



CITY OF MONTCLAIR
PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS
5111 Benito Street, Montclair, California 91763

REGULAR ADJOURNED MEETING
Monday, April 27, 2009
7:00 p.m.

It is respectfully requested that you please silence your cell phones and other electronic devices while the meeting is in session. Thank you.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Chairman Luis Flores, Vice Chairman Maynard Lenhert, Commissioner Tenice Johnson, Commissioner Sergio Sahagun, and Commissioner Don Vodvarka

4. APPROVAL OF MINUTES

The minutes of the April 13, 2009 Planning Commission meeting are presented for consideration.

5. ORAL AND WRITTEN COMMUNICATIONS ON NON-AGENDA ITEMS

The public is invited to address the Planning Commission regarding any items that are not on the agenda. Comments should be limited to matters under the jurisdiction of the Planning Commission. It is respectfully requested that speakers limit their comments to no more than three minutes in length.

Any person wishing to address the Planning Commission on an agenda or non-agenda item should complete a speaker's card and submit it to the City Planner. Speaker's cards are available at the entrance to the Council Chambers.

6. AGENDA ITEMS

- a. PUBLIC HEARING - CASE NUMBER 2009-6
Project Address: 8880 Benson Avenue, Suites 114, 115 & 117
Project Applicant: Arrow Centre Business Park, LLC, for
Abiding Love Family Church
Project Planner: Michael Diaz, City Planner
Request: Conditional Use Permit to allow a church use

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

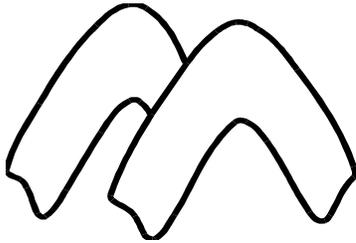
Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of May 11, 2009 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California.

CERTIFICATION OF AGENDA POSTING

I, Laura Berke, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda was posted on the bulletin board adjacent to the south door of Montclair City Hall on April 23, 2009.



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 04/27/09

AGENDA ITEM 6.a

Case No.: 2009-6

Application: CUP for Church Use

Applicant/Property Owner:

Arrow Centre Business Park LLC

General Plan: Business Park

Zoning: Manufacturing Industrial Park (MIP)

Project Address: 8880 Benson Avenue,
Suites 114, 115 and 117

APN: 1007-631-08



EXISTING SITE FEATURES/CONDITIONS

Structures: One (1) existing multi-tenant industrial park building

Parking: Site is paved and landscaped with 96 parking spaces (including 5 disabled-accessible spaces).

City/Public Utility Easements: None

Trees/Significant Vegetation: Landscaping in parking lot, no significant or heritage trees.

ADJACENT LAND USE DESIGNATIONS AND LAND USES

	General Plan	Zoning	Use of Property
Site	Business Park	MIP	Industrial Park/ Multi-tenant Development
North	Commercial-Industrial (Specific Plan)	ML - City of Upland	Metrolink/ Industrial
East	Multi-Family Residential (7-12 du/ac)	RM-2.0 (City of Upland)	Multi-Family Residential
South	Business Park	MIP	Industrial Park/ Multi-tenant Development
West	Business Park	MIP	Industrial Park/ Multi-tenant Development

Report on Item Number 6.a

PUBLIC HEARING - CASE NUMBER 2009-6

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	Arrow Centre Business Park, LLC, for Abiding Love Family Church
LOCATION OF PROPERTY	8880 Benson Avenue, Suites 114, 115 & 117
GENERAL PLAN DESIGNATION	Business Park
ZONING DESIGNATION	Manufacturing Industrial Park (MIP)
EXISTING LAND USE	Church Assembly Use
ENVIRONMENTAL DETERMINATION	Categorical Exemption – Section 15301 (Existing Facilities)
PROJECT PLANNER	Michael Diaz

Project Description

The applicant is requesting approval of a Conditional Use Permit (CUP) to establish a church use at the subject site. The proposed church is named Abiding Love Family Church and plans to occupy three suites in the Arrow Centre complex encompassing approximately 3,200 square feet in floor area. Tenant improvements will be made to create a sanctuary, classrooms, reception lobby, church offices, restrooms, and a small multi-purpose area. The church currently has about 40 members.

The congregation meets primarily on weekends, with Sunday services occurring generally between the hours of 9:00 a.m. and 1:00 p.m. The church also has a mid-week service every Tuesday that begins at 7:00 p.m. During the regular business hours of the week, the site will be occupied by a few staff members working in the church offices. Except for a new sign, no changes to the exterior of the building are proposed.

Background

- Churches, synagogues, temples or other houses of worship are allowed in the Manufacturing Industrial Park (MIP) zone subject to the approval of a CUP. A CUP does not change the underlying zoning of property, but grants the property an additional specified use.
- The subject site is within an industrial park development commonly known as the Arrow Centre Business Park, built in 1984. The existing multi-tenant building is approximately 28,300 square feet in overall size and has 96 parking spaces on site (including five disabled-accessible spaces) that are shared by the tenants.

- Currently, the center has 13 tenants and includes varied non-industrial office uses, a chiropractic office, and a Kumon Math and Reading Center.
- The physical condition of the property is sound and properly maintained.

Planning Division Comments

Overall, staff is supportive of the proposed CUP request to allow the proposed church use at the subject site as described herein. Staff finds the existing site and building to be adequate in shape and size and designed in such a way so as to easily accommodate the proposed activities of the church use. Given that the center consists primarily of a mixture of non-industrial uses, staff finds the church use to be appropriate. The church use will provide its adherents a place to worship within in an appropriately located and developed site.

The new church use is not expected to cause adverse impacts to any adjacent uses, as all activities at the church are held entirely within the building and services are typically on weekends (Sundays) and a mid-week service on Tuesday evenings. With these hours, potential conflicts between the church users and other users will be low.

Pursuant to the Montclair Municipal Code, parking for a church use or public assembly is based on seats in the sanctuary at a ratio of one (1) parking space for every six seats. In this case, the applicant has indicated 73 seats in the sanctuary, which means that a minimum of 12 spaces are needed to satisfy zoning code requirements. However, according to the Building Official, the maximum number of seats for congregants in the sanctuary area would be greater, allowing up to 105 persons, which generates a parking requirement of 18 parking spaces.

Staff recommended that the property owner and church representatives discuss the increase in the number of seats and parking spaces required for the use. The church expressed appreciation for the increase in seats allowed and the property owners indicated that they had no opposition since the church operates at off-peak hours when other tenants are largely closed for business and parking is available. With 96 on-site parking spaces, staff believes that parking will be ample and sufficient to accommodate the church during its peak operating hours. Staff's field observations of parking patterns at the center during weekday afternoons and evenings after 6:00 p.m. indicated that most businesses were closed for the day and there were a minimal number of cars in the parking lot.

The church use will not result in excessive or burdensome use of existing streets, transportation facilities, utilities or schools. Vehicular access to the site is appropriate via existing driveways, which are fully improved and directly connected to improved public roadways. Therefore, the proposed religious use in relation to parking requirements or effects on the roadway infrastructure, and potential operational conflicts are not significant.

Finally, staff finds the proposed church use to be in keeping with the General Plan, which promotes a balance of land uses to meet the needs of the residents, which includes churches, synagogues, temples or other houses of worship in appropriate locations throughout the community.

Findings

- A. The proposed use is essential or desirable to the public convenience and public welfare, in that the church use provides its adherents a place to worship within in an appropriately located and developed site.
- B. Granting this permit will not be materially detrimental to the public welfare and other property in the vicinity. Religious services at the site will be held entirely within the building and occur generally during off-peak hours so as not to have a significant impact on other businesses or activities of the center.
- C. The proposed use conforms to good zoning practices and development standards and is consistent with the Montclair Municipal Code. The church will be located in an existing multi-tenant business and light industrial center that is adequate in size, shape, and development to accommodate the proposed use and its parking requirements. The estimated effect of the proposed religious facility would not have a substantial adverse affect on traffic circulation, access, and parking of the existing commercial center of which it is a part nor pose an adverse impact on adjacent development /uses.
- D. The proposed use at the subject location is not contrary to the objectives of any part of the adopted General Plan, in that the plan promotes the balance of land uses to serve the community and continually improve the City as a place for living, which includes churches, synagogues, temples or other house of worship.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on April 17, 2009. Public hearing notices were also mailed to existing tenants of the industrial park and property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, no comments or inquiries had been received by staff regarding the proposal.

Environmental Assessment

The project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301, which exempts projects involving little to no expansion of existing structures or uses. As such, a DeMinimis finding of no impact on fish and wildlife will be prepared.

Planning Division Recommendation

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

1. 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 1 exemption under State CEQA Guidelines Section 15301, which covers infill projects in significantly developed areas.
2. Move to approve a Conditional Use Permit under Case No. 2009-6 subject to making the required findings, and subject to the 39 conditions as described in attached Resolution Number 09-1696.

Respectfully Submitted,

Michael Diaz
City Planner

MD/lb

Attachments: Draft Resolution of Approval for Case 2009-6

RESOLUTION NO. 09-1696

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT
UNDER CASE NO. 2009-6 TO ALLOW A CHURCH USE IN THE
MANUFACTURING INDUSTRIAL PARK (MIP) ZONING DISTRICT,
AT 8880 BENSON AVENUE, SUITES 114, 115, & 117
(APN 1007-631-08)**

A. Recitals.

WHEREAS, Arrow Centre Business Park, LLC, filed an application for a Conditional Use Permit (CUP) on behalf of Abiding Love Family Church, to allow the establishment of a church use at the subject site on March 30, 2009. Hereinafter in this Resolution, the subject CUP request is referred to as "the application"; and

WHEREAS, Chapter 11.78.030.B of the Montclair Municipal Code allows church uses subject to the approval of a CUP upon review of development standards and land use compatibility with surrounding properties; and

WHEREAS, the application applies to property located at 8880 Benson Avenue, Suites 114, 115 and 117, which is a vacant portion of an existing 28,300 square foot, single story, multi-tenant building with associated parking area; and

WHEREAS, staff has determined that the application meets the intent and requirements of the Municipal Code for the proposed use and the applicable development standards of the MIP zoning district; and

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

WHEREAS, on April 27, 2009, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a public hearing at which time all persons wishing to testify in connection with said application were heard, and said application was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on April 27, 2009, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:
 - a. The proposed use is essential or desirable to the public convenience and public welfare, in that the church use provides its adherents a place to worship within in an appropriately located and developed site.
 - b. Granting this permit will not be materially detrimental to the public welfare and other property in the vicinity. Religious services at the site will be held entirely within the building and occur generally during off-peak hours so as not to have a significant impact on other businesses or activities of the center.
 - c. The proposed use conforms to good zoning practices and development standards. The church will be located in an existing multi-tenant business and light industrial center that is adequate in size, shape, and development to accommodate the proposed use and its parking requirements. The estimated effect of the proposed religious facility would not have a substantial adverse affect on traffic circulation, access, and parking of the existing commercial center of which it is a part nor pose an adverse impact on adjacent development /uses.
 - d. The proposed use at the subject location is not contrary to the objectives of any part of the adopted General Plan, in that the plan promotes the balance of land uses to serve the community and continually improve the City as a place for living, which includes churches, synagogues, temples or other house of worship.
3. Planning Division staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies under the Class 1 exemption under State CEQA Guidelines Section 15301, which exempts projects involving little to no expansion of existing structures or uses. In addition, there is no substantial evidence that the project will have a significant effect on the environment. The Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent judgment, concurs in the staff's determination of

exemption and directs staff to prepare a Notice of Exemption and a DeMinimis finding of no effect on fish and wildlife; and

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

Planning

1. This CUP approval is for the operation of a church use and associated religious education, administrative meetings, etc. on the subject property as described in the staff report and depicted on approved plans. Said approval shall be limited to use within Units 14, 15, and 17, totaling no more than 3,184 square feet. A day care facility or private school is not included with this approval.
2. Within five (5) days of approval by the Planning Commission, the applicant shall submit a check in the amount of \$50 to cover the County administrative fee for filing a Notice of Exemption as required the California Environmental Quality Act (CEQA). The check shall be made payable to the Clerk of the Board of Supervisors.
3. A copy of the signed Resolution of Approval with all conditions of approval relating to this application shall be conspicuously posted alongside the establishment's Business License and Certificate of Occupancy, and shall be made available for viewing to any law enforcement officer, fire, building, or code enforcement inspector in the course of conducting an inspection on said premises.
4. This CUP approval shall be valid for six months (180 calendar days) from the date of Planning Commission action. Failure to initiate the approved use and/or improvements prior to the end of the six-month period shall result in the termination of and automatically void the CUP approval.
5. Any modification, intensification, or expansion of the use, including an increase in the floor area beyond that which is specifically approved with this Conditional Use Permit shall require review and approval by the Planning Commission.
6. Services shall be limited to weekends (Saturday and Sunday) and after 5:00 pm during the work week (Monday through Friday). The lease space may be used by the church for non-worship activities during regular daytime hours for church offices/administration and or committee meetings.
7. Seating capacity in the sanctuary shall not exceed 105 persons.

8. A minimum of 18 parking spaces shall be maintained and available for use on-site at all times based on a maximum seating capacity.
9. No temporary or permanent residential living quarters shall be established on the premises.
10. This CUP shall be subject to revocation or modification by the Planning Commission or City Council at such time as any of the following conditions are found to exist:
 - a. Conditions of Approval have not been fulfilled;
 - b. The use has resulted in a substantial adverse impact on the health and/or general welfare of users of adjacent or proximate property.
 - c. The use has resulted in a substantial adverse impact on public facilities or services
11. No outdoor amplified sound systems shall be installed or used on the property.
12. No pay telephones or vending machines shall be located on the exterior of the building or on the subject property.
13. All mechanical equipment, devices and their component parts (e.g., wiring, conduit, meters, etc.) for such items as air conditioners, evaporative coolers, exhaust fans, vents, transformers, utility meters, or similar equipment, whether located on the ground, building walls, or on the roof of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building to the satisfaction of the City Planner.
14. 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.
15. Prior to the installation of any signs on the property, the applicant shall submit plans prepared by a licensed sign contractor for review and approval by the Planning and Building Divisions. Signs shall conform to an approved sign program for the center, if applicable. Otherwise, sign shall consist of individual channel letters (illuminated or not). Cabinet signs with translucent backgrounds and vinyl graphics are not permitted. Exposed raceways for building mounted signs are also prohibited.
16. The applicant and/or property owner shall be responsible for maintaining the building's signs, lighting, landscaping, and all improvements in good working order at all times. Any accumulation of trash, weeds, or debris on the

property shall be removed immediately so as not to present a public nuisance. Graffiti on the building or associated improvements shall be removed immediately by the applicant/property owner upon notification by the City.

17. 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 banner permits from the Planning Division prior to installation.
 - b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
 - c. Portable flags, pennants, spinners, painted-on signs or the like shall be prohibited.
 - d. No trailer-mounted electronic sign/message boards or other similar types of portable signs shall be permitted on the property at any time.
18. The property owner/applicant shall routinely inspect and maintain the property (e.g., structures, equipment, fences/walls, landscaping, hardscape, and pavement) in good condition and in a clean and presentable manner at all times. All trash, debris, weeds (in landscape areas and in asphalt parking areas), graffiti, etc. shall be promptly and/or continually removed.
19. 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.
20. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

Building

21. Due to the change of occupancy to a higher occupancy classification, a structural evaluation by a licensed civil engineer shall be preformed before any construction, improvements or occupancy is permitted.
22. Submit four complete sets of plans, including the applicable elements of 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. An existing plan of the building, including all walls to be demolished.
23. Submit two sets of structural calculations, if required, and two sets of energy conservation calculations.
24. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
25. The applicant shall comply with the latest adopted California Building Code, and other applicable codes, ordinances and regulations in effect at the time of permit application. These applicable codes shall be indicated on the first page of submitted plans.
26. The applicant shall meet all the requirements for exiting as provided in Chapter 10 of the California Building Code. Fire protection for wall construction, door fire resistance and door hardware is of special concern in this occupant classification.
27. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
28. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number. The applicant shall

comply with the latest adopted California Codes, and all other applicable codes, ordinances, and regulations in effect at the time of permit application.

29. 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 east building elevation. Address numerals shall be in Helvetica font, a minimum of ten inches in height, a minimum of 1½ inches in depth, and be in a contrasting color that adequately contrasts with the background to which they are attached.
 - b. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn everyday.
 - c. Install approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.
 - d. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
30. Clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
31. 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 other departments and/or agencies.
32. Prior to the issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Building Division electronic images of all plans and records which were submitted for the purpose of obtaining a building permit. Electronic images shall comply with the City's Electronic Imaging Policy.
 - b. Complete all on- and off-site improvements.
 - c. Install all disabled-accessible parking stalls and parking lot signage.

Fire Department

33. The developer/general contractor shall be responsible for reasonable periodic clean-up of the construction site to avoid hazardous accumulation of combustible trash and debris.
34. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
35. In the event that the structure is to be used for the purpose of public assembly, the developer/architect shall contact the Fire Marshal's Office for requirements prior to submission of building plans.
36. In those structures covered by CAC Title 19, all drapes, hangings, curtains, drops, and all other decorative material shall be made from non-flammable material, or shall be treated and maintained in a flame-retardant condition, by means of a flame-retardant solution or process approved by the State Fire Marshal.
37. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of normal lighting.
38. An approved emergency keyed access system shall be required to facilitate access to buildings or gates by Fire Department personnel in the event of an emergency during non-business hours. Forms are available at Montclair Fire Department headquarters, 8901 Monte Vista Avenue, for occupancies requiring such a system. Facilities with gated drive approaches shall contact the Fire Marshal's Office for additional key and strobe requirements.
39. All Montclair Fire Department fees are due prior to any permit issuance.

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

APPROVED AND ADOPTED THIS 27TH DAY OF APRIL, 2009.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Luis Flores, Chair

ATTEST: _____
Steve Lustro, Secretary

I, Steve Lustro, 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 held on the 27th day of April, 2009, by the following vote-to-wit:

AYES: COMMISSIONERS:

NOTES: COMMISSIONERS:

ABSENT: COMMISSIONERS: