



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

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

4. APPROVAL OF MINUTES

The minutes of the June 14, 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 2010-9
 - Project Address: 5640 Moreno Street, Unit D
 - Project Applicant: Bill Volbeda for Jason Dunn Tattoo Co.
 - Project Planner: Michael Diaz, City Planner
 - Request: Conditional Use Permit for dermagraphics (tattoo) salon

- b. PUBLIC HEARING - CASE NUMBER 2010-10
 - Project Address: 8939 Vernon Avenue, Units H-J
 - Project Applicant: Montclair Industrial Park L.P., property owner, for Arca de Refugio Church
 - Project Planner: Michael Diaz, City Planner
 - Request: Conditional Use Permit for church use

- c. CASE NUMBER 2010-12
 - Project Address: 4234 Holt Boulevard
 - Project Applicant: Chung Hoon Kang
 - Project Planner: Michael Diaz, City Planner
 - Request: Precise Plan of Design for multi-tenant sign program

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

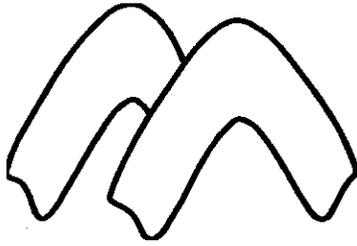
Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of July 26, 2010 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 July 8, 2010.



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 07/12/10

AGENDA ITEM 6.a

Case No.: 2010-9

Application: CUP for Tattoo Salon

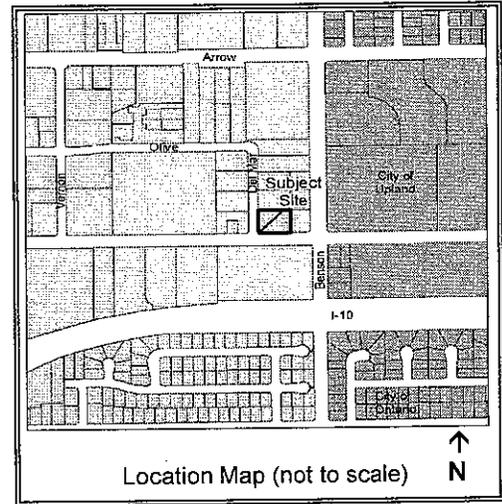
Project Address: 5640 Moreno Street, Unit D

Property Owner: Bill Volbeda for Jason Dunn Tattoo Co.

General Plan: Business Park

Zoning: Manufacturing Industrial Park (MIP)

Assessor Parcel No.: 1008-061-11



Location Map (not to scale)

EXISTING SITE FEATURES/CONDITIONS

Structures: Existing multi-tenant commercial building

Parking: 33 parking spaces (including 2 disabled-accessible spaces)

City/Public Utility Easements: None

Trees/Significant Vegetation: Perimeter landscaping along Moreno Street and Del Mar Avenue frontages with non-standard street trees

ADJACENT LAND USE DESIGNATIONS AND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	General Commercial	C-3 (General Commercial) North Montclair Specific Plan	Vacant tenant space in existing commercial center
North	Industrial Park	MIP (Manufacturing Industrial Park) North Montclair Specific Plan Holt Boulevard Specific Plan	Manufacturing of wood products (Montclair Wood)
East	General Commercial	C-3 (General Commercial) North Montclair Specific Plan	Self-serve car wash
South	Regional Commercial	C-3 (General Commercial) North Montclair Specific Plan	Giant RV
West	General Commercial	C-3 (General Commercial) North Montclair Specific Plan	Non-conforming single-family residential units

Report on Item Number 6.a

PUBLIC HEARING – CASE NUMBER 2010-9

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	Bill Volbeda
LOCATION OF PROPERTY	5640 Moreno Street, Unit D
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	C-3 (General Commercial) North Montclair Specific Plan
EXISTING LAND USE	Vacant tenant space
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Michael Diaz

Project Description

The applicant is requesting approval of a Conditional Use Permit (CUP) to establish a tattoo salon in a small multi-tenant commercial center at the northeast corner of Moreno Street and Del Mar Avenue. The tattoo shop, to be known as "Jason Dunn Tattoo Co.," will be within an existing 1,500 square-foot lease space that is currently vacant. The business will have four tattoo artists, and also offer original fine art paintings, fine art prints, custom jewelry and men's and women's apparel.

The proposed floor plan indicates that a waiting area, art gallery, and boutique would be provided adjacent to the tenant space entrance. A corridor will provide access to four work rooms where tattoo services would be performed. A restroom, an area for storage and sterilization of equipment and instruments, an office space and design area are proposed at the rear of the tenant space. Proposed hours of operation would be 12:00 noon to 9:00 p.m. Monday thru Thursday and 12:00 noon to 11:00 p.m. Friday, Saturday, and Sunday.

A site plan of the subject property and a copy of the proposed floor plan of the tenant space are enclosed in the Commission packets for reference.

Background

- The subject property is developed with a multi-tenant commercial center on the north side of Moreno Street, west of Benson Avenue. The center was constructed in 1978 and has the required parking and landscaped areas.
- Section 11.78.030.D.7 of the Montclair Municipal Code requires approval of a Conditional Use Permit for businesses engaging in dermagraphics, including tattooing, body art, body piercing, and the like. By law, these services are only available to adults 18 and over unless parental consent is provided.

- According to California law, Health and Safety Code 119303(a), every person engaged in the business of tattooing, body piercing, or permanent cosmetics is required to register with the Health Department of the County in which they are doing business.
- Tattoo services are regulated by Sections 119300 through 119309 of the State Health and Safety Code, including the requirement that minors under 18 years of age have written parental consent before engaging in such services. Furthermore, the operator and technicians providing these services must be certified and licensed by the San Bernardino County Department of Health Services.

Planning Division Comments

Proposed Business

Tattoo salons have become increasingly popular and Montclair currently has three such establishments located along Holt Boulevard. The proposed salon would be slightly different than the others in that the business will also offer fine art work and selected apparel items for sale. If approved, the proposed tattoo salon will be the first such shop in north Montclair.

As mentioned in previous reports for tattoo shops, the manner in which the business is operated has everything to do with how it is perceived. As with any business, professional appearance and management always makes a good impression. The owner of the business has indicated his commitment to operating the business in a manner that meets or exceeds all professional standards in terms of staff training and supervision, strict adherence to age guidelines and parental consent, cleanliness, Health Code, and waste disposal policy. Staff is confident that the business owner has a grasp on the operational procedures necessary to operate the establishment in a professional manner. Further, it is in the property owner's best interest that this business does not create a nuisance to the neighboring businesses in the center.

With regard to public health and safety, the tattoo industry is regulated by the State. Each business must be licensed and inspected to ensure that it is legitimate, safe and clean. Reputable businesses are licensed and concerned with the health and safety of their clients. To comply with California law regarding tattooing or piercing, practitioners must verify that a client is at least 18 years of age with either valid photo identification or a notarized authorization letter from the legal parent or guardian. Violation of this penal code section is a misdemeanor.

Staff is not aware of any significant problems with tattoo studios, including the existing tattoo studios within the City. According to the Police Department, there is nothing to indicate increased crime activity or other negative effects associated with this type of use in the City. However, one potential concern is with regard to loitering, or "hanging out" around the business. Staff believes that since the business has limited hours and

has no other uses such as juice bar, coffee shop, or other retail activities, loitering will not be a significant issue. It is the City's expectation that the business owner and property owner will make every effort to discourage clients or would-be clients from loitering on or about the property. A condition of approval regarding loitering has been included to address this issue. Staff believes that if operated properly per the conditions of approval, the proposed tattoo salon will be appropriate and not detrimental to the surrounding area.

Property Maintenance

As is typical when a land use entitlement is requested, staff surveys the property to identify any substandard conditions on the property. During two visits to the property, staff identified a few items in need of repair or replacement which are identified below:

- Repair damaged base of the monument sign and repaint for consistent appearance. The existing base of the sign shows signs of deterioration and discoloration.
- Obtain proper sign permits for tenant signs on monument sign. Sign panels on the monument must be tenant names and be used for advertising products or services. None of the existing signs on the monument comply.
- Obtain sign permits for building mounted tenant identification signs. Only the "The Right Choice" tenant has a sign permit on file with the City.
- Add plant materials to corner planter area at Moreno Street and Del Mar Avenue. The existing planter has missing and/or dying plant materials that need to be replaced and properly maintained.
- Check for and replace any other dead or dying plant materials in planter areas on the remainder of the site.

Conditional Use Permit Findings

Staff finds the request to operate a dermagraphics (tattoo) salon within an existing multi-tenant commercial center is consistent with the Montclair Municipal Code and believes the necessary findings for granting a CUP can be made as follows:

- A. The proposed tattoo salon is essential or desirable to the public convenience and public welfare, in that the use will provide the public with an approved and licensed venue to receive dermagraphics, body art and body piercing services from a legitimate and properly licensed business. Moreover, the business will offer fine art work and clothing for the general public, which is consistent with the underlying commercial zoning designation of the property.

- B. That granting of the permit will not be materially detrimental to the public welfare and to other property in the vicinity, in that the use will be generally compatible with the mix of established businesses in the center and along Moreno Street. Further, conditions of approval have been added to address concerns regarding the operation of the business and appearance of the center in which it is located.
- C. The proposed salon at such location conforms to good zoning practice, in that such use is consistent with the C-3 (General Commercial) zoning district of the North Montclair Specific Plan and the requirements of Montclair Municipal Code, including, but not limited to, the requirement to obtain an approved CUP.
- D. That such use at 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 commercial uses and specialized personal services that cater to the diverse desires and needs of the community.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on July 1, 2010. 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 development to be consistent with the Montclair Municipal Code, the North Montclair Specific Plan, and the adopted General Plan; therefore, approval of Case No. 2010-9 is recommended by taking 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.

2. Move to grant a CUP for the proposed dermagraphics (tattoo) salon with art gallery and boutique, by making the four required findings and subject to the conditions of approval contained in attached Resolution No. 10-1725.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Diaz". The signature is stylized with a large, circular loop at the end of the last name.

