



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

REGULAR ADJOURNED MEETING
Monday, February 14, 2011
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 Sergio Sahagun, Vice Chairman Luis Flores, Commissioner Tenice Johnson, Commissioner Maynard Lenhert, and Commissioner Don Vodvarka

4. APPROVAL OF MINUTES

The minutes of the January 24, 2011 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 2009-11 'A'
Project Address: 5201 Benito Street
Project Applicant: Clearwire (Sprint LLC)/City of Montclair
Project Planner: Silvia Gutierrez, Assistant Planner
Request: Conditional Use Permit Amendment to co-locate on an existing telecommunications tower

- b. PUBLIC HEARING - CASE NUMBER 2010-20
Project Address: 9177 B Central Avenue
Project Applicant: Chavin Family Limited Partnership
Project Planner: Silvia Gutierrez, Assistant Planner
Request: Conditional Use Permit to allow on-sale beer, wine, and distilled spirits (ABC Type 47) and a Precise Plan of Design for exterior site improvements

- c. CASE NUMBER 2011-1
Project Address: 4666 Holt Boulevard
Project Applicant: Bowlium Enterprises LLC
Project Planner: Michael Diaz, City Planner
Request: Precise Plan of Design for a 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 February 28, 2011 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 February 10, 2011.

Report on Item Number 6.a

PUBLIC HEARING – CASE NUMBER 2009-11 'A'

APPLICATION TYPE(S)	Conditional Use Permit Amendment
NAME OF APPLICANT	Clearwire (Sprint LLC) / City of Montclair
LOCATION OF PROPERTY	5201 Benito Street
GENERAL PLAN DESIGNATION	Public/Quasi-Public
ZONING DESIGNATION	R-1 (Single-Family Residential)
EXISTING LAND USE	Alma Hofman Park
ENVIRONMENTAL DETERMINATION	CEQA Categorical Exemption – Section 15303 (Class 3)
PROJECT PLANNER	Silvia Gutierrez

Project Description

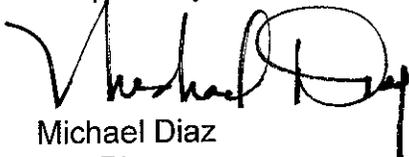
Clearwire (Sprint LLC) has requested a CUP application to co-locate its equipment (e.g., ground cabinet, panel and parabolic antennas) on an existing 70-foot high wireless telecommunication tower (disguised as a "faux" pine tree) at Alma Hofman Park. However, on January 31, 2011, staff received a letter from Clearwire (via its consultant, Sequoia Deployment Services, Inc.) indicating that it would not be proceeding with this project at this time and was thereby requesting to withdraw its application from further consideration (copy attached).

Since public notice for the item was published and sent to adjacent property owners prior to receiving the withdrawal request, the agenda item is required to be opened for public comment before action to close the case can be taken.

Planning Division Recommendation

Staff recommends that the Planning Commission open the public hearing, take public testimony, close the public hearing, and accept the applicant's request to withdraw the proposal from further consideration.

Respectfully Submitted,



Michael Diaz
City Planner

Attachment: Clearwire Letter Requesting to Withdraw Application

MD/lb

c: Joyce Macy, Clearwireless, LLC, 4665 MacArthur Court 2, Newport Beach, CA 92660
Monica Moretta, Sequoia Deployment Services, Inc., One Venture, Suite 200, Irvine, CA 92618



4400 Carillon Point
Kirkland, WA 98033

p: 425-216-7600
t: 425-216-7900
www.clear.com

VIA US CERTIFIED MAIL: 7008 1830 0004 3606 3588

January 31, 2011

Sylvia Gutierrez
City of Montclair
Planning Department
5111 Benito Street
Montclair, CA 91763-2808

RE: Use Permit Application No. [CUP-2009-11A]
5201 Benito St., Montclair, CA 91763
Clearwire Site ID: CA-RVS4301-b TMO IE25824A Alma Hoffman

Sylvia Gutierrez:

The City of Montclair is currently processing an application for a wireless facility located at 5201 Benito St., Montclair, CA 91763 (APN 1010-301-18, -17, & -20) under case number [CUP-2009-11A].

Unfortunately, Clearwireless, LLC, the applicant, will not be proceeding with this project at this time. Please accept this letter as the formal withdrawal of the application. Please send any refund due directly to Clearwire at;

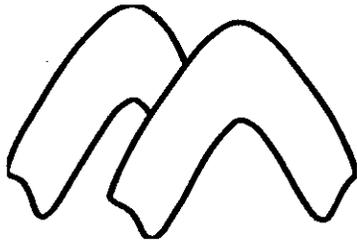
Clearwireless, LLC
Attn: Joyce Macy
4665 MacArthur Court 2
Newport Beach, CA 92660

Clearwire greatly appreciates your time and willingness to work with us and hopes that we will be able to contact you in the future should the need arise. Should you have any questions please do not hesitate to contact Clearwire Project Manager Omar Nushaiwat at (714) 350-8511.

Sincerely,
Clearwireless, LLC

Monica Moretta
Sequoia Deployment Services, Inc.
One Venture, Suite 200
Irvine CA 92618
949-241-0175

CITY OF MONTCLAIR
FEB 02 2011
COMMUNITY DEVELOPMENT
DEPARTMENT



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 02/14/11

AGENDA ITEM 6.b

Case No. 2010-20

Application: CUP to allow on-sale beer, wine, and distilled spirits (ABC Type 47 license) in conjunction with a bona fide eating establishment with outdoor dining and a PPD for exterior building changes, interior tenant improvements and minor site changes.

