise proposed outdoor storage so that it does not adversely impact surrounding land uses.
- D. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan promotes the visual improvement of industrial areas and encourages compatible land uses within the community.

### **PRECISE PLAN OF DEVELOPMENT FINDINGS**

- A. The proposed improvements to the site and design update of existing and construction of new structures are consistent with the objectives of the Montclair Municipal Code and standards of the M-1 Limited Manufacturing zoning district where the property is located. Outdoor storage associated with this approval will be located at the rear of the site and generally out of sight from the street and surrounding uses.
  - B. The proposed site and building improvements are well-designed and appropriate for the proposed use of the site. The improvements will result in a significant improvement to the appearance of the site and surrounding area.
  - C. The proposed building improvements to the existing building located at the front of the site and the new warehouse buildings are well done and effective in changing the appearance of the site to the street. The new paint scheme, complementary water-efficient landscape design, and other site and street improvements will complete an updated look of the property and enhance the appearance of State Street.
3. Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing on May 22, 2023, including written and oral staff reports together with public testimony, the Planning Commission hereby finds the proposal to be consistent with the overall objectives of the City of Montclair

General Plan, the Montclair Municipal Code, and good planning principles, and approves the proposed Precise Plan of Design and Conditional Use Permit application subject to each condition set forth below.

Planning

1. This approval shall be for the following:
  - a. A Conditional Use Permit to allow an outdoor contractor storage yard at the center and rear of the site, and a new warehouse building, as described in the staff report; and
  - b. A Precise Plan of Design for the site plan, elevations, conceptual landscape plan, colors, and materials associated with the improvement to the site including the renovation of the existing 5,050 SF building into administrative and training office space, and the construction of a new 5,000 SF warehouse building, as depicted on the submitted plans and as described in the staff report.
2. Approval of this Conditional Use Permit under Case No. 2023-15 shall supersede and replace all previous zoning entitlements associated with the subject property identified as 5045 State Street (or APN 1011-301-10).
3. No expansion of outdoor storage shall be permitted forward of the existing building on the site without City review and consideration of a formal amendment to this approval. If necessary, outdoor storage may expand southward onto the paved area of the site, with prior review and approval by the Director of Community Development and subject to new or modified conditions of approval.
4. These entitlements are granted based on the maps, plans, and elevations submitted by the applicant and dated April 17, 2023. Minor modifications to this approval which are determined by the Director of Community Development to be in substantial conformance with the approved site plan, building elevations, landscaping, and exterior lighting, and which do not intensify or change the use or require any deviations from adopted standards, may be approved by the Director of Community Development upon submittal of prepared plans submitted for review and approval.
5. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
  - a. A **\$50.00 check**, payable to the "Clerk of the Board of Supervisors," to cover the filing fee for the Notice of Exemption (NOE) as required by the California Environmental Quality Act (CEQA).



- b. A check payable to the “City of Montclair” for **\$534.48** 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 30 days of receipt of the Planning Commission Resolution.
7. CUP approval shall be valid for six months (180 calendar days) from the date of Planning Commission approval and shall automatically expire on the six-month anniversary date of Planning Commission action unless the applicant is diligently pursuing a building plan check toward eventual construction or implementation of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days before the approval’s expiration date. No further notice from the City will be given regarding the project’s CUP expiration date.
8. PPD approval shall be valid for one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan checks and building permits to allow eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days before the approval’s expiration date. No further notice from the City will be given regarding the project’s PPD expiration date.
9. No changes to the approved set of plans, including the expansion of the area for which outdoor storage was allowed; the exterior design and materials/finishes of the renovated or new structures, landscaping, or other site or street improvements, shall be permitted without prior City review and approval. Any modifications, intensification, or expansion of the use and design found by the Director of Community Development to be significantly different from the approved plan shall be referred to the Planning Commission for review and consideration of an amendment to this approval.
10. Approval of this CUP and 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, the State of California, or the Federal Government.
11. The applicant and/or property owner shall ensure that a copy of the Planning Commission Resolution, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.