Michael Diaz
City Planner

MD/lb

RESOLUTION NUMBER 10-1725

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2010-9 TO ALLOW A DERMAGRAPHS (TATTOO) SALON WITH ART GALLERY AND BOUTIQUE ESTABLISHMENT IN THE C-3 (GENERAL COMMERCIAL) ZONE AT 5640 MORENO STREET, UNIT D (APN 1008-061-11).

A. Recitals.

WHEREAS, Bill Volbeda, property owner, filed an application for a Conditional Use Permit (CUP) on behalf of Jason C. Dunn, proprietor of Jason Dunn Tattoo Co., to allow a dermagraphics (tattoo) salon, an art gallery, and boutique establishment on May 17, 2010; and

WHEREAS, the application applies to a 1,500 square-foot commercial space located at 5640 Moreno Street, Unit D; and

WHEREAS, Section 11.78.030.D.7 of the Montclair Municipal Code requires approval of a Conditional Use Permit for businesses engaging in dermagraphics, including tattooing, body art, and the like; and

WHEREAS, the tattoo business operator and technicians providing said services must be certified and licensed by the San Bernardino County Department of Health Services; and

WHEREAS, The business owner/operator has indicated his commitment to operating the business in a manner that meets or exceeds all professional standards in terms of staff training and supervision, strict adherence to age guidelines and parental consent, cleanliness, health code, and waste disposal policy; and

WHEREAS, the business owner/operator is prohibited from rendering tattoo services to minors under 18 years of age without written parental consent per State Health and Safety Code Sections 119300 through 119309, inclusive; 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" zoning district; and

WHEREAS, Planning Division staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1), in that the proposal would not involve an expansion of the existing structure or result in a fundamental change in the type of uses permitted by the underlying zoning code. In addition, there is no substantial evidence

that the project will have a significant effect on the environment. The Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent judgment, concurs with staff's determination of exemption and directs staff to prepare a Notice of Exemption and a DeMinimis finding of no effect on fish and wildlife; and

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

WHEREAS, on July 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 application were heard, and said application was fully studied.

A. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on July 12, 2010, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:

Conditional Use Permit Findings

- A. That said use is essential or desirable to the public convenience and public welfare, in that the use will provide the public with an approved and licensed venue to receive dermagraphics and body art services from a legitimate and properly licensed business.
- 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 compatible with an eclectic mix of established businesses along Moreno Street. Further, conditions of approval have been added to address concerns regarding appearance and operation of the business.
- C. That such use in such location conforms to good zoning practice, in that such use is consistent with the uses allowed in the C-3 (General Commercial) zone subject to approval of a CUP.
- 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 commercial uses and specialized services that cater to the

to the diverse needs of the community.

3. Planning Division staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA). 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 and no fundamental change in the type of uses permitted by the underlying zoning code. 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.
4. Based upon the findings and conclusions set forth in the paragraphs above, this Commission hereby approves the application subject to each and every condition set forth below.

Planning

1. The Conditional Use Permit (CUP) shall be granted to allow the operation of a dermagraphics (tattoo) salon as described in the staff report. The business shall be limited to a 1,500 square-foot lease space at 5640 Moreno Street, Unit D. Any substantial changes to the operation, increase in floor area, or physical location shall require prior approval from the City of Montclair.
2. Conditional Use Permit (CUP) approval shall be valid for a period of six (6) months from the date of Planning Commission approval. 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 the CUP for the specified use.
3. Within five (5) days of approval by the Planning Commission, the applicant shall submit a check in the amount of \$50 to cover the County's administrative fee for filing a Notice of Exemption as required the California Environmental Quality Act (CEQA). The check shall be made payable to the Clerk of the Board of Supervisors.
4. This permit may be modified or revoked, after the Planning Commission has conducted a public hearing, for failure to abide by any conditions of this CUP or the Montclair Municipal Code, or in the event that the use is determined to be a nuisance to surrounding properties, businesses or the community at large.

5. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
6. The applicant and/or property owner shall ensure that a copy of the Planning Commission Resolution is posted on the premises and available for viewing upon request by Police and/or Code Enforcement personnel.
7. Approval of this CUP shall not waive the requirement for compliance with any regulations as forth in the California Building Code, City ordinances or by the San Bernardino County Health Department.
8. All applicable federal, state and local health department requirements and rules (Chapter 7 of Part 15, of Division 104 of the Health and Safety Code, commencing with Section 119300) regulating such tattoo and body piercing operations shall be strictly adhered to, such as, but not limited to, maintaining proper sterilization, sanitation, and safety standards; provision of wash basins, containers for needle disposal, first aid kit, and CPR certification.
9. The operator of the establishment shall obtain and maintain a current City business license at all times.
10. Notice of change of ownership of the facility shall be provided in writing to the Director within 30 days of said change. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions which are a part thereof.
11. Hours of operation shall be limited to 12:00 p.m. to 9:00 p.m. daily. Any changes in the approved hours shall be subject to the review and approval of the Community Development Director and/or Planning Commission.
12. Persons under 18 years of age shall not be permitted to receive tattoo or body piercing services without written consent of a parent or legal guardian pursuant to the requirements of California law. Posting of such age restriction in English and Spanish shall be conspicuous to the public.
13. No window tinting, paint, or other similar devices which obstruct views into the tenant space shall be allowed on the storefront glass of the subject lease space. Operable window coverings may be installed on the interior partition windows of the work areas to provide privacy for clients when services are being performed.

14. No permanent building-mounted, wall-mounted or monument signs are approved as part of this entitlement. Should the applicant desire to install any business identification signs, plans shall be submitted by a duly licensed sign contractor to the Planning and Building Divisions for review and approval prior to installation of said sign(s). The applicant shall comply with the adopted sign program for the subject property and with sign regulations of the City of Montclair. All work shall be professionally installed by a duly licensed sign contractor, to the satisfaction of the City Planner.
15. 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.
16. No portable signs (e.g., A-frames) shall be permitted on the exterior of the building or mounted/attached to vehicles.
17. Graffiti on the building or associated improvements shall be removed immediately by the applicant/property owner upon notification by the City. Paint utilized in covering such graffiti shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
18. 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 former businesses.
19. The applicant and/or property owner shall maintain the area surrounding the business in a clean and orderly manner at all times. The property owner and business operator shall be responsible to monitor the area outside the dermagraphics salon.
20. The on-site manager of the dermagraphics salon shall take whatever reasonable steps are deemed necessary to prevent loitering and/or assure the orderly conduct of its employees, patrons, and visitors on the premises.

premises. A minimum of one (1) 'No Loitering' sign(s) shall be installed in plain view at the business.

21. No public telephones, vending machines, or other coin-operated machines shall be located on the exterior of the building.
22. Prior to issuance of a business license, the applicant shall:
 - a. Repair and repaint damaged monument sign.
 - b. Re-landscape all bare or substandard front and street side setback planter areas.
 - c. Modify or replace all disabled-accessible parking lot signs as necessary to the satisfaction of the Building Official.
23. To ensure compliance with the conditions of the approval, a final inspection is required from the Building and Planning Divisions upon completion of construction and all improvements. The applicant shall contact the City to schedule an appointment for such inspections.
24. 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

25. 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.
26. Submit two sets of structural calculations, if required, and two sets of energy conservation calculations.
 27. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
 28. 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.
 29. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
 30. 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.
 31. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
 32. Clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
 33. A Certificate of Occupancy is required prior to the occupancy of the tenant space. Issuance of the Certificate of Occupancy shall be contingent upon the Fire Department inspection and final approvals from other departments and/or agencies.
 34. 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 with the City's Electronic Imaging Policy.

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

APPROVED AND ADOPTED THIS 12TH DAY OF JULY, 2010.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Luis Flores, Chair

ATTEST: _____
Steve Lustro, Secretary

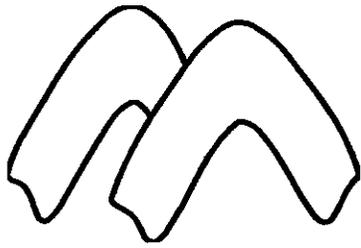
I, Steve Lustro, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 12th day of July, 2010, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MD\CASES\2010-9RESO10-1725



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 07/12/10

AGENDA ITEM 6.b

Case No.: 2010-10

Application: CUP for church use in a multi-tenant industrial park development

Project Address: 8939 Vernon Avenue, Units H-J

Property Owner: Vernon Business Park L.P. for Arca de Refugio

General Plan: Business Park

Zoning: Manufacturing Industrial Park (MIP)

Assessor Parcel No.: 1008-042-14

EXISTING SITE FEATURES/CONDITIONS

Structures: Existing 28,920 square-foot, multi-tenant industrial building

Parking: 58 parking spaces (including 2 disabled-accessible spaces)

City/Public Utility Easements: None

Trees/Significant Vegetation: Front yard setback landscaping and street trees along Vernon Avenue and on-site landscaping

ADJACENT LAND USE DESIGNATIONS AND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	Industrial Park	Manufacturing Industrial Park (MIP) North Montclair Specific Plan	Multi-tenant industrial building
North	Industrial Park	Manufacturing Industrial Park (MIP) North Montclair Specific Plan	Vacant lot and auto repair business
East	Industrial Park	Manufacturing Industrial Park (MIP) North Montclair Specific Plan	Water storage reservoir (MVWD)
South	Industrial Park	Manufacturing Industrial Park (MIP) North Montclair Specific Plan	Multi-tenant industrial building
West	Business Park	Manufacturing Industrial Park (MIP) North Montclair Specific Plan	Multi-tenant industrial buildings

Report on Item Number 6.b

PUBLIC HEARING - CASE NUMBER 2010-10

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	Montclair Industrial Park L.P., for Arca de Refugio Church
LOCATION OF PROPERTY	8939 Vernon Avenue, Units H-J
GENERAL PLAN DESIGNATION	Industrial Park
ZONING DESIGNATION	Manufacturing Industrial Park (MIP) North Montclair Specific Plan
EXISTING LAND USE	Vacant tenant spaces in a multi-tenant industrial building
ENVIRONMENTAL DETERMINATION	Categorical Exemption – Section 15301 (Existing Facilities)
PROJECT PLANNER	Michael Diaz

Project Description

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow the establishment of a church use at the subject location. The subject lease space is comprised of three adjoining tenant spaces located at the east end of the existing single-story industrial building. Total floor area to be occupied by the church would be approximately 3,600 square feet.

The proposed church, Arca de Refugio, currently has approximately 25 adult members. The congregation meets primarily on weekends, with Sunday services occurring generally between the hours of 9:00 a.m. and 1:00 p.m. The church also has a mid-week service every Tuesday that begins at 7:00 p.m. During the regular business hours of the week, the site will be occupied by a few staff members working in the church offices. Except for a new sign, no changes to the exterior of the building are proposed.

Background

- Churches, synagogues, temples or other houses of worship are allowed in the Manufacturing Industrial Park (MIP) zone subject to the approval of a CUP. A CUP does not change the underlying zoning of property, but grants the property an additional specified use.
- The subject property is developed with an industrial building commonly known as the Vernon Business Park, built in 1987 (Case No. 86-61). The existing multi-tenant building is approximately 29,000 square feet in overall size and has 58 parking spaces (at 1 space per 500 square feet) on site (including two disabled-accessible spaces) that are shared by the tenants.

- The subject tenant spaces were occupied by OPARC for 16 years, and, more recently, the San Bernardino County Superintendent of Schools operated a Community Day School for four years prior to moving to its permanent location on Holt Boulevard. The subject tenant spaces have been vacant for nearly two years.

Planning Division Comments

Overall, staff is supportive of the proposed CUP request to allow the proposed church use at the subject site as described herein. Staff finds the existing site and building to be adequate in shape and size and designed in such a way so as to easily accommodate the proposed activities of the church use. The church use will provide its adherents a place to worship within in an appropriately located and developed site. The physical condition of the property is sound and appears to be properly maintained.

The new church use is not expected to cause adverse impacts to any adjacent uses, as all activities at the church are held entirely within the building and services are typically on weekends (Sundays) and a mid-week service on Tuesday evenings. With these hours, any potential conflicts between the church users and other tenants are expected to be minimal. Currently, the center has tenants mostly concentrated on the south side of the building while a significant portion of the tenant spaces on the north side are vacant. The church use would be located on the north side of the building.

Pursuant to the Montclair Municipal Code, parking for a church use or public assembly is based on seats in the sanctuary at a ratio of one (1) parking space for every six (6) seats. The subject 3,600 square-foot lease space would have seven (7) parking spaces assigned to it, which would allow a maximum of 42 seats in the sanctuary. The applicant's floor plan depicts 18 seats in the sanctuary portion of the tenant space, which seems low. Staff would be supportive of allowing a maximum seating capacity of up to 100 seats, which would be more realistic and give the church some flexibility to grow provided that the landlord does not object to the applicant using more parking spaces during off-peak hours when the church is in prime use. One hundred seats in the sanctuary would require 17 parking spaces to satisfy zoning code requirements. The north side of the complex alone has 29 spaces available.

Since the church operates at off-peak hours when most of the other tenants on the property are closed, additional parking would be available for church members. Staff's field observations of parking patterns at the center during weekday afternoons and evenings after 6:00 p.m. indicated that most of the existing businesses were closed for the day and there were a minimal number of cars in the parking lot.

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

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

Findings

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

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on July 1, 2010. Public hearing notices were also mailed to existing tenants of the industrial park and property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, no comments or inquiries had been received by staff regarding the proposal.

Environmental Assessment

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

Planning Division Recommendation

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

1. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301, which covers infill projects in significantly developed areas.
2. Move to approve a Conditional Use Permit under Case No. 2010-10, subject to making the required findings, and subject to the 35 conditions as described in attached Resolution Number 10-1726.

Respectfully Submitted,



Michael Diaz
City Planner

MD/lb

Attachments: Draft Resolution of Approval for Case 2010-10

RESOLUTION NUMBER 10-1726

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2010-10 TO ALLOW A CHURCH USE IN THE "MIP" (MANUFACTURING INDUSTRIAL PARK) LAND USE DISTRICT OF THE NORTH MONTCLAIR SPECIFIC PLAN AT 8939 VERNON AVENUE, UNITS H-J (APN 1008-042-14).

A. Recitals.

WHEREAS, Montclair Industrial Park L.P., property owner, filed an application for a Conditional Use Permit (CUP) on behalf of Arca de Refugio Church at 8939 Vernon Avenue, Units H-J, on May 19, 2010; and

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

WHEREAS, staff has determined that the proposal meets the intent and requirements of the ordinance for such use and the applicable development standards of the "Manufacturing Industrial Park" land use district of the North Montclair Specific Plan; and

WHEREAS, staff has determined that the proposed church use at the subject site could not have a significant effect on the environment and has prepared a Categorical Exemption and a De Minimis 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 July 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 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

the above-referenced public hearing on July 12, 2010, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:

- a. The proposed use is essential or desirable to the public convenience and public welfare, in that the church use provides its adherents a place to worship within in an appropriately located and properly developed site.
 - b. Granting this permit will not be materially detrimental to the public welfare and other property in the vicinity. Religious services at the site will be held entirely within the building and occur generally during off-peak hours so as not to have a significant impact on other businesses or activities of the center.
 - c. The proposed use conforms to good zoning practices and development standards and is consistent with the Montclair Municipal Code. The church will be located in an existing multi-tenant business and light industrial center that is adequate in size, shape, and development to accommodate the proposed use and its parking requirements. The proposed religious facility would not have a substantial adverse effect on traffic circulation, access, and parking of the existing industrial center of which it is a part nor pose an adverse impact on adjacent development /uses.
 - d. The proposed use at the subject location is not contrary to the objectives of any part of the adopted General Plan, in that the plan promotes the balance of land uses to serve the community and continually improve the City as a place for living, which includes churches, synagogues, temples or other house of worship.
2. Planning Division staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies under the Class 1 exemption under State CEQA Guidelines Section 15301, which exempts projects involving little to no expansion of existing structures or uses. In addition, there is no substantial evidence that the project will have a significant effect on the environment. The Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent judgment, concurs in the staff's determination of exemption and directs staff to prepare a Notice of Exemption and a DeMinimis finding of no effect on fish and wildlife; and
 3. Based upon the findings and conclusions set forth in paragraphs 1, 2 and 3 above, this Commission hereby approves the application subject to each and every condition set forth below.

Planning

1. This CUP approval is to allow the operation of a church use and associated religious education, administrative meetings, etc. at 8939 Vernon Avenue, as described in the staff report and depicted on approved plans. Said approval shall be limited to Units H, I, and J, totaling approximately 3,600 square feet in area. A day care facility or private school use is not a part of this approval.
2. This CUP approval shall be valid for six months (180 calendar days) from the date of Planning Commission action. Failure to initiate the approved use and/or improvements prior to the end of the six-month period shall result in the termination of and automatically void the CUP approval.
3. Within five (5) working days of approval by the Planning Commission, the applicant shall submit a check in the amount of \$50 to cover the County administrative fee for filing a Notice of Exemption as required the California Environmental Quality Act (CEQA). The check shall be made payable to the Clerk of the Board of Supervisors.
4. Any modification, intensification, or expansion of the use, including an increase in the floor area or occupancy load beyond that which is specifically approved with this CUP shall require review and approval by the Planning Commission.
5. A copy of the signed Resolution of Approval with all conditions of approval shall be maintained on the premises at all times, and shall be made available upon request for viewing to any law enforcement officer, fire, building, or code enforcement inspector in the course of conducting an official inspection on said premises.
6. Services shall be limited to Sundays, and weekday evenings (Monday through Saturday) after 6:00 p.m. The building may be used by the church for non-worship activities during regular daytime hours for church offices/administration and or committee meetings.
7. Seating capacity in the sanctuary shall not exceed a maximum of 100 persons or a lesser capacity as required by the property owner. Seating over 43 persons shall require additional parking spaces at a ratio of one (1) parking space per six (6) seats up to a maximum of 17 spaces to accommodate 100-person limit per the Montclair Zoning Code.
8. A minimum of seven (7) on-site parking spaces shall be maintained and available within the center for the approved church use at all times.
9. No temporary or permanent residential living quarters, including homeless shelter, shall be established on the premises.
10. No outdoor amplified sound systems shall be installed or used on the property.

11. No pay telephones, vending machines, or merchandise collection boxes shall be located on the exterior of the building or on the subject property.
12. All mechanical equipment, devices and their component parts (e.g., wiring, conduit, meters, etc.) for such items as air conditioners, evaporative coolers, exhaust fans, vents, transformers, utility meters, or similar equipment, whether located on the ground, building walls, or on the roof of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building to the satisfaction of the City Planner.
13. 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.
14. Prior to the installation of any signs on the property, the applicant shall submit plans prepared by a licensed sign contractor for review and approval by the Planning and Building Divisions. Signs shall conform to the provisions of the Montclair Sign Code and any specific sign program approved for the site.
15. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including, but not limited to, the following:
 - a. Temporary banners for the purpose of announcing the grand opening or advertising promotions shall require banner permits from the Planning Division prior to installation.
 - b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
 - c. Portable flags, pennants, spinners, painted-on signs or the like shall be prohibited.
 - d. No trailer-mounted electronic sign/message boards or other similar types of portable signs shall be permitted on the property at any time.
16. The property owner and applicant shall routinely inspect and maintain the property (e.g., structures, equipment, fences/walls, landscaping, hardscape, and pavement) in good condition and in a clean and presentable manner at all times. All trash, debris, weeds (in landscape areas and in asphalt parking areas), graffiti, etc. shall be promptly and/or continually removed.
17. 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.

18. Upon notification, this CUP approval may be revoked or modified by the Planning Commission or City Council at such time as any of the following conditions are found to exist:
 - a. Conditions of Approval have not been fulfilled.
 - b. The use has resulted in a substantial adverse impact on the health and/or general welfare of users of adjacent or proximate properties.
 - c. The use has resulted in a substantial adverse impact on public facilities or services.
19. 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

20. Submit four complete sets of plans including the following:
 - a. Site/Plot Plan;
 - b. Floor Plan;
 - c. Reflected Ceiling Plan;
 - d. Electrical Plans, including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
 - e. Plumbing plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning.
 - f. Provide an existing plan of the building including all walls to be demolished.
21. Submit two sets of structural calculations, if required and two sets energy conservation calculations.
22. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
23. 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

page of submitted plans.

24. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
25. 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.
26. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
27. Clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
28. Construction drawings submitted to the building division for plan review shall comply with the Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. All exterior doors shall be equipped with a lighting device which shall provide a minimum maintained one foot candle of light at ground level during hours of darkness.
 - b. Exterior luminaires shall comply with the City's outdoor lighting policies and be covered by vandal-resistant covers.
29. 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.
30. Prior to the issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Building Division electronic images of all plans and records which were submitted for the purpose of obtaining a building permit. Electronic images shall comply with the City's Electronic Imaging Policy.
 - b. Complete all on- and off-site improvements.
 - c. Perform all work necessary to bring disabled-accessible parking stalls and associated signage into compliance with code.

Fire

31. Any modifications to the floor plan of the subject lease space shall be reviewed by the Fire Marshal to ensure that existing fire suppression system (e.g., sprinklers, alarm, detection, etc.) has not been compromised. Applicant shall submit three (3) complete sets of the sprinkler system plans directly to the Fire Marshal's Office for approval prior to any tenant improvements involving the addition or removal any walls within the lease space.
32. Since 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. The Fire Marshal's Office may be reached at (909) 447-3550.
33. 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.
34. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of normal lighting.
35. 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 JULY, 2010.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Luis Flores, Chair

ATTEST: _____
Steve Lustro, Secretary

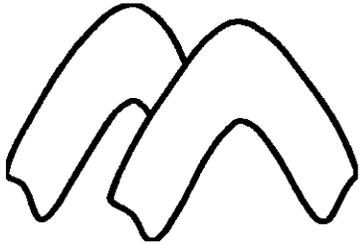
I, Steve Lustro, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning commission of the City of Montclair, at a regular meeting of the Planning Commission held on the 12th day of July, 2010, by the following vote-to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MD\CASES\2010-10\RESO10-1726



**CITY OF MONTCLAIR
PLANNING COMMISSION**

MEETING DATE: 7/12/10

AGENDA ITEM 6.c

Case No.: 2010-12

Application: Multi-tenant sign program

Project Address: 4234 Holt Boulevard

Property Owner: Chung Hoon Kang

General Plan: General Commercial

Zoning: Commercial (Holt Blvd. Specific Plan)

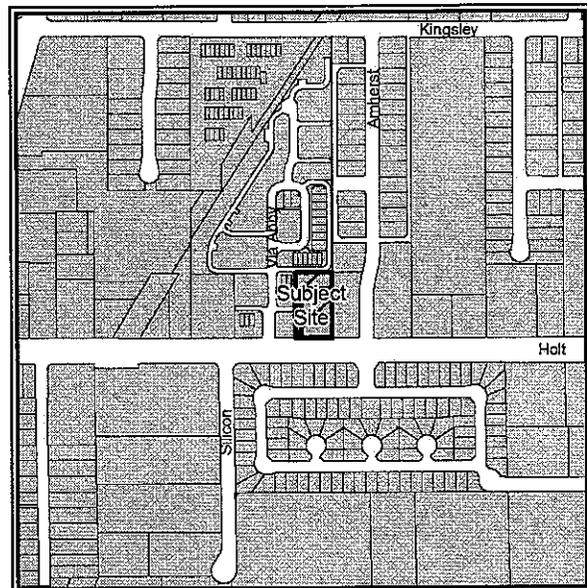
Assessor Parcel Nos.: 1009-514-01, 02, 03

EXISTING SITE FEATURES/CONDITIONS

Structures: Existing commercial building recently remodeled

Parking: 48 parking spaces (including 3 disabled-accessible spaces)

City/Public Utility Easements: None



ADJACENT LAND USE DESIGNATIONS AND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	General Commercial	"Commercial" Holt Boulevard Specific Plan	Neighborhood Commercial Center
North	Planned Development	"R-3 (11 du/ac)" Holt Boulevard Specific Plan	Multiple-Family Residential
East	General Commercial	"Commercial" Holt Boulevard Specific Plan	Auto Repair and Supply
South	Planned Development	"R-1(SL)" (Single-Family Residential Small-Lot Detached Overlay)	Single-Family Residential
West	Planned Development	"R-3 (11 du/ac)" Holt Boulevard Specific Plan	Multiple-Family Residential

Report on Item Number 6.c

CASE NUMBER 2010-12

APPLICATION TYPE(S)	Precise Plan of Design
NAME OF APPLICANT	Chung Hoon Kang
LOCATION OF PROPERTY	4234 Holt Boulevard
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	"Commercial" per Holt Boulevard Specific Plan
EXISTING LAND USE	Neighborhood Commercial Center
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15311)
PROJECT PLANNER	Michael Diaz

Applicant's Proposal

The applicant is requesting Precise Plan of Design (PPD) approval of a new sign program for an existing, newly-renovated multi-tenant retail development at the above address. The sign program was required as a condition of Case No. 2007-29, which approved a Conditional Use Permit for a coin laundry and a PPD for the exterior remodel of the existing center. The new sign program will provide criteria for new building-mounted tenant signs and a new monument sign. The existing building presently has four tenants. All existing building-mounted signs and the existing pole sign will be removed and replaced with the new signs authorized by the new sign program.

The new building-mounted signs will be individual illuminated channel letters mounted to the sign band on the building façade. Each tenant will be allowed to have a sign on the front side of the lease space (i.e., south and west facing elevations) as illustrated in the sign program. Only single line copy with letters of 18-20 inches high will be allowed given the narrow sign band above the lease spaces. No building-mounted signs will be permitted on the north or east building elevations.

A new internally-illuminated monument sign is included with this proposal and is intended to replace the dilapidated pole sign that currently exists on the site. The dimensions for the new monument sign are 7'-4" high by 5'-9" wide. In addition to the name of the development, Ariran Plaza, the sign will allow three tenant names. Sign copy will be routed out of aluminum panels and backed up by colored Plexiglas.

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

Background

- The Montclair Municipal Code requires approval of sign programs for projects in commercial and industrial zones.

- In 2007, a lot merger of the existing properties was approved thereby creating a single lot, an approximately 0.96-acre rectangular-shaped site.
- The existing 8,000 square foot, single-story building and parking area were constructed in 1980 (Case No. 79-43). The current number of on-site parking spaces is 48.
- On September 24, 2007, the Planning Commission approved Case No. 2007-29, a CUP to allow a coin-operated laundry and a PPD for site improvements. A condition of approval required that the applicant submit a sign program for review and approval.
- By 2010, significant improvements to the property had been completed, including a reconfigured parking area for 48 spaces, a trash enclosure, and landscaping. The installation of new exterior parking lot lighting is nearing completion.

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 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 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. The sign program allows for only a single line of sign copy and registered corporate logos, which should make the program applicable for all types of businesses. By limiting signs to single line copy and 18-20 inches in height, the signs would be readable from the street and not overcrowd the available area on the building on which to place them.

Except for minor rear door signs, no identification signs will be allowed on the north and east elevations of the building. The north side of the building faces residential uses and is unnecessary. Conditions of approval addressing these limitations are included in the resolution prepared for the project.

The removal of the existing outdated and non-conforming pole sign has been anticipated since the remodel of the center was approved in 2007. While it has taken some time to complete improvements at the site, the removal of the pole sign will be the capstone of a successful project. When all of the improvements, including new signs, are finally completed, the center will serve as a positive enhancement to the betterment of Holt Boulevard.

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.

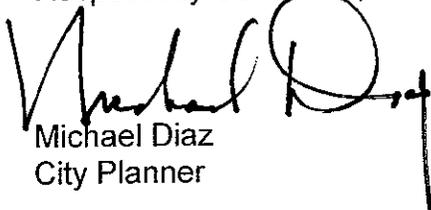
Planning Division Recommendation

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. 2010-12 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 4234 Holt Boulevard, subject to the conditions in attached Resolution Number 10-1727.

Respectfully Submitted,



Michael Diaz
City Planner

MD/lb

Attachments: Draft Resolution No. 10-1727 for Case No. 2010-12

c: Chung Hoon Kang, 3651 Coronado Drive, Fullerton, CA 92835
Tom Choi, 26 Bayview Drive, Buena Park, CA 90621

Z:\COMMDEV\MD\CASES\2010-12 4234 HOLT SIGN PROGRAM RPT

RESOLUTION NUMBER 10-1727

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A PRECISE PLAN OF DESIGN UNDER CASE NO. 2010-12 FOR A MULTI-TENANT SIGN PROGRAM AT 4234 HOLT BOULEVARD (APNs 1009-514-01, 02, and 03)

A. Recitals.

WHEREAS, on June 30, 2010, Chung Hoon Kang, owner of property at 4234 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, on September 24, 2007, a Conditional Use Permit (CUP) and Precise Plan of Design under Case No. 2007-29 were approved to allow a coin-operated laundromat and building and site improvements at the existing multi-tenant center; and

WHEREAS, Condition No. 7 of the CUP/PPD approval required the submittal of a new sign program for the center, which included the removal of existing cabinet signs and non-conforming pole sign to be replaced with new individual channel letter signs and a new monument sign meeting current code requirements; 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 July 12, 2010, commencing at 7:00 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 July 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.

Planning

1. This Precise Plan of Design (PPD) approval is for a multi-tenant sign program for the existing neighborhood commercial development at 4234 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 unless the applicant is diligently pursuing building plan check toward the installation of at least one (1) sign authorized by this 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.
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. Prior to the issuance of a Certificate of Occupancy and/or a final inspection for site improvements associated with Case No. 2007-29, all existing non-conforming cabinet signs and the non-conforming pole sign shall be removed.
6. All existing and future tenants of the property shall comply with the provisions of the approved sign program. Each new sign, including sign panels on the monument sign, shall require City review and approval and the issuance of a sign permit and/or building permit. Written landlord approval for each sign design shall be submitted with an application and associated fees.
7. No permanent or temporary identification signs or banners, except required regulatory signs, shall be permitted on the north or east building elevations.

8. Modification of the sign program, including additions or deletions, may be considered upon filing of a subsequent development review application by the owner of the subject property or his/her authorized representative.
9. No exposed raceways, wiring or conduits shall be allowed.
10. All signs shall be continually maintained 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.
11. 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.
12. Damage to wall surfaces, or any other feature, when signs are removed shall be repaired prior to the installation of any new sign(s), subject to the satisfaction of the City Planner.
13. 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.
14. 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

15. 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.
16. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
17. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
18. 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 JULY, 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 July, 2010, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

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