



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

REGULAR ADJOURNED MEETING
Monday, October 12, 2009
7:00 p.m.

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

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

4. APPROVAL OF MINUTES

The minutes of the September 28, 2009 Planning Commission meetings 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 2009-18
Project Address: 4609 Holt Boulevard
Project Applicant: Vanduco, Inc. on behalf of Pomona Valley
Habitat for Humanity
Project Planner: Steve Lustro, Community Development
Director
Request: Conditional Use Permit
- b. PUBLIC HEARING - CASE NUMBER 2008-33 'A'
Project Address: 9720 Central Avenue
Project Applicant: Nithyananda Foundation (aka Vedic
Temple)
Project Planner: Michael Diaz, City Planner
Request: Conditional Use Permit amendment
- c. CASE NUMBER 2008-14
Project Address: 10319 Mills Avenue
Project Applicant: National Community Renaissance of
California
Project Planner: Michael Diaz, City Planner
Request: Precise Plan of Design time extension
- d. CASE NUMBER 2009-20
Project Address: 4875 Mission Boulevard
Project Applicant: Quach Investments, LLC
Project Planner: Carol Frazier-Burton, Associate Planner
Request: Precise Plan of Design

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

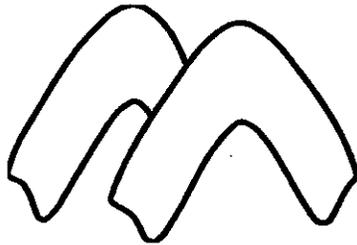
Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of October 26, 2009 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California.

CERTIFICATION OF AGENDA POSTING

I, Laura Berke, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda was posted on the bulletin board adjacent to the south door of Montclair City Hall on October 8, 2009.



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 10/12/09

AGENDA ITEM 6.a

Case No.: 2009-18

Application: Conditional Use Permit

Property Owner/Applicant: Vanduco, Inc.

General Plan: General Commercial / Business Park

Zoning: "Commercial" and "Industrial" per Holt Boulevard Specific Plan

Project Address: 4609 Holt Boulevard

APN: 1012-081-02



Location Map

EXISTING SITE FEATURES/CONDITIONS

Structures: Existing, ±22,250 square-foot and ±11,040 square-foot buildings

Parking: 59 paved, striped parking spaces (including one disabled-accessible space)

City/Public Utility Easements: None

Trees/Significant Vegetation: Minimal, non-conforming landscaping along street frontages; no significant or heritage trees

ADJACENT LAND USE DESIGNATIONS AND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	General Commercial / Business Park	"Commercial" and "Industrial" Holt Boulevard Specific Plan	Furniture store
North	General Commercial	"Commercial" Holt Boulevard Specific Plan	Vacant lot
East	General Commercial / Business Park	"Commercial" and "Industrial" Holt Boulevard Specific Plan	Neighborhood commercial center / Pomona Valley Workshop
South	Industrial Park	M-2 (General Manufacturing)	Industrial park
West	General Commercial / Business Park	"Commercial" and "Industrial" Holt Boulevard Specific Plan	Vacant lot

Report on Item Number 6.a

PUBLIC HEARING – CASE NUMBER 2009-18

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	Vanduco, Inc.
LOCATION OF PROPERTY	4609 Holt Boulevard
GENERAL PLAN DESIGNATION	General Commercial / Business Park
ZONING DESIGNATION	"Commercial" and "Industrial" per Holt Boulevard Specific Plan
EXISTING LAND USE	Furniture store and small industrial shops
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Steve Lustro

Applicant's Proposal

The applicant, on behalf of the Pomona Valley Chapter of Habitat for Humanity, is requesting approval of a Conditional Use Permit (CUP) to allow the operation of a surplus store ("ReStore") that would sell new and used building materials, furniture, and household items in an approximately 12,100 square-foot portion of an existing 22,250 square-foot commercial building on the south side of Holt Boulevard east of Ramona Avenue. Oscar's Furniture, which previously occupied the entire building, has consolidated its operation and now occupies only the westerly 84 feet of the subject building.

