



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

REGULAR ADJOURNED MEETING
Monday, November 8, 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 September 13, 2010 Planning Commission meeting are presented for consideration.

5. ORAL AND WRITTEN COMMUNICATIONS ON NON-AGENDA ITEMS

The public is invited to address the Planning Commission regarding any items that are not on the agenda. Comments should be limited to matters under the jurisdiction of the Planning Commission. It is respectfully requested that speakers limit their comments to no more than three minutes in length.

Any person wishing to address the Planning Commission on an agenda or non-agenda item should complete a speaker's card and submit it to the City Planner. Speaker's cards are available at the entrance to the Council Chambers.

6. AGENDA ITEMS

- a. PUBLIC HEARING - CASE NUMBER 2010-16
 - Project Address: 4801 Holt Boulevard
 - Project Applicant: DBBS Properties for Throne of Grace Apostolic Church
 - Project Planner: Michael Diaz, City Planner
 - Request: Conditional Use Permit

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

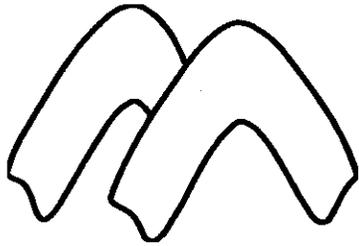
Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of November 22, 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 November 4, 2010.



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 11/08/10

AGENDA ITEM 6.a

Case No.: 2010-16

Application: CUP request for church use within a multi-tenant commercial center

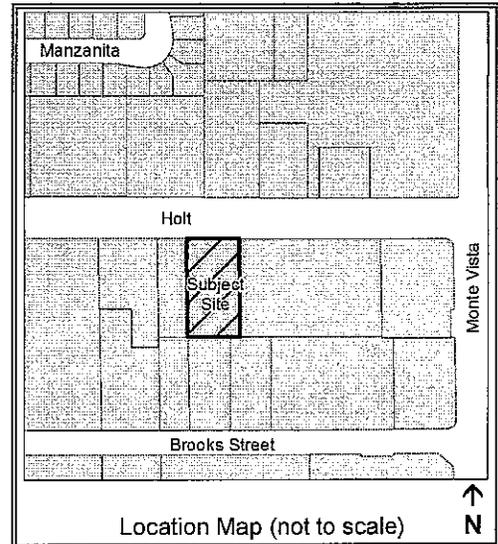
Project Address: 4801 Holt Boulevard

Property Owner: DBBS Properties for Throne of Grace Apostolic Church

General Plan: Commercial

Zoning: "Commercial" per Holt Boulevard Specific Plan

Assessor Parcel No.: 1012-101-17



EXISTING SITE FEATURES/CONDITIONS

Structures: Multi-tenant commercial building

Parking: 35 parking spaces (including 1 disabled-accessible space and loading zone)

City/Public Utility Easements: None

Trees/Significant Vegetation: Perimeter landscaping along Holt Boulevard frontage and west side of property

ADJACENT LAND USE DESIGNATIONS AND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	Commercial	"Commercial" per Holt Boulevard Specific Plan	Multi-tenant commercial building
North	Commercial	"Commercial" per Holt Boulevard Specific Plan	Montera Elementary School
East	Commercial	"Business Park" per Holt Boulevard Specific Plan	Vacant lot
South	Commercial	"Business Park" per Holt Boulevard Specific Plan	Light industrial uses
West	Commercial	"Commercial" per Holt Boulevard Specific Plan	Office building

Report on Item Number 6.a

PUBLIC HEARING - CASE NUMBER 2010-16

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	DDBS Properties for Throne of Grace Apostolic Church
LOCATION OF PROPERTY	4801 Holt Boulevard
GENERAL PLAN DESIGNATION	Commercial
ZONING DESIGNATION	"Commercial" per Holt Boulevard Specific Plan
EXISTING LAND USE	Multi-tenant commercial 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 in question is approximately 2,000 square feet in size and is located at the west end of the existing one-story building.

The proposed church, Throne of Grace Apostolic Church, currently has 40-50 members. Services/meetings are on weekends, with Sunday services occurring between the hours of 9:00 a.m. and 1:00 p.m. and mid-week on Wednesday and Friday evenings between the hours of 7:00 p.m. to 9:00 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. No changes to the exterior of the building or site are proposed by the church.

Background

- Churches, synagogues, temples or other houses of worship are allowed in the "Commercial" (C) land use district of the Holt Boulevard Specific Plan subject to the approval of a CUP. A CUP does not change the underlying zoning of property.
- The subject property is developed with a small multi-tenant commercial building built in 1986 (Case No. 85-39). The existing building is approximately 8,000 square feet in overall size and has a required parking need of 32 spaces (at 1 space per 250 square feet). The site was built with and has 35 parking spaces, including a disabled-accessible space and loading zone (at the rear of the property).
- The existing driveway on the east side of the site is a non-buildable access easement for use with this property and the adjacent property to the east when it is developed.

- The existing building is currently divided into three (3) tenant spaces, one of which is occupied by Finishmaster Inc. auto paint store.

Planning Division Comments

Staff finds the existing site and building to be adequate in shape and size and designed in such a way so as to accommodate the proposed activities of the proposed church use without significant impact. The site is fully developed, in sound condition, and appears to be properly maintained. However, staff has noted a few items regarding the physical condition of the property that need attention. The first item is that at the front of the building, the "ghosting" pattern of the former sign need to be properly painted out and that the windows at 4807 Holt (middle lease space) need to be cleaned from old window signs and graffiti. Lastly, doors need to be added to the existing trash enclosure, which directly faces the street. These items have been added as conditions of approval for the project.

The new church use is not expected to cause adverse impacts to any adjacent uses, as all activities at the church would be conducted entirely within the building and the main services/meetings would occur during the evening hours mid-week and on weekends (Sundays). At this point, the only other business on the site is Finishmaster auto paint store, which has typical retail hours (8:00 a.m. to 5:00 p.m. Monday thru Friday, and 8:00 a.m. to noon on Saturdays), so the potential for use conflicts is expected to be minimal. If a third tenant is obtained, it will have to be a commercial or office use which also has regular daytime hours to ensure no conflicts are created for the existing uses which would now include the church use.

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. As a commercial lease space, the subject 2,000 square-foot lease space would have eight (8) parking spaces assigned to it, which would allow a maximum of 48 seats in the sanctuary. The applicant's floor plan depicts 95 seats in the sanctuary portion of the tenant space. Staff would support 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 16 spaces available. Since there is only one other tenant in the center and the church will operate at off-peak hours, it would have the entire parking lot (35 spaces) available for use. In order to comply with Building Code requirements for access, some modification of the front parking lot will need to be completed to incorporate the required path of travel and current standards for disabled parking spaces. A condition requiring the submittal of a revised parking plan has been added the conditions of approval for the project.

The church use would 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. Public transit is also available on Holt Boulevard, which may be of benefit for some members. Therefore, the proposed religious use in relation to parking requirements or effects on the roadway infrastructure and potential operational conflicts would not be 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, including 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 would provide 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 would 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 would be located in an existing multi-tenant commercial 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 center where it would be located nor pose an adverse impact on adjacent development/uses.
- D. The proposed church 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 October 29, 2010. Public hearing notices were also mailed to existing tenants of the commercial center 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 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. Moreover, there will be no impact on fish and wildlife with this project.

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 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.
2. Move to approve a Conditional Use Permit under Case No. 2010-16, subject to making the required findings, and subject to the conditions as described in attached Resolution Number 10-1732.

Respectfully Submitted,

Michael Diaz
City Planner

MD/lb

Attachments: Draft Resolution of Approval for Case 2010-16

RESOLUTION NUMBER 10-1732

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2010-16 TO ALLOW A CHURCH USE IN THE "COMMERCIAL" LAND USE DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN AT 4801 HOLT BOULEVARD (APN 1012-101-17).

A. Recitals.

WHEREAS, DBBS Properties, property owner, filed an application for a Conditional Use Permit (CUP) on behalf of Throne of Grace Apostolic Church at 4801 Holt Boulevard, on September 23, 2010; and

WHEREAS, the subject site is located in the "Commercial" land use district of the Holt Boulevard Specific Plan, which allows church uses subject to the approval of a CUP upon review of applicable development standards and the review of land use compatibility with surrounding properties; 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 November 8, 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 November 8, 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 would provide 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 would be conducted 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 would be located in an existing multi-tenant commercial 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 center where it will be located nor pose an adverse impact on adjacent development/uses.
 - d. The proposed use at the subject location is not contrary to the objectives of any part of the adopted General Plan, in that the plan promotes a balance of land uses to serve the community and continually improve the City as a place for living, which includes churches, synagogues, temples or other 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 4801 Holt Boulevard, as described in the staff report and depicted on approved plans. Said approval shall be limited to one (1) lease space of approximately 2,000 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. No 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 be allowed without prior 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 of 100 persons shall require a minimum of 17 spaces within the center available for use at all times.
8. The gate for the parking area at the rear of the building shall be closed and locked at all times the existing business(s) or church use is not in operation.

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 applicable elements of the following:
 - a. Site/Plot Plan;
 - b. Floor Plan;
 - c. Reflected Ceiling Plan

- d. Electrical Plans, including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
 - e. Plumbing plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning.
 - f. 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 of submitted plans.
 24. The applicant shall meet all the requirements for exiting as provided in Chapter 10 of the California Building Code. Fire protection for wall construction, door fire resistance and door hardware is of special concern in this occupant classification.
 25. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
 26. 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.
 27. 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 north building façade immediately above the tenant space entrance. Address numerals shall be in Helvetica font, a minimum of ten inches in height, a minimum of 1½ inches in depth, and be in contrasting color that adequately contrasts to the background to which they are attached.

- b. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn everyday.
 - c. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.
28. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
29. 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%).
30. 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.
31. Prior to the issuance of a Certificate of Occupancy, the applicant shall:
- a. Submit to the Building Division electronic images of all plans and records which were submitted for the purpose of obtaining a building permit. Electronic images shall comply with the City's Electronic Imaging Policy.
 - b. Complete all on- and off-site improvements.
 - c. Install all required disabled-accessible parking stalls, pedestrian path-of-travel, and parking lot signage.
 - d. Paint the front façade/sign band on the north elevation of the building to eliminate the "ghost" from the former business identification sign.
 - e. Install gates on the existing trash enclosure per City standards.

Fire

32. 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.

33. 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.
34. 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.
35. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of normal lighting.
36. 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 8TH DAY OF NOVEMBER, 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 8th day of November, 2010, by the following vote-to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MD\CASES\2010-16\RES\10-1732