



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

REGULAR ADJOURNED MEETING  
Monday, April 12, 2010  
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 Sergio Sahagun, Commissioner Tenice Johnson, Commissioner Maynard Lenhert, and Commissioner Don Vodvarka

**4. APPROVAL OF MINUTES**

The minutes of the March 22, 2010 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 2010-4  
Project Address: 5220 Mission Boulevard  
Project Applicant: Storage Place Montclair LLC  
Project Planner: Jim S. Lai, Associate Planner  
Request: Conditional Use Permit amendment
- b. PUBLIC HEARING - CASE NUMBER 2010-5  
Project Address: 4707 Holt Boulevard  
Project Applicant: Montclair Business Park/Alberto Quiros  
Project Planner: Jim S. Lai, Associate Planner  
Request: Conditional Use Permit
- c. CASE NUMBER 2010-6  
Project Address: 4110 Holt Boulevard  
Project Applicant: John G. Cataldo  
Project Planner: Michael Diaz, City 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.

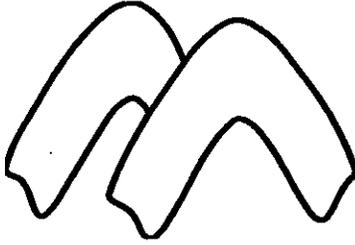
## 9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of April 26, 2010 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California

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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 April 8, 2010.



CITY OF MONTCLAIR  
**PLANNING COMMISSION**

**MEETING DATE: 04/12/10**

**AGENDA ITEM 6.a**

**Case No.: 2010-4**

**Application:** Conditional Use Permit Amendment

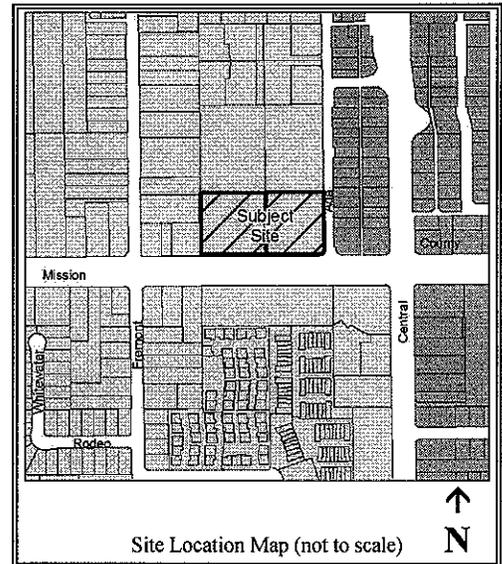
**Property Owner/Applicant:** Storage Place Montclair LLC

**General Plan:** Business Park

**Zoning:** C-3 (General Commercial)

**Project Address:** 5220 Mission Boulevard

**APN:** 1011-283-01



**EXISTING SITE FEATURES/CONDITIONS**

**Structures:** One & Three-story mini-storage facility (under construction)

**Parking:** 18 on-site parking stalls

**City/Public Utility Easements:** Right-of-way and utility easements on Mission Blvd. and Ada Avenue frontages

**Trees/Significant Vegetation:** None planted at this time

**ADJACENT LAND USE DESIGNATIONS AND USES**

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
<b>Site</b>	Business Park	C-3	Self-storage facility
<b>North</b>	Commercial	MIP	Warehouse / vacant lot
<b>East</b>	Business Park	CS (County)	Commercial / residential
<b>South</b>	Business Park	C-2	Vacant
<b>West</b>	Business Park	MIP	Commercial / trailer storage

## Report on Item Number 6.a

### PUBLIC HEARING - CASE NUMBER 2010-4

APPLICATION TYPE	Conditional Use Permit
NAME OF APPLICANT	Storage Place Montclair LLC
LOCATION OF PROPERTY	5220 Mission Boulevard
GENERAL PLAN DESIGNATION	Business Park
ZONING DESIGNATION	C-3 (General Commercial)
EXISTING LAND USE	Storage facility (Under Construction)
ENVIRONMENTAL DETERMINATION	Categorical Exemption – Section 15301- Class 1 (Existing Facilities)
PROJECT PLANNER	Jim S. Lai

#### **Project Description**

The applicant is requesting approval of a Conditional Use Permit to allow an on-site caretaker's residence at the self-storage facility that is currently under construction at the northwest corner of Mission Boulevard and Ada Avenue. If approved, this CUP would amend the current CUP, Case No. 2006-53, which approved in the storage facility in 2006. At the time of original approval, the project did not include an on-site manager unit. Since that time the project was acquired by a new owner who now believes that an on-site manager's unit is necessary for the facility to provide better management, service and security for the large storage complex.

The living unit will be located on the ground floor adjacent to the customer lobby within the three story building of the facility. The size of the living unit will be approximately 900-square feet in area and consists of one bedroom, a kitchen, dining-living room, and a bathroom. No new floor area will be added to the building as the caretaker's unit will be created from an area that was previously intended for an office, conference room and storage area. No significant alteration to the exterior of the building is being proposed for this project. It will also have a fenced patio area off the dining room.

The applicants have provided a site plan, floor plan and related information which are included in the Commission packets for reference.

#### **Background**

- In 2006 the Planning Commission approved the existing storage facility on the subject site under Case No. 2006-53. The approved project included a 135,035 square-foot self-storage facility and a 23,183 square-foot commercial building fronting Mission Boulevard. The commercial building portion of the project has since been abandoned by the new property owner.

- After a short halt in construction and change of ownership construction has resumed. The new owner anticipates the facility to be open for business by the summer of 2010.

### **Planning Division Comments**

Staff is supportive of the proposed on-site caretaker's residence. Given the size of the facility daily supervision provided by the on-site manager is essential to a more efficient operation of the business and its security. At 900 square feet the proposed living unit is reasonably sized and will not detract from the appearance and use of the facility. Parking for the manager's living unit will be provided by converting two enclosed storage spaces and fitted with sectional roll-up doors and automotive garage door openers in the adjacent building.

City records indicate that three of the five largest self-storage facilities in the city have on-site manager units as part of the CUP approvals. A quick survey of these facilities indicates no problem with this use. Staff anticipates no problem with this use as well.

### **Conditional Use Permit Findings**

Staff believes the necessary findings for granting the CUP Amendment for an on-site caretaker's residence in conjunction with a self-storage facility can be made, as follows:

- A. The proposed on-site caretaker's residence would be an essential and desirable use for the general public convenience and welfare, in that the on-site manager's living unit would provide better surveillance and overall control and management of the storage facility, thus increasing security of the complex.
- B. The proposed on-site caretaker's residence will not be materially detrimental to the public welfare and to other property in the vicinity, in that the living unit will be integrated into the overall function of the storage facility and the facility is of adequate size to accommodate the proposed use without any impact to immediate area.
- C. The proposed on-site caretaker's residence at the subject site conforms to good zoning practice, in that the Montclair Municipal Code allows certain facilities to have an on-site living unit. The proposed living unit is limited in size, does not change the character of the district in which it is will be located, and its presence is essential to efficient and secure operation of facility which it serves.
- D. The proposed on-site caretaker's residence at the subject location is not contrary to the adopted General Plan which encourages orderly development and the overall maintenance of property within the City. The purpose of the on-site manager's living unit is intended to advance these objectives.

## **Public Notice**

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on April 2, 2010. 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. 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 actions:

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. As such, a DeMinimis finding of no impact on fish and wildlife will be prepared.
2. Move to approve a Conditional Use Permit under Case No. 2010-4, subject to making the required findings and subject to the 11 conditions as described in attached Resolution Number 10-1718.

Respectfully Submitted,



Michael Diaz  
City Planner

JL/lb

Attachments: Draft Resolution of Approval No. 10-1718

## RESOLUTION NUMBER 10-1718

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT AMENDMENT UNDER CASE NO. 2010-4 TO ALLOW THE AN ON-SITE CARETAKER'S RESIDENCE FOR A SELF-STORAGE FACILITY AT 5220 MISSION BOULEVARD.

#### A. Recitals

**WHEREAS**, on February 22, 2010, Storage Place Montclair LLC, acting as applicant and property owner, filed an application for a Conditional Use Permit (CUP) requesting an amendment to Conditional Use Permit No. 2006-53 to allow an on-site caretaker's residence at the self-storage facility that is currently under construction at 5220 Mission Boulevard; and

**WHEREAS**, At the time of original approval, the project did not include an on-site caretaker's residence. Since that time the project was acquired by a new owner who now believes that an on-site caretaker's residence is necessary for the facility to provide better management, service and security for the large storage complex; and

**WHEREAS**, staff has determined that the proposal meets the intent and requirements of the ordinance for such use and the applicable development standards of the General Commercial land use district of the Montclair Municipal Code ; and

**WHEREAS**, staff has determined that the proposed on-site caretaker's residence would not have a significant effect on the environment and has prepared a Categorical Exemption pursuant to Section 15301 of the California Environmental Quality Act (CEQA) 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 April 12, 2010, 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 CUP request were heard, and said CUP was fully studied.

#### B. Resolution

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on April 12, 2010, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:
  - a. The proposed on-site caretaker's residence manager living unit would be an essential and desirable use for the general public convenience and welfare, in that the on-site manager's living unit would provide better surveillance and overall control and management of the storage facility, thus increasing security of the complex.
  - b. The proposed on-site caretaker's residence will not be materially detrimental to the public welfare and to other property in the vicinity, in that the living unit will be integrated into the overall function of the storage facility and the facility is of adequate size to accommodate the proposed use without any impact to immediate area.
  - c. The proposed on-site caretaker's residence at the subject site conforms to good zoning practice, in that the Montclair Municipal Code allows certain facilities to have an on-site living unit. The proposed living unit is limited in size, does not change the character of the district in which it will be located, and its presence is essential to efficient and secure operation of facility which it serves.
  - d. The proposed on-site on-site caretaker's residence at the subject location is not contrary to the adopted General Plan which encourages orderly development and the overall maintenance of property within the City. The purpose of the on-site manager's living unit is intended to advance these objectives.
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 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
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 Conditional Use Permit (CUP) approval shall allow the inclusion of a 900 square foot on-site caretaker's residence at the above location per submitted plans and as described in this report. Any substantial changes to its intended usage, increase in floor area of the unit or change of location shall require prior City approval.
2. This CUP approval shall be valid for a period of six months (180 days) from the date of Planning Commission approval and shall automatically expire on the six-month anniversary date of Planning Commission action, unless the applicant is diligently pursuing a building permit to implement the conversion as per the approved plans. 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.
3. This decision, or any aspect of this decision, may be appealed to the City Council within 15 days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
4. 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 by the California Environmental Act (CEQA). The check shall be made payable to the Clerk of the Board of Supervisors.
5. The approved on-site caretaker's residence shall not be rented or subleased to other individual not functioning as on-site manager for this storage facility.
6. Applicant shall provide two (2) enclosed parking spaces with minimum 10' x 20' inside dimensions for each space by converting the storage unit(s) closest to the entrance to the living quarter. At a minimum, sectional roll-up door with automatic garage door opener shall be provided for these spaces.
7. Revised fire sprinkler plan shall be submitted to the Fire Marshal's office for review and approval prior to construction and/or modification of this dwelling unit.
8. Proposed patio walls and gate associated with this caretaker's residence shall be consistent with the main building with regard to wall materials and colors. The patio area may be provided with lattice cover but shall not be enclosed.
9. Any violations of the conditions of approval may result in the revocation or modification of this permit, including the imposition of fines in the event that the use is determined to be a nuisance to surrounding properties, businesses or the community at large.

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

1. 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.
2. Submit two sets of structural calculations, if required and two sets energy conservation calculations.
3. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
4. 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.
5. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
6. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
7. Construction drawings submitted to the building division for plan review shall comply with the Montclair Security Ordinance No. 357, including, but not limited to, the installation of 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 1 ½ inches in depth, and be in contrasting color which adequately contrast to the background to which they are attached.

8. Prior to the issuance of a Certificate of Occupancy, the applicant shall 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 to the City's Electronic Imaging Policy.
9. 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.
10. All mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, vents, transformers, or similar equipment, whether located on the ground or on the roof of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building and to the satisfaction of the Planning Division.
11. 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.
12. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
13. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact Michael Hudson, City Engineer, at 909/625-9441 for fees.
14. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA). Contact Michael Hudson, City Engineer, at 909/625-9441 for fees.

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

APPROVED AND ADOPTED THIS 12TH DAY OF APRIL, 2010

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

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

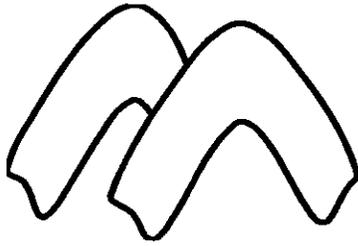
ATTEST: \_\_\_\_\_  
Steve Lustro, Secretary

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 12<sup>th</sup> day of April, 2010, by the following vote, to-wit:

AYES:

NOES:

ABSENT:



# CITY OF MONTCLAIR PLANNING COMMISSION

**MEETING DATE: 04/12/10**

**AGENDA ITEM 6.b**

**Case No.: 2010-5**

**Application:** Conditional Use Permit

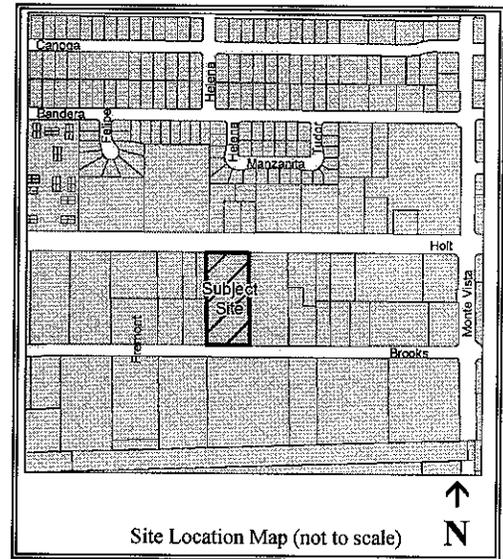
**Property Owner/Applicant:** Montclair Business Park LLC / Alberto Quiros of Pomona-Ontario Traffic School

**General Plan:** Commercial--General

**Zoning:** C (Commercial) per Holt Blvd. Specific Plan

**Project Address:** 4707 Holt Boulevard

**APN:** 1012-091-04



**EXISTING SITE FEATURES/CONDITIONS**

**Structures:** Two (2), single-story commercial and light industrial buildings

**Parking:** 109 on-site parking stalls

**City/Public Utility Easements:** Right-of-way and utility easements on Holt Blvd. frontage

**Trees/Significant Vegetation:** Typical landscaping

**ADJACENT LAND USE DESIGNATIONS AND USES**

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
<b>Site</b>	Commercial—General	Commercial	Retail center
<b>North</b>	Commercial—General	Commercial	Commercial / office
<b>East</b>	Commercial—General	Commercial	Commercial
<b>South</b>	Business Park	Industrial	Light industrial
<b>West</b>	Commercial—General	Commercial	Commercial

## Report on Item Number 6.b

### PUBLIC HEARING - CASE NUMBER 2010-5

APPLICATION TYPE	Conditional Use Permit
NAME OF APPLICANTS	Montclair Business Park for Pomona Ontario Traffic School
LOCATION OF PROPERTY	4707 Holt Boulevard
GENERAL PLAN DESIGNATION	Commercial – General
ZONING DESIGNATION	Commercial per Holt Blvd. Specific Plan
EXISTING LAND USE	Traffic School
ENVIRONMENTAL DETERMINATION	Categorical Exemption – Section 15301-Class 1 (Existing Facilities)
PROJECT PLANNER	Jim S. Lai

#### **Project Description**

The applicant is requesting approval of a Conditional Use Permit (CUP) to operate a traffic school out of a retail storefront located at 4707 Holt Boulevard. The Pomona Ontario Traffic School has been in operation at this location since 1995. The lease space for the school is approximately 573 square feet in size and has a maximum seating capacity of 17 persons. The administrative staff consists of the owner of the school and two part-time instructors who work on different days.

The school offers classes daily, except Fridays. Each participant is required to attend an 8-hour course at this facility on subjects relating to California traffic laws, road safety and courtesy and good driving habits in order to meet court-mandated remediation in lieu of license suspension or fines for citations issued for traffic code violations. Class materials are presented in both audio and visual formats. The class schedule is as follows:

<b>Pomona Ontario Traffic School</b>		
<b>Class Schedule</b>		
<i>Class</i>	<i>Time</i>	<i>Days</i>
8-hour (English)	9:00 a.m. – 5:00 p.m.	Mon, Tue, Wed, Thu, & -Sat No Friday Classes
8-hour (Spanish)	9:00 a.m. – 5:00 p.m.	Sunday
4-hour (Spanish) Two classes required	6:00 p.m. – 10:00 p.m.	Mon and Tue or Wed and Thu

A site plan, floor plan of the facility, and a business plan are included in the Commission packets for reference.

## **Background**

- A traffic school is classified as a permitted institutional use in the commercial zone, subject to the approval of a CUP.
- The traffic school has been in operation at this location since 1995. Code enforcement discovered that the school had been operating without benefit of a CUP and requested the applicant submit an application to the City to bring the operation of the school into compliance with City requirements.
- The subject school occupies a relatively small portion of a large commercial building that was once occupied by a large furniture store. While the vast majority of the building is unoccupied at this time, there are three existing tenants in this building, including a beauty salon, insurance office, and a drapery shop.

## **Planning Division Comments**

Since 1995, the traffic school has been in operation without significant problems or apparent impacts to adjacent uses. There are no known complaints about the school regarding parking or noise. Participants are referred by the courts and are required to attend a full class. Given the required length of the class and size of the lease space there is only one class per day. Upon completion of the course, participants are anxious to leave. As such, there are no concerns about loitering. Staff has no concerns regarding the proposed schedule of classes or times.

The center has a large parking lot with over 109 stalls, including four designated for disabled-accessible in the front off Holt Boulevard. Since seating is limited to only 17 students, often actual class attendance is less than half of the capacity. In addition, the school operator indicates that many of the participants are dropped off at the site or come to class via public transportation. Holt Boulevard is a major bus route in the area and is easily accessible.

## **Conditional Use Permit Findings**

Staff believes the necessary findings for granting the CUP for the traffic school in a commercial district of the Holt Boulevard Specific Plan can be made, as follows:

- A. The proposed traffic school in a commercial district would be an essential and desirable use for the general public convenience and welfare, in that the traffic school provides a convenient and safe location to obtain the necessary instructions and certification to satisfy court-mandated requirements to redress traffic violations.
- B. Granting of the CUP for the proposed traffic school will not be materially detrimental to the public welfare and to other property in the vicinity, in that the proposed use will be located in a well-established commercial center that has adequate parking,

security, lighting and maintenance standards. Lastly, the proposed use will not negatively impact any sensitive land uses in the surrounding area.

- C. The proposed traffic school at the subject site conforms to good zoning practice, in that the Holt Boulevard Specific Plan allows such institutional uses within the commercial district, subject to CUP approval. The CUP allows the City to place reasonable conditions to govern the overall operation of the use, including hours, seating capacity, lighting and security so that it does not detract from the general quality of the shopping center and surrounding area.
- D. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages a wide range of retail and service uses along the Holt Boulevard corridor.

### **Public Notice**

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on April 2, 2010. 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 actions:

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 exempts projects involving little to no expansion of existing structures or uses. As such, the Commission directs staff to prepare a DeMinimis finding of no impact on fish and wildlife.

2. Move to approve a Conditional Use Permit under Case No. 2010-5, subject to making the required findings and subject to the 10 conditions as described in attached Resolution Number 10-1719.

Respectfully Submitted,



Michael Diaz  
City Planner

JL/lb

Attachments: Draft Resolution of Approval No. 10-1719 for Case Number 2010-5

## RESOLUTION NUMBER 10-1719

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2010-5 TO ALLOW A TRAFFIC SCHOOL IN THE COMMERCIAL LAND USE DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN AT 4707 HOLT BOULEVARD.

#### A. Recitals

**WHEREAS**, on March 15, 2010, Alberto Quiros, with the consent of the property owner, Montclair Business Park LLC, filed an application for a Conditional Use Permit (CUP) to allow the operation of a traffic school at 4707 Holt Boulevard; and

**WHEREAS**, Sections 11.78.030.D.5 of the Montclair Municipal Code and the Holt Boulevard Specific Plan requires the approval of a CUP for private education or trade school uses; and

**WHEREAS**, staff has determined that the proposal meets the intent and applicable development standards of the Montclair Municipal Code and of the Commercial land use district of the Holt Boulevard Specific Plan; and

**WHEREAS**, staff has determined that the proposed traffic school would not have a significant effect on the environment and has prepared a Categorical Exemption pursuant to Section 15301 of the California Environmental Quality Act (CEQA) 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 April 12, 2010, 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 CUP request were heard, and said CUP was fully studied.

#### B. Resolution

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on April 12, 2010, including written and

oral staff reports, together with public testimony, this Commission hereby finds as follows:

- a. The proposed traffic school in a commercial district would be an essential and desirable use for the general public convenience and welfare, in that the traffic school provides a convenient and safe location to obtain the necessary instructions and certification to satisfy court-mandated requirements to redress traffic violations.
  - b. Granting of the CUP for the proposed traffic school will not be materially detrimental to the public welfare and to other property in the vicinity, in that the proposed use will be located in a well-established commercial center that has adequate parking, security, lighting and maintenance standards. Lastly, the proposed use will not negatively impact any sensitive land uses in the surrounding area.
  - c. The proposed traffic school, at the subject site, conforms to good zoning practice, in that the Holt Boulevard Specific Plan allows such institutional uses within the commercial district, subject to CUP approval. The CUP allows the City to place reasonable conditions to govern the overall operation of the use, including hours, seating capacity, lighting and security so that it does not detract from the general quality of the shopping center and surrounding area.
  - d. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages a wide range of retail and service uses along the Holt Boulevard corridor.
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 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
  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 Conditional Use Permit (CUP) approval shall allow the operation of a traffic school at 4707 Holt Boulevard, with a lease space of approximately 573 square feet. Any increase in the floor area, substantial changes to the business operation, class schedule or hours, or move to a different location shall require prior City review and approval.
2. This CUP approval shall be valid for a period of six months (180 days) from the date of Planning Commission approval and shall automatically expire on the six-month anniversary date of Planning Commission action. 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.
3. This decision, or any aspect of this decision, may be appealed to the City Council within 15 days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
4. 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 by the California Environmental Act (CEQA). The check shall be made payable to the Clerk of the Board of Supervisors.
5. The applicant shall obtain a business license from the City and pay all past due license fees as determined by the Finance Division of the City of Montclair. Failure to obtain a business license and pay all past due fees shall be grounds for revocation of this approval.
6. Approved hours of operation for the school are 9:00 a.m. to 10:00 p.m., seven days a week. Any changes to the school hours require written notification to the Planning Division and are subject to City approval. Administrative office hours associated with this traffic school are not restricted by this CUP.
7. Upon transfer, sale or re-assignment of the school to another individual, corporation, partner or entity, the applicant shall make full disclosure of the CUP requirements and restrictions to future buyers, transferees or assignees.
8. The business shall maintain a litter free environment to the business as well as the surrounding areas.
9. A copy of the CUP approval letter with all conditions of approval relating to this application shall be conspicuously posted alongside the establishment's Business License and Certificate of Occupancy, and shall be made available for viewing to any law enforcement officer, and/or fire and building inspector in the course of conducting inspections on said premises.

10. Any violations of the conditions of approval may result in the revocation or modification of this permit, including the imposition of fines in the event that the use is determined to be a nuisance to surrounding properties, businesses or the community at large.
11. 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.

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

APPROVED AND ADOPTED THIS 12TH DAY OF APRIL, 2010

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

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

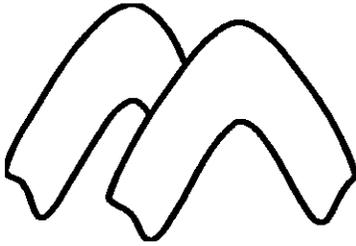
ATTEST: \_\_\_\_\_  
Steve Lustro, Secretary

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 12<sup>th</sup> day of April, 2010, by the following vote, to-wit:

AYES:

NOES:

ABSENT:



CITY OF MONTCLAIR  
**PLANNING COMMISSION**

**MEETING DATE: 4/12/10**

**AGENDA ITEM 6.c**

**Case No.: 2010-06**

**Application:** Multi-tenant Sign Program

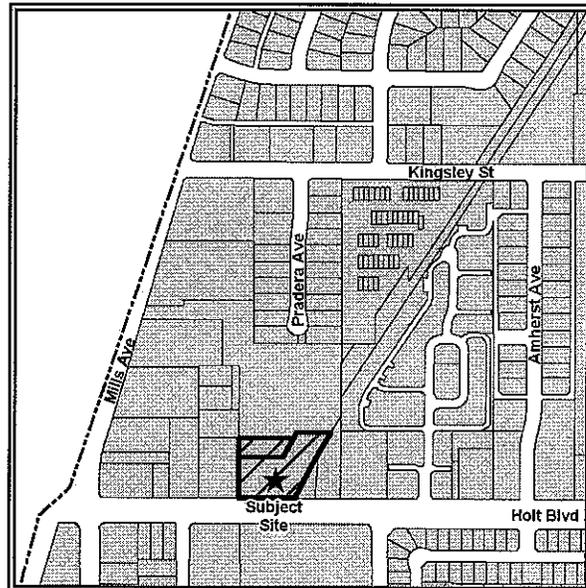
**Applicant/  
 Property Owner:** John G. Cataldo

**General Plan:** Business Park

**Zoning:** Business Park - Holt Blvd Specific Plan

**Project Address:** 4110 Holt Boulevard

**APNs:** 1009-521-52 & 1009-521-58



**EXISTING SITE FEATURES/CONDITIONS**

**Structures:** Existing commercial building recently remodeled

**Parking:** 38 parking spaces (including 9 disabled-accessible spaces)

**City/Public Utility Easements:** None

**Trees/Significant Vegetation:** No significant or heritage trees.

**ADJACENT LAND USE DESIGNATIONS AND USES**

	<b>General Plan</b>	<b>Zoning</b>	<b>Use of Property</b>
<b>Site</b>	Business Park	"Business Park" Holt Boulevard Specific Plan	Small Commercial Center
<b>North</b>	Planned Development	"R-3 (11-du/ac)" Holt Boulevard Specific Plan	Multiple Family Residential
<b>East</b>	Planned Development	"R-3 (11-du/ac)" Holt Boulevard Specific Plan	Tire shop
<b>South</b>	Business Park	"Business Park" Holt Boulevard Specific Plan	Church
<b>West</b>	Business Park	"Business Park" Holt Boulevard Specific Plan	Commercial Center and vacant property

## Report on Item Number 6.c

### PUBLIC HEARING – CASE NUMBER 2010-06

APPLICATION TYPE(S)	Precise Plan of Development for a Sign Program
NAME OF APPLICANT	John Cataldo for Holt-Montclair Capital Investors
LOCATION OF PROPERTY	4110 Holt Boulevard
GENERAL PLAN DESIGNATION	Business Park
ZONING DESIGNATION	"Business Park" – Holt Boulevard Specific Plan
EXISTING LAND USE	Commercial Building
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Michael Diaz

#### **Applicant's Proposal**

The applicant is requesting Precise Plan of Design (PPD) approval of sign program for an existing retail development at the above address. The sign program will provide criteria for building-mounted signs for up to a maximum of three (3) tenants. The existing building is presently divided into two tenant spaces.

The new signs allowed by the proposed sign program will be individual channel letters mounted to the building façade. Each tenant will be allowed to have a building-mounted sign on the front (south facing elevation), and the west lease space will be allowed to have a second sign, as illustrated in the sign program. No signs will be permitted on the north or east building elevations. No monument sign is included with this proposal.

Copies of the sign program are enclosed in the Commission packets for reference.

#### **Background**

- The Montclair Municipal Code requires approval of sign programs for projects in any commercial and industrial zones.
- The triangular-shaped lot is developed with a single-story, 12,300 square-foot building and parking, originally built in 1960. The existing building is presently divided into two tenant spaces.
- In 2009, significant improvements to the property were completed at the site, including a remodel for the existing building. A condition of approval required that the applicant submit a sign program for review and approval.
- On April 13, 2009, the Planning Commission approved Case No. 2009-5, a Conditional Use Permit (CUP) to allow a thrift store business in Unit B of the subject property. The store was limited to the sale of clothing items only.

- On September 28, 2009, the Planning Commission approved Case 2009-05 "A", an amendment to the CUP for the thrift store that allowed the sale of additional items such as small counter top appliances, books, and electronics at the store.

### **Planning Division Comments**

Overall, staff is supportive of the proposed sign program. The proposed sign program is appropriate for the existing development and is consistent with the provisions of the sign provisions of the Montclair Municipal Code. The sign program is straightforward and covers the essential elements of design, review process, and maintenance of tenant signs. Signs designed and installed pursuant to the standards of the sign program will be essential to maintain the appearance of the recent remodel of the building and improvements made to the site.

The sign program allows for up to 2-lines of copy and registered corporate logos, which should make the program applicable for all types of businesses. The graphics and criteria provided in the sign program will be helpful to future tenants in understanding what type and where signs can be installed on the building. Proposed placement of signs on the building are appropriate in terms of the overall number of allowable signs and their respective locations.

Except for minor rear door signs, no identification signs will allowed on the north and east elevations of the building. The north side of the building faces residential and is unnecessary and the canopy/sign band on the east elevation is too small for an adequate sign. Conditions of approval addressing these limitations are included in the resolution prepared for the project.

### **Environmental Assessment**

The project qualifies as a Class 11 exemption under Section 15311 of the California Environmental Quality Act (CEQA) Guidelines, which exempts projects involving the use of minor accessory structures for commercial, industrial or institutional uses. Signs are listed as a minor accessory structure, and the approval of a sign program will provide the needed design criteria to guide the installation of appropriate tenant signage at the subject site. As such, a DeMinimis finding of no impact on fish and wildlife will be prepared.

### **Planning Division Recommendation**

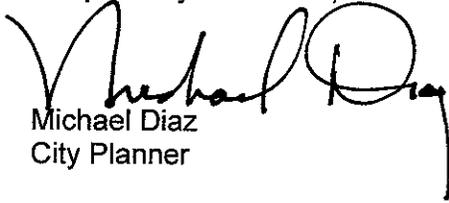
Staff finds the proposed sign program to be consistent with the Montclair Municipal Code, Holt Boulevard Specific Plan, and the adopted General Plan. Therefore, staff would recommend approval of Case No. 2006-10 by taking the following actions:

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

- 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, in that the project involves the approval of a sign program to govern the installation of future building mounted tenant signs (accessory structures) at the site. As such, the Commission directs staff to prepare a DeMinimis finding of no impact on fish and wildlife.
- B. Approve the Precise Plan of Design request for the comprehensive tenant sign program per the submitted plans and as described in the staff report for a commercial center

located at 4110 Holt Boulevard, subject to the conditions in attached Resolution Number 10-1720.

Respectfully Submitted,



Michael Diaz  
City Planner

MD/lb

Attachments: Draft Resolution No. 10-1720 for Case No. 2010-6

Z:\COMMDEV\AMD\CASES\2010-06 4110\HOLT SIGN PROGRAMRPT

**RESOLUTION NUMBER 10-1720**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR FOR CASE NUMBER 2010-06 GRANTING APPROVAL FOR A MULTI-TENANT SIGN PROGRAM AT 4110 HOLT BOULEVARD (APN's 1009-521-52 & 1009-521-58)**

A. Recitals.

**WHEREAS**, on March 25, 2010, John Cataldo for Holt-Montclair Capital Investors, owner of property at 4110 Holt Boulevard, filed an application for a Precise Plan of Design (PPD) for a multi-tenant sign program associated with an existing multi-tenant development at the subject site; and

**WHEREAS**, the application applies to property located at 4110 Holt Boulevard; and

**WHEREAS**, Section 11.72 of the Montclair Municipal Code requires approval of a Precise Plan of Design (PPD) for a sign program for a multi-tenant center; and

**WHEREAS**, staff has determined that the proposed sign program is consistent with 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 15311 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 April 12, 2010, commencing at 7 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a review of the proposal 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 April 12, 2010, 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.

1. This Precise Plan of Design (PPD) approval is for a multi-tenant sign program for the existing retail building at 4110 Holt Boulevard, on file with the Planning Division and as described in the staff report. The approval of this permit shall become effective after all applicable appeal periods have been expired or appeal processes are 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. No further notice from the City will be given regarding the project's PPD expiration date.
3. 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.
4. 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.
5. All future tenants of the property shall comply with the provisions of the approved sign program. No monument or other freestanding signs are included with this sign program.
6. Tenants shall obtain written landlord approval for sign design prior to submission to the City for review, approval and issuance of sign and building permits.
7. No signs, permanent or temporary, shall be permitted on the north or east building elevations.
8. The tenant or property owner shall obtain a Building Permit from the Building and Safety Division prior to installation of any sign. Plans submitted for review shall be prepared by a California licensed sign contractor.
9. Modification of the sign program, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative.
10. No exposed raceways, wiring or conduits shall be allowed.
11. All signs shall be maintained at all times in a safe and secure manner. Exposed surfaces shall be cleaned and painted as necessary. Broken and defective parts shall be immediately repaired or replaced.

12. Any sign that identifies a business that is no longer in operation, or that identifies an activity or event that has already occurred, or a product that is no longer made, 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 property owner shall be responsible for removal of all signs used in conjunction with the business.
13. Damage to wall surfaces, or any other feature, when signs are removed shall be repaired prior to the installation of any new sign(s).
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.
  - c. At no time shall pennants, inflatable signs, "human" signs, other similar advertising devices be utilized on the property or off-site.
15. 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.

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

APPROVED AND ADOPTED THIS 12TH DAY OF APRIL 2010.

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 April 2010, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

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