The ReStore operation would initially be overseen by a paid, VISTA (Volunteers in Service to America) worker and staffed with volunteers. It is hoped that a full-time store manager could be hired prior to the store celebrating its first anniversary. The hours of operation, which have not yet been formally established, are tentatively anticipated to be 9 a.m. to 6 p.m., Tuesday through Saturday. Since the ReStore operation is stocked with donated goods and materials, donations will be allowed at the site; however, the intent would be to regulate them through conditions of approval.

Background

Section 11.78.030.D of the Montclair Municipal Code requires approval of a CUP for a retail store selling second-hand, used or surplus merchandise within any commercial zones.

Habitat for Humanity International is a worldwide organization dedicated to providing decent housing for low-income families who would otherwise be unable to enjoy home ownership. Habitat was established in 1976 by Millard and Linda Fuller in Americus, Georgia, and has built over 125,000 homes for those in need. The Pomona Valley chapter of Habitat was established in 1990.

In September 1992, Habitat opened its first ReStore in the United States in Austin, Texas. Today, there are over 600 stores in three countries. ReStore is a program of the local Habitat affiliate and its primary mission is to provide additional funding to support the affiliate's house-building goals. The items for sale in a typical ReStore are donated by retail businesses (close-outs, seconds, and overstocks), building contractors, and individuals. By reusing surplus materials and goods, natural resources are conserved and Habitat is able to provide to the public (specifically targeted are small contractors, Habitat homeowners, and people of limited means) new and used quality building materials and supplies at discounted prices for their home improvement needs.

The subject property, which is approximately 2.2 acres in size, is developed with two commercial buildings. The northerly building, approximately 12,100 square feet of which would be occupied by the ReStore, is approximately 22,250 square feet in size. The remaining 10,000 square feet is occupied by Oscar's Furniture, a retail furniture store that formerly occupied the entire building, which fronts Holt Boulevard. The subject building has existed on the site since at least 1960, which is the oldest building permit on file. Based on City records, it appears that most of the building was destroyed by fire in 1965 and later rebuilt.

The southerly building, which fronts Brooks Street and is approximately 11,000 square feet, is divided into three tenant spaces. The two buildings share a fenced yard area that is used for loading and parking. A total of 35 parking spaces adjoin the northerly building, including one disabled-accessible stall. Twenty-four (24) parking spaces adjoin the southerly building.

Planning Division Comments

The local Habitat affiliate has been working diligently to identify a potential location for the proposed ReStore for well over a year. Montclair was targeted as an ideal location as it is generally in the center of the Pomona Valley chapter's service area. Staff believes that the subject location would work well as it enjoys unobstructed visibility from a major street, easy access, and a secured loading area for merchandise to be delivered to and picked up from the store.

Although the property was originally developed over 50 years ago, it is generally well maintained. Within the past five years, staff was successful in having a non-conforming pole sign along Holt Boulevard removed and replaced with a conforming monument sign. However, since the sign was constructed, it has been illegally modified without benefit of staff review or building permits. Staff has included as a condition of approval that no new building sign or changes to the existing monument sign to identify the ReStore will be permitted until the subject sign violation has been abated.

The number of parking stalls on the property is a reflection of code requirements from a different era. Staff speculates that the aggregate building square footage on the property (approximately 33,300) was originally parked at 1:500, which would require 67 parking spaces. While there are currently 59 striped spaces, there is room for

additional parking within the fenced yard area that would not obstruct the two loading ramps of the northerly building or the bay doors of the southerly building. Under the City's existing parking code, the northerly building would be required to be parked to the "commercial" standard (1:250) while the southerly building would require 1:500, which is the "industrial" standard. Applying those standards would result in the need for a total of 111 parking spaces, which could not reasonably be accommodated on the site.

From a practical standpoint, and considering the existing uses on the property and the proposed addition of the ReStore, staff anticipates that the existing number of parking stalls on the property would be sufficient. However, disabled-accessible parking and path-of-travel requirements are clearly substandard pursuant to the Americans with Disabilities Act of 1990 (ADA) and Title 24 of the California Code of Regulations. Accordingly, staff has included conditions of approval that the number of disabled-accessible parking stalls be increased to a minimum of three (3) and striped paths-of-travel from the adjacent public rights-of-way be installed to the satisfaction of the Building Official. Not only is staff requiring these upgrades to comply with state and federal law, but also to help minimize the chances of the applicant and City being parties to a legal action by individuals or groups who seek out accessibility violations such as these.

As previously indicated, Habitat for Humanity depends upon donations from retailers, groups, and individuals to ensure that each ReStore is well-stocked. Given that there is no central "clearinghouse" or drop-off point for donations, staff is willing to allow items to be delivered or donated at the subject site; however, a condition of approval has been included to strictly regulate donations, including the requirement that items delivered or donated to the store during business hours be transferred into the building prior to close of business on the same day and further, that drop-offs and donations be prohibited during non-business hours.

With conditions, staff enthusiastically supports the proposed use and does not anticipate any problems occurring on the site. If operated properly per the conditions of approval, staff believes the proposed thrift store use will not be detrimental to the surrounding area.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on October 2, 2009. Public hearing notices were mailed out to property owners within a 300-foot radius of the subject property 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 this proposal.

Environmental Assessment

The project qualifies as a Class 1 exemption under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, which exempts projects involving little to no expansion of existing structures or uses. The project does not involve an expansion

of the existing structure or a fundamental change in the type of uses permitted by the underlying zoning code. As such, a DeMinimis finding of no impact on fish and wildlife will be prepared.

Planning Division Recommendation

Staff finds the proposed use to be consistent with the Holt Boulevard Specific Plan, Montclair Municipal Code, and the adopted General Plan; therefore, approval of Case No. 2009-18 is recommended by adopting attached Resolution No. 09-1706.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Steve Lustro", with a large, sweeping flourish extending to the right.

Steve Lustro, AICP
Director of Community Development

Attachment: Draft Resolution of Approval for Case No. 2009-18

RESOLUTION NO. 09-1706

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2009-18 TO ALLOW THE SALE OF USED MERCHANDISE IN COMJUNCTION WITH A SURPLUS STORE IN THE "COMMERCIAL" LAND USE DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN, AT 4609 HOLT BOULEVARD (APN 1012-081-02)

A. Recitals.

WHEREAS, Vanduco, Inc., on behalf of Habitat for Humanity, Pomona Valley Chapter, filed an application for a Conditional Use Permit (CUP) to allow a surplus store selling new and used merchandise on September 15, 2009. Hereinafter in this Resolution, the subject CUP request is referred to as "the application"; and

WHEREAS, Chapter 11.78.030.D of the Montclair Municipal Code requires a CUP for the sale of used merchandise upon review of development standards and land use compatibility with surrounding properties; and