12. Any future business(es) occupying the site affected by this CUP and PPD approval shall be required to obtain and maintain valid business licenses and comply with all applicable City regulations at all times. As part of the routine review process for each new business, the property shall be inspected to ensure compliance with all conditions of approval and applicable codes.
13. No outdoor pay telephones, loudspeakers, or vending machines shall be installed or used on the property.
14. No temporary or permanent resident 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 resident living quarters include actions such as spending significant time at the location on more than one day, sleeping at the location, and performing other life activities at the location repeatedly.
15. Business operations at the site shall be subject to the applicable noise requirements of Chapter 6.12 of the Montclair Municipal Code. Outdoor noise levels for industrial areas are a maximum of 70 dBA between the hours of 7:00 a.m. and 10:00 p.m.
16. Any subsequent sale, sub-leasing, or rental to another business, or another industrial operator involving outdoor storage shall require separate review and approval by the Director of Community Development to determine its compatibility with this CUP approval.
17. Outdoor storage of equipment, vehicles, and supplies shall be directly associated with the business and be per the following standards:
  - a. Outdoor storage shall be limited to the rear half of the property behind the front building on the approved site plan. At no time shall heavy construction vehicles, trailers, supplies, storage containers or other pieces of equipment/items, be parked or stored at the front of the property (including parking spaces or open areas) or in direct view from the street.
    - i. No items shall be stored within ten feet of the property line.
    - ii. No items shall be stacked higher than 14 feet in the rear portion of the site.
  - b. All items stored outdoors, including parked vehicles/equipment, shall be maintained in a neat and organized fashion at all times maintaining appropriate clearances and heights as indicated above.

- c. No recreation vehicles, trailers, buses, or other personal items/objects may be stored or parked on the premises.
  - d. All vehicle or equipment maintenance and/or fabrication activities shall be conducted inside the existing buildings or below the existing metal canopy at the rear of the site, to minimize and/or eliminate noise, dust or visual impacts to surrounding properties.
18. Prior to the issuance of building permits, the applicant shall provide the following plans to be submitted for plan check:
- a. Fencing/wall/gate plan and details for the entire site. The design of any wall, metal fence, or gates shall match existing decorative fences in size, material, and color. Fencing shall have a durable finish (e.g., powder coat) in a color that complements the building.
    - i. The maximum height of the fence shall not exceed eight feet (8'-0") in height along any interior side or rear property line as adjusted for existing grade conditions and subject to the satisfaction of the Director of Community Development. The use of chain link fencing and security deterrents such as barbed or concertina wire are expressly prohibited.
    - ii. Block walls shall incorporate a finish cap piece. Unfinished gray-colored masonry block is prohibited. However, gray colored split face block is acceptable.
    - iii. Any gates installed on the premises shall be made accessible to emergency personnel (Police and Fire) during times when they are closed. Contact the Montclair Fire Department for further information and requirements.
  - b. Exterior lighting and photometric plan for the area around the building and required parking spaces as shown on the site plan. The plans shall indicate the location of all exterior light fixtures (area, building, parking lot, etc.) and the overall illumination levels. All proposed exterior lighting shall comply with the following standards:
    - i. Provide a minimum maintained illumination level of one (1) foot candle for areas described above.
    - ii. All lighting fixtures shall be vandal-resistant and of a design that complements the architecture of the building.
    - iii. All parking lot and other freestanding light fixtures shall incorporate 90-degree cut-off style luminaires and flat lenses

to direct illumination down to the surface to be illuminated and away from public rights-of-way and properties adjacent to the subject site. Cut-off shields may be required to ensure illumination does not adversely impact adjacent properties to the greatest extent possible.

- iv. Freestanding light fixtures and poles shall not exceed a maximum height of 20'-0" as measured from the adjacent grade to the top of the luminaires.
  - v. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be clad in a color-coordinated stucco finish to complement the main building.
  - vi. Wall-mounted fixtures shall be shielded. The use of unshielded wall packs, barn lighters, other similar unshielded luminaires, and/or decorative lighting installed solely to illuminate the roof shall not be permitted.
  - vii. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.
19. Before issuance of a Certificate of Occupancy, the applicant shall install approved landscaping materials on the property, subject to the satisfaction of the Director of Community Development. The following standards shall apply:
- b. All shrubs shall be a minimum five-gallon container size (except herbaceous perennials and woody spreading shrubs).
  - c. All trees (except required street trees) shall be a minimum 24-inch box size and double-staked.
  - d. A minimum of 3 inches of bark mulch (shredded or chips) shall be provided on all planted areas not specified for gravel.
  - e. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
20. All landscaping and irrigation systems shall be maintained per the approved site and/or landscape plan to ensure water use efficiency.
21. Any plant material that does not survive or is removed or destroyed shall be replaced upon its demise or removal with plant material of a like type and size as that originally approved and installed.

22. Plant material shall not be severely pruned such that it stunts or deforms its natural growth pattern or characteristic feature(s). Trees shall be pruned to ISA (International Society of Arboriculture) standards and only as necessary to promote healthy growth and for aesthetic purposes (i.e., to enhance the natural form of the tree). Improperly or severely pruned trees, including topping as defined by the Water Conservation Ordinance, that results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with a tree of similar size and maturity as that which was removed or, as required by the Community Development Director.
23. Trash enclosures shall be constructed of material consistent with the primary type and color of that used on the building. The construction of such trash enclosure(s) shall conform to City standards and shall have a solid roof complementary to the main building. Black-colored concrete shall be used for the trash enclosure floor and its apron. Contact Burrtec Waste Industries Gary Koontz at [gkoontz@burrtec.com](mailto:gkoontz@burrtec.com) to determine the number of required bins to support the most likely end user(s) of the building.
24. All automobile parking spaces shall be delineated with double-line (e.g. "hairpin") striping. A total of 25 striped parking spaces shall be maintained at the rear half of the site to meet code requirements
25. Future signage on the building shall be limited to the name of the business only and the numerical address. A monument sign may be installed subject to City review and approval. A separate Sign Permit Application shall be submitted by the property owner (or licensed sign contractor) for the abovementioned sign(s) to the Planning and Building Divisions for review, approval, and issuance of all necessary permits before installation of any sign(s).
26. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code. Temporary banners to announce a grand opening or promotional event shall require a banner permit from the Planning Division before installation.
27. No portable flags, pennants, spinners, painted-on signs, off-premise signs, trailer-mounted electronic sign/message boards, or other similar types of portable signs shall be allowed.
28. 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.
29. All on-site ground-mounted mechanical equipment, including, but not limited to, utility meters, air conditioners, condenser units, and repair

equipment shall be located within the building or on the exterior of the building only when necessary and screened in a manner that is compatible with the architectural design of the building subject to the satisfaction of the Director of Community Development.

30. The property owner shall be responsible for ensuring that all buildings, yards, structures, signs, parking areas, and other improvements are maintained in good condition and in such a manner that does not detract from the appearance of the site and the surrounding area. Parking lots shall be free of potholes, and significantly cracked or uneven paving, and any other significant damage shall be repaired in a timely fashion throughout the life of the project.
31. Any graffiti shall be removed within 24 hours of discovery or notification by the City. The paint utilized to cover the graffiti shall match the affected structure. If the paint finish of the abated area is noticeably distinguishable from the balance of the surface area of the building side just abated for graffiti, or noticeably distinguishable from the rest of the structure, the entire surface area of either the abated side or of the structure shall be painted to minimize the disparity, subject to Director of Community Development approval.
32. The applicant/property owner shall upon notification by the City restore and/or replace any glazing, architectural metal panels, or other exterior design feature/ material that has been permanently damaged by graffiti, etching, or by other means.
33. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
34. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative, or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void or annul, the any action of, or permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities, thereof (including actions approved by the voters of City), for or concerning the project, whether such Actions, are brought under the California

Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any action brought and City shall cooperate with the applicant in the defense of the Action.

### Building

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

Submit four complete sets of plans including the following:

- a. Site/Plot Plan;
  - b. Floor Plan;
  - c. Reflected Ceiling Plan;
  - d. Electrical Plans including the size of the main switch, number, and size of service entrance conductors, panel schedules, and single line diagrams;
  - e. Plumbing plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning.
  - f. Provide an existing plan of the building including all walls to be demolished.
  - g. Waste recycling plan, recycling 65% of all construction debris.
36. Submit two sets of structural calculations, if required, and two sets of energy conservation calculations.
37. Architect's/Engineer's stamp and "wet" signature are required before plan check approval.
38. 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.
39. Contractors must show proof of State and City licenses and Workers Compensation coverage to the City before permit issuance.

40. Separate permits are required for fencing and/or walls. Submit details of construction on the plans. Double wall conditions which have been created by an adjacent property line will not be allowed.
41. Plans shall be submitted for plan check and approved before construction. All plans shall be marked with the project file number.
42. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
43. Prior to 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 Fees, Permit and Plan Check Fees, and School 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.
44. Construct trash enclosure(s) per City Standards (available at the Building Division's public counter).
45. All utility services to the project shall be installed underground.
46. Electrical and fire suppression services shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside the building.
47. 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.
48. Provide and indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way from the affected area of new construction or renovation. All required disabled-accessible parking lot signs, sidewalks, paths of travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path of travel shall not exceed two percent (2%).
49. All mechanical devices and their parts, such as air conditioners, evaporative coolers, exhaust fans, vents, transformers, satellite dish antennas, or similar equipment, whether located on the ground or the roof of the structure, shall be concealed on all sides of public view in a manner that is compatible with the architectural design of the building and to the satisfaction of the Planning Division.



50. Fire sprinkler risers and roof access ladders shall be located entirely within the enclosed buildings. Double-detector check facility shall be adequately screened by landscaping or an architectural screen wall.
51. 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 north-facing elevation as follows:
  - b. Numerals shall be in a font acceptable to the Planning Division, a minimum of 10 inches in height, a minimum of 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 the 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.
52. Exposed raceways shall be prohibited on all building-mounted and freestanding signs. An architectural sign backing/raceway may be allowed on the commercial building subject to review and approval by the City Planner.
53. Decorative foam trim shall not be used in areas subject to damage such as entry doors, garage doors, etc.
54. If buildings are ever demised 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.
55. 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.
56. 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.

57. 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.
58. 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 to show the proposed haul route within the City. The subject plan shall include provisions for street sweeping and cleanup. Applicant/contractor shall comply with all NPDES requirements.
59. Underground Service Alert shall be notified 48 hours before any excavation at (800) 422-4133.
60. 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.
61. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
62. Prior to issuance of a Certificate of Occupancy, the person or corporation responsible for the preparation of the Water Quality Management Plan shall certify, in writing, to the Building Official that all conditions and requirements of the Water Quality Management Plan have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, the developer shall also submit evidence to the Building Official that the lessee or purchaser has been advised in writing of the lessee's or purchaser's ongoing maintenance responsibilities concerning the requirements of the Water Quality Management Plan.
63. Prior to the issuance of the Certificate of Occupancy, a Final Grade Certificate shall be provided to the Building Official issued from the Registered Civil Engineer of Record that all on-site improvements have been constructed per all City Standards, Specifications, Conditions of Approval, and approved plans.
64. A Certificate of Occupancy is required before 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.
65. 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.
66. Temporary construction and storage trailers placed on the property shall first obtain approval from the Planning and Building Divisions. If any trailers will include uses for public access, handicap accessibility requirements shall apply. Before any trailer is set in its location, obtain all permits from the Building Division. Plans and structural calculations will be required for the tie-down devices. Trailers used for public use (and not used for construction only) are required to be handicapped accessible. The trailer will require access to the facility by way of ramps that comply with the California Building Code (CBC) 2022 edition, Chapter 11B, in addition to access to each feature of the trailer.

### Environmental Compliance

67. Trash enclosures must be designed per the provisions of AB 341 Mandatory Commercial Recycling and AB 1826 Mandatory Commercial Organics Recycling as established by the California Department of Resources Recycling and Recovery (CalRecycle). Contact Steve Stanton, Engineering Division Manager at (909) 625-9444 for more information.
68. 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.
69. The future tenant/occupant of the building must complete and submit the City of Montclair's Wastewater Discharge Survey to Steve Stanton ([ssanton@cityofmontclair.org](mailto:ssanton@cityofmontclair.org)) for review to determine pretreatment/wastewater discharge requirements. Contact Steve Stanton, Engineering Division Manager at (909) 625-9444 for more information. If the project includes or, requires the installation of a grease interceptor, the installation shall conform to Chapter 9.20 of the Montclair Municipal Code.

### NPDES

70. The property owner shall be responsible to contract with a qualified firm to inspect and maintain any stormwater treatment devices specified by the approved WQMP, following all WQMP recommendations. It shall also be the responsibility of the property owner to maintain inspection reports and

have them readily available for review by City staff upon request. If any stormwater treatment device fails due to lack of, or insufficient maintenance and/or inspection, or some other unforeseen circumstance, it shall be the responsibility of the property owner to correct the deficiency and restore the stormwater treatment device(s) to its original working condition.

71. The owner understands that if the stormwater treatment device is infeasible at the proposed location, and an alternative treatment device is proposed that may affect the site design, project owner may have to revisit with the Planning Department for any revised site changes.
72. The owner understands no permits are issued before the approval of the WQMP.
73. 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.
74. 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 permits and fees.
75. Prior to the 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 the 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.
76. Prior to the issuance of a 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, and 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 BMPs 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 an electronic copy of FINAL WQMP including all as-built drawings, certification forms, and, recorded WQMP maintenance agreement as described above.
- f. Prior to the release of the certificate of occupancy for the building, the person or corporation responsible for the preparation of the WQMP shall certify in writing to the NPDES Coordinator that all conditions and requirements of the WQMP have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, the developer shall also submit evidence to the NPDES Coordinator that the lessee or purchaser has been advised in writing of the lessee's or purchaser's ongoing maintenance responsibilities concerning the requirements of the WQMP.

Engineering

- 77. 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.
- 78. All streets public and private shall have sidewalks conforming to the Americans with Disabilities Act.
- 79. This project requires the dedication of the necessary street right-of-way for the 36-foot half of State Street across the project frontage.
- 80. This project requires a 6-foot easement for public sidewalk purposes along the State Street frontage to provide for a 5-foot sidewalk driveway wrap-around for ADA compliance, as required to the satisfaction of the Public Works Director.
- 81. Monument signs shall not be permitted in the line-of-sight triangles next to driveway locations (see City STD No. 110).
- 82. All pavement damaged by excavation will be replaced with permanent pavement per the City Standard for paving and trench repair STD No. 301.

83. All Utilities in the public right of way adjacent to the site shall be placed underground and poles removed. This requirement applies to electrical services (facilities operated at nominal voltages over 20,000 volts not included), transformers and switches, and where technology exists, telephone and cable television facilities as well.
84. 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.
85. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
86. All proposed on-site sewer, water, and drainage facilities shall be private system(s) maintained by the property owner unless otherwise approved by the City as a public system(s).
87. Extend any sanitary sewer and water line facilities as necessary to serve the entire development, including the payment of any sewer connection fees as determined by the Public Works Director.
88. The Owner/Developer shall provide the necessary Sewer Service Backflow Prevention Device.
89. 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.
90. Street improvement plan is required for all public and private streets. Construction drawings shall be 24" by 36" with City standard title block.
91. Full standard street improvements are required across the State Street project frontage including roadway grading and paving, curb and gutter, the installation of sidewalk, street light, all roadway striping, pavement markings, traffic signing, and other improvements in accordance with City standards and to the satisfaction of the Public Works Director.
92. A 20-foot transition curb to join the existing curb shall be constructed from the east property line easterly.
93. Existing driveways shall be removed and a new driveway constructed in accordance with commercial standards as indicated on Engineering Standard Drawing Number 102.

94. Owner/Developer shall coordinate with neighbor and remove a portion of the west property block wall and chain link fencing at State Street to allow for ADA sidewalk westerly passage.
95. 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.
96. The Owner/Developer is responsible for compliance with Monte Vista Water District (MVWD) requirements for water service. The developer shall install a hydrant. The developer shall provide documentation that all District fees and requirements have been met to the satisfaction of the District.
97. The Owner/Developer shall relocate and/or locate and provide landscape screening for the fire connection system and any backflow prevention system in accordance with the requirements of the Community Development Director, Fire Marshall, and MVWD.
98. 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 Steve Stanton at 909-625-9470. If significant modifications are required, a resubmittal to the Planning Commission and City Council may be required.
99. Each parcel/lot shall drain to the street or other approved drainage facility. If necessary, drainage from only one lot shall flow through only one other lot.
100. The Owner/Developer shall provide Storm Water Acceptance Covenant/Deeds on all parcel/lots subject to runoff water from adjacent parcel/lots or properties.
101. Off-site grading letter(s) shall be required from the adjacent property owner(s) before issuance of grading permits for any off-site work.
102. No permanent building construction shall commence until the final grading and improvement plans have been approved, rough grading certified, a zone clearance issued by the Community Development Department, and a building permit issued by the Building Division.
103. Owner/Developer shall submit design and calculations and obtain permit and inspection for all development perimeter and retaining walls from the Building and Safety Division.

104. As-built plans (including street, sewer, and storm drain and grading plans) shall be submitted prior to occupancy release. Electronic drawing files shall be submitted to the City for file in the format acceptable by the City prior to occupancy release.
105. All drainage facilities shall comply with the requirements of the approved WQMP.
106. 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.
107. Where street construction, surfacing, or resurfacing is required, all utility work within the frontage of the development shall be completed before the street being capped.
108. A Public Works construction permit shall be obtained from the Engineering Division before any removals or construction of improvements in the public right-of-way.
109. Before the issuance of a permit, a surety shall be posted in a form acceptable to the City. Also accompanying the surety shall be an agreement executed to the satisfaction of the Public Works Director and the City Attorney, guaranteeing completion of the public improvements.
110. Dust Control operations shall be performed by the Contractor at the time, location and in the amount required and as often as necessary to prevent the excavation or fill work, demolition operation, or other activities from producing dust in amounts harmful to people or causing a nuisance to persons living nearby or occupying buildings in the vicinity of the work. The Contractor is responsible for compliance with Fugitive Dust Regulations issued by the Air Quality Management District (AQMD).
111. Control of dust shall be by sprinkling of water, use of approved dust preventatives, modifications of operations or any other means acceptable to the City Engineer, the Regional Water Quality Control Board (RWQCB), the AQMD, and any Health or Environmental Control Agency having jurisdiction over the facility. The City Engineer shall have the authority to suspend all construction operations if, in his/her opinion, the Contractor fails to adequately provide for dust control.

Fire

112. The California Fire Code Section 503.1.1 requires "Approved fire apparatus access roads shall be provided for every facility, building or portion of a



building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

113. Provide a sheet dedicated to "Fire Master Plan" that shows all the following:
  - a. Location of the access road. CFC § 503.1.1
  - b. Width of the access road and gate entrances. CFC § 503.2.1
  - c. Vertical clearance. CFC § 503.2.1
  - d. Inside and outside turning radii. CFC § 503.2.4
  - e. Road weight capacity. CFC § 503.2.3
  - f. Identify the type of roadway surface (concrete, asphalt, pavers, etc.). CFC § 503.2.3
  - g. Road grade (distinguish changes in 2.5% increments), CFC 503.2.7
  - h. Turn-arounds are required for dead-end access greater than 150' per CFC § 503.2.5
  - i. Location and details of "Fire Lane - No parking sign" and/or red curb marking CFC § 503.3
  - j. Location of all fire hydrants within 500 feet to the new structures. CFC § 507.5
  - k. 150 foot hose pull to all portions of the exterior of the buildings measured 10 feet out from the curb line along a normal path of travel. CFC § 503.1.1
  - l. Address location that includes the size and specifies if it is internally or externally lighted. CFC 503.1
  - m. Identify the walking surface around all buildings.
  - n. Proposed location of the Fire Department Connection (FDC). CFC § 912.2
  - o. Propose location of all Knox locks/boxes. CFC § 504.1
  - p. City Notes (Attachment 1 City of Montclair Access Guideline)
114. The maximum spacing of fire hydrants shall not exceed 350 feet. In locations where fire hydrants are less than 40 feet from the structure, the spacing shall be reduced by 50% to 175 feet.
115. Evidence of sufficient fire flow of 2,000 GPM for two (2) hours shall be provided.

Police

116. 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.

117. 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.
118. There shall be no special promotional events held on the property, unless a written request for such is received and approved by the Director of Community Development and the Police Chief or their designees.
119. 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.
120. The applicant shall submit a security camera plan 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 outdoor storage and parking areas. Cameras shall be positioned so 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. 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. IR (night vision) is preferred, however cameras shall at minimum be capable of low-light operation. Audio recording is desirable, but not a requirement. Camera footage shall be retained for a period no less than 90 days. To conserve storage space, cameras may be motion activated. When active, cameras shall record no less than 30 frames per second. Motion sensors shall be configured to activate properly in all areas covered including the parking area. Motion sensors may be configured to prevent incidental activation from hanging or moving displays. Depending on the nature of the premises, additional cameras may be required, but not limited to areas such as cash registers, or access to restroom areas.
121. 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 to the adoption of this Resolution.

APPROVED AND ADOPTED THIS 22<sup>nd</sup> DAY OF MAY, 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 22<sup>nd</sup> day of May, 2023, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SGUTIERREZ\CASES\2023-15 PC RESOLUTION