



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

REGULAR ADJOURNED MEETING  
Monday, September 13, 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 Lenhart, and Commissioner Don Vodvarka

**4. APPROVAL OF MINUTES**

The minutes of the August 9, 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 2010-14  
Project Address: 5334 Holt Boulevard  
Project Applicant: Pattie Jebbia for Andy Guevara  
Project Planner: Silvia Gutiérrez, Assistant Planner  
Request: Conditional Use Permit for a used auto sales business with outdoor display
  
- b. PUBLIC HEARING - CASE NUMBER 2010-15  
Project Address: 4518 San Bernardino Street  
Project Applicant: Morningstar Christian Church  
Project Planner: Michael Diaz, City Planner  
Request: Conditional Use Permit for a private elementary school

**7. INFORMATION ITEMS**

Although the Planning Commission is prohibited from taking action on or discussing items not on the posted agenda, a member of the Planning Commission may ask for information, request a report back or to place a matter of business on the agenda for a subsequent meeting, ask a question for clarification, make a brief announcement, or briefly report on his or her own activities, provided the foregoing are related to, or within the jurisdiction of, the Planning Commission.

**8. PUBLIC INSPECTION OF MATERIALS**

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

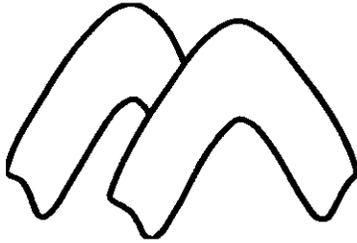
**9. ADJOURNMENT**

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of September 27, 2010 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California

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**CERTIFICATION OF AGENDA POSTING**

I, Steve Lustro, Community Development Director 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 September 9, 2010.



CITY OF MONTCLAIR  
**PLANNING COMMISSION**

**MEETING DATE: 09/13/10**

**AGENDA ITEM 6.a**

**Case No.: 2010-14**

**Application:** Conditional Use Permit

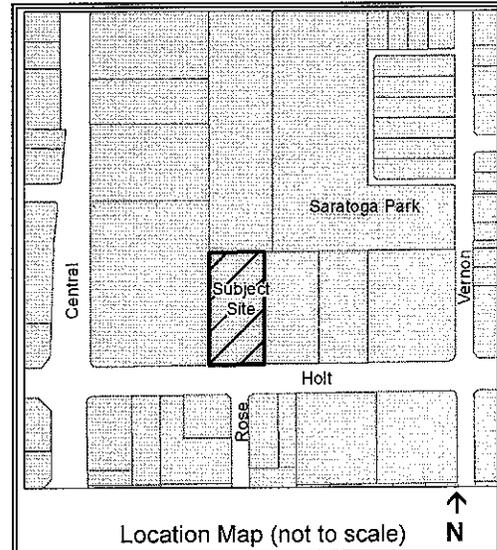
**Project Address:** 5334 Holt Boulevard

**Property Owner:** Pattie A. Jebbia for Andy Guevera

**General Plan:** General Commercial

**Zoning:** Holt Boulevard Specific Plan (Auto Mall)

**Assessor Parcel No.:** 1010-601-09



**EXISTING SITE FEATURES/CONDITIONS**

**Structures:** One freestanding multi-tenant office building and two commercial shop buildings

**Parking:** 38 paved, striped parking spaces

**City/Public Utility Easements:** None

**Trees/Significant Vegetation:** Perimeter landscaping along Holt Boulevard and minimal site landscaping

**ADJACENT LAND USE DESIGNATIONS AND USES**

	<b><i>General Plan</i></b>	<b><i>Zoning</i></b>	<b><i>Use of Property</i></b>
<b>Site</b>	General Commercial	"Auto Mall" per Holt Boulevard Specific Plan	Multi-tenant commercial auto service center
<b>North</b>	Neighborhood Park	R-3 (Multiple-Family Residential)	Saratoga Park
<b>East</b>	General Commercial	"Auto Mall" per Holt Boulevard Specific Plan	Multi-tenant commercial auto service center
<b>South</b>	General Commercial	"Commercial" and "Business Park" per Holt Boulevard Specific Plan	Auto dealership (currently closed) and vacant lot
<b>West</b>	General Commercial	"Auto Mall" per Holt Boulevard Specific Plan	Drive Time Auto Dealership

## Report on Item Number 6.a

### PUBLIC HEARING - CASE NUMBER 2010-14

NAME OF APPLICANT	Pattie Jebbia for Andy Guevara
LOCATION OF PROPERTY	5334 Holt Boulevard
GENERAL PLAN DESIGNATION	General Commercial
GENERAL PLAN IMPLEMENTATION PROGRAM	Conditional Use Permit
EXISTING ZONE DISTRICT	"Auto Mall" per Holt Boulevard Specific Plan
EXISTING LAND USE	Auto Repair and Auto Body Shop
ENVIRONMENTAL DETERMINATION	Categorical Exemption – Section 15301 (Existing Facilities)
PROJECT COORDINATOR	Silvia Gutierrez

#### **Project Description**

The applicant is requesting approval of a Conditional Use Permit (CUP) to re-establish the operation of a used auto sales business with outdoor display of up to 20 used automobiles at the front portion of a 1.62 acre site located on the north side of Holt Boulevard between Central and Vernon Avenues. The proposed used auto sales business is seeking to relocate from its previous location in Upland.

The proposed used auto sales office will be located in two existing offices totaling approximately 204 square feet within an existing 1,200 square-foot freestanding office building at the front portion of the site. The proposed business would have one employee and would be open for business Monday through Friday from 9:00 a.m. to 7:00 p.m., Saturday from 10:00 a.m. to 6:00 p.m., and Sunday by appointment.

Except for a new identification sign, no significant changes to the exterior of the building or site are proposed.

#### **Background**

- In May 1979, the Planning Commission granted approval of a Precise Plan of Design (Case No. 79-24) for the construction of two detached commercial auto repair shop buildings totaling 12,840 square feet and a freestanding 1,200 square-foot office building. The Planning Commission also granted approval of a Conditional Use Permit to allow automobile sales with outdoor display.
- Access to the site is provided by a driveway from Holt Boulevard. Internal circulation is provided by a 20-foot-wide drive aisle to the rear of the property. A total of eight customer parking spaces are located at the front west portion of the property and 30 spaces are located at the rear of the property. Those spaces are utilized by existing auto repair businesses occupying the shop buildings.

- In June 1991, the City Council adopted the Holt Boulevard Specific Plan, which rezoned the subject property from C-3 (General Commercial) to "Auto Mall."
- The property owner operated an auto repair business on the site for 30 years but due to economic limitations, decided to lease the area used for the business to two separate businesses that operate out of the two existing shop buildings at the rear of the site. The auto sales component on the site had been leased to several small used auto sales businesses over the past 30 years, most recently to Green Light Auto Sales. However, the dealer ceased operations in late 2009.
- A Conditional Use Permit is required to re-establish auto sales with outdoor display when the business has been discontinued for more than six (6) months.

### **Planning Division Comments**

Overall, staff believes that given the limited scope of the outdoor auto sales business and the size and location of the property, the proposed use can be adequately accommodated subject to appropriate conditions of approval. The site has long been zoned and consistently used for automotive related uses, including used auto sales with outdoor display with no known significant adverse impacts to the public. Staff has prepared a list of conditions that are designed to effectively govern the operational aspects of the auto sales business on the site. For example, one condition limits the display of cars for sale to the front portion within a designated display area of the site where they will not interfere with existing on-site circulation and required on-site vehicle parking (including required disabled-accessible parking) at the west side of the office building.

Although the physical condition of the property can be characterized as being generally sound, there are several indications of deferred maintenance and several non-conforming development issues that are in need of attention. As with all projects in the City, particularly those requesting discretionary approval of a CUP, upgrades to non-conforming conditions affecting the site, building, landscaping, signs, etc. are typically considered.

In regard to the physical condition of the site, staff believes the identified issues should be fully considered for inclusion as conditions of approval before approval of the request to re-establish used auto sales with outdoor display on the property is granted. These improvements are necessary in preparing the site for used auto sales, but also to correct as many deficiencies as possible/practical. Many of the items are aesthetic in nature and can be easily addressed including the removal of unpermitted signs, restoring and/or adding landscaping, and removal/replacement of nonconforming wall lights. Other important items that are in need of attention are to reorganize/re-stripe the parking area to add the minimum number of required spaces to support the businesses. These types of improvements are typical and generally consistent with the type of

improvements required for other projects throughout the City and particularly along Holt and Mission Boulevards.

To demonstrate that adequate parking will be provided for all on-site uses, a revised site/parking plan will be required. Based on the current Holt Boulevard Specific Plan, a minimum of six (6) customer parking spaces, including one (1) van-accessible stall, would need to be striped to accommodate the proposed auto sales use. As previously indicated, 30 parking spaces are available at the rear of the property to accommodate the existing auto repair and auto body businesses. Staff believes that with careful planning a workable parking plan can be created to provide the required parking spaces and parking for the display of 20 vehicles for sale.

### **Public Notice**

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on September 3, 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.

### **Conditional Use Permit Findings**

Staff believes that the necessary findings to support the proposed request can be made as follows:

- A. The proposed use is desirable to the public convenience and public welfare, in that it will provide local residents with a convenient location to purchase used automobiles.
- B. That granting this permit will not be materially detrimental to the public welfare and other property in the vicinity, in that the condition of the subject property will be improved to correct as many deficiencies as practical in keeping with ongoing efforts to improve the condition and appearance of properties along Holt Boulevard.
- C. The proposed use is consistent with the underlying "Auto Mall" land use designation for the property, which conditionally permits the used automotive sales business with outdoor display as contemplated by the applicant. The site is adequate in size, located on a lot with frontage on a fully developed major street, and has been zoned and consistently used for automotive related uses for over 30 years. Given the limited scope of the used automobile sales business, the proposed use can be adequately accommodated on the subject site with appropriate conditions of approval.

- D. The proposed use at the subject location is not contrary to the objectives of any part of the adopted General Plan or the Holt Boulevard Specific Plan, as both documents envision a variety of commercial uses in the area where the property is located and promote the orderly development and maintenance of commercial properties within the City.

### **Environmental Assessment**

The proposed project is on a developed site and only involves limited site changes not involving grading. As such, staff has determined that this project is categorically exempt (Class 1 – Existing Facilities) from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the CEQA Guidelines. A DeMinimis finding of no impact on fish and wildlife will be prepared.

### **Planning Division Recommendation**

Staff finds the proposed use to be consistent with the Montclair Municipal Code, Holt Boulevard Specific Plan, and adopted General Plan. Therefore, staff recommends approval of Case No. 2010-14 by taking the following actions:

1. Move that, based upon the 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 that result in negligible or 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. 2010-14 to allow the re-establishment of a used automobile sales business as described in the staff report, at 5334 Holt Boulevard, subject to making the four required findings, and subject to the conditions contained in attached Resolution Number 10-1730.

Respectfully Submitted,



Michael Diaz  
City Planner

MD/lb

Attachments: Draft Resolution of Approval for Case No. 2010-14

Z:\COMMDEV\SG\CASES\2010-14RPT

## RESOLUTION NUMBER 10-1730

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NUMBER 2010-14 TO RE-ESTABLISH A USED AUTO SALES BUSINESS IN THE "AUTO MALL" LAND USE DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN, 5334 HOLT BOULEVARD (APN 1010-601-09).**

A. Recitals.

**WHEREAS**, on August 9, 2010, Pattie A. Jebbia (property owner) filed an application on behalf of Andy Guevera for a Conditional Use Permit (CUP) to re-establish a used auto sales business at 5334 Holt Boulevard; and

**WHEREAS**, the subject site is located within the "Auto Mall" land use district of the Holt Boulevard Specific Plan; and

**WHEREAS**, the Holt Boulevard Specific Plan requires a CUP for auto sales uses with outdoor display upon review of development standards and land use compatibility with surrounding properties; and

**WHEREAS**, the previous auto sales use at the subject site ceased operations in late 2009; and

**WHEREAS**, Chapter 11.78.100.C.4 of the Montclair Municipal Code requires a new CUP to re-establish a use that has been discontinued for a period of six continuous months or longer; and

**WHEREAS**, staff has determined that the proposal meets the intent and requirements of the Municipal Code to re-establish used auto sales business and the applicable development standards of the "Auto Mall" land use district of the Holt Boulevard Specific Plan; and

**WHEREAS**, the improvements proposed for this location include associated parking lot changes to accommodate the subject improvement; and

**WHEREAS**, staff finds and determined that the proposed used auto sales business is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the State CEQA Guidelines and has prepared 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 September 13, 2010, commencing at 7 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a meeting at which time all persons wishing to testify in connection with said project were heard and said proposal was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced hearing on September 13, 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 Conditional Use Permit approval shall be for one (1) retail auto sales business at 5334 Holt Boulevard. This approval shall permit the sale of autos and light trucks only. No recreational vehicles, trailers, buses, commercial trucks/equipment, or similar vehicles may be stored and/or offered for sale on the premises.
2. All applicable conditions of Case Number 79-24 shall continue to apply to the subject property and approved uses.
3. 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 shall void the CUP approval for the specified use.
4. All vehicles offered for sale and displayed on the property shall be maintained in a sound and presentable condition at all times. The parking and/or storage of any inoperable or damaged vehicles (offered for sale or not) shall not be permitted on any portion of the auto sales area at the front of the property at any time.

5. The approved used auto sales business shall operate from two office spaces totaling 204 square feet within the existing 1,200 square-foot office building located at the front (south) side the property. No expansion or relocation to another area of the building or site shall be permitted without an approved amendment to this CUP.
6. Any modification, intensification, or expansion of the use beyond that which is specifically approved with this Conditional Use Permit shall require review and approval by the Planning Commission.
7. The maximum number of used cars offered for sale with this CUP approval shall be limited to no more than 20 vehicles at any time. The vehicles shall be parked and displayed in an orderly manner and on an appropriately developed parking surface located at the southernmost portion of the property as generally depicted on the approved site plan.
8. Prior to the commencement of business activities authorized by this approval, the applicant shall submit for City Planner review and approval, a scaled site plan for the front of the property indicating the following improvements for implementation:
  - a. An organized auto display area for no more than 20 vehicles offered for sale.
  - b. A customer parking area for a minimum of six (6) spaces, including one (1) disabled-accessible/van-accessible parking space. The required parking spaces shall be continuously available for customers and employees parking only.
  - c. The dimensions of each parking space shall be 9' x 20' and the spaces shall be accessible from a drive aisle which provides required back-up distances.
9. Within 30 days of this approval the applicant shall complete the following modifications to existing non-conforming exterior lighting and signage, to the satisfaction of the City Planner:
  - a. Remove all unshielded light fixtures (e.g., barn lights and spotlights) attached to the south walls of the existing office building and auto repair shop building directly visible to Holt Boulevard.
  - b. Remove all unpermitted wall sign faces on the south and east elevations of the office building.
  - c. Submit sign plans for all business identification signs. All signs shall comply with the provisions of the Montclair Sign Code, including the requirement to obtain review and approval from the Planning and Building Divisions prior to installation.

- d. Price displays for vehicles for sale shall be restricted to signage placed on the windshield only.
10. No outdoor pay telephones or vending machines shall be installed or used on the property in conjunction with this approval.
  11. No shade structures or tents shall be used as accessory structures with said business.
  12. 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. All vertical or "snow cone" style auto dealership promotional banners shall require review and approval by the Planning Division and issuance of a sign permit prior to installation.
    - d. Portable flags, pennants, spinners, painted-on signs or the like shall be prohibited.
    - e. No trailer-mounted electronic sign/message boards or other similar types of portable signs shall be permitted on the property at any time.
  13. The applicant shall maintain the property, including all landscape planters, free of trash and debris and abandoned vehicles or auto parts. Dead, missing, or dying plant materials shall be replaced and maintained in healthy living conditions at all times.
  14. All graffiti and other forms of vandalism and damage to the subject improvements shall be promptly removed and/or repaired within 72 hours of notice by the City.
  15. 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.
  16. Approval of this CUP 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.

17. 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.
18. The property owner and applicant shall routinely inspect and maintain in good condition the property (e.g., structures, equipment, fences/walls, landscaping, hardscape, and pavement) in a clean and presentable manner at all times.
19. The subject business shall be subject to periodic City inspection to confirm compliance with the conditions of this approval. Failure to operate the used auto sales business in conformance with the conditions of this approval may result in the Conditional Use Permit being returned to the Planning Commission for consideration and possible revocation of the permit to operate.
20. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any 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.

#### Environmental

21. No maintenance or repair (including oil changes and washing) of vehicles shall be permitted at the front portion of the site at any time. Rinsing of vehicles shall only be permitted with the use of a de-ionized (DI) water system or service as approved by the City's Environmental Manager.

#### Building

22. Prior to the commencement of business operations associated with this approval, the applicant shall comply with the following items:

- a. Provide and 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%).
  - b. Stripe a minimum of two (2) disabled-accessible parking spaces equally spaced between the front and rear parking lots and provide unobstructed travel to the building. The path of travel shall be located as close as possible to the building and shall not exceed 2% cross slope. All sharp obstructions shall be removed from the required path-of-travel.
  - c. Signage for disabled-accessible parking shall be placed at each parking space and at the main entrance to the parking lot.
  - d. A symbol of accessibility shall be placed at the main entrance to the business.
23. Submit four complete sets of plans, including the following:
- a. Site/Plot Plan;
  - b. Floor Plan;
24. Construction drawings submitted to the Building Division for plan review shall comply with the Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
- a. Install a numerical address on the south-facing office building elevation. Address numerals shall be in Helvetica font, a minimum of ten inches (10") in height, a minimum of 1½ inches in depth, and be in a color that adequately contrasts to the background to which they are attached.
  - b. Provide solid core 1¾" wood doors or equivalent metal doors to separate suites from lobby area.
25. 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 that were submitted for the purpose of obtaining a building permit. Electronic images shall comply with the City's Electronic Archiving Policy.

- b. Install all disabled-accessible parking stalls and parking lot signage.
- c. 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.

Fire

- 26. Maintain a 20-foot wide access drive aisle to the rear of the property.
- 27. Maintain the fire alarm in good working order.
- 28. Provide fire extinguishers per Fire Inspector requirements.

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

APPROVED AND ADOPTED THIS 13TH DAY OF SEPTEMBER, 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 13th day of September, 2010, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SG\CASES\2010-14 PC RESOLUTION



CITY OF MONTCLAIR  
**PLANNING COMMISSION**

**MEETING DATE: 09/13/10**

**AGENDA ITEM 6.b**

**Case No.: 2010-15**

**Application:** CUP for private elementary school

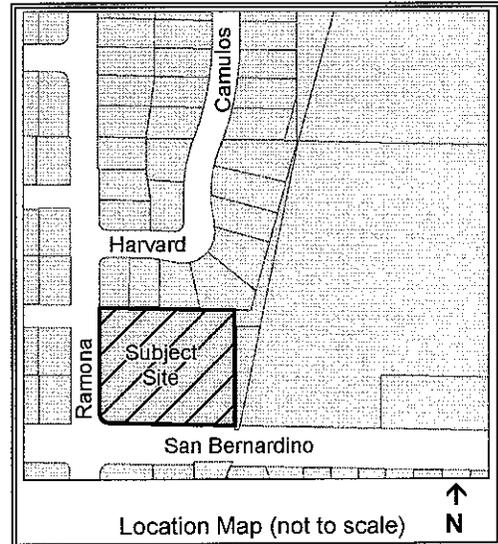
**Project Address:** 4518 San Bernardino Street

**Property Owner:** Morningstar Christian Church

**General Plan:** Low Density Residential (3-7 units/acre)

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

**Assessor Parcel No.:** 1009-172-14



**EXISTING SITE FEATURES/CONDITIONS**

**Structures:** Existing church buildings

**Parking:** 67 parking spaces (including 2 disabled-accessible spaces)

**City/Public Utility Easements:** None

**Trees/Significant Vegetation:** Lawn area and trees

**ADJACENT LAND USE DESIGNATIONS AND USES**

	<b>General Plan</b>	<b>Zoning</b>	<b>Use of Property</b>
<b>Site</b>	Low Density Residential (3-7 units/acre)	R-1 (Single-Family Residential)	Church
<b>North</b>	Low Density Residential (3-7 units/acre)	R-1 (Single-Family Residential)	Single-family homes
<b>East</b>	Public/Quasi-Public	R-1 (Single-Family Residential)	Wilderness Park and Water Conservation District
<b>South</b>	Low Density Residential (3-7 units/acre)	R-1 (Single-Family Residential)	Single-family homes
<b>West</b>	Low Density Residential (3-7 units/acre)	R-1 (Single-Family Residential)	Single-family homes

## Report on Item Number 6.b

### PUBLIC HEARING - CASE NUMBER 2010-15

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	Morningstar Christian Church for Montclair Christian Elementary School
LOCATION OF PROPERTY	4518 San Bernardino Street
GENERAL PLAN DESIGNATION	Low Density Residential
ZONING DESIGNATION	R-1 (Single Family Residential)
EXISTING LAND USE	Church
ENVIRONMENTAL DETERMINATION	Categorical Exemption – Section 15301 (Existing Facilities)
PROJECT PLANNER	Michael Diaz

#### **Project Description**

Morningstar Christian Church is requesting approval of a Conditional Use Permit (CUP) on behalf of the Montclair Christian Elementary School (MCES) to establish a private "faith-based" K-6 elementary school on its property. The proposed private elementary school is seeking to relocate from its most recent location at the Montclair Assembly of God Church on Ramona Avenue where it had operated since 1964. MCES currently has an enrollment of approximately 35 students, but is able to grow to a maximum of 80 students if necessary. MCES staff consists of three teachers, an office manager, and volunteer parent aides.

The proposed school will be operated in three existing classrooms within the classroom portion of the church facility at the northeast side of the complex. The total floor area to be occupied by the school is approximately 1,925 square feet. Use of the small chapel on the west side of campus would be for daily devotions and religious instruction. The large sanctuary building would be used on occasion to accommodate special holiday programs and commencement services.

Outdoor play area will be limited to the asphalt parking area at the northeast corner of the site adjacent to the classrooms. This area will be sectioned off from vehicular traffic by lightweight, portable vinyl barriers that will be set up and taken down every day. Lunches will not be prepared for students. Lunch areas will be within an existing fenced yard area on the east side of the building (near the church office). Picnic benches will be added for seating.

All MCES students will be dropped off and picked up by parents. No school buses would be used to transport children to and from school. School drop-off and pick-up will occur in the existing driveway off San Bernardino Street on the east side of the property and be monitored by school staff.

Except for a sign, no significant changes to the exterior of the building or site are proposed.

### **Background**

- Churches and private schools are permitted in any zoning district subject to approval of a Conditional Use Permit. The subject property is zoned R-1 (Single-Family Residential) and has been developed with a church use since the early 1950s prior to incorporation of the City in 1956. Since the church's founding predates cityhood, no CUP for the existing church was found.
- Morningstar Christian Church was originally founded and previously known as Town and Country Church. Current membership is approximately 200 persons, including a Hispanic congregation. Worship services are conducted on weekends (Sundays) with mid-week services, Bible studies, and various meetings scheduled throughout the week during the evening hours.
- The subject property is approximately 1.6 acres in area and is developed with a main sanctuary building with attached classroom wings and smaller chapel. On-site parking provides 67 parking spaces, including three disabled-accessible spaces.
- Pursuant to Chapter 11.78.030.B of the Montclair Zoning Code, private education uses require the approval of a Conditional Use Permit. A CUP does not change the underlying zoning of property, but grants the property an additional specified use.

### **Planning Division Comments**

Staff is supportive of the proposed CUP request to allow the proposed private school use at the existing church facility. Staff believes the proposed use of the church facility by the school is an efficient use of the property, especially during weekday hours when the church is not fully utilizing its facility for regularly scheduled worship or religious instruction. As such, parking would always be available for both uses.

The General Plan and zoning designations for the subject site are Single-Family Residential. Churches and schools have been traditionally recognized as complementary uses in residential areas. The existing church facility predates cityhood and has operated at this location without any known conflicts. Likewise, the private elementary school has operated nearby for 46 years in the community without any known adverse impacts. Given the private school's small size and the development of the site, the proposed school is not expected to be detrimental to the public health, safety or welfare or harmful to properties in the vicinity.

The existing site and buildings are adequate in shape and size and designed in such a way so as to easily accommodate the proposed school use activities without conflict to the main church use of the property. The physical condition of the existing buildings is

generally good and the property appears to be properly maintained. The church parking lot is organized and striped and provides required disabled-accessible parking spaces.

The new school use is not expected to cause any significant adverse impacts to adjacent properties and uses, as it will be located at the northeast side of the site away from the adjacent public streets and 50-60 feet from the nearest residential properties to the north of the church property. The site is bordered on the east by the San Antonio Wash flood control channel, Wilderness Park, and the Chino Basin Water Conservation District. Furthermore, noise is not expected to be a significant issue and outdoor activities will be supervised by school staff. Except for recess, lunch, and some outdoor play activities, the majority of school activities will occur within the building classrooms. Staff is not aware of any complaints from adjacent residential neighbors regarding the private school when it was located one-half block north at the Montclair Assembly of God Church site.

In regard to enrollment, staff has proposed a maximum limit of 55 students. The proposed limit allows for a reasonable amount of growth (+20 students) for the amount of space the school has available for use and to ensure that growth does not generate significant impacts to the site. Staff has discussed this issue with the applicant and the Building Official, who have agreed to the proposed limit. Growth beyond the 55-student limit would require an amendment to this CUP and/or relocation of the school to a larger facility. A condition of approval has been added to address this issue.

Pursuant to the Montclair Municipal Code, parking for a school is one space for each member of the staff and for public assembly at a ratio of one (1) parking space for every six (6) seats. The number of school staff would be 4 with 2-3 volunteer teacher aides for a total of about seven adults on any given school day. With 67 spaces on site, there would be more than adequate parking to meet this standard, even though a portion of the parking lot will serve as an outdoor play and activity area (e.g., recess and lunch). As described above, approximately 30 spaces at the northeast corner of the site will be temporarily taken out of use each day to allow for outdoor activities. The portable barriers that would be used to cordon off the area from vehicular traffic would be removed at the end of each school day to restore full access to the lot. So long as the parking area is not permanently altered and barriers are removed and neatly stored out of view each day, staff has no objection to the proposal. A condition of approval has been added to address this concern.

When special school events (e.g. graduation and holiday programs) are scheduled, the entire parking lot would be utilized as the church would do for its regular services. As such, all parking spaces will be available for use to accommodate the expected guests. Given that the site has 67 parking spaces, a total seating capacity of 402 persons would be allowed. Staff believes that on-site parking for even the largest events for the school would be adequate.

The private school use will not result in excessive or burdensome use of existing streets or transportation facilities. Vehicular access to and from the site is appropriate via existing driveways, which are fully improved and directly connected to fully improved public

roadways. In addition, the corner of Ramona Avenue and San Bernardino Street is controlled by a four-way stop which helps to regulate speed in the area and facilitate pedestrian crossings. Moreover, the modest volume of traffic generated by the school use will not cause the capacity of the street to be exceeded or impede the free flow of traffic as all drop-off and pick-ups of children at the school will occur on-site. Parents or guardians are required to sign in and check out their children. Therefore, staff does not anticipate any significant issues related to traffic in or around the site caused by the new private school use.

Finally, staff finds the proposed private school 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 the option of sending their children to faith-based private schools in appropriate locations throughout the community.

### **Findings**

- A. The proposed use is essential or desirable to the public convenience and public welfare. The proposed location of the private elementary school is less than one-half mile from its former location and has been part of the community since 1964. In its new location it would continue to provide members of the community a choice in educating their children within a "faith-based" context.
- B. Granting this permit will not be materially detrimental to the public welfare and other property in the vicinity. Class instruction will be conducted entirely within the building with limited outdoor recreational activities scheduled during daytime hours. The existing site and buildings are adequate in shape and size and designed in such a way so as to easily accommodate the proposed school use activities without conflict to the main church use of the property. The physical condition of the existing buildings is generally good and the property is properly maintained. The church parking lot is organized and striped and provides required disabled-accessible parking spaces.
- C. The proposed use conforms to good zoning practices and development standards and is consistent with the Montclair Municipal Code. The proposed use of the existing church facility by the school is an efficient use of the property that otherwise sits empty and underutilized during weekday hours. The proposed school hours will not pose a conflict with regularly scheduled church services and evening meetings, and not adversely impact available on-site parking. Moreover, the proposed private school would not have a substantial adverse affect on traffic circulation, access, 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 meet the needs of residents, including the option of sending their children to faith-based private schools in appropriate locations throughout the community.

## **Public Notice**

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on September 3, 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, only one (1) inquiry (phone call) about the project had been received by staff regarding the proposal. The caller did not oppose the proposal.

## **Environmental Assessment**

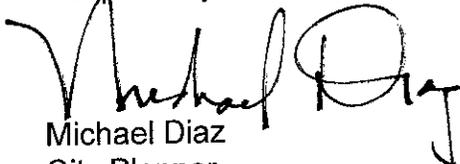
The project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301, which exempts projects involving little to no expansion of existing structures or uses. The proposal does not involve the expansion of existing structures on the church campus nor result in a fundamental change in the type of uses permitted at the church facility by the underlying zone. The existing church facility is designed to provide meeting space and classrooms for its congregants that can also be used to accommodate the proposed private elementary school during off-peak hours when the church facility is not in use. Ample on-site parking is provided to support the school use. 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 exempts projects that result in negligible or 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. 2010-15, subject to making the required findings, and subject to the conditions contained in attached Resolution Number 10-1731.

Respectfully Submitted,



Michael Diaz  
City Planner

MD/lb

Attachments: Draft Resolution of Approval for Case No. 2010-15

## RESOLUTION NUMBER 10-1731

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2010-15 TO ALLOW A PRIVATE ELEMENTARY SCHOOL AT 4518 SAN BERNARDINO STREET (APN 1009-172-14).

#### A. Recitals.

**WHEREAS**, Morningstar Christian Church, property owner, filed an application for a Conditional Use Permit (CUP) on behalf of Montclair Christian Elementary School, at 4518 San Bernardino Street, on August 24, 2010; and

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

**WHEREAS**, churches and schools have traditionally been recognized as complementary uses in residential areas; and

**WHEREAS**, Morningstar Christian Church was established at the subject location before cityhood and has operated without any known conflicts; and

**WHEREAS**, Montclair Christian Elementary School, has operated as a private school since 1964 at its former location on the campus of the Montclair Assembly of God Church at 9828 Ramona Avenue, without any known adverse impacts; 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 R-1 zoning district; and

**WHEREAS**, the Planning Division 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 does not involve the expansion of existing structures on the church campus nor would result in a fundamental change in the type of uses permitted at the church facility by the underlying zone. The existing church facility is designed to provide meeting space and classrooms for its congregants that can also be used to accommodate the proposed private elementary school during hours when the church facility is not in use. Ample on-site parking is provided to support the school use; 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 September 13, 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 above-referenced public hearing on September 13, 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. The proposed location of the private elementary school is less than one-half mile from its former location and has been part of the community since 1964. In its new location it will continue to provide members of the community a choice in educating their children within a "faith-based" context.
  - b. Granting this permit will not be materially detrimental to the public welfare and other property in the vicinity. Class instruction will be held entirely within the building with limited outdoor recreational activities being conducted during daytime hours. The existing site and buildings are adequate in shape and size and designed in such a way so as to easily accommodate the proposed school use activities without conflict to the main church use of the property. The physical condition of the existing buildings is generally good and the property is properly maintained. The church parking lot is organized and striped and provides required disabled-accessible parking spaces.
  - c. The proposed use conforms to good zoning practices and development standards and is consistent with the Montclair Municipal Code. The proposed use of the existing church facility by the school is an efficient use of the property that otherwise sits empty and is underutilized during weekday hours. The proposed school hours will not pose a conflict with regularly scheduled church services and evening meetings, and not adversely impact available on-site parking. The existing site and buildings are adequate in shape and size and designed in such a way so as to easily accommodate the proposed school use activities without conflict to the main church use of the property. Moreover, the proposed religious facility would not have a

substantial adverse affect on traffic circulation, access, 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 meet the needs of residents, including the option of sending their children to faith-based private schools in appropriate locations throughout the community.
2. 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 private school use on the campus of the Morningstar Christian Church at 4518 San Bernardino Street, as described in the staff report. Said approval shall be limited to the use of three existing classrooms at the northeast portion of the church campus and a portion of the adjacent parking lot immediately outside of said classrooms as depicted on approved plans on file with the Planning Division.
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 any required 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, exterior site changes, or overall enrollment 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. The private school shall be permitted to operate between the hours of 6:30 a.m. and 6:00 p.m., Monday through Friday, which includes before- and after-school day care for students who are dropped off or picked up by working parents/guardians. No weekend school hours are permitted with this application.
7. Total enrollment at the school shall be limited to a maximum of 55 students. Growth beyond the 55-student limit shall require an amendment to this CUP and/or relocation of the school to a larger facility.
8. The applicant shall provide a loading/unloading area on the project site for the pick-up and drop-off of students. School staff shall be available and responsible for supervising the loading/unloading of students.
9. The use of the parking lot area for outdoor recreation activities shall be limited to the northeast area of the site adjacent to the classrooms as depicted on the approved plans. Only lightweight, portable barriers shall be used to close off the area from vehicular traffic and shall be removed at the end of each school day to restore full access to the lot. Storage of barriers shall be located in a secure area that is not visible to the street or within any portion of the parking lot, subject to the approval of the City Planner.
10. The school shall be responsible to monitor the outdoor activities of the students at all times. Special consideration shall be paid to the control of outdoor activities that have the potential of creating excessive noise.
11. Any organized team sport activities (e.g., baseball, football, soccer, basketball, etc) shall occur off-site at an appropriate facility designed for such activities.
12. No outdoor amplified sound systems shall be installed or used on the property.
13. No pay telephones, vending machines, or other such items shall be located on the exterior of the building or on the subject property.
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. 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.
21. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
22. Plans shall be submitted for plan check and approved prior to construction.
23. Provide and 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%).
24. Provide accessible doors to all areas of school use. Doors shall be 36" in width to accommodate accessibility requirements.
25. Provide low level lighting at the egress doors to provide a minimum of one (1) foot candle of illumination at all times the building is occupied.
26. Submit to the Building Division electronic images of all plans and records, which are submitted for the purpose of obtaining a building permit, to the Building Division. Electronic images shall meet the City's Electronic Archiving Policy.
27. Exit doors for each usable school space or room shall meet minimum Building Code requirements for egress and accessibility.
28. Restrooms for school use shall meet the minimum required number according to the California Plumbing Code as adopted. The restrooms shall also meet accessibility requirements per the California Building Code.
29. Construction activity shall be permitted only between the hours of 7:00 a.m. and 8:00 p.m. daily.

### Fire

30. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.

31. Commercial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of normal lighting.
32. Fire extinguisher locations shall be determined by Montclair Fire Department.

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

APPROVED AND ADOPTED THIS 13TH DAY OF SEPTEMBER, 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 13th day of September, 2010, by the following vote-to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MD\CASES\2010-15\RESO10-1731