WHEREAS, the application applies to an approximately 12,100 square-foot portion of an existing, 22,250 square-foot building located on the north side of the property located at 4609 Holt Boulevard; 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 "Commercial" 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 October 12, 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 October 12, 2009, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:
 - a. That said use is essential or desirable to the public convenience and public welfare, in that the subject surplus store will provide the general public and small contractors an alternative to purchasing lower priced new and used building materials, home improvement items, and miscellaneous household goods in a safe, organized, and clean environment intended for the retail sales of goods.
 - b. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity, in that the use is similar to, and consistent with, retail businesses along Holt Boulevard and that the property is fully improved with parking, internal circulation, and lighting. In addition, conditions have been included to strictly regulate the operation of the business, thereby reducing the potential for creating unsightly conditions on the premises.
 - c. That such use in such location conforms to good zoning practice in that stores selling used merchandise are permitted in the "Commercial" land use district of the Holt Boulevard Specific Plan, subject to approval of a CUP. Conditions of approval are designed to ensure that the business is not operated in such a way as to cause undesired secondary effects that would degrade the condition of the property.
 - d. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the General Plan recognizes the need for a variety of businesses offering goods and services to local residents.
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 as a Class 1 exemption under State CEQA Guidelines, Section 15301, which exempts projects involving little to no expansion of existing structures or uses. The project does not involve an expansion of the existing structure or a fundamental change in the type of uses permitted by the zoning code. In addition, there is no substantial evidence that the project may have a significant effect on the environment. The Planning Commission has reviewed the Planning Division's determination of exemption, and based on its 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 approval is for a Conditional Use Permit (CUP) to allow the establishment of a surplus store ("ReStore") selling new and used building materials, home improvement, and household items within an approximately 12,100 square-foot portion of a 22,250 square-foot commercial building at 4609 Holt Boulevard, per the submitted plans. Within 36 months of this approval, the approved use shall be permitted to expand into the balance of the westerly portion of the subject building without any further Planning Commission review. Any interior or exterior improvements related to such expansion shall be subject to normal City review, approval, and permits (if required). Should said expansion not occur by October 12, 2012, then any expansion subsequent to that date shall require an amendment to this CUP.
2. CUP approval shall be valid for a period of six (6) months from the date of Planning Commission approval unless substantial progress has been made in property improvement or that the store is in operation with City issuance of a Certificate of Occupancy. 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 CUP expiration date. Suspension of the approved use for a period of six months or more voids this CUP for the specified use.
3. The applicant and/or property owner shall ensure that a copy of the Planning Commission resolution, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
4. The activities of the operation shall be limited to those described in Condition No. 1 above. Any modifications to the permitted use shall require an amendment to this CUP.
5. Drop-off of donated items shall be permitted, subject to the following:
 - a. All items, materials, or merchandise shall be delivered to the rear (south side) of the store during regular store business hours only.
 - b. Donated items shall be moved into the building promptly. In no event shall donated items be left outside overnight.

- c. No items shall be dropped off during non-business hours.
6. Approved hours of operation for the ReStore are 9:00 a.m. to 6:00 p.m., seven days per week. The business owner has the option of opening or closing anytime within these hours. Any extension of the hours of operation requires prior City approval.
7. There shall be no outside storage of items of any kind. No additions to the building or enclosures of any type shall be constructed on the exterior of the building to accommodate storage.
8. Any expansion or significant change to the approved surplus store as described in the staff report shall require City review and approval.
9. The floor plan for the surplus store shall not result in the display of items or the placement of storage shelves, racks, or cabinets that block the storefront windows allowing clear visibility into the premises by the public and emergency personnel, subject to approval by the City Planner. The cashier station(s) shall be designed to be visible from the parking area. Counters shall be maintained free from excess displays to enhance the visibility of the cashier station.
10. No customers shall be permitted to loiter or congregate outside of the facility. The operator shall post "No Loitering" signs within the parking areas pursuant to the Montclair Municipal Code.
11. This permit may be modified or revoked for failure to abide by these conditions or in the event that the use is determined to be a nuisance to surrounding properties, businesses or the community at large.
12. No portion of the parking lot or rear loading dock shall be used for the storage, staging, and/or processing of any merchandise, including discarded materials. Signage shall be posted on the property to the satisfaction of the Planning Division outlining the conditions under which donations shall be accepted.
13. Prior to issuance of any building or sign permits for any new building-mounted signs and/or monument sign or modification of the existing monument sign, the applicant shall restore the existing, illegally modified monument sign pursuant to the sign plans approved by staff on November 16, 2006.
14. 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.

15. No pay telephones or vending machines shall be located on the exterior of the building.
16. All new or replaced mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, vents, transformers, or similar equipment, whether located on the ground or on the roof of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building and to the satisfaction of the Planning Division.
17. All satellite dish antennas, microwave receivers and transmitters, and other forms of communication equipment shall be located in a manner in accordance with the provisions of Chapter 11.46 of the Montclair Municipal Code.
18. The applicant and/or property owner shall be responsible for maintaining the building's signs, lighting, landscaping, and all improvements in good working order at all times. Any accumulation of trash, weeds, or debris on the property shall be removed immediately so as not to present a public nuisance. Graffiti on the building or associated improvements shall be removed immediately by the applicant/property owner upon notification by the City.
19. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
20. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

Building

21. All racks and shelving 8'-0" or higher as measured from floor level shall require structural calculations and issuance of building permits.
22. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
23. Separate permits are required for fencing and/or walls.

24. 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.
25. Construction activity shall only occur between 7:00 a.m. and 8:00 p.m. daily.
26. Within 60 days of this approval (no later than December 11, 2009), the applicant shall complete the following to the satisfaction of the Building Official:
 - a. Re-stripe the parking lot to provide a minimum of three (3) disabled-accessible parking stalls.
 - b. Provide a disabled-accessible pedestrian path-of-travel from the public right-of-way on Holt Boulevard to the building at 4609 Holt Boulevard, and a disabled-accessible pedestrian path-of-travel from the public right-of-way on Brooks Street to the building at 4620-4640 Brooks Street. Paths-of-travel shall be constructed and striped pursuant to the Americans with Disabilities Act of 1990 (ADA) and Title 24 C.C.R.
 - c. Install and/or replace disabled-accessible parking lot signs.
27. A Certificate of Occupancy is required prior to occupancy of the subject building. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all other departments.

Fire Department

28. 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.
29. 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.
30. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of normal lighting.
31. 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.

32. All Montclair Fire Department fees are due prior to any permit issuance.

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

APPROVED AND ADOPTED THIS 12TH DAY OF OCTOBER, 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 12th day of October, 2009, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Report on Item Number 6.b

CASE NUMBER 2008-33 'A'

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	Nithyananda Foundation
LOCATION OF PROPERTY	9720 Central Avenue
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	General Commercial (C-3)
EXISTING LAND USE	Church Assembly Use
ENVIRONMENTAL DETERMINATION	Categorical Exemption – Section 15301 (Existing Facilities)
PROJECT PLANNER	Michael Diaz

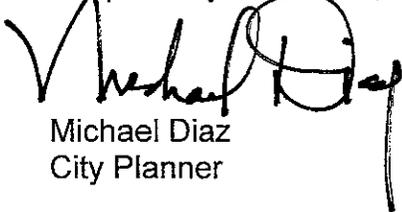
Project Proposal

Staff is requesting the Planning Commission continue the review of this item until a later date. Staff and the applicant are working on gathering additional information in order to bring forward an appropriate proposal for Commission consideration.

Planning Division Recommendation

Staff recommends that the Planning Commission continue the review of the item to the October 26, 2009 regular Planning Commission meeting.

Respectfully Submitted,



Michael Diaz
City Planner

MD/lb



MEMORANDUM

MONTCLAIR

To: Montclair Planning Commission
From: Michael Diaz, City Planner 
Date: October 12, 2009
Subject: Time Extension Request for Precise Plan of Design Related to Case No. 2008-14 - Mills Family Housing located at 10319 Mills Avenue

Applicant's Request

National CORE is requesting a six (6) month time extension of the Precise Plan of Design (PPD) granted for the construction of the 50-unit multi-family project at the above address. The applicant is in the midst of the plan check process with the Building Division and is diligently working to obtain permits but needs an additional six-month extension to complete the process.

A copy of the correspondence from the applicant requesting the time extension is enclosed in the Commission packets for reference.

Planning Division Comments

Staff is supportive of the time extension request and believes that the additional time is appropriate to complete the plan check process. In addition, National CORE is diligently working to relocate the remaining tenant in the existing center to make way for construction in the near future.

Planning Division Recommendation

Staff recommends approval of the requested time extension by taking the following action:

Move to approve a six-month time extension (until April 10, 2010) for the Precise Plan of Design approval under Case No. 2008-14 for the site plan, elevations, colors and materials associated with the construction of the 50-unit Mills Family Housing at 10319 Mills Avenue, subject to the original conditions of approval.

c: Alfredo Izamajtovich, National CORE
Rich Rollins, National CORE
Mae Chinn, Onyx Architects

September 23, 2009

Michael Diaz
City Planner
City of Montclair
5111 Benito Street
Montclair, CA 91763

**Subject: Mills Family Housing – Southeast Corner of Mills Avenue and Kingley Street
Case Number 2008-14
Precise Plan of Design Extension Request**

Dear Mr. Diaz:

Pursuant to October 27, 2008 Mills Family Housing's (Case Number 2008-14) Conditions of Approval – Section 1, National Community Renaissance of California is formerly requesting a 6 month time extension for the Precise Plan of Design as we are currently pursuing building plan checks toward the construction of this project and anticipate securing building permits within the next 6 months.

Should you have any questions or require additional information, please contact me directly.

Best Regards,



James Kim
Assistant Project Manager

CC: Alfredo Izmajtovich, National Community Renaissance of California
Rich Rollins, National Community Renaissance of California
Mae Chinn, Onyx Architects

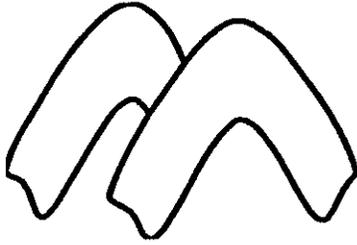
CITY OF MONTCLAIR

SEP 23 2009

COMMUNITY DEVELOPMENT
DEPARTMENT



NATIONAL
COMMUNITY
CORE
RENAISSANCE
NATIONAL COMMUNITY RENAISSANCE OF CALIFORNIA



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 10/12/09

AGENDA ITEM 6.d

Case No.: 2009-20

Application: Precise Plan of Design for a sign program for a new commercial center

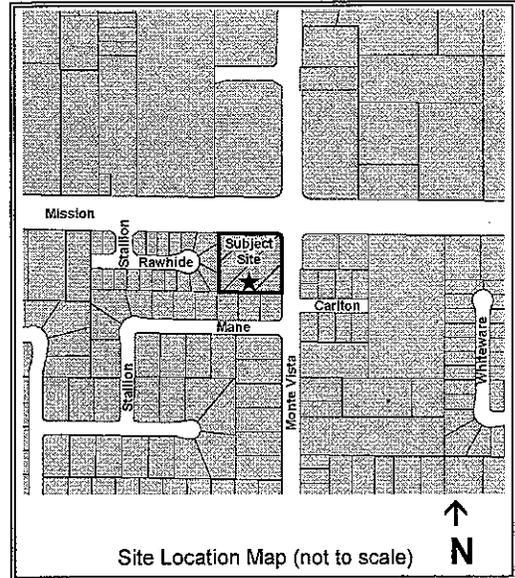
Applicant/Property Owner: Quach Investments LLC

General Plan: General Commercial

Zoning: C-2 (Restricted Commercial)

Project Address: 4875 Mission Boulevard

APN: 1012-311-35



EXISTING SITE FEATURES/CONDITIONS

Structures: New, 18,000 square-foot retail shopping center building

Parking: Site has required paved parking

City/Public Utility Easements: None

Trees/Significant Vegetation: Landscaping in parking lot and along street frontages; no significant or heritage trees.

ADJACENT LAND USE DESIGNATIONS AND LAND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	General Commercial	C-2	Retail Commercial
North	General Commercial	MIP	Industrial Park
East	General Commercial	C-2	Retail Commercial
South	Low Density Residential (3-7 du/ac)	R-1(11)	Single-Family Residential
West	Low Density Residential (3-7 du/ac)	R-1 (SL)	Single-Family Residential

Report on Item Number 6.d

CASE NUMBER 2009-20

NAME OF APPLICANT	Quach Investments, LLC
LOCATION OF PROPERTY	4875 Mission Boulevard
GENERAL PLAN IMPLEMENTATION PROGRAM	Precise Plan of Design
GENERAL PLAN DESIGNATION	General Commercial
EXISTING ZONE DISTRICT	C-2 (Restricted Commercial)
EXISTING LAND USE	Retail Center
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT COORDINATOR	Carol Frazier-Burton

Project Description

The applicant is requesting Precise Plan of Design (PPD) approval for a multi-tenant sign program for the newly constructed retail center at the southwest corner of Mission Boulevard and Monte Vista Avenue. The proposed sign program includes two multi-tenant monument signs, one along the Mission Boulevard property frontage and the other along the Monte Vista Avenue frontage, and the criteria for tenant identification signs at 4875 Mission Boulevard. Tenant signs on the monument sign will be limited to single line copy that is routed out with ½" push-through acrylic.

Each tenant lease space in the center will be allowed one (1) building-mounted identification sign per frontage, except for the corner units which face the parking lot and Mission Boulevard or Monte Vista Avenue. The general sign criteria for the tenant lease spaces are as follows:

1. The maximum height for signs with single-line copy shall be 24 inches.
2. The maximum height for signs with stacked (maximum two lines) copy shall be 14 inches for each line, separated by 5 inches.
3. The maximum length of signs shall be no more than 60 percent of the width of the tenant's leased storefront.

No temporary or permanent signs shall be allowed on the west or south building elevations of the building and which directly face the adjacent residential property uses.

The proposed master sign program is enclosed in the Commission packets for reference.

Background

- The applicant obtained Planning Commission approval on February 12, 2007 for development of a 17,480 square-foot retail building at 4875 Mission Boulevard.
- On July 27, 2009, the Commission approved a Conditional Use Permit to allow a 7-Eleven convenience market in Units Q & R at the northwest corner of the center.

Planning Division Comments

Overall, staff finds the proposed sign program to be well designed and complementary to the new retail center. The design of the monument signs coordinate well with the building design and the criteria for the individual tenant identification signs is in keeping with the general provisions of the Montclair Sign Code. Equally important is that the sign program properly prohibits signs, temporary or permanent, from being erected on the back of the building (west and south building frontages) so as to eliminate any adverse impacts to adjacent residential uses properties.

In addition to specifying maximum sizes and identifying permitted locations for the building-mounted signs, the design criteria allows flexibility and encourages variety in sign design, inviting the use of different types of fabrication, lighting techniques, and use of quality materials. As with other new commercial and industrial projects in the City that have been completed in the past few years, staff is hopeful that this project and sign program will help to continue the physical improvements in the immediate area. When discussing prospective new projects with developers, staff has found it helpful to be able to point to completed projects in the City as an example for what is expected.

Public Notice

None Required.

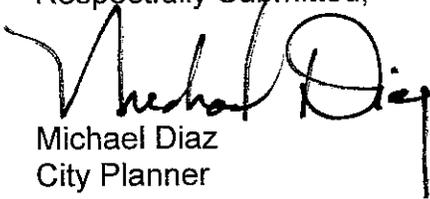
Planning Division Recommendation

Staff finds the proposed sign program to be consistent with the Montclair Municipal Code and the adopted General Plan; therefore, approval of Case No. 2009-20 is recommended by taking the following actions:

- A. Move that, based on the evidence submitted, a finding is made that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15311, Class 11(a), in that the project involves the approval of a master sign program to govern the installation of on-premise signs.

- B. Move to approve the Precise Plan of Design for a master sign program under Case No. 2009-20, subject to the following 10 conditions of approval in Resolution No. 09-1707.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Diaz". The signature is stylized with a large initial "M" and a long, sweeping underline that extends below the printed name.

Michael Diaz
City Planner

RESOLUTION NUMBER 09-1707

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A PRECISE PLAN OF DESIGN FOR A UNIFORM SIGN PROGRAM UNDER CASE NO. 2009-20 FOR A RETAIL COMMERCIAL CENTER IN THE C-2 (RESTRICTED COMMERCIAL) ZONING DISTRICT AT 4875 MISSION BOULEVARD (APN 1012-311-35).

A. Recitals

WHEREAS, On September 21, 2009, Quach Investments LLC, property owner, filed a Precise Plan of Design (PPD) application for a uniform sign program for the commercial retail center

WHEREAS, this application applies to property located at 4875 Mission Boulevard; and

WHEREAS, Chapter 11.72.060.A of the Montclair Municipal Code requires a PPD for uniform sign programs; and

WHEREAS, staff has determined that the proposed sign program meets the 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 October 12, 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 meeting on October 12, 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 a uniform sign program pertaining to a multi-tenant commercial retail center located at 4525-4545 Mission Boulevard, commonly referred to as "7-Eleven Plaza." The criteria of the approved sign program is contained in the "7-Eleven Plaza" sign program document dated September 21, 2009, and includes:
 - a. Monument Signs – a maximum of two (2) double-faced signs freestanding monuments signs, one along the Mission Boulevard frontage, and one along the Monte Vista Avenue frontage. The overall maximum height of said monument signs shall not exceed 0'-0" and be located as shown on the approved site plan within the sign program.
 - b. Wall Signs – one (1) building-mounted identification sign per tenant with a maximum of two (2) signs allowed for the corner units identified as Units A and R.
2. Precise Plan of Design (PPD) approval of the project shall be valid for a period of 12 months and shall automatically expire on the anniversary date of Planning Commission approval, unless the applicant is diligently pursuing building plan check towards eventual construction of the project. The applicant and/or property owner shall be responsible to apply for extension of time at least 30 days prior to expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
3. Tenants shall obtain written landlord approval for sign design prior to submission to the Planning and Building Divisions for review, approval and issuance of a building permit.
4. No exposed raceways shall be allowed with the installation of channel letter signs.
5. No temporary or permanent signs shall be installed on the west or south building elevations of the subject building on the site.
6. All signs shall be maintained at all times in an operable, safe and secure manner. Exposed surfaces shall be routinely cleaned and painted as necessary. Broken and defective parts shall be immediately repaired or replaced.
7. Any sign that identifies a business that is no longer in operation, or that identifies an activity or event that has already occurred, shall be considered abandoned and shall be removed by the owner, agent, or person having use of the building or structure. Upon vacating a commercial or industrial establishment, the proprietor shall be responsible for removal of all signs used in conjunction with the business.

8. 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. At no time shall pennants, portable signs, inflatable signs, "human" signs or other similar advertising devices be utilized on the property or off-site.
9. 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.
10. The applicant shall agree to defend, at his sole expense, any action brought against the city, its agents, officers, or employees because of the issuance of this approval; or, in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The city may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of his obligations under this condition.

Building Division

11. Submit three complete sets of plans including a site plan and detailed drawings of the proposed sign.
12. Submit two sets of structural calculations, if required and two sets energy conservation calculations.
13. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
14. 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.
15. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
16. Plans shall be submitted for plan check and approved prior to construction. 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.

17. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.

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

APPROVED AND ADOPTED THIS 12TH DAY OF OCTOBER, 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 12th day of October, 2009, by the following vote, to-wit:

AYES:

NOES:

ABSENT: