



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

REGULAR ADJOURNED MEETING  
Monday, August 24, 2009  
7:00 p.m.

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

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**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 July 27, 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 2009-11  
Project Address: 5201 Benito Street  
Project Applicant: T-Mobile West/City of Montclair  
Project Planner: Michael Diaz, City Planner  
Request: Conditional Use Permit and variance to allow a 70-foot high wireless telecommunications tower
  
- b. PUBLIC HEARING - CASE NUMBER 2009-12  
Project Address: 10543 Mills Avenue  
Project Applicant: Southern Pacific Latin American District/Mision El Redentor  
Project Planner: Jim S. Lai, Associate Planner  
Request: Conditional Use Permit and Precise Plan of Design to allow a church assembly and site and building renovation
  
- c. CASE NUMBER 2009-13  
Project Address: 4594 San Bernardino Street  
Project Applicant: Chino Basin Water Conservation District  
Project Planner: Michael Diaz, City Planner  
Request: Precise Plan of Design for Phase 2 improvements associated with an approved Master Plan

**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 September 14, 2009 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California.

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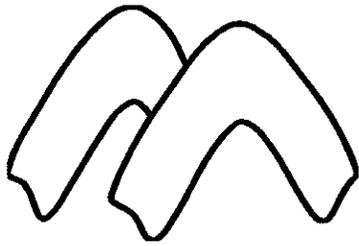
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**CERTIFICATION OF AGENDA POSTING**

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 August 20, 2009.

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# CITY OF MONTCLAIR PLANNING COMMISSION

**MEETING DATE: 08/24/09**

**AGENDA ITEM 6.a**

**Case No.: 2009-11**

**Application:** CUP, PPD, and Variance to allow a 70-foot tall stealth wireless communication facility (cell tower) disguised as a pine tree at Alma Hofman Park.

**Applicant/Property Owner:**

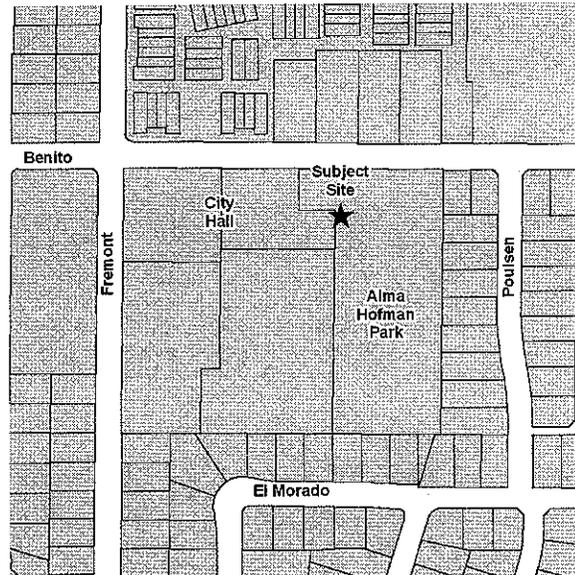
T-Mobile West / City of Montclair

**General Plan:** Neighborhood Park

**Zoning:** R-1 (Single-Family Residential)

**Project Address:** 5201 Benito Street

**APN's:** 1010-301-17 & 18



*Location Map*

**EXISTING SITE FEATURES/CONDITIONS**

**Structures:** Lighted tennis and basketball courts, skate park, playground, benches and tables

**Parking:** 30 parking spaces for Alma Hofman Park

**City/Public Utility Easements:** Water (MVWD) and dry utilities in various locations

**Trees/Significant Vegetation:** Park setting featuring turf and numerous trees of various sizes including mature palms, pines, and broadleaf trees.

**ADJACENT LAND USE DESIGNATIONS AND LAND USES**

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
<b>Site</b>	Neighborhood Park	R-1 (Single-Family Residential)	Alma Hofman Park
<b>North</b>	Public/Quasi-Public	AP (Administrative Professional)	U.S. Post Office/Offices Multi-Family Residential to northwest
<b>East</b>	Low Residential (3-7 du/ac)	R-1 (Single-Family Residential)	Single-Family Residential
<b>South</b>	Low Residential (3-7 du/ac)	R-1 (Single-Family Residential)	Alma Hofman Park and Single-Family Residential
<b>West</b>	Public/Quasi-Public	R-1 (Single-Family Residential)	Civic Center

## Report on Item Number 6.a

### PUBLIC HEARING - CASE NUMBER 2009-11

APPLICATION TYPE(S)	Conditional Use Permit Amendment, Variance, and Precise Plan of Design
NAME OF APPLICANT	T-Mobile West / City of Montclair
LOCATION OF PROPERTY	5201 Benito Street
GENERAL PLAN DESIGNATION	Neighborhood Park
ZONING DESIGNATION	R-1 (Single-Family Residential)
EXISTING LAND USE	Alma Hofman Park
ENVIRONMENTAL DETERMINATION	Categorical Exemption – Section 15303 (New, Small Facilities)
PROJECT PLANNER	Michael Diaz

#### **Project Description**

T-Mobile is requesting approval of a Conditional Use Permit (CUP) and Variance to construct a "stealth" telecommunications facility designed to resemble an evergreen pine tree (also referred to as "Monopine") at Alma Hofman Park. The purpose of the new telecommunications facility is to provide improved cell phone coverage for customers of both T-Mobile and a future carrier that could co-locate on the monopine. The proposed height of the monopine is 70 feet tall and requires a variance to exceed the R-1 zoning district height limit of 35 feet. T-Mobile has provided the attached photo simulations to demonstrate how it will appear (Exhibit "A").

A total of twelve (12) antenna panels divided into 3 sectors (4 panels each) and one microwave dish will be installed on the proposed monopine. The antenna panels and dish will be mounted at 65 feet and 50 feet high respectively. The monopine will be located generally behind the skate park facility and set back approximately 135 feet from the south curb of Benito Street. The ground area to be occupied by the monopine structure measures 22' x 22' for a total of 454 square feet. New live shrubs will be planted below the monopine.

The support equipment for the monopine will be situated immediately to the west in an unused planter area directly behind the walls enclosing the Youth Center parking lot. The planter measures 16' x 18' (258 square feet). The support equipment consists of five (5) radio equipment cabinets, emergency generator receptacles and lights, and utility stub-ups connecting the equipment with antennas via underground lines. The existing block walls and new wrought iron enclosure will provide security, screening, and separation of the equipment from park users and skaters at the skate park. Access to the equipment area will be from the park side of the wall via existing walkways and through a new gate cut into the wall. The facility will be unstaffed, but visited on an average of once per month for routine maintenance purposes.

## **Background**

- Demand for more cell towers also is driven by the number of subscribers and by the addition of text, photo and video messaging services to the communication system. Companies add sites to eliminate dead zones and to handle increasing traffic.
- The Federal Telecommunications Act of 1996 precludes local governments from banning cellular transmission sites based on health concerns about the dangers of exposure to radiofrequency radiation (RFR) and electromagnetic frequency (EMF). This is due to inconclusive evidence about the health risk of exposure to RFR and EMF. Cities and counties retain discretion over design and location of the sites but cannot exclude them. Therefore, the Planning Commission is reminded that it cannot consider any environmental effects of emissions that otherwise comply with FCC regulations, including purported impacts upon health or alleged interference with television reception, in its decision to approve or deny the project.
- The Montclair Municipal Code permits wireless telecommunications facilities subject to the approval of a Conditional Use Permit (CUP) pursuant to Chapter 11.73 (Wireless Telecommunications Facilities). The wireless ordinance provides policies and direction, clarifies existing codes, and sets forth reasonable criteria, development standards and standardized conditions of approval upon which staff is using to evaluate this application.
- On May 21, 2009, the proposed cell tower was presented to the Public Works Committee for conceptual review. The committee had no objection to the proposal moving forward and expressed its preference for a monopine design.

## **Planning Division Comments**

As mentioned above, the purpose for the proposed wireless telecommunications facility is to improve service capacity and reception for T-Mobile customers in this area of the City. Service propagation maps prepared by the applicant indicate a large area of weak service in the central area of the City that would be significantly remedied by the proposed antennas. Before building permits can be obtained to construct the wireless communications facility at Alma Hofman Park, T-Mobile will be required to obtain separate City Council approval of a License Agreement with the City of Montclair.

## **Conditional Use Permit**

Wireless telecommunications facilities are permitted with a CUP in the R-1 zoning district, provided that it is located in a public school, public park, conservation basin, or reservoir site. Alma Hofman is a public park and at 3.95 acres in size has sufficient size to easily accommodate the facility with no significant impact to the use of the park. According to T-Mobile representatives, the proposed location is one of the very few available areas in this portion of the City where a wireless facility could be allowed in accordance with City's Wireless Telecommunications Ordinance. The specific location of the monopine and associated equipment meets all required setbacks, including the

requirement to be at least 200 feet from nearby residential properties (Section 11.73.070 MMC). The nearest residences are located over 200 feet to the east and northwest, and over 500 feet to the south. In addition, the monopine structure will be set back approximately 135 feet from Benito Street and is across the street from the U.S. Post Office (see Exhibit "B"). As such, staff believes that the wireless telecommunications facility is appropriately sited in the park and is sufficiently separated from all surrounding activities.

Alma Hofman Park is developed with a combination of turf open space areas and mature sized trees and recreational facilities, including lighted tennis courts, skate park with 25-foot high light poles, an outdoor basketball court, children's playground equipment, benches and seats. The proposed monopine occupies an insignificant portion of park that is not actively used or programmed for other activities. The proposal does not impact existing park improvements, reduce the number of existing parking spaces, or remove significant landscaping. Further, no traffic or circulation issues concerning the proposed facility have been identified or are anticipated as the site would be unstaffed and would require only general maintenance approximately once a month, usually performed during off-peak hours. Ground equipment for the facility will be out of view and secured from public access. Access by authorized maintenance personnel will be from the park (east) side of the facility and does not require any City personnel to be present when maintenance is performed.

The design of the proposed cell tower is appropriate for park setting in which it will be located. The "camouflage" is intended to mitigate potential visual impacts of the antenna structure to the greatest extent possible. There are other evergreens, notably pines, in the park and the proposed design is intended to tie into the setting. To ensure that the proposed tree is realistic, staff recommends that the foliage begin about 10 to 12 feet from the ground and that branch design, length, and density be approved separately by the City Planner per conditions of approval. As a monopine, the cell tower is visually compatible with height and general appearance of other natural trees in the park, civic center, and on Fremont Avenue. The existing trees vary in height and in species but include pines, palms, and other evergreens most of which are in excess of 50 feet in height, and with some in the 70-foot range. A properly designed and constructed "faux" pine tree would be an appropriate design and should not stand out or look out of context to casual observers. The photo simulation would be used during the plan check and field inspection process to ensure compliance with project approval.

As mentioned above, the FCC is the final authority on safety of telecommunications towers and the City is not permitted to make additional judgments on health and safety issues. This application shall be considered on design and location criteria only. According to the FCC, radiofrequency (RF) emissions measurements made near typical cellular and PCS installations, especially those with tower-mounted antennas, have shown that ground-level power densities are thousands of times less than the FCC's limits for safe exposure. This makes it extremely unlikely that a member of the general public could be exposed to RF levels in excess of FCC guidelines due solely to cellular or PCS base station antennas located on towers or monopoles. Finally, regarding RF emissions, the proposed telecommunications facility would be required to meet all radio

frequency and related regulations of the FCC at the time of initial operation of the new facility and in perpetuity.

Staff believes that the location and physical features of the monopole and appurtenances provide the best degree of both aesthetic and environmental protection pertaining to on-site and surrounding uses and public areas. For the above reasons, staff finds the proposed monopine antenna and associated equipment will be compatible at the subject park site and the visual character of the surrounding neighborhood.

### Variance

The property is zoned R-1 with a 35-foot height limit which is an appropriate height restriction for residential development. However, telecommunications towers are not typical residential-type structures and because of their function cannot generally be limited to the same building height as for a house or an accessory structure. Section 11.73.090.B MMC recognizes the unique requirements of telecommunications antennas and allows the Planning Commission to consider greater heights for wireless support structures in the R-1 and AP zones if it finds that the increased height works to advance the overall goals of the ordinance and to ensure that wireless networks are implemented with fewest possible facilities and in the least visible manner. Moreover, the subject site is within a larger area (context) which is not developed as or used for residential purposes. In addition to the open space areas at Alma Hofman Park, the site is immediately adjacent to the Civic Center, which is developed with various non-residential buildings, parking areas, a skate park illuminated with 25-foot high light poles, a youth center (under renovation), an approved new 30-foot high senior center building, and an existing 65-foot high antenna support structure behind the former police station. The existing antenna support structure is approximately 65 feet in height (as measured from the ground to the top of the center rod antenna), which provides a direct comparison to judge the height of the proposed 70-foot high monopine structure. The existing antenna support structure provides an existing precedent for structures of this type in the area.

Height is the key element needed both for coverage purposes and having adequate space for additional wireless providers, which the City encourages. Wireless technology is line-of-sight technology, so antennas need to be installed above surrounding foliage, structures or land masses for the antennas to maintain signal strength and integrity. In addition, the proposed height allows for a future co-location of another carrier so as to avoid the need for multiple, more visually obtrusive sites from being built in the area. Antennas require a 10-foot vertical separation so there is no interference between different providers' antenna signals. Propagation maps prepared by the RF Engineer show the height of this tower must be at the proposed height of 70 feet to provide quality coverage for the area of the City identified by the carrier. Below 70 feet, there will be too much interference from foliage of other trees in the park that would block transmission signals. A lower overall height of 60-65 feet (including foliage at top) might work for T-Mobile but would not allow for another carrier to collocate on the same structure as intended by the wireless ordinance.

The proposed 70-foot height will allow for unrestricted signal propagation by at least as high or slightly above over existing natural trees and buildings in the immediate area. The proposed height also allows for a future co-located carrier on the same support structure with the proper separation (minimum 10-feet) between their respective antennas. In 1998, prior to the adoption of the current wireless ordinance, the City approved a 70-foot "monopine" tree at MacArthur Park, which is still in operation without any known detrimental effects.

Finally, as mentioned above, the proposed monopole will be more than 200 feet from residential uses and approximately 135 feet from Benito Street where its height will not appear to be out of scale with other development and natural mature trees.

### **Conditional Use Permit Findings**

- A. The proposed wireless telecommunications facility is essential or desirable to the public convenience and public welfare in that such facilities provide promote universal access to telecommunications services for all Montclair citizens, businesses, visitors and commuters traveling through the City. In addition, the proposed wireless facility has the capability to continue to operate and provide communications service in the event of a major power outage that may cause traditional telephone service to be rendered inoperable.
- B. The proposed wireless telecommunications facility use would not create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. The antenna structure is located in a public park of sufficient size to allow its full integration within the general context of the site without significant impact to the use of the park by the public. Moreover, staff finds that the location and physical features of the monopine, which is a stealth tower designed to look like an evergreen tree, and its associated equipment provide the best degree of both aesthetic and environmental protection pertaining to on-site and surrounding uses and public areas. Lastly, all necessary building permits will be required to ensure that the facility is properly constructed and inspected. In sum, no threats to public health or safety have been identified for this proposal.
- C. That the proposed wireless telecommunications facility use at the proposed location conforms to good zoning practice. At 3.95 acres in size, Alma Hofman Park is of sufficient size to easily accommodate the proposed monopine structure without impact to the overall use and appearance of the park. Associated support equipment is also easily accommodated in an unused portion of the adjacent Youth Center parking lot. Except for the proposed height of the monopine, all other applicable development standards of the underlying zoning district and wireless ordinance have been met.
- D. That such use in such location is not contrary to the objectives of any part of the adopted General Plan which encourage compliance with Federal law, increased emergency preparedness, enhancement of public convenience and communication, and projects which meet community design objectives and

attempt to reasonably minimize undesirable aesthetic effects on adjacent properties.

### **Wireless Telecommunications Facility Findings**

Staff further finds the proposed wireless telecommunications facility to be consistent with Chapter 11.73 of the Montclair Municipal Code, and believes the necessary findings for allowing the establishment of such a facility can be made as follows:

- A. There is adequate space on the property for the wireless telecommunications facility without conflicting with existing buildings or other improvements on the property, reducing required parking or landscaping, or otherwise compromising applicable development standards. The park site is approximately 3.95 acres in size and developed in a manner that will easily accommodate the project without significant impact. The proposed wireless telecommunications facility will not eliminate any parking spaces or existing landscaping. New landscaping around the base of the tree will be added.
- B. The design and placement of the wireless telecommunications facility will not adversely impact the use of the property, buildings and structures located on the property or the surrounding area or neighborhood. The proposed monopine will be placed in a corner of the park site and will not restrict any existing park activities, while the support equipment will be behind existing block walls and away from view by the public visiting the park, on the street, or from neighboring properties.
- C. The wireless telecommunications facility, as proposed, is consistent with the provisions of Chapter 11.73 and complies with all other applicable requirements of Title 11 of the Montclair Municipal Code. The facility will not emit excessive noise, vibration, traffic or other disturbance that would have a substantial adverse effect on abutting property or uses located on these properties. Moreover, the proposed wireless telecommunications facility meets distance requirements from adjacent residential properties, required setbacks of the underlying district and is planned to accommodate a second carrier in the future. The proposed height and monopine design of the antenna support structure will not adversely affect appearance of the surrounding area.

### **Variance Findings**

- A. Because of special circumstances applicable to the subject property, including its size, shape, topography, location or surroundings, the strict application of the provisions of Title 11 of the Montclair Municipal Code are found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications. Unusual conditions apply to the intended use of the property in that antennas of a lower height will not meet the radio frequency needs of the applicant. These needs are set forth in the applicant's co-location study. This is partly due to the existence of mature trees within the park west and south of the project site.

- B. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners in the vicinity and under identical zone classifications. The height variance would allow T-Mobile to install an antenna structure that is similar in height to the existing height of the antenna in service at the Youth Center immediately adjacent to the subject location of the proposed antenna structure. The existing antenna support structure provides an existing precedent for structures of this type in the area. Moreover, the strict adherence to the R-1 height limit of 35 feet would prohibit the operation of telecommunications facility of this type at the site and would not allow for any co-location opportunities as envisioned by the City's Wireless Telecommunications Ordinance.
- C. The granting of such variance will not be materially detrimental the public welfare or injurious to other property or improvements in the vicinity and zone in which the property is located. The Alma Hofman Park property is well suited to accommodate the proposed wireless telecommunications facility, and is a reasonable improvement to the subject site in that it meets the intent and applicable development standards of the Wireless Telecommunications Ordinance, and is located more than 200 feet from any residential uses. Moreover, the facility will be camouflaged as a tree, mitigating any potential visual impact on the park, street, Civic Center or nearby residences. The base of the facility will be screened by vegetation to blend in to the park setting. The facility itself will not emit noise, exhaust, or be illuminated. Radiofrequency emissions are regulated by the FCC and the facility must operate in conformance with these regulations. Finally, the structural integrity of the monopine structure and ground based equipment will be reviewed by the City's Building Division for compliance with all applicable building codes.
- D. The granting of such variance will not be contrary to the objectives of any part of the adopted General Plan. The General Plan also places a strong emphasis on maintaining the appearance, character, and vitality of the community, and on implementing the Municipal Code in an appropriate fashion. The proposed variance for the height of the monopine structure appropriately implements the intent and standards of the Wireless Telecommunications Ordinance and will not change the allowed uses or densities within the underlying zoning district. Because the proposal, as noted herein, meets these goals, the staff believes that this finding can be made.

### **Public Notice**

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on August 14, 2009. Public hearing notices were also mailed to existing tenants of the center and to 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.

### **Environmental Assessment**

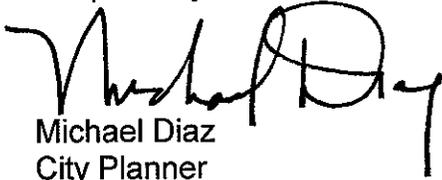
The proposed project involves installation of small, new structures on a developed site. As such, Staff determined that this project is categorically exempt (Class 3 – New Construction or Conversion of Small Structures) from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15303 of the CEQA Guidelines. 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 3 exemption under State CEQA Guidelines Section 15303.
2. Move to approve a Conditional Use Permit and Precise Plan of Design under Case No. 2009-11 to allow a telecommunications facility disguised as a 70-foot high monopine tree at Alma Hofman Park at 5201 Benito Street, per the submitted plans, as described in the staff report, and required findings subject to the conditions in attached Resolution Number 09-1700.
3. Move to approve the proposed Variance request under Case No. 2009-11 for the height of 70-foot high monopine tree based on the required findings and subject to the conditions in contained in Resolution Number 09-1701 for the CUP and PPD.

Respectfully Submitted,



Michael Diaz  
City Planner

MD/lb

Attachments: Draft Resolution of Approval for Case No. 2009-11

**RESOLUTION NO. 09-1700**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT AND PRECISE PLAN OF DESIGN UNDER CASE NO. 2009-11 TO ALLOW A WIRELESS TELECOMMUNICATIONS FACILITY (MONOPINE) IN THE R-1 ZONING DISTRICT AT ALMA HOFMAN PARK, 5201 BENITO STREET (APN 1010-301-18 & 20)**

A. Recitals.

**WHEREAS**, on June 30, 2009, T-Mobile West initiated an application for a Conditional Use Permit (CUP) to allow the construction of a wireless telecommunications facility consisting of a 70-foot high "monopine" structure and support equipment at Alma Hofman Park, 5201 Benito Street; and

**WHEREAS**, the application applies to property located at 5201 Benito Street, more commonly known as Alma Hofman Park; and

**WHEREAS**, Chapter 11.73 of the Montclair Municipal Code, governs the development of wireless telecommunications facilities within the City and provides policies and sets forth criteria, development standards and standardized conditions of approval upon which to evaluate this application; and

**WHEREAS**, Section 11.73.100 of the Montclair Municipal Code strongly encourages co-location of wireless telecommunications facilities to minimize their numbers and the visual impact additional locations would have on the community; and

**WHEREAS**, T-Mobile, the wireless carrier desiring to construct the facility on the subject property, has identified the site as a practical location in central Montclair to construct a wireless telecommunications facility to provide enhanced services to its customers by increasing signal strength and minimizing dropped calls; and

**WHEREAS**, staff has determined that the application meets the intent and requirements of the Municipal Code and the applicable development standards of the and Wireless Telecommunications Ordinance; and

**WHEREAS**, 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, pursuant to Section 15303 (Class 3 – New Construction or Conversion of Small Structures). 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 with 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

**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 August 24, 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.

A. 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 August 24, 2009, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:

Conditional Use Permit Findings

- A. The proposed wireless telecommunications facility is essential or desirable to the public convenience and public welfare in that such facilities provide promote universal access to telecommunications services for all Montclair citizens, businesses, visitors and commuters traveling through the City. In addition, the proposed wireless facility has the capability to continue to operate and provide communications service in the event of a major power outage that may cause traditional telephone service to be rendered inoperable.
- B. The proposed wireless telecommunications facility use would not create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. The antenna structure is located in a public park of sufficient size to allow its full integration within the general context of the site without significant impact to the use of the park by the public. Moreover, staff finds that the location and physical features of the monopine, which is a stealth tower designed to look like an evergreen tree, and its associated equipment provide the best degree of both aesthetic and environmental protection pertaining to on-site and surrounding uses and public areas. Lastly, all necessary building permits

will be required to ensure that the facility is properly constructed and inspected. In sum, no threats to public health or safety have been identified for this proposal.

- C. That the proposed wireless telecommunications facility use at the proposed location conforms to good zoning practice. At 3.95 acres in size, Alma Hofman Park is of sufficient size to easily accommodate the proposed monopine structure without impact to the overall use and appearance of the park. Associated support equipment is also easily accommodated in an unused portion of the adjacent Youth Center parking lot. Except for the proposed height of the monopine, all other applicable development standards of the underlying zoning district and wireless ordinance have been met.
- D. That such use in such location is not contrary to the objectives of any part of the adopted General Plan which encourage compliance with Federal law, increased emergency preparedness, enhancement of public convenience and communication, and projects which meet community design objectives and attempt to reasonably minimize undesirable aesthetic effects on adjacent properties.

#### Wireless Telecommunications Facility Findings

- A. There is adequate space on the property for the wireless telecommunications facility without conflicting with existing buildings or other improvements on the property, reducing required parking or landscaping, or otherwise compromising applicable development standards. The park site is approximately 3.95 acres in size and developed in a manner that will easily accommodate the project without significant impact. The proposed wireless telecommunications facility will not eliminate any parking spaces or existing landscaping. New landscaping around the base of the tree will be added.
- B. The design and placement of the wireless telecommunications facility will not adversely impact the use of the property, buildings and structures located on the property or the surrounding area or neighborhood. The proposed monopine will be placed in a corner of the park site and will not restrict any existing park activities, while the support equipment will be behind existing block walls and away from view by the public visiting the park, on the street, or from neighboring properties.
- C. The wireless telecommunications facility, as proposed, is consistent with the provisions of Chapter 11.73 and complies with all other applicable requirements of Title 11 of the Montclair Municipal Code. The facility will not emit excessive noise, vibration, traffic or other disturbance that would have a substantial adverse effect on abutting property or uses located on these properties. Moreover, the proposed wireless telecommunications

facility meets distance requirements from adjacent residential properties, required setbacks of the underlying district and is planned to accommodate a second carrier in the future. The proposed height and monopine design of the antenna support structure will not adversely affect appearance of the surrounding area.

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

Planning

1. This approval is for a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) to construct a wireless telecommunication facility consisting of a 70-foot high faux "monopine" antenna structure and associated support equipment on a portion of Alma Hofman Park located at 5201 Benito Street as described in the staff report and depicted on the approved plans. The approval of this permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted.
2. This CUP approval shall comply with Variance Resolution No. 09-1701 associated with this project and any and all conditions of approval contained therein.
3. Prior to the issuance of any building or grading permits to construct the approved wireless communications facility at Alma Hofman Park, T-Mobile shall obtain City Council approval of a License Agreement with the City of Montclair. Failure to obtain an approved License Agreement shall render this CUP approval null and void.
4. Conditional Use Permit (CUP) approval shall be valid for six months from the date of Planning Commission action. If no construction drawings have been submitted to the City for plan review within this time frame or a time extension for such CUP granted, then the approval shall automatically expire without further City action.
5. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
6. 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's

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.

7. The applicant and/or property owner shall ensure that a copy of the Planning Commission approval letter, 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.
8. The wireless provider shall obtain and maintain current at all times a business license issued by the City.
9. The wireless telecommunications facility shall be constructed in substantial compliance with plans reviewed and approved by the Planning Commission.
10. The applicant shall be responsible to fully comply with all requirements of the Federal Communications Commission (FCC) regarding electromagnetic frequency (EMF) and radiofrequency radiation (RFR) standards.
11. Prior to issuance of a building permit, the applicant shall submit the following:
  - a. Revised plans to accurately depict existing field conditions and address City Engineer comments regarding access to the location of the associated antenna support equipment. Final plans shall be subject to City Engineer approval.
  - b. A revised landscape and irrigation plan which moderately expands the planting area below the monopine in order to create a more natural looking setting for the installation. In addition, the plan shall include vines planted against the entire length of the masonry wall directly behind the monopine to prevent graffiti. Irrigation for new plant materials shall be tied into existing system of the park. Final plans shall be subject to the satisfaction of the City Planner and Public Works Superintendent.
12. Prior to issuance of a building permit, the applicant shall submit detailed shop drawings and/or plans for the proposed monopine for final design review and approval by the City Planner. Drawings/plans shall incorporate or address the following elements:
  - a. The first level of branches for the monopine shall be installed approximately 10-12 feet above adjacent ground level.

- b. The support pole shall be fully treated and have full "bark" finish.
  - c. Artificial branches and foliage shall be of sufficient quality, quantity, length, spacing, and density to provide screening of the antennas and to achieve a natural appearance to the greatest extent possible.
  - d. Each antenna panels shall be covered with "antenna socks" that match the approved foliage color.
  - e. All "stand-off-mounts" and support pipe mounts shall be painted in a "flat" complementary finish to reduce reflection and visibility of the mounting hardware.
13. No advertising, signs or lighting shall be incorporated or attached to the antenna array or support facilities, except as required by the City's Building Division or federal regulations.
14. All electrical and utility connections serving the facility shall be placed underground in accordance with the requirements of the Montclair Municipal Code.
15. The applicant shall submit to the City certification of continued use of the approved facility on an annual basis at the time of business license renewal for as long as the facility remains in operation. The certification shall indicate that the facility is operating as approved and that the facility complies with the most current FCC safety standards. Facilities that are no longer in operation shall be completely removed within 90 days after the date cessation of operation.
16. If no annual certification is provided, the CUP for the facility may be revoked by the Director. Prior to revoking a permit, the Director shall provide the owners of record written notice of their failure to provide the annual certification and an opportunity for a hearing.
17. Notice of change of ownership of the facility shall be provided in writing to the Director within 30 days of said change.
18. Within 90 days of commencement of operations, applicants shall provide a preliminary report and field report prepared by a qualified engineer that shows the operation of the facility to be in conformance with the standards established by ANSI and IEEE for safe human exposure to EMF and RFR.
19. All future changes and modifications to an approved facility, such as the addition of panel, whip, dish, omnidirectional, GPS or test antennas, shall require prior review and approval by the City.

20. The applicant and/or property owner shall be responsible for maintaining the monopine structure, antennas and artificial foliage and branches, building, ground equipment, fencing, lighting, landscaping, and all improvements in good condition and/or 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 screen walls, or adjacent buildings or structures shall be removed immediately by the applicant/property owner upon notification by the City.
21. The permit may be modified or revoked for failure to abide by the conditions contained herein, or in the event the use is determined to be a nuisance to surrounding properties, businesses, or community at-large.
22. Prior to issuance of a building permit for the approved wireless telecommunication facility, the applicant shall:
  - a. Ascertain and comply with all requirements of the Building and Engineering Divisions and the Montclair Fire Department.
  - b. Remit to the City a deposit or post a bond in an amount to be determined by the Director for the purpose of removing the subject facility and all associated support equipment in the event the facility becomes abandoned, the CUP is revoked by the Director, or the applicant does not or is unable to remove the facility.
23. A complete set of plans shall be submitted to the Montclair Police Department to determine the compatibility and non-interference with the City's public safety radio frequencies and services. Building permits shall not be issued unless it is determined that the proposal will not impact the City's radio communications systems.
24. If, as a result of the operation of the subject facility, existing or future residential, commercial or industrial properties near the site experience interference difficulties with electronic equipment (such as radios, televisions, telephones, home computers, etc.), or if public safety personnel experience interference with communications systems, the applicant shall be solely and fully responsible to correct any and all problems upon proof of such interference.
25. At no time shall equipment noise from any source exceed an exterior noise level for nighttime hours as set forth in Table 6-2 of the Montclair General Plan. Any backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekday nights. The carrier shall take corrective action within 30 days of receipt of any reported noise complaint by the Planning Division.

26. All graffiti and other forms of vandalism and damage to the wireless telecommunication facility shall be removed and/or repaired within 72 hours of notice by the City.
27. To ensure compliance with the conditions of the approval, a final inspection is required from the Building and Planning Divisions upon completion of construction and all improvements. The applicant shall contact the City to schedule an appointment for such inspections.
28. 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

29. Submit two complete sets of plans for the project, including engineered structural calculations and drawings for the monopine structure, associated facilities and utility plans, and three additional sets of architectural plans, including elevations, colors and materials, foliage addition to the monopine and lighting, if any, for review and approval by the Building and Planning Divisions.
30. Underground Service Alert shall be notified 48 hours prior to any excavation by calling 8-1-1.
31. All off-site and on-site excavation and trenching shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
32. The developer/contractor is to be responsible for reasonable periodic clean up of the construction site to avoid hazardous accumulation of combustible trash and debris.
33. Architect's/Engineer's stamp and "wet" signature are required prior to permit issuance.
34. 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.

35. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
36. Separate permits are required for fencing and/or walls.
37. All utility services to the project shall be installed underground.
38. 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.
39. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
40. Approval of final inspection is required prior to the use of the subject facility. Final approval by the Building Official shall be contingent upon compliance with all conditions of approval. The applicant shall contact the City to schedule an appointment for such final inspection.
41. The developer/general contractor is to be responsible for reasonable periodic clean up of the construction site to avoid hazardous accumulation of combustible trash and debris.
42. Prior to the issuance of final approval of the project, the applicant shall submit to the Building Division electronic images of all plans and records for the purpose of obtaining a building final. Electronic images shall comply with the City's Electronic Archiving Policy.

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

APPROVED AND ADOPTED THIS 24TH DAY OF AUGUST, 2009.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: \_\_\_\_\_  
Luis Flores, Chair

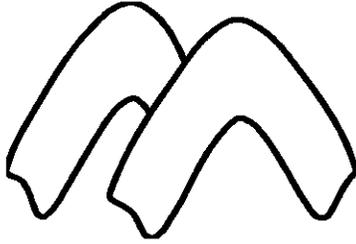
ATTEST: \_\_\_\_\_  
Steve Lustro, Secretary

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 conducted on the 24<sup>th</sup> day of August, 2009, by the following vote, to-wit:

AYES:

NOES:

ABSENT:



# CITY OF MONTCLAIR PLANNING COMMISSION

**MEETING DATE: 08/24/09**

**AGENDA ITEM 6.b**

**Case No.: 2009-12**

**Application:** CUP for Church Use

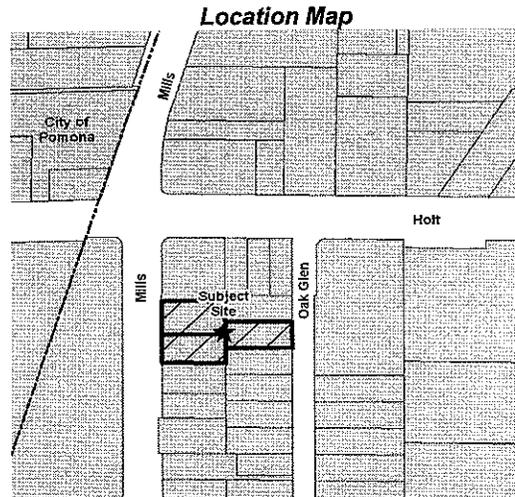
**Applicant/Property Owner:**  
Southern Pacific Latin American District Council –  
Mision El Redentor

**General Plan:** Business Park

**Zoning:** Business Park (BP) per Holt Boulevard  
Specific Plan

**Project Address:** 10543 Mills Avenue

**APN:** 1012-021-08, 18 & 50



**EXISTING SITE FEATURES/CONDITIONS**

**Structures:** One (1) existing single-story commercial building

**Parking:** Site is partially paved with approximately 7 parking spaces

**City/Public Utility Easements:** Right-of-way on Oak Glen Avenue frontage

**Trees/Significant Vegetation:** No landscaping on site, no significant or heritage trees.

**ADJACENT LAND USE DESIGNATIONS AND LAND USES**

	<b>General Plan</b>	<b>Zoning</b>	<b>Use of Property</b>
<b>Site</b>	Business Park	"BP" per Holt Boulevard SP	Commercial (vacant building)
<b>North</b>	Business Park	"BP" per Holt Boulevard SP	Commercial (auto repair, retail & church)
<b>East</b>	Business Park	"BP" per Holt Boulevard SP	Commercial (auto repair & body)
<b>South</b>	Business Park	"BP" per Holt Boulevard SP	Commercial (night club & market)
<b>West</b>	Business Park	C-3 (General Commercial)	Commercial (Indoor Swap meet)

## Report on Item Number 6.b

### PUBLIC HEARING - CASE NUMBER 2009-12

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	Southern Pacific Latin American District, for Mision El Redentor
LOCATION OF PROPERTY	10543 Mills Avenue
GENERAL PLAN DESIGNATION	Business Park
ZONING DESIGNATION	Business Park (BP) per Holt Boulevard Specific Plan
EXISTING LAND USE	Vacant commercial storefront
ENVIRONMENTAL DETERMINATION	Categorical Exemption – Section 15301 (Existing Facilities)
PROJECT PLANNER	Jim S. Lai

#### **Project Description**

The applicant is requesting approval of a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) to establish a church use in a vacant building at the subject site. The subject building is approximately 6,000 square feet in floor area with a projected seating capacity of 300 persons. Tenant improvements include the creation of a sanctuary, classrooms, reception lobby, church offices, restrooms, small kitchen and lunch room/multi-purpose area. The proposed church is named Mision El Redentor, and currently has about 100 members.

The site is approximately 31,468 square feet in size and will undergo major site improvements, including a new parking lot and drive aisles, new drive approaches, landscaping, fencing, on-site drainage and lighting. The proposed plan shows 50 parking spaces on site, including two disabled-accessible spaces. Access to the site will be primarily from Mills Avenue while Oak Glen Avenue will allow secondary gated access.

The abutting building to the south is on a separate parcel and is occupied by a night club, El Encanto, and a small market. The parking lot, which at one time was shared by both, will have restricted access from the south as the church intends to have the entire parking lot enclosed with a decorative metal fence. The project will create a shared driveway between the two parcels to facilitate better vehicular circulation. A light fixture would require relocation in conjunction with the project.

The exterior of the building will undergo a major remodel to create a new appearance that would feature a tiled main entry, new windows, moldings, and decorative "faux" metal canopy along the north elevation. A new roof parapet will provide screening of roof-mounted equipment. New signs for the church would be installed and is proposed as part of a separate review.

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 mid-week services every Tuesday and Wednesday that begin at 7:00 p.m. During the regular business hours of the week, the site would be occupied by a few staff members working in the church offices.

### **Background**

- Churches, synagogues, temples or other houses of worship are allowed in the Business Park (BP) zone of the Holt Boulevard Specific Plan subject to the approval of a CUP. A CUP does not change the underlying zoning of property, but allows certain identified uses subject to conditions.
- The subject site is composed of three separate but adjoining parcels that include a vacant area, parking and a single-story commercial building that was previously occupied over the years by an automotive supply, dry cleaner and tailor, and adult book store. The non-descript building, which was constructed in 1958, is dated and poorly-maintained. The applicant purchased the property in 2006 with the desire to convert it into a church use.

### **Planning Division Comments**

Overall, staff is supportive of the proposed request to allow the proposed church use at the subject site as described herein. Given the development history of the site, staff initially expressed concerns about the church's compatibility with the surrounding land uses. However, the church has committed itself to major improvements of both the site and building that will result in a vastly improved appearance. Staff commends the church for diligently working through several concerns regarding on and off-site circulation issues, hours of operations, exterior design, and in working with its neighbors. Staff believes that the proposed church use along with the associated physical improvements will be a positive contribution to the area.

Staff finds the existing site and building to be adequate in shape and size to adequately accommodate the proposed activities of the church use. A condition of this CUP will be the requirement to merge the three existing parcels into one, resulting in a clean title and to alleviate Building Division concerns over building exits and openings at or near property lines.

The new church use is not expected to cause adverse impacts to any adjacent uses, as all activities at the church are generally held at off-peak hours and entirely within the building. Services are typically held on weekends (Sundays) and smaller mid-week services occur during late afternoons or evenings. With these hours, potential conflicts between the church users and adjacent businesses 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 a maximum 300 seats in the sanctuary, which means that a minimum of 50 spaces are needed to satisfy zoning code requirements. The site plan proposes a total of 50 spaces, including two disabled-accessible spaces.

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 public streets off Mills and Oak Glen Avenues. As mentioned above, the existing parking lot along Mills Avenue will be slightly reconfigured with a new shared drive approach that will create better and safer one-way circulation from the street. Accordingly, staff believes that the proposed religious use will not create significant operational conflicts in relation to parking requirements or roadway infrastructure.

The proposed contemporary architectural style is appropriate for the shape and size of the building and property. The new improvements would give the building and site a new identity and the new ceramic tile entry for the church would serve as an attractive focal point. The decorative steel accent element on the north elevation creates balance and visual interest. Added landscaping to the site will provide sufficient areas for on-site drainage and as well serve as visually softening the hard surfaces of the parking lot paving. Hopefully, this project and use will inspire adjacent landowners and businesses to make significant improvements to their respective properties.

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 in the vicinity.
- 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 on an existing commercial site and in a building that is of adequate in size, shape, and development to accommodate the proposed use and its parking requirements. The proposed religious facility would not have a substantial adverse effect on traffic circulation, access, or parking of the existing commercial strip center 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 a 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 houses of worship.

### **Public Notice**

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on August 14, 2009. Public hearing notices were also mailed to 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**

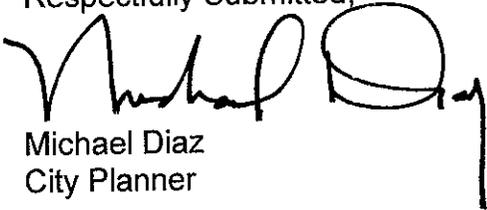
The project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301, which exempts projects involving little to no expansion of existing structures or uses. As such, a DeMinimis finding of no impact on fish and wildlife will be prepared.

### **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 and Precise Plan of Design under Case No. 2009-12 subject to making the required findings, and subject to the 65 conditions as described in attached Resolution Number 09-1702.

Respectfully Submitted,



Michael Diaz  
City Planner

JL/lb

Attachments: Draft Resolution of Approval for Case 2009-12

**RESOLUTION NO. 09-1702**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT AND PRECISE PLAN OF DESIGN UNDER CASE NUMBER 2009-12, IN THE BUSINESS PARK (BP) LAND USE DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN, AT 10543 MILLS AVENUE (APN 1012-021-08, 18 & 50)**

A. Recitals.

**WHEREAS**, Southern Pacific Latin American District Council, filed an application for a Conditional Use Permit (CUP) on behalf of Mision El Redentor, to allow the establishment of a church use at the subject site on July 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 10543 Mills Avenue, a 31,468 square-foot site with a vacant 6,000 square-foot single-story commercial 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 "BP" land use district of the Holt Boulevard Specific Plan; 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 August 24, 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 August 24, 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 in the vicinity.
  - 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 on an existing commercial site and in a building that is adequate in size, shape, and development to accommodate the proposed use and its parking requirements. The religious facility would not have a substantial adverse effect on traffic circulation, access, or parking of the existing commercial strip 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 houses 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 to allow 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 the existing 6,000 square-foot building, upon completing all required interior and exterior property improvements. A day care facility or private school use is not included with this approval.
2. This Precise Plan of Design (PPD) approval is for the renovation, exterior remodeling of the existing 6,000 square-foot building, parking lot, lighting and landscape improvements to the subject property as per the submitted plans and as described in the staff report.
3. This CUP approval shall be valid for six months (180 calendar days) from the date of Planning Commission action. Failure to initiate the approved use and/or improvements prior to the end of the six-month period shall result in the termination of and automatically void the CUP approval.
4. The Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval, unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
5. Within five (5) working 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.
6. Any modification, intensification, or expansion of the use, including an increase in the floor area or occupancy load beyond that which is specifically approved with this CUP and PPD shall require review and approval by the Planning Commission.
7. Applicant shall initiate and execute a lot merger application with the City Engineer's office joining APNs 1012-021-08, 18 and 50 and have said document duly recorded with the County of San Bernardino prior to

receiving a Certificate of Occupancy for church assembly use of this building.

8. 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/or 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.
9. Services shall be conducted primarily on weekends (Saturday and Sunday) and after 5:00 p.m. on weekdays (Monday through Friday). The building may be used by the church for non-worship activities during regular daytime hours for church offices/administration and or committee meetings.
10. Seating capacity in the sanctuary shall not exceed 300 persons or a lesser capacity as determined by the Building Official upon review of final seating plan, floor plan, fire exit plan and off-street parking provision.
11. A minimum of 50 parking spaces, including a minimum of two disabled-accessible stalls, shall be maintained and available for use on-site at all times based on a maximum allowed seating capacity.
12. Within 30 days from this Planning Commission approval, the applicant shall coordinate with the adjoining property owner to the south (APN 1012-021-07) in the removal of the existing drive approach and the construction of a new common drive approach on Mills Avenue to facilitate vehicular and pedestrian movement to the two parcels. A legal agreement shall be prepared stipulating provisions for mutual access and maintenance of said easement covering said drive approach and driveway and shall be recorded with the County Recorder. A copy of the recorded agreement shall be provided to the Community Development Department within five (5) working days of such recording. An existing parking lot light standard shall be relocated in order to facilitate the construction of the new drive approach.
13. No temporary or permanent residential living quarters, including homeless shelter, shall be established on the premises.
14. A wall/fence plan detailing all existing and proposed walls or fences for the site shall be submitted. The plan shall indicate the proposed heights, materials, colors, and wall sections as appropriate. Maximum height of any wall or fence within the front building setback line on Mills Avenue and within 25 feet from Oak Glen Avenue property line shall not exceed 48 inches in height. Where possible, climbing vines shall be applied to any walls having direct exposure and immediate access to the street to deter

graffiti as much as possible, as determined by the City Planner. Thereafter, the vines shall be continually fed, watered, and neatly maintained by the property owner.

15. Metal gates shall be integrated with the wall/fence plan and designed and finished to complement the architecture of the buildings. High quality and durable materials such as tubular steel or decorative wrought iron with wire mesh shall be used. Locking devices for electric security gate(s) shall be equipped with Medeco locks or other acceptable device to allow access by emergency personnel at all times.
16. Trash enclosure shall conform to City standards and include matching masonry material, a roof structure and metal gates. Final location and design shall be subject to the review and approval of the City Planner.
17. A detailed landscape/irrigation plan prepared by a licensed landscape architect for all plant areas (including required setbacks and parking areas) on the site for review and approval by the Planning and Building Divisions. Planting plan shall call out all species, quantities and container sizes. An automatic irrigation system for all plant areas shall be required. The use of an efficient irrigation system (e.g., drip irrigation) is highly encouraged.
18. A total of three (3) *Pinus canariensis* (Canary Island Pine) street trees, and two (2) Crape Myrtle (*Lagerstroemia indica*) street trees shall be provided on Mills Avenue and Oak Glen Avenue, respectively. Street trees shall be minimum 24-inch box size, planted at 30 feet on center with root barriers and double-staked per City standards.
19. All new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
20. 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.
21. No outdoor amplified sound systems shall be installed or used on the property.

22. No pay telephones or vending machines shall be located on the exterior of the building or on the subject property.
23. Provide a photometric and lighting plan for the entire site to the Planning and Building Divisions. The photometric plan shall include the location of all exterior light fixtures (area, building, parking lot, etc.) and the overall illumination levels across the site. All proposed exterior lighting shall comply with the following standards:
  - a. Provide a minimum maintained illumination level of one (1) foot-candle across the site. After-hours, a minimum of one-quarter (.25) foot-candles of illumination shall be maintained at grade.
  - b. Lighting fixtures shall be vandal resistant and of a design that complements the architecture of the building.
  - c. All light fixtures shall incorporate 90-degree cut-off style luminaires and flat lenses so as to direct illumination downward to the surface to be illuminated and away from public rights-of-way or adjacent residential properties/uses.
  - d. Freestanding light fixtures and poles shall not exceed a maximum height of 20'-0" as measured from adjacent grade to top of luminaries.
  - e. The use of wall packs, barn lighters, other similar unshielded luminaires, and/or decorative lighting installed solely for the purpose of illuminating the roof shall be prohibited.
  - f. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.
  - g. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be enhanced or "wrapped" with a decorative building material or texture consistent with those used on the main building.
24. 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.
25. 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.

26. 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 the provisions of the Montclair Sign Code.
27. 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.
28. 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.
29. 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.
30. 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

31. Due to the change of occupancy from a commercial to a higher occupancy classification (public assembly), a structural evaluation by a licensed civil engineer shall be preformed before any construction, improvements or occupancy is permitted.
32. 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, doors and windows to be demolished.
33. Submit two sets of structural calculations, if required, and two sets of energy conservation calculations.
34. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
35. 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.
36. 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.
37. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.

38. 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.
39. 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 west-facing building elevation, at the northwest corner of the building approximately six inches below the top of the parapet wall. 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.
40. 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%).
41. 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.
42. 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.
- d. Submit evidence of the recorded lot merger and reciprocal access agreement with the southerly parcel.

Fire

- 43. Provide a 20-foot wide base asphalt or concrete roadway capable of supporting firefighting apparatus within 150 feet of all structures prior to the framing stage of construction. This access is required to be maintained unobstructed throughout construction. Roadway is subject to Fire Department approval prior to construction.
- 44. Landscaping adjacent to the entrance drives should be of low profile types not exceed eight (8) feet in height when mature.
- 45. All Fire Department access and fire lanes shall be posted as "No Parking, Fire Lane." Signs shall be designed and installed in accordance with Montclair Fire Department standards.
- 46. 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.
- 47. A fire hydrant system shall be required to provide the necessary water flow to the proposed subdivision. Exact number, location and design of hydrants shall be determined by the Fire Marshal's Office when building plans are received. Hydrants shall be active prior to the framing stage of construction.
- 48. The use and conversion of this commercial structure for public assembly use shall require an approved automatic fire sprinkler system. The system shall conform to all local and national standards. Three (3) complete sets of the sprinkler system plans shall be submitted directly to the Fire Marshal's Office for approval prior to installation of the system in commercial structures. The system shall be so equipped as to provide a signal to a UL listed monitoring station in the event of water flow or tampering.
- 49. 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.
- 50. 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.

51. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of normal lighting.
52. Covered trash enclosure shall have fire sprinklers installed should any one of the following conditions exist: the trash enclosure has a combustible roof covering; the trash enclosure contains two or more individual trash containers, or the trash enclosure is under or within five (5) feet of combustible construction.
53. 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.
54. Vehicular security gates shall be approved only with the use of hold-open devices to allow for emergency vehicles access. Contact Fire Marshal's office for specific requirements.
55. All Montclair Fire Department fees are due prior to any permit issuance.
56. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.

#### Engineering

57. A preliminary soils report, addressing the geology, stability of the site, and grading requirements shall be submitted to the City Engineer for review and approval.
58. A comprehensive grading and drainage plan prepared by a registered civil engineer in conformance with the Appendix to Chapter J of the 2007 California Building Code and the requirements of the City. An advance plan check fee, in an amount to be determined by the City Engineer, shall be required at the time of plan submittal. Prior to the commencement of grading or any clearing of the site, a grading permit shall be obtained from the Building Division.
59. A disabled-accessible path-of-travel from the public sidewalk to the building on-site shall be shown on the grading plan.

60. Sidewalks, pathways and curb cuts shall comply with the Americans with Disabilities Act of 1990 (ADA). The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
61. Dedication to the City of Montclair and/or other public agencies for right-of-way (Oak Glen Avenue), easements for water, storm drains, sanitary sewers and other utilities shall be required, if applicable.
62. Street improvement plans for the Mills and Oak Glen Avenue frontages of the property for the length of the project limits to the satisfaction of the City Engineer. Plans shall comply with State and/or City disabled-accessible requirements for ramps, street access, and parking. Street improvement plans shall include, but not be limited to, removal and replacement of abandoned drive approaches with P.C.C. curb, gutter and sidewalk, and removal and replacement of all substandard P.C.C. curb, gutter, sidewalk and A.C. pavement. Disabled-accessible path-of-travel shall be maintained through drive approaches.
63. Construction of the parking lot and landscape improvements shall comply with all requirements and specifications as called for by the approved Water Quality Management Plan for erosion control and storm water pollution prevention. A general construction permit may be required. Contact Joe Rosales, NPDES Coordinator, at 909/625-9470 for requirements.
64. A letter of non-interference shall be required from any utility company that may have rights of easement within the property boundaries.
65. "Will-serve" letters shall be required from all utilities serving the site. The subdivider/developer will be required to coordinate with the various public utilities for the necessary improvements for said utilities to service the site.

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

APPROVED AND ADOPTED THIS 24TH DAY OF AUGUST, 2009.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: \_\_\_\_\_  
Luis Flores, Chair

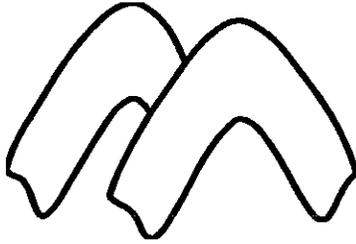
ATTEST: \_\_\_\_\_  
Steve Lustro, Secretary

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 24th day of August, 2009, by the following vote-to-wit:

AYES:

NOES:

ABSENT:



# CITY OF MONTCLAIR PLANNING COMMISSION

**MEETING DATE: 8/24/09**

**AGENDA ITEM 6.c**

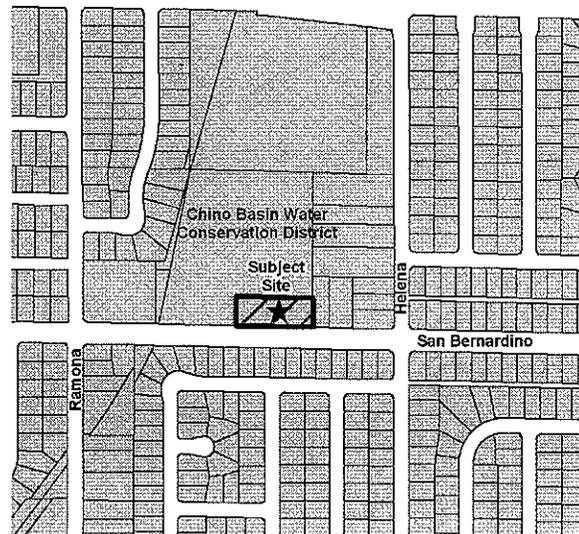
**Project Location:** 4594 San Bernardino Street

**Case No.** 2009-13

**Assessor's Parcel Numbers:** 1009-172-10 and 11

**Applicant & Property Owner:** Chino Basin Water Conservation District (CBWCD)

**Request:** Precise Plan of Design for Phase 2 of Approved Master Plan for physical improvements to the CBWCD facility.



### EXISTING GENERAL PLAN & ZONING

- Site:** Neighborhood Park & Public/Quasi-Public / R-1 (Single-Family Residential)
- North:** Conservation Basins / R-1 (Single-Family Residential)
- South:** Low Density Residential / R-1 (Single-Family Residential)
- East:** Low Density Residential / R-1 (Single-Family Residential)
- West:** Low Density Residential / R-1 (Single-Family Residential)

### ENVIRONMENTAL DETERMINATION

- Categorically Exempt, per Section 15303(c) CEQA Guidelines
- Negative Declaration
- Mitigated Negative Declaration
- Environmental Impact Report
- Not a Project under CEQA

## Report on Item Number 6.c

CASE NUMBER 2009-13

NAME OF APPLICANT	Chino Basin Water Conservation District (CBWCD)
LOCATION OF PROPERTY	4594 San Bernardino Street
GENERAL PLAN IMPLEMENTATION PROGRAM	Precise Plan of Design
GENERAL PLAN DESIGNATION	Neighborhood Park and Quasi-Public
EXISTING ZONE DISTRICT	R-1 (Single Family Residential)
EXISTING LAND USE	Park/Water Basins/CBWCD Offices/Demonstration Garden
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15303)
PROJECT COORDINATOR	Michael Diaz

### Project Description

The Chino Basin Water Conservation District (CBWCD) is requesting design approval for Phase 2 improvements associated with its approved Master Plan (Case No. 2008-31). A condition of approval for the Master Plan requires the applicant to submit subsequent PPD application(s) prior to the implementation of improvements in Phases 2-6 of the Master Plan.

### Site Plan

Phase 2 site improvements include the construction of a new 16-foot wide fire/access lane leading from the existing parking lot to the new 6,000 square foot maintenance building. The structural base of the new fire/access lane will be turf block that is covered in decomposed gravel. At the north end of the lane will be a new 17-space parking area to serve the new building. The parking area will be paved in permeable concrete to capture storm water runoff and serve as a demonstration site. Two, 15-foot high, pole-mounted "shoebox" light fixtures will be added to the parking lot, and seven (7) wall sconces will be added to the building. All light fixtures will have full cut-off optics.

Securing the new building and separating it from the park area will be a new 6-foot high decorative metal fence and gate. The fence will be installed along the west side of the new fire/access lane and tie into existing metal fencing behind the existing building. The color of the metal fence will be black. A secured vehicle gate will be installed to control access to the fire lane and the new building area.

## Building Design

The proposed building is rectangular in shape and provides approximately 4,000 square feet of ground level floor space for a garage area, workshop, restrooms/locker room, storage rooms, and an office on the first level. A second level providing additional storage and office space is proposed and occupies approximately 2,000 square feet. A small freight elevator is provided to move items between floors.

The exterior design of the building is simple and straightforward in keeping with its intended purpose. The south side of the building provides the primary focal point for activities in the building, featuring six (6) roll-up garage doors of various widths and heights to accommodate different sized vehicles and items. On the north side of the building, the design features various sized windows, vents, and use of concrete siding to break up the wall plane and provide some visual interest. The applicant has proposed a sign with the District's logo and text reading "Conserve Water." Ground-mounted mechanical equipment will be screened by corrugated steel.

The building's standing seam metal shed roof is the dominant feature of the building and slopes to the south. Given the angle of the roof, CBWCD intends to install photovoltaic panels that are anticipated to generate up to 40 kilowatts of clean solar energy for the building. The solar panels will be installed directly atop the metal roof matching the same pitch angle of the underlying roof. Solar tube skylights are also proposed to provide natural lighting to the interior of the building.

The proposed colors and materials for the building include stucco walls in shades of tan, a slate blue color for the standing seam roof, rosewood and gray blue colors for trim, gray-blue for doors and red/brown color tones for the roll-up doors. Additional accent wall materials include cement siding, colored split face block, and corrugated metal as shown the proposed building elevations.

## Background

- The Chino Basin Water Conservation District is a public agency founded in 1949. The primary goal of the CBWCD is the protection and replenishment of the Chino Groundwater Basin in order to guarantee that current and future water needs will be met. The Basin is protected by the capture and percolation of waters through the District's network of channels, basins and spreading grounds. Water conservation education is provided to the individuals and organizations within the service area to further promote the efficient use of our water resources. The District's service area includes the cities of Chino, Chino Hills, Montclair, Ontario, Rancho Cucamonga, and Upland.
- In November of 2008, the Planning Commission approved CBWCD's Master Plan for improvements to their 18.2 acre site. The proposed improvements to the CBWCD campus are summarized in the following table:

Chino Basin Water Conservation District Master Plan	
Phase	Project
1	Wilderness Park Renovation – <i>Status: Completed</i>
2	Construction of Maintenance Building (Approx. 4,000 s.f.) and parking/ Fire Road Construction/Security Fence
3	Addition to and Renovation of Administration Building (Approx. 4,000 s.f.)
4	Expansion and Renovation of Demonstration Garden (replanting and new exhibits)
5	Parking Lot Renovation (highlighting various permeable surfaces) and possible cistern to capture storm water runoff. No expansion proposed.
6*	Future Educational Facility/Green House/Lath House
*Shown on Master Plan, but no details have been provided. To be built when funding is available.	

- Phase 1 improvements to the Wilderness Park area were completed in April 2009. New trees and irrigation, an accessible pathway, benches and interpretive signs were installed.
- CBWCD has 13 employees (8 on-site and 5 in the field). Office hours are Monday-Friday from 8:00 a.m. to 5:00 p.m. Garden hours are daily (except holidays) between 8:00 a.m. to 5:00 p.m. Board meetings are conducted on the 2<sup>nd</sup> Monday of each month.
- A public 60-inch diameter storm water pipe and easement exists along on the eastern boundary of the site. Buildings or other structures over the easement will not be allowed.

### **Planning Division Comments**

Overall, staff finds the proposed Phase 2 improvements to be consistent with the approved Master Plan for the Chino Basin Water Conservation District site. The improvements are appropriately arranged and do not create adverse impacts to adjacent properties. All of the changes are intended to improve the functionality and appearance of the facility. The new maintenance building will provide a secure and organized place for the District to store supplies, equipment, and provide needed workshop areas. Up to now, the agency has relied on outdoor storage and the use of sea containers, which will be removed from the site as a result of this project. In short, the new maintenance building will significantly advance the District's ability to organize its ongoing operations.

The new fire access road leading to the rear of the demonstration garden is appropriate and much needed. Currently, there is no organized means of getting to the rear areas of the site without driving over turf, and the access road will correct this deficiency. Finally, the installation of the decorative metal fence will improve the appearance of the park and add an adequate means of providing security and separating the different uses on the site. Further, the addition of 17 new parking spaces near the new maintenance building will allow CBWCD employees to park there and free up spaces abutting San Bernardino Street for park use/events and CBWCD guests or visitors to Wilderness Park during peak hours or whenever needed. Although the added 17 spaces will be

more than sufficient to accommodate the use as proposed, including a modest amount of office space on each level, staff believes that a restriction on future expansion of office space in the building is necessary. Staff recommends that a condition be added to make clear that no expansion of office space in the building (other than shown on approved plans) be allowed without an amendment of the master plan and the provision of required on-site parking spaces to support the intensified use.

Staff believes the overall design of the building to be appropriate given its intended use. Breaks in the wall planes and use of various exterior materials helps to make the building visually appealing. However, staff has some minor issues with the right side of the north elevation which features the proposed sign. Since the building does not have direct freeway frontage and is quite a distance away, staff believes that no sign on this elevation is appropriate. The second issue is in regard to the projecting flat wall planes on the right side of the north elevation and on the west elevation. This element is too "box-like" and appears to be unrelated to any other element proposed for the building. Staff believes these two issues can be easily addressed with simple revisions to the design which will result in a more visually balanced design and appearance. A condition of approval requiring a revised north and west building elevation has been included.

Finally, staff finds the proposed metal roof to be appropriate and durable. In addition to being fire resistant, the material requires little maintenance. Given that the solar panels are placed at the same angle as the roof, they will not adversely detract from the building's appearance. Moreover, the effort to obtain clean energy directly from the sun is commendable. A condition of approval will be added to require that the support hardware, frames, flashing, conduit, etc., be painted to match or complement the color of the main roof as close as possible to avoid glare/reflections caused by shiny metal finishes.

### **Public Notice**

None required.

### **Environmental Assessment**

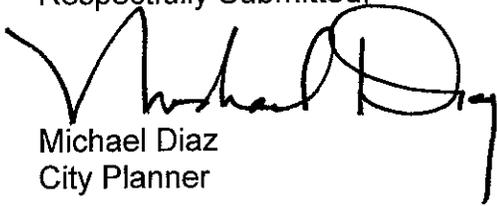
The proposed project involves installation of small, new structures on a developed site. As such, staff has determined that this project is categorically exempt (Class 3 – New Construction or Conversion of Small Structures) from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15303 of the CEQA Guidelines. 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):

- A. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 3 exemption under State CEQA Guidelines Section 15303.
  
- B. Move to approve Precise Plan of Design Case No. 2009-13 for Phase 2 Improvements of the CBWCD Master Plan allowing the construction of a new maintenance building, fire access drive, and security fencing at 4594 San Bernardino Street per the submitted plans, as described in the staff report, subject to the 59 conditions of approval in Resolution 09-1703.

Respectfully Submitted,



Michael Diaz  
City Planner

MD/lb

Z:\COMMDEV\MD\CASES\CBWCD PHASE 2 IMPROVEMENTS\2009-13\PCRP

**RESOLUTION NUMBER 09-1703**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR FOR CASE NUMBER 2008-31 GRANTING APPROVAL OF PHASE 2 IMPROVEMENTS OF THE CHINO BASIN WATER CONSERVATION DISTRICT MASTER PLAN AT 4594 SAN BERNARDINO STREET (APNs 1009-172-10 & 11)**

A. Recitals.

**WHEREAS**, the Chino Basin Water Conservation District (CBWCD), owner of property at 4594 San Bernardino Street, filed an application for a Precise Plan of Design (PPD) for Phase 2 improvements associated with the approved Master Plan for the CBWCD facility on August 4, 2009; and

**WHEREAS**, the application applies to property located at 4594 San Bernardino Street, more commonly known as the home of Chino Basin Water Conservation District and Wilderness Park; and

**WHEREAS**, proposed Phase 2 improvements include the construction of a new fire/access driveway, a new 6,000 square foot maintenance building, and decorative metal security fencing on property owned by the CBWCD; and

**WHEREAS**, staff has determined that the proposed Phase 2 improvements are consistent with the CBWCD Master Plan (Case No. 2008-31) approved on November 10, 2008 and the intent and requirements of the Municipal Code; and

**WHEREAS**, the Planning Commission has reviewed the Planning Division's determination that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303(c) of the State CEQA Guidelines, and based on its own independent judgment, concurs with staff's determination of said exemption and finding of no significant effect on the environment. As such, a DeMinimis finding of no impact on fish and wildlife will be prepared; and

**WHEREAS**, on August 24, 2009, commencing at 7 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a meeting at which time all persons wishing to testify in connection with said project were heard and said proposal was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all 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 hearing on August 24, 2009, including written and oral staff reports, together with public testimony, this Commission hereby finds the proposal to be consistent with the overall objectives of the City of Montclair General Plan, Montclair Municipal Code, and good planning principles, and approves the application subject to each and every condition set forth below.

Planning

1. This Precise Plan of Design (PPD) approval is for the construction of Phase 2 improvements of the approved Master Plan for the CBWCD main facility, including a 6,000-square-foot maintenance building, 17 parking spaces, fire access lane, and security fencing, as depicted on approved plans on file with the Planning Division and as described in this report and depicted on approved plans. The approval of this permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted.
2. PPD approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
3. All applicable conditions of approval of the approved Master Plan (Case No. 2008-31) shall remain in effect.
4. Approval of this PPD shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances, the San Bernardino County Health Department, or the State of California.
5. Within five days of approval, 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 Act (CEQA). The check shall be made payable to the Clerk of the Board of Supervisors.
6. Any modification, intensification, or expansion of the use beyond that which is specifically approved with this approval shall require review and approval by the Planning Commission. No expansion of office space in the building (other than shown on approved plans) shall be allowed without the provision of required on-site parking spaces to support the intensified use.
7. Prior to the issuance of building permits for the project, the applicant shall revise the design of the north and west elevations to remove the proposed

signage and eliminate the "box-like" design wall element and create a more visually balanced appearance, subject to City Planner approval.

8. The finish and/or color of all support hardware, frames, flashing, conduit, etc., related to photovoltaic panels and skylights shall be painted the color of the main roof as close as possible to avoid glare/reflections caused by shiny metal finishes.
9. The applicant and/or property owner shall be responsible for maintaining the overall appearance and condition of the new building and its constituent parts, including photovoltaic panels and sky lights at all times. If use of the photovoltaic panels is discontinued, they along with related hardware shall be removed and the roof repaired and/or painted to its original condition.
10. Prior to a Certificate of Occupancy, remove all sea containers from the site.
11. No outdoor pay telephones or vending machines shall be installed or used on the property in conjunction with this approval.
12. 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.
13. The applicant and/or property owner shall ensure that a copy of the Planning Commission approval letter, 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.
14. All electrical and utility connections serving the facility shall be placed underground in accordance with the requirements of the Montclair Municipal Code.
15. At no time shall equipment noise from any source exceed an exterior noise level for nighttime hours as set forth in Table 6-2 of the Montclair General Plan. Any backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekend nights. The applicant shall take corrective action within 30 days of receipt by the Planning Department Services of any reported noise complaint.
16. All graffiti and other forms of vandalism and damage to the subject improvements shall be removed and/or repaired within 72 hours of notice by the City.
17. To ensure compliance with the conditions of approval, a final inspection is required from the Building and Planning Divisions upon completion of

construction and all improvements. The applicant shall contact the City to schedule an appointment for such inspections.

18. 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 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

19. 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.
20. 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.
21. Submit two sets of structural calculations, if required, and two sets of energy conservation calculations.
22. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
23. 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, ramp or path-of-travel shall not exceed two percent (2%). Maximum slope of accessible ramps shall be 8.33% slope. All disabled-accessible requirements shall comply with the provisions of Chapter 11 of the 2007 California Building Code.

24. Separate permits are required for fencing and/or walls.
25. All utility services to the project shall be installed underground.
26. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
27. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
28. Prior to 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 Impact Fee, Permit and Plan Check Fees, and/or School Fees. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District. Applicant shall provide a copy of the school fees receipt to the Building Division prior to permit issuance.
29. Construct trash enclosure(s) per City standard (available at the Building Division's public counter) per separate permit.
30. Construction drawings submitted to the Building Division for plan review shall comply with the Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
  - a. Install a numerical address on the south building elevation. Address numerals shall be in Helvetica font, a minimum of ten inches in height, a minimum of 1½ inches in depth, and be in contrasting colors which adequately contrast to the background to which they are attached.
  - b. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn everyday.
  - c. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.
31. 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.
- d. 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.

Engineering/Environmental

- 32. Payment of transportation development impact fees in effect at the time of payment.
- 33. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact the Environmental Manager at (909) 625-9446 for fees/assessments.
- 34. Regional Sewerage Capital Outlay fees are required as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.
- 35. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code, upon approval by the Environmental Manager.
- 36. Sanitary sewers serving this development shall be designed to City standards and shall be privately maintained.
- 37. A Water Quality Management Plan (WQMP) may be required for this project. Approval of the WQMP is required prior to the preparation of grading and other improvement plans. Requirements for the WQMP may be obtained from the City NPDES Coordinator Joseph Rosales at 909-625-9470.
- 38. A disabled-accessible path of travel from the public sidewalk to the buildings on-site shall be shown on the grading plan. Sidewalks, pathways, and curb cuts shall comply with the Americans with Disability Act requirements. The maximum cross slope on a sidewalk or path of travel shall not exceed 2%.
- 39. The submitted plan indicates that a building will be constructed across an existing City of Montclair storm drain and easement. Calculations shall be submitted showing the effect of the building load on the storm drain and whether any special work will be required to protect the storm drain. Such special work could include, but not be limited to, encasing the existing storm drain in concrete.

40. No building footings will be permitted within the storm drain easement. If necessary, reinforced concrete grade beams may span the storm drain easement.
41. Prepare a grading plan to the satisfaction of the City Engineer and Building Official. An erosion control plan is to be included and considered an integral part of the grading plan. Grading and landscaping shall be done to minimize impacts on the storm drain system.
42. No soil may 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 acceptable to the City Engineer shall be prepared showing proposed haul routes within the City. Plan shall include provisions for street sweeping and cleanup. Contractor(s) shall comply with all NPDES requirements.
43. All off- and on-site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
44. All utilities serving development shall be placed underground. Pad mount transformers and/or switches will be acceptable, provided they are screened from public view with walls or landscaping.
45. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at 8-1-1.
46. Prior to commencing framing for buildings or delivery of lumber to any location within the development limits, all-weather access shall be provided through site. An all-weather access is defined as base-course A.C. paving with a minimum thickness of 2½", and having a minimum width of 20 feet. This 20-foot width shall be maintained free and clear of construction equipment, materials, and debris at all times during construction.
47. Indicate on all appropriate plans submitted for plan check the location of existing property lines in the area of work. If property lines bisect the proposed building or are too close to the building, a parcel merger will be required.

Fire

48. A 20-foot wide base asphalt or concrete roadway capable of supporting firefighting apparatus within 150 feet of all structures is required prior to the framing stage of construction. This access is required to be maintained unobstructed throughout construction. Roadway is subject to Fire Department approval prior to construction.

49. The developer/general contractor is to be responsible for reasonable periodic clean up of the construction site to avoid hazardous accumulation of combustible trash and debris.
50. Planter areas in the center of drive and adjacent to entrances should be low profile type, not to exceed eight feet in height when mature.
51. The inside turning radius for an access road shall be 32 feet or greater. The outside turning radius for an access road shall be 45 feet or greater.
52. All Fire Department access and fire lanes shall be posted as "No Parking, Fire Lane." Signs shall be designed and mounted in accordance with Montclair Fire Department standards.
53. The proposed commercial structure(s) shall require an approved automatic fire sprinkler system. The system shall conform to all local and national standards. Three (3) complete sets of the sprinkler system plans shall be submitted directly to the Fire Marshal's Office for approval prior to installation of the system in commercial structures. The system shall be so equipped as to provide a signal to a UL-listed monitoring station in the event of water flow or tampering.
54. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
55. A fire hydrant system shall be required to provide the necessary water flow to the proposed structure(s). Exact number, location, and design of hydrants shall be determined by the Fire Marshal's Office when building plans are received. Hydrants shall be active prior to the framing stage of construction.
56. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
57. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of normal lighting.
58. 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 the Montclair Fire Department Headquarters for those occupancies requiring such a system.
59. All Montclair Fire Department fees are due prior to any permit issuance.