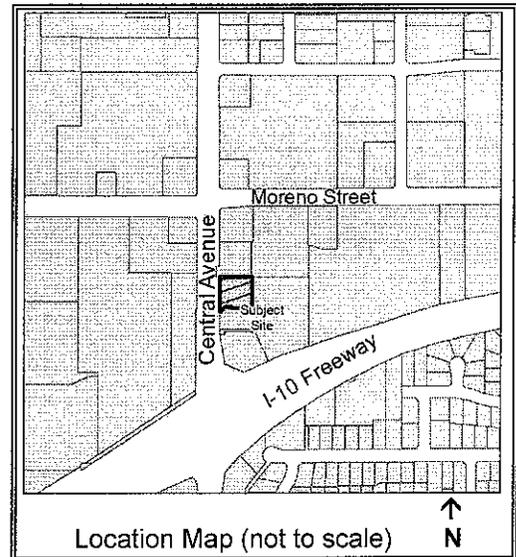
Project Address: 9197-B Central Avenue

Property Owner: Chavin Family Limited Partnership

General Plan: Regional Commercial

Zoning: "C-3" (General Commercial)

Assessor Parcel No.: 1008-201-17



EXISTING SITE FEATURES/CONDITIONS

Structures: 9177 Central Avenue – 8,070 square-foot multi-tenant commercial building

Parking: 184 paved parking spaces, including 7 disabled-accessible stalls*
 (* Reciprocal parking rights for 583 parking spaces with other parcels comprising Montclair East Center)

City or other public utility easements: Typical easements

ADJACENT LAND USE DESIGNATIONS AND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	Regional Commercial	"C-3" (General Commercial)	Multi-tenant commercial building (9197 Central Avenue)
North	Regional Commercial	"C-2" (Restricted Commercial)	McDonald's
South	Regional Commercial	"C-3" (General Commercial)	El Pollo Loco
East	Regional Commercial	"C-3" (General Commercial)	Multi-tenant commercial center (Montclair East)
West	Regional Commercial	"C-3" (General Commercial)	Montclair Plaza

Report on Item Number 6.b

PUBLIC HEARING – CASE NUMBER 2010-20

APPLICATION TYPE(S)	Conditional Use Permit and Precise Plan of Design
NAME OF APPLICANT	Chavin Family Limited Partnership
LOCATION OF PROPERTY	9177 Central Avenue, Unit B
GENERAL PLAN DESIGNATION	Regional Commercial
ZONING DESIGNATION	C-3 (General Commercial)
EXISTING LAND USE	Vacant tenant space within retail center
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Silvia Gutierrez

Project Description

The applicant is requesting approval of a Conditional Use Permit (CUP) and Precise Plan of Design to allow a new Chipotle Mexican Grill restaurant in the lease space formerly occupied by Jennifer Convertibles on the east side of Central Avenue between Moreno Street and Interstate 10.

Conditional Use Permit (CUP)

A CUP has been requested to allow the on-sale of beer, wine and distilled spirits (ABC License Type 47) in conjunction with the operation of a bona fide eating establishment where alcoholic beverages are available with the service of meals. A second element of the CUP request is to allow the development of a 420 square-foot outdoor dining area on the north side of the subject lease space. The applicant intends to allow alcoholic beverages with meals in the patio area.

Chipotle is a "fast casual" restaurant where customers can customize their orders at the counter and find their own seating. The subject lease space is approximately 3,000 square feet and is located at the north end of an existing 8,070 square building that also houses Men's Wearhouse.

Proposed business hours are 11:00 a.m. to 10:00 p.m. daily. No bar counter, dance floor, entertainment or pool tables have been requested.

Precise Plan of Design (PPD)

To accommodate the new restaurant use, several site, exterior and interior tenant improvements are necessary as outlined below:

- Construct an outdoor patio for dining on the north side of the subject lease space. The patio would be approximately 420 square feet in area, and would be enclosed by a 3-foot tall coated steel railing. Primary access to the patio would be from the interior of the restaurant through new double doors on the north building elevation storefront. Table seating for 22 persons would be provided, some with umbrellas.
- Installation of new landscaping along the perimeter of the new outdoor patio.
- Interior tenant improvements for the restaurant. The main public entry to the restaurant would continue to be from the east side of the lease space facing the parking lot. Food preparation and storage areas would be concentrated in the south half of the lease space with the interior dining area being concentrated on the north half. Proposed seating for the interior dining room is 99 seats.
- Add new decorative light fixtures on the exterior of the building and for the outdoor patio.
- Upgrade the two (2) existing disabled-accessible parking spaces (striping and ramp) to meet current ADA requirements.
- Construct a new trash enclosure adjacent to an existing landscape planter within the parking lot just east of the proposed restaurant. The new trash enclosure would meet current City standards including a roof. Used fry oil is proposed to be stored within the building in a grease caddy that would be picked up monthly by a recycling vendor.
- New identification signs for the business. The applicant will submit a separate application for new signs for administrative review and approval by City staff.

Plans for the project are provided in the Commission packets for reference.

Background

- The subject site is located within the western portion of the Montclair East retail center on the east side of Central Avenue south of Moreno Street. Based on City records, the pad building at 9177 Central Avenue was developed in 1994.
- The subject lease space was most recently occupied by the Jennifer Convertibles furniture store, which closed in December 2010.
- Chipotle Mexican Grill, Inc. is a nationally recognized "fast casual" restaurant where customers can purchase food that is more in line with full-service restaurants, coupled with the speed and convenience of fast food. Customers customize their food orders at the counter and find their own seating.

- Section 11.42.040.A of the Montclair Municipal Code requires approval of a CUP for the on-premises sale of beer, wine and distilled spirits in conjunction with a bona fide eating establishment. Further, a CUP is required for activities in the C-3 zoning district that take place outside of the building, such as outdoor dining.

Planning Division Comments

Staff is supportive of Chipotle's request to serve alcoholic beverages in conjunction with meals served at the site. Chipotle's business model typically includes on-premise alcohol sales as an incidental portion of the restaurant business. Of 26 Chipotle locations in Orange and Los Angeles counties, 13 have an ABC Type 47 license (beer, wine, and distilled spirits) and 11 have a Type 41 license (beer and wine). Staff has patronized the restaurant chain and is satisfied that they can manage their business in a satisfactory manner. Alcoholic beverages are stored behind the counter, sold only to food customers (identification is required), and are not allowed to be taken off the premises even for "to go" orders.

The sale and consumption of alcoholic beverages in conjunction with a bona fide restaurant at this location is a compatible and consistent land use when compared to the other commercial retail type businesses in the surrounding area. Accordingly, conditions of approval have been included that would ensure that the safety and general welfare of the surrounding area would be maintained. Moreover, Chipotle is a restaurant and does not rely on more problematic elements such as a bar counter, dance floor, entertainment, or pool tables as part of their business format.

With respect to the proposed physical improvements related to the new restaurant use, staff finds them to be appropriate. The applicant has worked with staff to resolve a number of issues including the location of a new trash enclosure, refinements to the patio area, and screening of roof equipment. The exterior changes are modest in nature, will not be in conflict with the design of the remainder of the building, and appear to be proposed with durable materials. The exterior patio area will add to the ambiance of the restaurant and if properly and continually maintained, will be a popular option during periods of good weather. Lastly, staff is pleased to see that used fry oil will be stored within the building rather than outside in the trash enclosure where it would otherwise be susceptible to spills, vermin infestation, and vandalism.

Staff has calculated that the subject use will require a minimum of 31 parking spaces. The site has 184 parking spaces to share with all the tenants but also has a reciprocal parking agreement with adjacent portions of the Montclair East center, where an additional 523 existing parking spaces exist. Many of the lease spaces are currently vacant so parking is ample at this time. Since the proposed restaurant would be coming in at a time when vacancies are up, there will be no issues with regard to parking. Therefore, adequate on-site parking is readily available to support the proposed restaurant use as well as the other uses in the center.

Conditional Use Permit Findings

Staff believes the necessary findings for granting the CUP for on-sale beer, wine, and distilled spirits can be made, as follows:

- A. That the proposed on-premises sale of beer, wine, and distilled spirits (ABC Type 47 license) in conjunction with the full menu and food service provided within a bona fide eating establishment (restaurant), including the proposed 420 square-foot outdoor dining area, is essential or desirable to the public convenience and public welfare, in that the inclusion of beer, wine, and distilled spirits would make the dining experience more enjoyable to the general public of legal drinking age. Such availability of alcoholic beverages is common among other restaurants in the vicinity.
- B. That granting the CUP for the proposed on-premises sale of beer, wine, and distilled spirits will not be materially detrimental to the public welfare and to other property in the vicinity, in that the proposed use will be located in a family oriented restaurant and the appurtenant 420 square-foot outdoor dining area in a shopping center that has adequate security, lighting, and operational maintenance standards. Moreover, the proposed use will be located entirely within the lease space and can be well accommodated on the site. Lastly, such use is compatible with surrounding commercial uses and will not negatively impact any sensitive land uses in the surrounding area.
- C. That the proposed on-premises sale of beer, wine, and distilled spirits within the restaurant and the designated outdoor dining area at the subject site conforms to good zoning practice, in that the Municipal Code permits the on-sale of beer, wine, distilled spirits in the "General Commercial" zoning district, subject to CUP approval. The CUP allows the City to place reasonable conditions to govern the overall operation of the use, including the sale of beer, wine, distilled spirits and associated 420 square foot outdoor dining area so that it does not detract from the general quality of the shopping center and surrounding area.
- D. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages a wide range of retail and service uses within the retail commercial area.

Department of Alcoholic Beverage Control (ABC) Finding

The project site is located within Census Tract Number 2.01, which allows up to four (4) on-sale ABC licenses. According to ABC records, as of December 2010, there are currently 23 licenses existing within the census tract, and therefore ABC requires a finding of public convenience or necessity in order to issue a new license. Of those, 11 Type 47 licenses are dispersed throughout the census tract.

City staff and the Police Department support this request for the on-premises sale of beer, wine, and distilled spirits in conjunction with the proposed restaurant as desirable to the public convenience and necessity. The proposed restaurant does not propose late closing hours and continually serves hot meals made to order for consumption on the premises. The sale of alcoholic beverages is not a major portion of the business but offers customers a choice if desired. Moreover, the proposed restaurant is located within in an existing major shopping center in the primary commercial area of the City where other restaurants are located and offer alcoholic beverages to its customers.

Lastly, local law enforcement indicated that the area in which the restaurant is located has not had significant calls for service within the last 12 months. Conditions of approval have been included that would ensure that the safety and general welfare of the surrounding area would be maintained.

Public Notice and Comments from the Public

This item was published as a public hearing in the Inland Valley Daily Bulletin newspaper on February 4, 2011, as prescribed by law for this discretionary land use entitlement. Public hearing notices were mailed to all property owners within 300 feet from the boundaries of the subject property. In addition, courtesy notices were distributed to tenants within the adjacent portion of the center in which the property is located.

Environmental Assessment

The proposed on-sale of beer, wine, and distilled spirits in conjunction with a bona fide eating establishment with outdoor dining and related exterior building and site improvements is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines. The project qualifies because it is on a fully developed site and involves minor exterior and interior improvements and limited site changes will not involving grading. Accordingly, 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):

- A. 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, because it is on a fully developed site and involves minor exterior and interior improvements and limited site changes not involving grading. As such, a DeMinimis finding of no impact on fish and wildlife will be prepared.

- B. Move to approve Conditional Use Permit and Precise Plan of Design under Case No. 2010-20 approving the on-premises sale of beer, wine, and distilled spirits (ABC Type 47 license) in conjunction with a bona fide eating establishment, outdoor dining patio, and related site and tenant improvements at 9177 Central Avenue, Unit B, per the submitted plans and as described in the staff report, subject to the conditions of approval in attached Resolution 11-1738.

Respectfully Submitted,

Michael Diaz
City Planner

MD/lb

Z:\COMMDEV\SG\CASES\2010-20 CHIPOTLE MEXICAN GRILL\2010-20PCRPT

RESOLUTION NUMBER 11-1738

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING CASE NO. 2010-20, A CONDITIONAL USE PERMIT AND PRECISE PLAN OF DESIGN TO ALLOW THE SALE OF BEER, WINE, AND DISTILLED SPIRITS (ABC TYPE 47 LICENSE) IN CONJUNCTION WITH A BONA FIDE EATING ESTABLISHMENT WITH OUTDOOR DINING AND RELATED SITE AND TENANT IMPROVEMENTS AT 9177 CENTRAL AVENUE, UNIT B, IN THE C-3 (GENERAL COMMERCIAL) ZONING DISTRICT (APN 1008-201-17).

A. Recitals.

WHEREAS, on October 27, 2010, the Chavin Family Limited Partnership, LLC, property owner, filed an application for a Conditional Use Permit (CUP) and Precise Plan of Design for a new restaurant use offering alcoholic beverages (beer, wine, and distilled spirits – ABC Type 47 license) in conjunction with meals, and an outdoor dining area at the subject site; and

WHEREAS, application applies to a lease space of approximately 3,000 square feet in size and located at 9177 Central Avenue, Unit B; and

WHEREAS, the proposed restaurant is consistent with the use and development standards of the underlying C-3 (General Commercial) zoning district and the intent and requirements of the Montclair Municipal Code; and

WHEREAS, Chapter 11.42.040.A of the Montclair Municipal Code requires a CUP for on-sale beer, wine, and distilled spirits in conjunction with a bona fide eating establishment (restaurant); and

WHEREAS, Chapter 11.78.030.F of the Montclair Municipal Code requires a CUP for activities for which no provision is made in the Code (such as for outdoor dining); and

WHEREAS, staff has determined that the proposed on-premises sale of beer, wine, and distilled spirits in conjunction with a bona fide eating establishment meets the intent and requirements of the ordinance for such use and the applicable development standards of the C-3 (General Commercial) zoning district and Chapter 11.42 MMC ("Alcoholic Beverages – Regulation of Sale"); and

WHEREAS, the Planning Commission has reviewed the Planning Division's determination that the proposed on-sale of beer, wine, and distilled spirits (ABC Type 47 license) in conjunction with a bona fide eating establishment with outdoor dining and related exterior building and site improvements is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to

Section 15301 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. The project qualifies because it is on a fully developed site and involves minor exterior and interior improvements and limited site changes not involving grading. As such, a DeMinimis finding of no impact on fish and wildlife will be prepared; 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 February 14, 2011, 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 the facts set forth in the Recitals, Part A of this Resolution are true and correct.
2. Based upon the substantial evidence presented to the Planning Commission during the above-referenced public hearing on February 14, 2011, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:
 - a. The proposed on-premises sale of beer, wine, and distilled spirits in conjunction with the full menu and food service provided within a bona fide eating establishment (restaurant) and within an appurtenant 420 square-foot designated outdoor dining area is essential or desirable to the public convenience and public welfare, in that the inclusion of beer, wine, and distilled spirits would make the dining experience more enjoyable to the general public of legal drinking age. Such availability of alcoholic beverages is common among other restaurants in the vicinity.
 - b. The granting of the CUP for the proposed on-sale of beer, wine, and distilled spirits will not be materially detrimental to the public welfare and to other property in the vicinity, in that the proposed use will be conducted in a professionally operated family-oriented restaurant in a shopping center that has adequate security, lighting, and operational maintenance standards and can be well accommodated on the site. Lastly, such use is compatible to surrounding commercial uses and will not negatively impact any sensitive land uses in the surrounding area.

- c. That the proposed on-premises sale of beer, wine, and distilled spirits in conjunction with a bona fide eating establishment and associated outdoor dining area on the subject site conforms to good zoning practice, in that the Municipal Code permits the aforementioned use in the C-3 (General Commercial) zoning district, subject to CUP approval. The CUP allows the City to place reasonable conditions to govern the overall operation of the use, including the sale of beer, wine, and distilled spirits within the indoor and outdoor dining areas so that it does not detract from the general quality of the shopping center and surrounding area.
 - d. The subject use in the proposed location is not contrary to the objective of any part of the adopted General Plan, in that the General Plan encourages a wide range of retail and service uses within the retail commercial area, including restaurant uses.
 - e. The Planning Commission finds the proposed on-sale of beer, wine, and distilled spirits (ABC Type 47 license) associated with the proposed bona fide eating establishment desirable to the public convenience and necessity in that the proposed restaurant does not propose late closing hours and continually serves hot meals made to order for consumption on-site. The sale of alcoholic beverages is not a major portion of the business but offers customers a choice if desired. Moreover, the proposed restaurant is located within in an existing major shopping center in the primary commercial area of the City where other restaurants are located and offer alcoholic beverages to their customers. Lastly, local law enforcement indicated that the area in which the restaurant is located has not had significant calls for service within the last 12 months. Conditions of approval have been included that would ensure that the safety and general welfare of the surrounding area would be maintained.
3. The Planning Commission has reviewed the Planning Division's determination that the proposed on-sale of beer, wine, and distilled spirits in conjunction with a bona fide eating establishment with outdoor dining and related exterior building and site improvements is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 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. The project qualifies because it is on a fully developed site and involves minor exterior and interior improvements and limited site changes not involving grading. As such, a DeMinimis finding of no impact on fish and wildlife will be prepared.

4. Based upon the findings and conclusions set forth in paragraphs 1, 2, and 3 above, this Commission hereby approves the application subject to the conditions set forth below:

Planning

1. This Conditional Use Permit (CUP) approval is hereby granted to allow the following at 9177 Central Avenue, Unit B:
 - a. The on-premises sale of beer, wine, and distilled spirits (ABC Type 47 license) in conjunction with a bona fide eating establishment, within a 3,000 square-foot lease space with a maximum seating capacity of 99 patrons; and
 - b. A 420 square-foot outdoor dining area with a maximum of 22 seats enclosed with a 3-foot high railing on the north side of the subject lease space; and
 - c. A Precise Plan of Design (PPD) for the exterior improvements associated with the establishment of a restaurant use, including a 420-square foot outdoor dining area as depicted on the approved plans on file with the Planning Division and as described in the staff report.
2. Any substantial changes to the operation, increase in floor area of the demised space, or physical location shall require prior City review and approval. Any discontinuation or substantial changes to the full service restaurant without City approval shall be a violation of this CUP and may be cause for revocation.
3. The ABC Type 47 license may be modified or revoked for failure to abide by the conditions of this approval or in the event the use is determined to be a nuisance to surrounding properties, businesses or the community at large.
4. Within five (5) working days of approval by the Planning Commission, the applicant shall submit a check in the amount of \$50.00 to cover the County of San Bernardino administrative filling fee for a notice of exemption as required by the California Environmental Quality Act (CEQA). The check shall be made payable to "Clerk of the Board of Supervisors."
5. This CUP approval shall be valid for a period of six months (180 calendar days) from the date of Planning Commission approval and shall automatically expire on the six-month anniversary date of Planning Commission action, unless the applicant is diligently pursuing building plan check toward eventual construction or implementation of the project. 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.

6. This PPD approval shall be valid for a period of one year from the date of Planning Commission approval and shall automatically expire on the one year anniversary date of Planning Commission action, unless the applicant is diligently pursuing building plan check toward eventual construction or implementation of the project. 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 PPD expiration date.
7. Approval of this PPD shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City ordinances, the San Bernardino County Health Department, or the State of California.
8. This decision or any aspect of this decision may be appealed to the City Council within 15 days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
9. The restaurant shall be operated, maintained and open to the general public as a full service (bona fide) eating establishment, serving meals at all times that beer, wine, and distilled spirits are offered for sale and consumption on the premises.
10. Approved hours of operation for the restaurant are 11:00 a.m. to 10:00 p.m. daily. The applicant may close the restaurant earlier than stated herein. Any extension of the restaurant hours beyond the limits stated herein shall require written notification to the Planning Division and are subject to City approval.
11. At no time shall the premises be converted into other uses where minors are generally excluded, such as a bar, sports bar, entertainment venue, night club, dance hall or banquet hall operated by either the restaurant owner or outside vendors or promoters.
12. At no time shall happy hour, drink specials, or private drinking areas be permitted.
13. Live entertainment is not included as part of this approval and shall require separate review and approval from the City.
14. A minimum of 31 parking spaces shall be maintained on the subject property at all times for the subject use.

15. No window signs either inside or outside, or signs placed inside the business directed toward the outside shall advertise the availability of beer, wine, or distilled spirits for purchase.
16. No outdoor display areas for merchandise are allowed.
17. All patio furniture and umbrellas shall be made of high quality, durable materials consistent with catalog cuts on file with the Planning Division. No plastic furniture shall be allowed. All patio furniture shall be properly maintained with any damaged items being promptly repaired or replaced within 72 hours.
18. All graffiti and vandalism and/or damage to the subject site and/or structure shall be removed or repaired within 72 hours of notice from the City.
19. The following mandatory conditions are hereby imposed as part of the CUP approval:
 - a. The premises shall be maintained at all times in a neat and orderly manner.
 - b. Trash receptacles shall be provided in such number and at such locations as may be specified by the Planning Commission.
 - c. No alcoholic beverages shall be offered for sale for off-premises consumption. Alcoholic beverages shall not be allowed outside of the permitted premises, which shall consist of the demised lease space described herein and the adjoining outdoor dining area as permitted by the Planning Commission. Applicant shall post notification of this limitation within plain view of employees and customers.
 - d. The exterior appearance of the premises shall be maintained in a manner consistent with the exterior appearance of commercial properties already constructed within the immediate neighborhood so as to not cause blight or deterioration, or to substantially diminish or impair property values within the neighborhood.
 - e. The permittee shall comply with all California Department of Alcohol Beverage Control statutes, rules and regulations relating to the sale, purchase, display, possession and consumption of alcoholic beverages.
 - f. The permittee shall acknowledge and agree the City has a legitimate and compelling governmental interest in permittee's strict compliance with all conditions imposed upon the permit, including adherence to State statutes, rules and regulations as specified in subsection (e) above. The permittee shall further acknowledge and agree, in writing, that any violation of a State statute, rule or regulation concerning the

sale to or consumption of alcoholic beverages by a minor has been determined by the City to have a deleterious secondary effect upon:

- i. The specific land use requested by the permittee and authorized by the City;
 - ii. The compatibility of permittee's authorized land use with adjacent land uses;
 - iii. The welfare and safety of the general public within the City.
 - iv. In view of such deleterious secondary effects, permittee shall acknowledge the City has specifically reserved the right and authority to impose sanctions, including suspension or revocation of the CUP, as a consequence of one or more violations of a State statute, rule or regulation concerning the sale to or consumption of beer and wine by a minor.
- g. The permit shall, after notice to the permittee and an opportunity to be heard, be subject to the imposition of such additional conditions as may be reasonable and necessary to address problems of land use compatibility, security, or crime control that have arisen since the issuance of the permit.
20. No outdoor amplified sound shall be allowed in the exterior outdoor patio area.
 21. A landscape and irrigation plan for replacement landscaping around the perimeter of the patio fence shall be submitted to the City Planner for review and approval, and installed prior to occupancy.
 22. All rooftop or roof-mounted equipment shall be fully screened from view to the satisfaction of the City Planner.
 23. All exterior building-mounted lighting shall not create any nuisance glare to the adjacent parking areas, private roadways, public rights-of-way, or neighboring properties. The use of wall packs, barnlighters, or other similar unshielded luminaires on the property shall be prohibited.
 24. All satellite dish antennas, microwave receivers and transmitters, and other forms of communication equipment shall be located in a manner in accordance with the provisions of Chapter 11.46 of the Montclair Municipal Code.
 25. Mechanical equipment including, but not limited to, utility meters, air conditioners, kitchen vents or hoods, repair equipment, etc., shall be located within the building or screened in a manner that is compatible with the architectural design of the building to the satisfaction of the Planning

Division. Wooden lattice or fence-like screens/covers are not appropriate within the context of a commercial or industrial development and are therefore not allowed.

26. No surface-mounted exposed conduit or electrical lines shall be allowed. Electrical switchgear, meters, etc. must be screened or housed in an enclosure, to the extent allowed by the utilities.
27. Trash enclosure shall be constructed to City standard drawings, including a roof cover and fire sprinklers if required by the Montclair Fire Department. Trash enclosure shall be completed per approved plans prior to issuance of a Certificate of Occupancy or opening of the restaurant.
28. No public telephones, vending machines, children's rides or other coin-operated machines shall be located on the exterior of any building within the center.
29. 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, or other similar advertising devices be utilized on the property or off-site.
30. Prior to occupancy and the installation of any signs, the applicant shall submit an application for a Sign Permit to the Planning Division for review and approval, subject to the following:
 - a. All signs shall comply with the approved sign program for the center and City of Montclair Sign Code (Chapter 11.72 MMC).
 - b. Wall signs shall utilize individual channel letters.
 - c. Exposed raceways shall be prohibited on all building-mounted and freestanding signs. An architectural sign backing/raceway may be allowed on the commercial building subject to review and approval by the City Planner.
31. All signs shall be maintained at all times in a safe and secure manner. Exposed surfaces shall be cleaned and painted as necessary. Broken and defective parts shall be repaired or replaced.

32. A copy of the CUP/PPD approval letter and resolution with all conditions of approval related to the application shall be conspicuously posted alongside the establishment's Business License and Certificate of Occupancy and shall be made available to law enforcement officers, Code Enforcement officers, and/or fire and building inspectors in the course of conducting inspections of said premises.
33. The applicant/property owner shall submit to the Planning Division a signed copy of the Resolution in which he acknowledges acceptance of the conditions of approval within 10 days from the date of approval by the Planning Commission.
34. 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

35. Prior to issuance of building permits, the applicant shall:
 - a. Submit five complete sets of plans for the project, including building elevations, colors and materials, electrical, plumbing, mechanical, landscaping, lighting, and accessibility details, plus two sets of soils, structural and Title 24 calculations for review and approval by the Building and Planning Divisions. Contact the Building Division at 909/625-9477 for an appointment to submit plans.
 - b. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
 - c. 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%).
 - d. Disabled-accessible parking space design shall be 9' X 20' with a loading zone located on the passenger side. The unloading zone shall be 5' x 20' for a standard accessible stall and 8' x 20' for a van accessible stall. The space and loading zone shall have no more than a 2% slope in any direction. The loading zone cannot include ramps.

The space and loading zone shall be striped in blue with the applicable design as specified in the 2007 California Building Code, Section 1129B.

36. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
37. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
38. 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.
39. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
40. All utility services to the project shall be installed underground.
41. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number.
42. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
43. Fire sprinkler risers and roof access ladders shall be located entirely within the enclosed buildings. Double-detector check facility shall be adequately screened by landscaping or an architectural screen wall.
44. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. The numerical address of the building shall be displayed in one location on the west-facing elevation of the building and one location on the east-facing elevation of the building.
 - b. Numerals shall be Helvetica font, minimum 10 inches in height, minimum 1½ inches in depth, and in a color that adequately contrasts with the background to which they are attached.
45. The facility shall be provided with a minimum maintained illumination level of one (1) foot-candle from dusk until termination of business every business day. During all other hours of darkness, a minimum of one-quarter (.25) foot-candles of illumination shall be maintained at grade.

46. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.

Fire

47. An approved, emergency keyed access system shall be required to facilitate access by Fire Department personnel in the event of an emergency during non-business hours. Forms are available at Montclair Fire Department Headquarters, 8901 Monte Vista Avenue, for those occupancies requiring such a system.
48. Commercial occupancies with cooking areas require an approved, fixed fire extinguishing system for protection of the hood and duct system and overall cooking areas. This system shall be equipped with an automatic fuel shutoff to all equipment protected by this system. Three (3) complete sets of drawings of this system shall be submitted to the Fire Marshal's office prior to issuance of a permit.
49. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of electrical service.
50. Fire extinguisher location(s) to be determined by the Montclair Fire Department.
51. Three (3) sets of plans shall be submitted to the Montclair Fire Department for approval prior to the relocation or addition of sprinklers for tenant's improvements.
52. Three (3) sets of plans shall be submitted to the Montclair Fire Department for approval prior to the upgrade of a fire alarm system for a tenant improvement.
53. All Montclair Fire Department fees are due prior to any permit issuance.

Environmental/Engineering

54. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
55. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact Michael Hudson, City Engineer, at 909/625-9441 for fees.
56. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the

Inland Empire Utilities Agency (IEUA). Contact Michael Hudson, City Engineer, at 909/625-9441 for fees.

57. City of Montclair Environmental Manager shall complete inspections for the interior and exterior rough plumbing, grease interceptor rough plumbing, and the grease interceptor rings and covers to grade prior to issuance of a Certificate of Occupancy. The applicant shall contact Nicole Greene, Environmental Manager, at 909/625-9446 to schedule all inspections in advance.

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

APPROVED AND ADOPTED THIS 14TH DAY OF FEBRUARY, 2011.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Sergio Sahagun, Chair

ATTEST: _____
Steve Lustro, Secretary

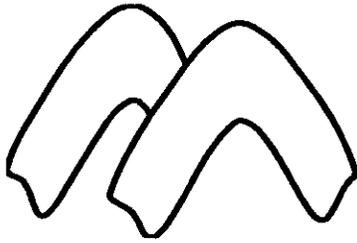
I, Steve Lustro, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 14th day of February, 2011, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SG\2010-20\CHIPOTLE MEXICAN GRILL\RESO11-1738



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 02/14/11

AGENDA ITEM 6.c

Case No. 2011-1

Application: PPD for Sign Program for Bowlium

Project Address: 4666 Holt Boulevard

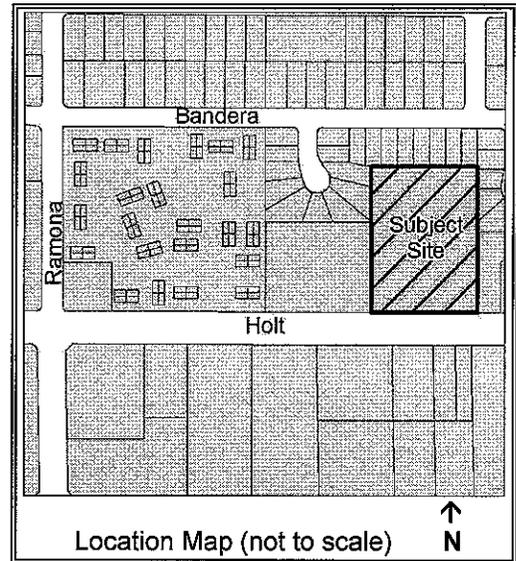
Property Owner: Bowlium Enterprises LLC

General Plan: Commercial

Zoning: Commercial per Holt Boulevard Specific Plan

Assessor Parcel No.: 1009-471-01

City/Public Utility Easements: Typical easements



Adjacent Land Use Designations and Existing Uses			
	<i>General Plan</i>	<i>Zoning</i>	<i>Existing Use of Property</i>
Site	Commercial	"Commercial" per Holt Blvd. Specific Plan	Bowling center with surface parking
North	Residential Low 3-7 Units/Acre	R-1 (7 du/ac) per Holt Blvd. Specific Plan	Single-family residences
East	Commercial	"Commercial" per Holt Blvd. Specific Plan	Small commercial buildings
South	Commercial	"Commercial" per Holt Blvd. Specific Plan	Multi-tenant commercial development
West	Commercial	"Commercial" per Holt Blvd. Specific Plan	Vacant parcel

Report on Item Number 6.c

CASE NUMBER 2011-1

APPLICATION TYPE(S)	Precise Plan of Design
NAME OF APPLICANT	Bowlum Enterprises LLC
LOCATION OF PROPERTY	4666 Holt Boulevard
GENERAL PLAN DESIGNATION	Commercial
ZONING DISTRICT	"Commercial" per Holt Boulevard Specific Plan
EXISTING LAND USE	32-lane bowling center
ENVIRONMENTAL DETERMINATION	Categorically Exempt, Section 15311, Class 11(a)
PROJECT COORDINATOR	Michael Diaz

Project Description

The applicant is requesting approval of a Precise Plan of Design (PPD) to allow the installation of new sign program for the existing Bowlum recreation center on the north side of Holt Boulevard between Ramona and Monte Vista Avenues. The purpose for the new signs is to provide signs that are more in keeping with the distinctive "Googie" architectural style of the building.

The proposed sign program includes:

- **New Monument Sign** - to replace the existing unapproved monument sign along the street frontage. The proposed monument sign would be 10 feet tall and consist of a combination of forms including a curved background cabinet, a reverse "swoosh" element and sculpted bowling pins that would support the sign. Decorative stars and a bowling ball sphere are attached to the "swoosh" component as accents. A separate freestanding oval shape is proposed at the base of the sign for the numerical address. Overall dimensions for this sign will be 12'-9" wide by 10'-0" tall. The background element will be 10'-6" wide by 5'-0" tall.

The "Bowlum" logo sign copy would consist of custom individually illuminated letters mounted directly to face of the background while the "32 Lanes" sign copy will be routed out of the background and have halo and face illumination. The stars and bowling ball elements will also be illuminated. LED (light-emitting diode) illumination is proposed.

The new monument sign would be installed on a new footing in the same location as the existing sign. However, the existing planter will be enlarged to approximately 21' wide by 20' deep to allow for new landscaping and decorative gravel.

- New Major Identification Building Sign – A building-mounted identification sign is proposed to be suspended over the main building entry between the upper and lower parabolic roof arches. This sign would replicate the design of the background portion of the monument sign and be hung in place by three 4-inch round metal rods attached to bottom of the upper roof arch. Sign copy on the back side of this sign facing the building would read "Thank You for Visiting Bowlium" in applied vinyl letters. Overall dimensions for this sign will be 15'-9" wide by 7'-6" tall. The existing roof-mounted sign and raceway above the rock accent wall is proposed to be removed.
- Tenant Signs - Two new tenant signs are proposed to be located on the portion of the building façade that projects forward and is currently painted orange just east of the curved decorative stone wall. The signs identify the food vendor – Pizza Hut Express/ Wing Street – located within the building. The signs would be placed one above the other and consist of a corporate logo and sign copy.
- Decorative Lights - Four (4) decorative "Star" shaped light fixtures are proposed for the wall section (currently painted golden/yellow) on the most easterly portion of the south-facing building façade. These fixtures are intended to provide architectural accent elements reminiscent of those used in Googie-style architecture. Currently, decorative star elements are painted on the building and indicate where the illuminated stars would be placed.

No signs, temporary or permanent, are proposed for the north, west or east building elevations. The proposed sign program is enclosed in the Commission packets for reference.

Background

- The project site is approximately 3.42 acres in size and is developed with a 35,000 square-foot building and approximately 198 parking spaces.
- "Googie" describes a futuristic, often flashy, modern architectural style that originated in Southern California. The types of buildings most frequently associated with the Googie style were motels, coffee shops, diners, and bowling centers. Characteristic elements of the Googie style include bold shapes, undulating canopies, zigzag roofs, diagonal lines, boomerang curves, starburst sparkles, bubbling circles, "out-of-whack" squares, amoeba shaped cutouts and sloping glass walls. The peak of popularity for Googie architectural style was during the 1950s and 1960s.
- Bowlium is the only surviving example of Googie architecture in Montclair and one of just a handful remaining in the immediate area. The building was designed by the architectural firm of Powers, Daly & DeRosa and built in 1958. The building features a distinctive double arched entryway and a curving Palos Verdes stone wall. The building is approximately 34,959 square feet in size and contains 32 lanes.

- The original pylon sign on the site was removed in the late 1990s and subsequently replaced with a corporate-design monument sign when the center was operated by AMF. The existing sign was installed without benefit of City review.
- The property was acquired by the current owners in 2008. The building was given its new pastel color paint scheme in 2010.

Planning Division Comments

Overall, staff finds the proposed signs for the site and building to be appropriate for the 1950s Googie-styled building. Collectively they creatively identify the on-site businesses and are properly scaled and located. The existing building is large and has a wide façade. At its widest point, the façade of the building is approximately 275 feet wide and the building is set back nearly 220 feet from Holt Boulevard. As designed, the proposed signs would be easily visible to the street and provide additional visual interest to the building/property. The addition of the illuminated "star" light fixtures adds a touch of whimsy that is consistent with the style of the building. As mentioned above in the project description, the removal of the roof mounted sign will be major improvement to the appearance of the building.

The height and size of the new monument sign is consistent with the 10-foot height limit allowed by the Montclair Municipal Code. Not only would the new monument sign resolve the current issue with the unapproved sign, but it will be an eye catching and in keeping with the use of the property. The colors and design elements of the sign are bold and easily recognizable.

The enlarged landscape planter is a particularly good improvement to be made along with the new signs. The larger planter will make for a better and more attractive setting for the monument sign in what is otherwise a large field of asphalt devoid of any landscaping, which was permitted by Code in 1958. Moreover, the larger planter will help to protect the sign from damage by vehicles in the parking lot. However, staff highly recommends that the monument sign be set back in the planter farther from the public sidewalk than shown to provide a minimum of three feet from the planter edge closest to the sidewalk to reduce the potential for impulsive vandalism. There appears to be ample depth in the planter to allow for this recommended adjustment.

In addition, staff recommends that the proposed plant materials be enhanced to add some further visual interest. In addition to the proposed Lantana plant material, staff suggests the use of low growing grasses (e.g. blue fescue, blue oat grass, etc.), flax, or lowing growing succulents (e.g. Senecio mandraliscae) to supplement the proposed Lantana.

While staff is pleased that the property owners are being proactive in making investments to the property, consideration needs to be given to the historic architectural style of the building as upgrades and maintenance are undertaken in the future. Staff is somewhat disturbed that the curved Palos Verdes stone wall, which is a dominant, Googie-style feature of the front of the building, was recently painted brown. Changes such as this, while seemingly minor in nature, compromise the historic value of the building. Conversely, staff is pleased that the

applicant has been willing to develop sign designs that are reminiscent of the distinctive period architecture. When completed the proposed signs will contribute to the improvement of the Holt Boulevard streetscape and continue Bowlium's long and unique presence within the community.

Public Notice

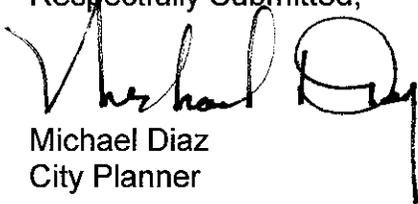
None required.

Planning Division Recommendation

Staff finds the proposed sign program as recommended by staff to be consistent with the Montclair Municipal Code and the adopted General Plan; therefore, approval of Case No. 2011-1 is recommended by taking the following actions:

- A. Move that, based on the evidence submitted, a finding is made that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15311, Class 11(a), in that the project involves the approval of a sign program to govern the installation of on-premise signs. As such, a DeMinimis finding of no impact on fish and wildlife will be prepared.
- B. Move to approve a Precise Plan of Design for a sign program for Bowlium, located at 4666 Holt Boulevard, under Case No. 2011-1, subject to the conditions of approval in Resolution No. 11-1737.

Respectfully Submitted,



Michael Diaz
City Planner

- c: Charlie Kinstler, Bowlium Enterprises LLC, 7502 Florence Avenue, Downey, CA 90240
Ryan To, Quantum Signs, 23591 Rockfield Boulevard #C, Lake Forest, CA 92630

RESOLUTION NUMBER 11-1737

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A PRECISE PLAN OF DESIGN FOR A SIGN PROGRAM UNDER CASE NO. 2011-1 FOR A 32-LANE BOWLING CENTER ("BOWLIUM") IN THE "COMMERCIAL" LAND USE DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN AT 4666 HOLT BOULEVARD (APN 1009-471-01).

A. Recitals

WHEREAS, On January 13, 2011, Bowlium Enterprises LLC, property owner, filed a Precise Plan of Design (PPD) application for a sign program for the property; and

WHEREAS, this application applies to property located at 4666 Holt Boulevard; and

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

WHEREAS, staff has determined that the proposed sign program meets the requirements of the Montclair 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(a) 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 February 14, 2011, commencing at 7 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a meeting at which time all persons wishing to testify in connection with said project were heard and said proposal was fully studied.

B. Resolution

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced meeting on February 14, 2011, 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, the Holt Boulevard Specific Plan and good planning

principles, and approves the application subject to each and every condition set forth below.

Planning Division

1. This Precise Plan of Design (PPD) approval is for a sign program for the existing bowling center and sub-tenants located at 4666 Holt Boulevard, as described in the staff report and on file with the Planning Division. The elements of the approved sign program shall be as follows:
 - a. New Monument Sign – One (1) new monument in the same location as the existing sign. The sign shall be fabricated and installed per approved plans, including the following:
 - i. Maximum height of monument sign shall not exceed 10'-0" tall.
 - ii. Maintain a minimum setback of 3'-0 from front edge of monument sign to the public sidewalk on Holt Boulevard.
 - iii. Enlarge existing planter to approximately 21' wide by 20' deep for new landscaping and decorative gravel.
 - b. New Major Identification Building Sign – One (1) major identification sign suspended over the main building entry between upper and lower parabolic roof arches. This sign will replicate the design of the background portion of the monument sign.
 - i. Approved sign copy on the back side of this sign facing the building shall read "Thank You for Visiting Bowlium" in applied vinyl letters.
 - ii. Remove existing roof mounted sign and any conduit or exposed attachment hardware from current location above the curved Palos Verdes stone wall.
 - c. Tenant Signs – maximum of two (2) new tenant signs shall be allowed and located on the building façade east of the curved decorative stone wall and building recess per approved plans.
 - i. The signs shall be allowed to identify Pizza Hut Express and Wing Street – located within the building.
 - ii. The signs shall be placed one above the other and consist only of a corporate logo and individually illuminated channel letters in their respective corporate colors.
 - d. Decorative Lights - Four (4) decorative "Star" shaped light fixtures to be installed on the wall section on the easternmost portion of the south-facing building façade.

2. No signs, temporary or permanent, shall be allowed on the north, west or east building elevations.
3. Submit an enhanced landscape plan to add further visual interest, subject to City Planner review and approval. In addition to the proposed Lantana plant material, staff suggests the use of low growing grasses (e.g. blue fescue, blue oat grass, etc.), flax, lowing growing succulents (e.g. Senecio mandraliscae), or other plant materials to supplement the proposed Lantana plant selection.
4. PPD approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval. No further notice from the City will be given regarding the project's PPD expiration date.
5. Approval of this PPD shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances.
6. 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.
7. The applicant shall obtain a building permit from the Building Division prior to installation of any sign. Plans submitted for review shall be prepared by a California licensed sign contractor.
8. Modification of the sign program, including additions or deletions, may be considered upon filing of an application to amend the sign program by the owner of the subject property or his/her authorized representative and subsequent approval of said modifications.
9. Exposed raceways shall be prohibited on all building-mounted and freestanding signs. An architectural sign backing/raceway may be allowed on the commercial building subject to review and approval by the City Planner.
10. All signs shall be maintained at all times in a safe and secure manner. Exposed surfaces shall be cleaned and painted as necessary. Broken and defective parts shall be immediately repaired or replaced.
11. Any sign that identifies a business that is no longer in operation, or that identifies an activity or event that has already occurred, shall be considered abandoned and shall be removed by the owner, agent, or person having use of the building or structure. Upon vacating a commercial or industrial establishment, the 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).

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 and/or property owner shall be responsible for maintaining the building's signs, lighting, landscaping, and all improvements in good working order at all times. Any accumulation of trash, weeds, or debris on the property shall be removed immediately so as not to present a public nuisance. Graffiti on the building or associated improvements shall be removed immediately by the applicant/property owner upon notification by the City.
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 on any sign. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
16. The applicant shall agree to defend, at his sole expense, any action brought against the city, its agents, officers, or employees because of the issuance of this approval; or, in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The city may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of his obligations under this condition.

Building Division

17. 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.
18. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
19. Signs that are suspended from the structure shall meet the structural requirements of the Code. Provide engineering documentation that justifies the wind loads and weight loads imposed on the structure.

20. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
21. 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 14TH DAY OF FEBRUARY, 2011.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Sergio Sahagun, Chairman

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 14th day of February, 2011, by the following vote, to-wit:

AYES:

NOES:

ABSENT: