



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

REGULAR ADJOURNED MEETING  
Monday, September 26, 2011  
7:00 p.m.

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*It is respectfully requested that you please silence your cell phones and other electronic devices while the meeting is in session. Thank you.*

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**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Chairman Sergio Sahagun, Vice Chairman Luis Flores, Commissioner Tenice Johnson, Commissioner Maynard Lenhert, and Commissioner Don Vodvarka

**4. APPROVAL OF MINUTES**

The minutes of the September 12, 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 2011-9  
(continued from September 12, 2011)  
Project Address: 4770 Mission Boulevard  
Project Applicant: Martha Hernandez  
Project Planner: Silvia Gutiérrez, Assistant Planner  
Request: Conditional Use Permit request to allow  
and re-establish a restaurant with on-sale  
beer and wine
  
- b. PUBLIC HEARING - CASE NUMBER 2011-11  
Project Address: 4650 Arrow Highway, Suites B8 & B9  
Project Applicant: MNW Essex Montclair LLC  
Project Planner: Silvia Gutiérrez, Assistant Planner  
Request: Conditional Use Permit request to allow a  
church
  
- c. CASE NUMBER 2011-10  
Project Address: 10575 Central Avenue  
Project Applicant: Monte Vista Water District  
Project Planner: Michael Diaz, City Planner  
Request: Precise Plan of Design for minor building  
remodel and site improvements

## **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.

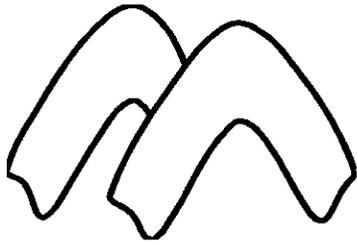
**9. ADJOURNMENT**

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of October 10, 2011 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California.

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**CERTIFICATION OF AGENDA POSTING**

I, Laura Berke, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda was posted on the bulletin board adjacent to the south door of Montclair City Hall on September 22, 2011.



CITY OF MONTCLAIR  
**PLANNING COMMISSION**

**MEETING DATE: 09/26/11**

**AGENDA ITEM 6.a**

**Case No. 2011-9**

**Application:** Conditional Use Permit (CUP) to re-establish and allow on-sale of beer and wine at the Tacos Los Carnales restaurant and a Precise Plan of Design (PPD) for the remodel of the restaurant and related exterior site improvements.

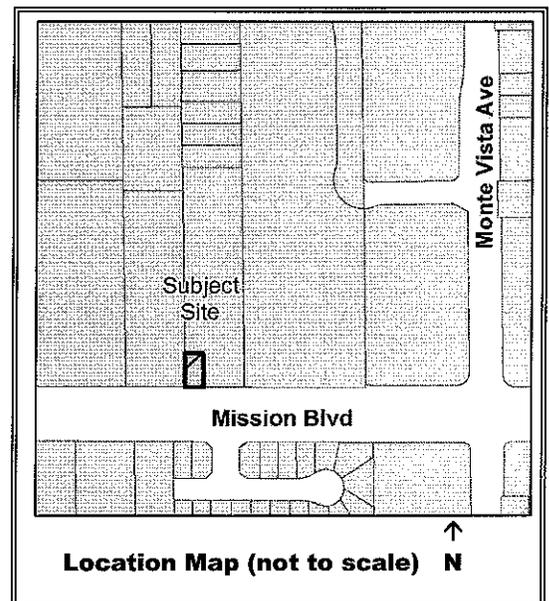
**Project Address:** 4770 Mission Boulevard

**Property Owner:** Martha Hernandez

**General Plan:** Business Park

**Zoning:** "Manufacturing Industrial Park" (MIP)

**Assessor Parcel No.:** 1012-121-02



**EXISTING SITE FEATURES/CONDITIONS**

**Structures:** 4770 Mission Boulevard – 1,210 square-foot restaurant

**Parking:** 4 paved parking spaces

**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>
<b>Site</b>	Business Park	"MIP" (Manufacturing Industrial Park)	Restaurant
<b>North</b>	Business Park	"MIP" (Manufacturing Industrial Park)	Office park
<b>South</b>	Low Density Residential (3-7 du/acre)	R-1(SL) (Single-Family Residential, Small-Lot Detached Overlay)	Single-family residential
<b>East</b>	Business Park	"MIP" (Manufacturing Industrial Park)	Office park
<b>West</b>	Business Park	"MIP" (Manufacturing Industrial Park)	Mobile Home Park

## Report on Item Number 6.a

### PUBLIC HEARING – CASE NUMBER 2011-9

APPLICATION TYPE(S)	Conditional Use Permit and Precise Plan of Design
NAME OF APPLICANT	Martha Hernandez
LOCATION OF PROPERTY	4770 Mission Boulevard
GENERAL PLAN DESIGNATION	Business Park
ZONING DESIGNATION	Manufacturing Industrial Park (MIP)
EXISTING LAND USE	Restaurant (Fire Damaged)
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Silvia Gutiérrez

#### **Background**

This item was reviewed by the Planning Commission at its September 12, 2011 meeting. However, at the meeting the applicant requested that the item be continued to the Commission's next meeting in order to allow staff and the Commission additional time to consider a request for a change in the proposed hours of operation for the restaurant. In the applicant's original project description the stated hours for the business were 10:00 a.m. to 10:00 p.m. daily, which is what was reflected in staff's analysis of project and in the preparation of conditions of approval for the application.

In granting the continuance, the Commission requested that staff obtain additional information regarding calls for service from the Police Department related to public comments received during the meeting regarding excessive noise.

The staff report prepared for the September 12, 2011 meeting is attached for the Commission's reference as to the overall scope of the project. Plans for the project are not included since they were retained by the Commissioners.

#### **Proposed Change in Hours of Operation**

The proposed change in hours for the restaurant as requested by the applicant is as follows:

- 7:00 a.m. to 10:00 p.m. Monday through Thursday to allow the service of breakfast, lunch, and dinner; and
- 7:00 a.m. to 2:00 a.m. for Fridays and Saturdays.

According to the applicant, the extended hours on Fridays and Saturdays are needed to help his business be successful. A reason for the later hours on the weekend is to

“provide meals for people returning from late night activities.” Since the applicant's current liquor license from the Department of Alcoholic Beverage Control (ABC) only allows for serving of beer and wine until 11 p.m. daily, no liquor would be served after that time. Only food and soft drinks would be served until 2 a.m. (See attached letter).

Staff contacted ABC and confirmed that the current license for the restaurant (issued in May 2005) permits the sale and service of alcoholic beverages only between the hours of 8:00 a.m. and 11:00 p.m. daily (See attached copy of ABC Type 41 License).

**Reported Calls for Service**

As requested, the Police Department compiled a list of calls for service for the subject property at 4770 Mission Boulevard and also for the 4700 block of Mission Boulevard for the time period from April 2008 to September 2011 (See attached reports listing calls for service). Based on the Police reports, the number of calls for service is summarized in the following table:

<b>Calls For Service at 4770 Mission Boulevard and the 4700 block Mission Boulevard April 2008 – September 2011</b>		
<i>Address</i>	<i>Number of Calls</i>	<i>Significant Calls</i>
4770 Mission Boulevard	8 calls	2 - Disturbing the Peace (415) 3 - Burglary Calls (459)
4700 block Mission Boulevard	28 calls	6 - Disturbing the Peace (415) 12- Traffic and Bike Stops
Source: Montclair Police Department		

According to the Police Department, the number of calls received during the reported time period for the subject is not particularly excessive or significant given the span of three years of reporting. However, there are a number of calls (8) for disturbing the peace (Type 415) which could include problems with excessive noise for the general area. The incidence of noise complaints is consistent with public comments received during the September 12, 2011 Planning Commission meeting.

**Analysis of Applicant’s Request**

As previously stated, staff is supportive of the proposed remodel of the existing restaurant and the request to serve alcoholic beverages in conjunction with meals served at the site. In regard to the extended hours of operation, staff is not opposed to an opening hour of 7:00 a.m., as this time frame allows for the service of breakfast at the restaurant. Staff would also support a revision in the closing time to 11:00 p.m., as it would be consistent with the time limit imposed by the restaurant’s Type 41 ABC license.

However, staff does not support the applicant’s request to extend the restaurant’s hours of operation from 10:00 p.m. to 2:00 a.m. on Fridays and Saturdays. The primary reason for opposing the requested time change is the restaurant’s proximity to the A Mi Hacienda nightclub across the street. Staff does not believe it is a good idea to draw

late night customers from a nightclub because of the potential for significant negative impacts to adjoining properties and nearby residents (across Mission Boulevard and in the Odyssey Mobile Home Park adjacent to the west). According to the Police Department, the nightclub has a history of calls for service involving violence between club patrons, particularly around the time of "last call" (prior to the club's closing time of 2:00 a.m.). Most of these incidents involve intoxicated patrons of the club. A Mi Hacienda's security officers are effective in clearing the club's parking lot quickly after closing, which means that patrons either go home or elsewhere. With an open restaurant across the street, the potential for individuals and groups (likely intoxicated) to congregate and stay in the area is increased as is the probability for trouble to occur at the restaurant. As the Police reports indicate there have been reported problems with exterior noise at the subject site during the later hours of the evening.

Accordingly, staff does not support changing the conditions to allow late hours on Fridays and Saturdays, thereby increasing the potential for more serious problems to occur. Moreover, staff believes that the location of the restaurant does not warrant a late closing time as it is not in a high traffic area (e.g., freeway, near a hospital, college, etc.) where there is major demand for late night meals.

In closing, staff believes that the proposed physical changes to the site are all positive and will be more beneficial to the success of the restaurant than maintaining late hours. Patrons look for good food and a clean and safe place to dine, all of which will be the result of the proposed improvements to the site and building.

### **Conditional Use Permit Findings**

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

- A. The proposed on-premises sale of beer and wine in conjunction with the existing bona fide eating establishment (restaurant) use is essential or desirable to the public convenience and public welfare. The restaurant provides a dining choice for members of the community, some of whom may desire to consume beer or wine with their meals eaten at the restaurant. When the repair and remodel of the existing restaurant building is completed, it will reopen and resume offering beer and wine with meals as it did before it was damaged by fire.
- B. The granting of the CUP for the proposed on-premises sale of beer and wine in conjunction with an existing restaurant use will not be materially detrimental to the public welfare and to other property in the vicinity. Prior to the fire, which has temporarily shut down operations, the restaurant was established in the community, did not have a bar, and offered a full menu of food items. In addition, the proposed exterior remodeling of the existing building and other site improvements will be significant and result in a major upgrade of the appearance of the restaurant, which would contribute to the overall physical improvement and appearance of the streetscape along Mission Boulevard.

- C. The proposed on-premises sale of beer and wine at the subject site conforms to good zoning practice, in that a restaurant use is permitted in the "MIP" zoning district, and on-sale beer and wine with meals is not typically a source of major concern like other types of establishments serving alcoholic beverages. Moreover, the CUP allows the City to place reasonable conditions to govern the overall operation of the use, including the sale of beer and wine so that it does not detract from the general quality of the 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.

### **Department of Alcoholic Beverage Control (ABC) Finding**

The project site is located within Census Tract Number 3.04, which allows up to three (3) on-sale ABC licenses. According to ABC records, as of August 2011, there are currently four (4) licenses existing within the census tract, one of which is the license belonging to the subject use. However, since the number is over ABC limits, a finding of public convenience or necessity will be required.

City staff and the Police Department support this request for the on-premises sale of beer and wine in conjunction with the existing restaurant as desirable to the public convenience and necessity. The sale of alcoholic beverages is not a major portion of the business, but offers customers a choice if desired. Conditions of approval have been included that are anticipated to mitigate concerns identified by staff, the Police Department, and neighboring residents that would ensure that the safety and general welfare of the surrounding area would be maintained.

### **Public Notice**

The September 12, 2011 public hearing was published in the Inland Valley Daily Bulletin newspaper on August 26, 2011, as prescribed by law for this discretionary land use entitlement. Public hearing notices for the September 12 meeting were mailed to all property owners within 300 feet from the boundaries of the subject property on September 2, 2011. Since the Planning Commission continued this item to a date specific, the item did not require re-notification.

### **Environmental Assessment**

The proposed on-premises sale of beer and wine in conjunction with a bona fide eating establishment and related exterior building and site improvements are categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines. The project involves the restoration of a fire damaged structure and does not result in an expansion of the

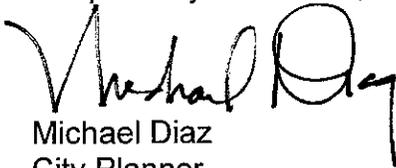
restaurant use that previously existed before the fire. Moreover, the proposed remodel of the building only involves changes to the existing floor plan to comply with ADA access and restroom requirements, to achieve a more efficient kitchen layout, and to create a new façade to update the appearance of the existing building.

### **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.
  
- B. Move to approve Conditional Use Permit and Precise Plan of Design under Case No. 2011-9 approving the on-premises sale of beer and wine (ABC Type 41 License) in conjunction with a bona fide eating establishment and related site and tenant improvements at 4770 Mission Boulevard, per the submitted plans and as described in the staff report, subject to the conditions of approval in attached Resolution 11-1746.

Respectfully Submitted,



Michael Diaz  
City Planner

MD/lb

#### Attachments

- Exhibit A – 9/12/11 Planning Commission staff report
- Exhibit B – Letter from applicant's representative
- Exhibit C – Department of Alcoholic Beverage Control Query System Summary for 4770 Mission Blvd.
- Exhibit D1 – Montclair PD, Calls for Service, 4770 Mission Boulevard
- Exhibit D2 – Montclair PD, Calls for Service, 4700 block Mission Boulevard
- Exhibit E – Restaurant menu

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**RESOLUTION NUMBER NO. 11-1746**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2011-9 TO ALLOW THE ON-PREMISES SALE OF BEER AND WINE (TYPE 41 ABC LICENSE) IN CONJUNCTION WITH A BONA FIDE EATING ESTABLISHMENT WITHIN THE MANUFACTURING INDUSTRIAL PARK (MIP) ZONE AT 4770 MISSION BOULEVARD (APN 1012-121-02).**

A. Recitals.

**WHEREAS**, on August 3, 2011, Martha Hernandez, property owner, filed an application for a Conditional Use Permit (CUP) for on-sale beer and wine in conjunction with a bona fide eating establishment on behalf of Tacos Los Carnales Restaurant, at 4770 Mission Boulevard; and

**WHEREAS**, this application applies to a restaurant business within a single-story building, approximately 1,786 square feet in area; and

**WHEREAS**, on July 25, 2005, the existing restaurant business (Taco Los Carnales) obtained a Type 41 ABC License for the on-premises sale of beer and wine in conjunction with meals while under the jurisdiction of San Bernardino County (the County); and

**WHEREAS**, City records do not indicate that a Conditional Use Permit (CUP) was required or issued by the County for the on-sale beer and wine license for the existing restaurant use, and

**WHEREAS**, on October 24, 2006, the existing site and use were annexed to the City of Montclair as part of Annexation No. 26, thereby subjecting the property to City development requirements and standards; and

**WHEREAS**, on January 9, 2011, the existing restaurant building was damaged by fire and subsequently closed for business pending the preparation of plans to repair and reopen the restaurant business; and

**WHEREAS**, on August 3, 2011, the applicant submitted plans in conjunction with this CUP application for extensive remodeling of the existing building and site to re-establish the restaurant business; and

**WHEREAS**, Chapter 11.30.020.B.9 of the Montclair Municipal Code allows restaurants as a permitted land use in the Manufacturing Industrial Park (MIP); and

**WHEREAS**, Chapter 11.42.020.B of the Montclair Municipal Code requires a CUP for on-sale beer and wine in conjunction with a bona fide eating establishment (restaurant); and

**WHEREAS**, the existing business has not been operational for a period in excess of six (6) months, thereby requiring compliance with City of Montclair requirements, including the approval of a CUP for the on-sale of beer and wine, in conjunction with a bona fide eating establishment; and

**WHEREAS**, a "bona fide public eating establishment" is generally defined as a licensed restaurant use with suitable kitchen facilities to provide regular service of meals to patrons commonly ordered at various hours of the day; and

**WHEREAS**, City staff has determined that the existing restaurant use meets the requirements of a bona fide public eating establishment to allow the on-sale of beer and wine in conjunction with meals and the applicable development standards of the Manufacturing Industrial Park (MIP) zoning district in which the subject site and use are located and Chapter 11.42 of the Montclair Municipal Code ("Alcoholic Beverages – Regulation of Sale;" and

**WHEREAS**, staff has determined that the proposed on-sale of beer and wine in conjunction with a bona fide eating establishment is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1) in that the project involves the restoration of a fire damaged structure not involving the expansion of the restaurant use that previously existed before the fire. Moreover, the proposed remodel of the building only involves changes to the existing floor plan to comply with ADA access and restroom requirements, to achieve a more efficient kitchen layout, and to create a new façade to update the appearance of the existing building; and

**WHEREAS**, a Notice of Public Hearing was duly given and posted in the manner and for the time frame prescribed by law; and

**WHEREAS**, on September 12, 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.

**WHEREAS**, on September 12, 2011, at the request of the applicant, the Planning Commission continued its review of the item to the next regularly scheduled meeting on September 26, 2011, in order to allow staff time to consider a request for modified hours of operation; and

**WHEREAS**, Planning Division staff contacted the Montclair Police Department and State of California Department of Alcoholic Beverage Control (ABC) for additional

information which was analyzed and provided in the staff report prepared for the September 26, 2011, meeting; and

**WHEREAS**, on September 26, 2011, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission reopened the public hearing regarding the items 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 Part A ("Recitals") 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 September 12, 2011 and September 26, 2011, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:
  - a. The proposed on-sale of beer and wine in conjunction with the existing bona fide eating establishment (restaurant) use is essential or desirable to the public convenience and public welfare. The restaurant provides a dining choice for members of the community, some of whom may desire to consume beer or wine with their meals eaten at the restaurant. When the repair and remodel of the existing restaurant building is completed, it will reopen and resume offering beer and wine with meals as it did previously before it was damaged by fire.
  - b. The granting of the CUP for proposed on-sale of beer and wine in conjunction with an existing restaurant use will not be materially detrimental to the public welfare and to other property in the vicinity. Prior to the fire, which has temporarily shut down operations, the restaurant was established in the community, does not have a bar, and offers a full menu of food items. In addition, the proposed exterior remodeling of the existing building and other site improvements will be significant and result in a major upgrade in the appearance of the restaurant, which contributes to the overall physical improvement of the streetscape along Mission Boulevard.
  - c. The proposed on-sale of beer and wine at the subject site conforms to good zoning practice, in that a restaurant use is a permitted use in the "MIP" zoning district, and the on-sale of beer and wine with meals is not typically a source of major concern like other types of

establishments serving alcoholic beverages. Moreover, the CUP allows the City to place reasonable conditions to govern the overall operation of the use, including the sale of beer and wine so that it does not detract from the general quality of the 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 and wine (Type 41 ABC License) associated with the bona fide eating establishment desirable to the public convenience and necessity in that the inclusion of beer and wine would make the dining experience more enjoyable to the general public of legal drinking age. The availability of alcohol served in conjunction with meals is common among other restaurants in the immediate vicinity and around the City. Since its opening in 2005, there have been no reported issues or violations of applicable rules and requirements, including those mandated by ABC. Lastly, the Montclair Police Department has 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 the safety and general welfare of the surrounding area would be maintained.
3. Planning Division staff has determined the project is Categorically Exempt from the requirements of the California Environmental Quality Act and CEQA Guidelines. The project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301, which exempts projects involving little to no expansion of existing structures or uses. The proposed project involves the restoration of a fire damaged structure and does not result in the expansion of the existing building and restaurant use that operated before the fire. The proposed interior and exterior remodel of the building only involves changes to the existing floor plan to comply with ADA access and restroom requirements, to achieve a more efficient kitchen layout, and to create a new façade to update the appearance of the existing building. When completed, the existing restaurant will resume business, including the on-sale of beer and wine (Type 41 ABC License), with meals.
  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 following conditions set forth below:

## Planning

1. This Conditional Use Permit (CUP) approval shall allow the on-premises sale of beer and wine (Type 41) in conjunction with meals in a bona fide eating establishment known as Tacos Los Carnales, a Mexican food restaurant, at 4770 Mission Boulevard. Any substantial changes to the operation, increase in floor area or upgrade of license to full alcohol (distilled spirits) sales shall require prior City review and approval.
2. Approval of this CUP shall not waive compliance with any regulations as set forth in the California Building Code, City Ordinances, San Bernardino County Health Department, and/or California State Department of Alcoholic Beverage Control (ABC).
3. 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.
4. 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.
5. Within five (5) working days of approval by the Planning Commission, the applicant shall submit a check to the Planning Division 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."
6. The applicant/property owner shall submit to the Planning Division a signed copy of the approval letter in which he/she acknowledges acceptance of the conditions of approval within 15 days from the date of approval by the Planning Commission.
7. The serving of alcoholic beverages shall be allowed only in conjunction with the operation of a bona fide restaurant as defined by Section 23038 of the California Business and Professions Code. The restaurant shall be in operation and shall provide a full service menu to customers during regular business hours. The business shall employ not less than one full-time cook that is engaged in the preparation of meals for patrons during the permissible hours of operation.

8. At no time shall the premises be modified to add or converted into other uses where minors are excluded, such as a bar, sports bar, entertainment venue, nightclub, dance hall or banquet hall operated by either the restaurant owner or outside vendors or promoters. Occasional rental of the dining room for private functions where meals are also served may be permitted.
9. Approved business hours for the restaurant shall be daily between the hours 7:00 a.m. and 11:00 p.m. The applicant may open or close the restaurant anytime within the hours stated above. Any requests to extend restaurant hours shall require written notification to the Planning Division and shall be subject to City approval.
10. The approved restaurant use shall be subject to the following operating requirements:
  - a. The dining room shall be limited to a maximum of 10 tables and 40 seats as shown on the approved floor plan.
  - b. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant. The sale and serving of alcoholic beverages for consumption outside the restaurant is prohibited.
  - c. No signs (temporary or permanent) or banners, advertising alcoholic beverage "specials" or any similar promotions shall be displayed or allowed on exterior walls, fascia, or in windows (either inside or outside) which are visible to the street.
  - d. No outdoor patio seating or product display areas for food and/or merchandise shall be allowed.
  - e. No exterior sound systems for music or paging shall be allowed.
  - f. No public telephones, vending machines, collection boxes, children's rides or other coin-operated machines shall be located on the exterior of the site or building.
  - g. The restaurant shall have no coin operated amusements, such as pool tables, juke boxes, video games or other similar equipment at any time.
  - h. Storage of crates, boxes, or canisters shall be neatly stored behind the building and periodically removed so as to maintain a clean and orderly condition at all times. The use of large storage (sea) containers or similar structures on the property shall be prohibited.

11. No catering trucks, vans, trailers or other temporary vehicles and/or structures shall be placed, stored, or located on the site for the purposes of cooking and/or selling food or merchandise outside the restaurant building. Except during non-business hours, delivery or catering trucks may be allowed on the site for a temporary time period to deliver or load/unload cooked food items/supplies.
12. Live entertainment is not included as part of this approval and requires separate review and approval from the City.
13. Prior to the issuance of building permits, the applicant shall submit catalog cuts for any and all exterior light fixtures. All wall mounted fixtures shall be set at 90 degrees to the building wall and incorporating full cut-off lenses so as to direct illumination down to the surface to be illuminated. All soffit lighting installed within the building shall be flush-mounted so that the lens or bottom of the fixture is flush with the underside of the soffit. The use of wall packs, barnlighters, or other similar unshielded luminaires on the property shall be prohibited.
14. Prior to the issuance of a Certificate of Occupancy, the applicant shall complete the following, subject to the satisfaction and approval of the City Planner:
  - a. All exterior site and building improvements per approved plans.
  - b. Ensure that all rooftop equipment, including, but not limited to, ducts, vents, hoods, filters, air conditioners, utility meters, and repair equipment etc., are fully screened from view in a manner that is compatible with the architectural design of the building. Wooden lattice or fencelike screens/covers are not appropriate.
  - c. Remove the existing non-conforming pole sign and vertical support posts from the site.
  - d. Complete construction of a trash enclosure in the area depicted on the approved site plan. Construction of the trash enclosure shall conform to the City's standard drawing, including a standing seam metal roof and fire sprinklers, if required.
15. All building exteriors (walls, windows, doors, roofs, paint, etc.), exterior lighting, trash enclosure, signs, drainage facilities, driveways, parking spaces, and landscaping areas shall be maintained in good repair and/or condition at all times.
16. All graffiti and vandalism and damage to the subject site and structures shall be removed and/or repaired upon its discovery.

17. The following mandatory conditions are hereby imposed as part of the CUP approval for on-sale beer and wine:
  - 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 beer and wine shall be sold, dispensed or offered for consumption outside of the permitted premises, which shall consist of a wholly enclosed building, except as otherwise permitted by the Planning Commission. Applicant shall post notification of this limitation in English and Spanish 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 Alcoholic Beverage Control (ABC) 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



contractors, and subcontractors participating in the construction phase of the project.

Building

22. Submit four complete sets of plans, including the following:
  - a. Site/Plot Plan;
  - b. Floor Plan;
  - c. Reflected Ceiling Plan;
  - d. Electrical Plans, including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
  - e. Plumbing Plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning;
  - f. An existing plan of the building, including all walls to be demolished; and
  - g. Waste recycling plan, recycling 50% of all construction debris.
23. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
24. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
25. 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.
26. Contractors must show proof of State and city licenses and Workers' Compensation coverage to the city prior to permit issuance.
27. Separate permits are required for fencing and/or walls.
28. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance. Separate permits are required for fencing and/or walls. All utility services to the project shall be installed underground.

29. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project case number.
30. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
31. Prior to issuance of building permits for a new commercial or industrial development project or major addition, the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to: Transportation Development Fees, Permit and Plan Check Fees, and/or School Fees. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District. Applicant shall provide a copy of the school fees receipt to the Building and Safety Division prior to permit issuance.
32. Construct trash enclosure(s) per City Standard (available at the Building Division's public counter).
33. Provide and clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
34. 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 standard:

Install a numerical address on the south building elevation. Address numerals shall be in Helvetica font, a minimum of ten inches in height, a minimum of 1½ inches in depth, and in a color that adequately contrasts to the background to which they are attached.
35. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn everyday.
36. Install approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.
37. 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.

38. 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 Archiving Policy.
  - a. Complete all on- and off-site improvements.
  - b. Install all disabled-accessible parking stalls and parking lot signage.
39. Before the final inspection can be conducted, a written acceptance from the neighboring property owner to the east giving permission for continuous use of their property for disabled-accessible access.

#### Environmental/Engineering

40. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
41. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact Nicole Greene, Environmental Manager, at 909/625-9446 for fees.
42. 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 Nicole Greene, Environmental Manager, at 909/625-9446 for fees.
43. A 750-gallon grease interceptor with a sample box shall be installed and operational prior to occupancy. Used fry oil generated from the restaurant must be secondary spill contained and covered (i.e., in an approved secondary containment tallow bin).
44. The City's 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 and the Building Division at 909/625-9448 to schedule all inspections in advance.

#### Fire

45. 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.

46. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of electrical service.
47. Fire extinguisher location(s) to be determined by the Montclair Fire Department.
48. 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.
49. 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 26TH DAY OF SEPTEMBER, 2011.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: \_\_\_\_\_  
Sergio Sahagun, Chair

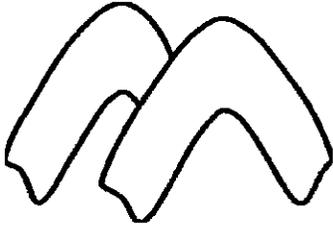
ATTEST: \_\_\_\_\_  
Steve Lustro, Secretary

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 26th day of September, 2011, by the following vote, to-wit:

AYES:

NOES:

ABSENT:



**CITY OF MONTCLAIR  
PLANNING COMMISSION**

**MEETING DATE: 09/12/11**

**AGENDA ITEM 6.a**

**CASE NUMBER: 2011-9**

**PROJECT ADDRESS: 4770 Mission Boulevard**

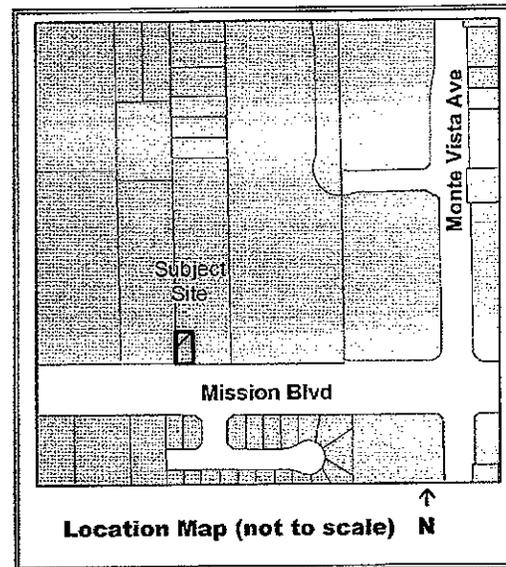
**ASSESSOR PARCEL NUMBER: 1012-121-02**

**APPLICANT: Martha Hernandez**

**PROJECT DESCRIPTION:** Request for a Conditional Use Permit (CUP) to re-establish and allow on-sale of beer and wine at the Tacos Los Carnales restaurant and a Precise Plan of Design (PPD) for the remodel of the restaurant and related exterior site improvements.

**ZONING:** "MIP" (Manufacturing Industrial Park)

**GENERAL PLAN:** Business Park



**EXISTING SITE FEATURES/CONDITIONS**

**Structures:** 4770 Mission Boulevard – 1,210 square-foot restaurant

**Parking:** 4 paved parking spaces

**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>
<b>Site</b>	Business Park	"MIP" (Manufacturing Industrial Park)	Freestanding building (4770 Mission)
<b>North</b>	Business Park	"MIP" (Manufacturing Industrial Park)	Former motel converted to industrial use
<b>South</b>	Residential Low	Residential Low	Single family residential
<b>East</b>	Business Park	"MIP" (Manufacturing Industrial Park)	Former motel converted to industrial use
<b>West</b>	Business Park	"MIP" (Manufacturing Industrial Park)	Mobile Home Park

## Report on Item Number 6.a

### PUBLIC HEARING – CASE NUMBER 2011-09

APPLICATION TYPE(S)	Conditional Use Permit and Precise Plan of Design
NAME OF APPLICANT	Martha Hernandez
LOCATION OF PROPERTY	4770 W. Mission Boulevard
GENERAL PLAN DESIGNATION	Regional Commercial
ZONING DESIGNATION	Manufacturing Industrial Park (MIP)
EXISTING LAND USE	Restaurant (Fire Damaged)
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Silvia Gutierrez

#### Project Description

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow on-sale beer and wine (Type 41-ABC License) in conjunction with a bona fide eating establishment at 4770 W. Mission Boulevard. A restaurant use has been in existence on the site when the property was under the jurisdiction of San Bernardino County. In 2006, the property and surrounding area was annexed to the City.

Tacos Los Carnales was opened in 2005 and has been licensed to sell beer and wine with meals (Type 41 License), but did not have a CUP issued by the County. In January of this year, a fire significantly damaged the restaurant resulting in its closure. Since the restaurant use with on-sale beer and wine was discontinued for more than six months, a new CUP is required to re-establish and allow on-sale of beer and wine at the restaurant as required by City of Montclair regulations.

Tacos Los Carnales offers a menu that features Mexican food entrées available for lunch and dinner, as well as catering services for off-site events. The hours of the restaurant operation are 10:00 a.m. to 10:00 p.m. daily. No bar counter, dance floor, entertainment, or pool tables are proposed. A copy of the restaurant's menu is included in the Commission packets.

#### Exterior Site Improvements and Building Remodel

To accommodate the re-opening of the restaurant, the site and building will be improved and remodeled, as follows:

- The parking area is proposed to be restriped to meet ADA requirements, including the addition of a path of travel, a pedestrian walk area, and a new disabled-accessible parking space.

- The removal of the existing pole sign and support posts, and small remnant planter areas at the west end of the property.
- The addition of a new grease interceptor (in the parking lot) and a covered trash enclosure (rear).
- A reorganized interior floor plan to meet ADA access and restroom requirements, and to create a more efficient layout, including the following:
  - Replacement of the substandard (unapproved) enclosed area at the rear of the original building with a building addition that meets current building code requirements.
  - A new food preparation, cooler storage, and office areas that would be concentrated in the rear (north) of the lease space.
  - A dining area designed for a maximum of 10 tables and 40 seats.
- A new facade design for the restaurant, including the following changes:
  - A raised parapet (arched at the center of the front facade) to screen any roof-mounted equipment and provide a location for a new wall sign.
  - A new window and door storefront. Access to the front door entry is proposed from both stairs and a ramp incorporated into the building's design.
  - A projecting "visor" roof element set below the top of the parapet to add visual interest and provide some protection to the windows, stairs and access ramp. The visor roof element will be covered in "terracotta" colored concrete tile.
  - An updated color scheme, new decorative exterior light fixtures, and new wall mounted sign centered on the front facade. 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 approximately 4,600 square feet in size. Based on property profile records, the existing building was built in 1958 under the jurisdiction of the County of San Bernardino and permit records are unavailable. Staff believes the restaurant has been in operation since the mid 1980's.

- On October 24, 2006, the existing site, use, and the immediately adjacent properties were annexed to the City of Montclair (Annexation No. 26).
- The easterly property line is approximately 6'5" from the easterly wall of the existing building. An existing block wall is located approximately 2'-5" to 3'-0" feet the property line. Since acquiring the property in 2005, the current property owners of the restaurant have utilized this area for pedestrian access to the rear of the property. As depicted on the submitted site plan, this area will continue to be utilized as a pedestrian access. The applicant contacted the adjacent owner who did not have an opposition to the continued use of this area.
- 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.

### Planning Division Comments

Staff is supportive of the request to serve alcoholic beverages in conjunction with meals served at the site. Typically, restaurant uses with or without on-premises alcohol sales are not of significant concern, especially when they are not set-up with a bar or intended to be an entertainment venue. Accordingly, staff's recommended conditions of approval have been developed to ensure the safety and general welfare of the surrounding area would be maintained.

The sale and consumption of beer and wine with meals at this location has been without significant issue. The business is largely separated from other retail businesses and other sensitive uses, so the reopening of the restaurant with beer and wine service is not expected to cause any major impacts. The only area of concern regarding the business is that on occasion (usually weekends) the restaurant operator has setup pop-up tents in the parking lot (and the adjacent property to the east) to sell food to passersby. Not only does this type of operation use up parking spaces necessary for the business, but the parking lot (or on other properties) is not an authorized place of business. Outdoor sales are only permitted on the subject site with a Special Event Permit (SEP) after staff has determined the property is adequate in size and shape to support the event without adverse effects. Given the size of the property and lack of on-site parking, the approval of outdoor events is not likely.

A second concern is the potential for parking/storing of catering and/or delivery trucks/vans/trailers/containers in the parking lot. The lot is simply not large enough to store these vehicles to begin with, and would, if allowed, further reduce the already sub-standard number of parking spaces on the site. Except for delivering and/or loading of food or supplies, staff recommends that these vehicles/trailers must, as a condition of approval, be parked at another off-site location.

Staff is especially pleased to see the site and appearance of the building is proposed to be significantly improved. The applicant has worked with staff to resolve a number of

existing deficiencies with the property, including the addition of a new trash enclosure, grease interceptor, and the removal of old non-conforming pole signs. Moreover, the new parking lot improvements and remodel of the existing building will positively contribute to the appearance of the property and adjacent streetscape.

With regard to parking and its placement on the property, staff acknowledges that it is less than ideal. Given the small size of the site and its development, there is literally no room in which to expand and provide the amount of parking spaces that would have been typically required for the use, or to organize them in a different fashion than they are. However, the restaurant is a permitted use in the MIP district, been used as a restaurant for a number of years without significant issues, and is not being expanded in size. Parking is also available on the street and there are not many other business establishments in the immediate area to compete with. With this project, the property is able to pick up at least one more on-site parking space for a total of 5 spaces, which will include an ADA compliant disabled-accessible parking space.

### **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. The proposed on-sale of beer and wine in conjunction with the existing bona fide eating establishment (restaurant) use is essential or desirable to the public convenience and public welfare. The restaurant provides a dining choice for members of the community some of whom may desire to consume beer or wine with their meals eaten at the restaurant. When the repair and remodel of the existing restaurant building is completed, it will reopen and resume offering beer and wine with meals as it did previously before it was damaged by fire.
- B. The granting of the CUP for proposed on-sale of beer and wine in conjunction with an existing restaurant use will not be materially detrimental to the public welfare and to other property in the vicinity. Prior to the fire, which temporarily shut down operations, the restaurant was well established in the community, did not have a bar, offered a full menu of food items, and does not have a late closing hour. In addition, the proposed exterior remodeling of the existing building and other site improvements will be significant and result in major upgrade in the appearance of the restaurant, which would contribute to the overall physical improvement and appearance of the streetscape along Mission Boulevard.
- C. That the proposed on-sale of beer and wine at the subject site conforms to good zoning practice, in that a restaurant use is a permitted use in the "MIP" land use district, and the on-sale of beer and wine with meals is not typically a source of major concern like other types of establishments serving alcoholic beverages. Moreover, the CUP allows the City to place reasonable conditions to govern the

overall operation of the use, including the sale of beer and wine 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.

#### **Department of Alcoholic Beverage Control (ABC) Finding**

The project site is located within Census Tract Number 3.04, which allows up to three (3) on-sale ABC licenses. According to ABC records, as of August 2011, there are currently four (4) licenses existing within the census tract, one of which is the license belonging to the subject use. However, since the number is over ABC limits, a finding of public convenience or necessity will be required.

City staff and the Police Department support this request for the on-premises sale of beer, wine, and distilled spirits in conjunction with the existing restaurant as desirable to the public convenience and necessity. The restaurant does not propose late closing hours and proposed to continually serve 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.

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 published as a public hearing in the Inland Valley Daily Bulletin newspaper on August 26, 2011, as prescribed by law for this discretionary land use entitlement. Public hearing notices for the September 12 meeting were mailed to all property owners within 300 feet from the boundaries of the subject property on September 2, 2011. As of the writing of this report, no comments from the public have been received.

#### **Environmental Assessment**

The proposed on-sale of beer, wine, in conjunction with a bona fide eating establishment 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 involves the restoration of a fire damaged structure and does not result in an expansion of the restaurant use that previously existed before the fire. Moreover, the proposed remodel of the building only involves changes to the existing floor plan to comply with ADA

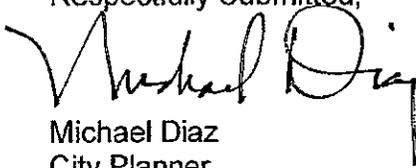
access and restroom requirements, to achieve a more efficient kitchen layout, and to create a new facade to update the appearance of the existing building; and

**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.
  
- B. Move to approve Conditional Use Permit and Precise Plan of Design under Case No. 2011-09 approving the on-premises sale of beer, wine (ABC Type 41 License) in conjunction with a bona fide eating establishment and related site and tenant improvements at 4770 Mission Boulevard, per the submitted plans and as described in the staff report, subject to the conditions of approval in attached Resolution 11-1746.

Respectfully Submitted,



Michael Diaz  
City Planner

MD/lb

Z:\COMMDEV\SG\CASES\2011-9 TACOS LOS CARNALES\2011-9 RPT



Joe A. Ramos, AIA

Architect • C-19076

Architecture

• Planning

• Interiors

September 13, 2011

TO: Sylvia Gutierrez, Assistant Planner  
City of Montclair  
5111 Benito Street  
Montclair, CA 91763

RE: Request for modification of business hours

Project: Case Number: 2011-9  
Los Carnales Restaurant  
4770 Mission Blvd.  
Montclair, CA 91763

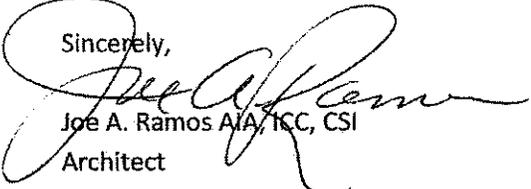
Dear Sylvia,

We sincerely appreciate your efforts in reference to our project submittal. We would like to explain our rational for our request to adjusting the hours of operation.

1. The applicants are requesting hours of operation to be 7:00am-10:00pm Sunday –Thursday and 7:00am-2:00pm Friday and Saturday. The 7:00am opening will allow the applicants to provide full restaurant services, breakfast, lunch and dinner.
2. The rational for 2 pm closing on Friday and Saturday is to provide late night meals for those returning from late night activities. The restaurant liquor license allows serving beer and wine until 11:00pm, so no liquor can be served after that time and the restaurant will only be serving meals.
3. We would also like to be notified of any complaints and concerns from neighbors. So we have the opportunity to respond. I believe the conditions of approval should mitigate many of the concerns that were brought up at the meeting. They also gives the applicant notice of what requirements need to be met.

If you feel it necessary to have a meeting to further clarify any of these issues please feel free to contact me. Again, I want to thank you for your consideration of our application and look forward to a successful completion of our project to the benefit of all parties involved.

Sincerely,

  
Joe A. Ramos AIA, ICC, CSI  
Architect



**California Department of Alcoholic  
Beverage Control**  
*License Query System Summary  
as of 9/21/2011*

<b>License Information</b>
<b>License Number:</b> 423015
<b>Primary Owner:</b> MORADEHERNANDEZ, MARTHA
<b>ABC Office of Application:</b> 07 - RIVERSIDE
<b>Business Name</b>
<b>Doing Business As:</b> TACOS LOS CARNALES
<b>Business Address</b>
<b>Address:</b> 4770 MISSION BLVD <b>Census Tract:</b> 0003.04
<b>City:</b> MONTCLAIR
<b>State:</b> CA <b>Zip Code:</b> 91763
<b>Licensee Information</b>
<b>Licensee:</b> MORADEHERNANDEZ, MARTHA
<b>License Types</b>
<b>1) License Type:</b> 41 - ON-SALE BEER AND WINE - EATING PLACE
<b>License Type Status:</b> ACTIVE
<b>Status Date:</b> 25-JUL-2005 <b>Term:</b> 12 Month(s)
<b>Original Issue Date:</b> 25-JUL-2005 <b>Expiration Date:</b> 30-JUN-2012
<b>Master:</b> Y <b>Duplicate:</b> 0 <b>Fee Code:</b> P0
<b>Condition:</b> OPERATING RESTRICTIONS
<b>Current Disciplinary Action</b>
<i>... No Active Disciplinary Action found ...</i>
<b>Disciplinary History</b>
<i>... No Disciplinary History found ...</i>
<b>Hold Information</b>
<i>... No Active Holds found ...</i>
<b>Escrow</b>
<i>... No Escrow found ...</i>

--- End of Report ---

For a definition of codes, view our [glossary](#).

# EXHIBIT D 1

CIN01003

CAD Address Inquiry

MCLAIR

Mon, Sep 19, 2011, 3:33 PM

Address: 4770 MISSION BL

Agency: P Dates: 010106/091911 Types:

Date	Time	Type	NOI	Dispo	RC/DI	DI/AS	AS/CC	Incident	Address
070811	2014	BUSCK	BUSINESS CHECK	104			00:05	1MC0020221	4770 MISSION BL
070111	1533	CITCON	LOBBY	HBO	43:11	22:27	47:53	1MC0019354	4770 MISSION BL
042011	1255	FOLLOW	FOLLOW UP	SUPP			48:04	1MC0011838	4770 MISSION BL
041811	2056	459	TO BUSN	ARREST	00:50	06:11	99:99	1MC0011668	4770 MISSION BL
080109	2309	415N	REPEAT	CONADV	12:54	03:24	11:54	9MC0026292	4770 MISSION BL
080109	2204	415N	REPEAT	415	11:55	05:40	11:35	9MC0026287	4770 MISSION BL
051208	0115	459A	BUSN	ACL	00:45	03:29	06:09	8MC0015759	4770 MISSION BL
050908	0016	459A	AUDIBLE ALARM	ACL	01:07	05:02	05:05	8MC0015389	4770 MISSION BL

# EXHIBIT D 2

CIN01003

CAD Address Inquiry

MCLAIR

Mon, Sep 19, 2011, 3:37 PM

Address: 4700 MISSION BL

Agency: P Dates: 010106/091911 Types:

Date	Time	Type	NOI	Dispo	RC/DI	DI/AS	AS/CC	Incident	Address
090311	1622	HUMANE	HUMANE CALLS	HBD				1MC0026558	4700 MISSION BL
082511	1818	TS	TRAFFIC STOP	ADV			01:24	1MC0025534	4700 MISSION BL
080411	1254	TS	TRAFFIC STOP	ADV			06:55	1MC0023331	4700 MISSION BL
072111	0936	TS	TRAFFIC STOP	ADV			03:01	1MC0021724	4700 MISSION BL
070911	2321	TS	TRAFFIC STOP	CITE			14:13	1MC0020350	4700 MISSION BL
070411	0134	BIKE	BIKE STOP	108			06:32	1MC0019679	4700 MISSION BL
060211	2224	SUBCK	SUBJECT CHECK	108			08:10	1MC0016326	4700 MISSION BL
051911	2156	TS	TRAFFIC STOP	ADV			02:36	1MC0014876	4700 MISSION BL
042811	1251	SUBCK	SUBJECT CHECK	108			12:06	1MC0012686	4700 MISSION BL
041911	2154	BIKE	BIKE STOP	ADV			03:27	1MC0011774	4700 MISSION BL
040711	2203	TS	TRAFFIC STOP	108			02:52	1MC0010497	4700 MISSION BL
040511	0055	OVC	OCC VEH CHECK	ARREST			99:99	1MC0010146	4700 MISSION BL
040311	2139	TS	TRAFFIC STOP	108			05:04	1MC0009954	4700 MISSION BL
031311	2356	415N	LOUD MUSIC	QUIET			00:06	1MC0007726	4700 MISSION BL
031311	1508	TS	TRAFFIC STOP	ADV			02:08	1MC0007667	4700 MISSION BL
030411	2141	SUBCK	SUBJECT CHECK	104			05:41	1MC0006717	4700 MISSION BL
011811	1412	TS	TRAFFIC STOP	ADV			08:46	1MC0001745	4700 MISSION BL
070410	2045	FIREW	REPEAT	108			18:20	0MC0017961	4700 MISSION BL
111909	1002	FOLLOW	FOLLOW UP	108			03:44	9MC0038048	4700 MISSION BL
110809	0409	415N	REPEAT	ADV	00:56	06:15	56:20	9MC0037041	4700 MISSION BL
110809	0328	415N	REPEAT	ADV	07:41	00:19	04:36	9MC0037039	4700 MISSION BL
110809	0127	415N	LOUD MUSIC	ADV	10:40	06:11	04:03	9MC0037032	4700 MISSION BL
061309	1902	BIKE	BIKE STOP	ARREST			99:99	9MC0020697	4700 MISSION BL
060509	1850	ILLSOL	TACO VENDOR	AST	00:03	09:48	04:39	9MC0019783	4700 MISSION BL
052409	0413	415N	LOUD MUSIC	QUIET	00:13	00:46	04:45	9MC0018242	4700 MISSION BL
120808	0959	FOUNDP	IN LOBBY	RPT	32:33	15:47	99:99	8MC0040853	4700 MISSION BL
081708	1148	415N	LOUD MUSIC	ADV	18:45	07:25	01:41	8MC0027252	4700 MISSION BL
040608	1726	HUMANE	HUMANE CALLS	HBD				8MC0011692	4700 MISSION BL

**EXHIBIT E**



Toro Exilio Jalisco con Tortillas Recetas Hechas

**OPEN 7 DAYS**

4770 W. Mission Blvd. Ontario, CA 91762 tel: (909) 264-2924  
 4370 S. Central Ave. Los Angeles, CA 90011 tel: (323) 846-1135

 <b>3 TACOS</b> \$4.49 (CHICKEN OR PORK)	 <b>FISH TACO</b> \$6.49 OR SHRIMP TACO	 <b>3 ENCHILADAS</b> \$4.49 (CHICKEN OR PORK) \$4.99 (CHICKEN OR CHEESE)	 <b>TOSTADA</b> 4.49	 <b>SOPE &amp; SALAD</b> \$3.99	 <b>QUEZADILLA</b> \$3.99	 <b>FLOUR QUEZADILLA</b> 4.99	
 <b>WET BURRITOS</b> \$5.49 \$4.99	 <b>HAWAIIANA</b> \$5.49	 <b>HAMBURGER + FRIES</b> \$5.49	 <b>BREAKFAST COMBO</b> \$4.99	 <b>CUBANA</b> \$6.49	 <b>TORTA AHOGADA</b> \$3.99	 <b>MEXICAN BREAKFAST</b> \$4.99	 <b>NUEVOS ALA MEXICAN COMBO</b> \$5.49

- CHOICE OF MEAT:**
- BEEF
  - TONGUE
  - CHICKEN
  - CHICHARON
  - TRIPAS
  - CABEZA
  - BIRRIA
  - CARINITAS
  - ALPASTOR / PORK
  - CHORIZO





Taco Estilo Jalisco con Tortillas Recien Hechas

OPEN 7 DAYS

4770 W. Mission Blvd.  
Ontario, CA 91762  
Tel: (909) 464-2944

4370 S. Central Ave.  
Los Angeles, CA 90017  
Tel: (323) 846-1135



3 TACOS \$4.49  
5 TACOS \$6.49

FISH TACO OR SHRIMP TACO 4.99

QUEZADILLA \$3.99

FLOUR QUEZADILLA 4.99

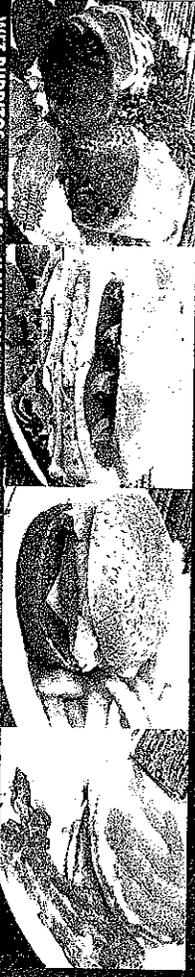


HARD TACO (CHICKEN OR POTATO) \$4.49

3 ENCHILADAS (CHICKEN OR CHEESE) 4.49

TOSTADA \$3.99

SOPE & SALAD \$3.99



VIET BURRITOS \$5.49  
BURRITOS \$4.99

HAWAIIANA \$5.49

HAMBURGER + FRIES \$5.49

BREAKFAST COMBO \$4.99



CUBANA \$6.49

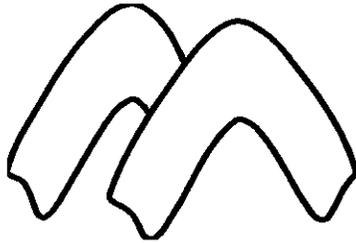
TORTA AHOGADA \$4.99

MEXICAN BREAKFAST \$4.99

HUEVOS A LA MEXICANA \$4.99

- CHOICE OF MEAT:
- BEEF
  - TONGUE
  - CHICKEN
  - CHICHARON
  - CABEZA
  - BIRRIA
  - CARNITAS
  - ALPASTOR / PORK
  - CHORIZO
  - TRIPAS





CITY OF MONTCLAIR  
**PLANNING COMMISSION**

**MEETING DATE: 09/26/11**

**AGENDA ITEM 6.b**

**Case No. 2011-11**

**Application:** Conditional Use Permit (CUP) to allow a church use within a multi-building industrial park complex (Montclair Business Center)

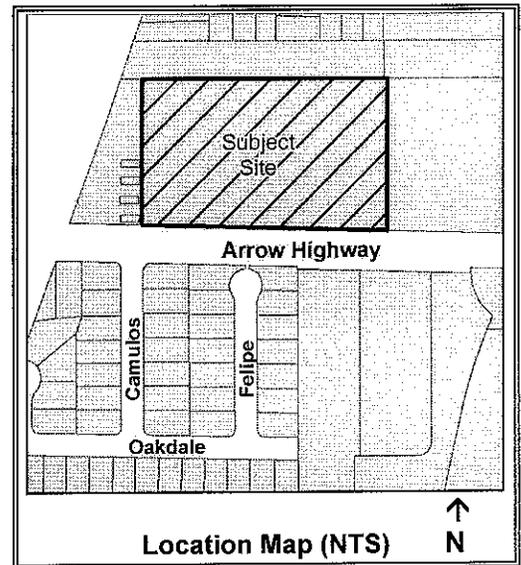
**Project Address:** 4650 Arrow Highway, Units B-8 and B-9

**Property Owner:** MNW Essex Montclair LLC

**General Plan:** Business Park

**Zoning:** "Manufacturing Industrial Park" (MIP)

**Assessor Parcel No:** 1007-733-20



**EXISTING SITE FEATURES/CONDITIONS**

**Structures:** Multi-building/tenant industrial park complex

**Parking:** 195 parking spaces

**City/Public Utility Easements:** None

**Trees/Significant Vegetation:** Perimeter landscaping along Arrow Highway frontage

**ADJACENT LAND USE DESIGNATIONS AND USES**

	<b><i>General Plan</i></b>	<b><i>Zoning</i></b>	<b><i>Use of Property</i></b>
<b>Site</b>	Business Park	Manufacturing Industrial Park (MIP)	Multi-tenant industrial building
<b>North</b>	Planned Development	"Corridor Residential" per North Montclair Downtown Specific Plan (NMDSP)	Metrolink right-of-way and single-family residential uses
<b>East</b>	Public/Quasi-Public	Manufacturing Industrial Park (MIP)	Omnitrans maintenance facility
<b>South</b>	Low Density Residential 3-7 units/acre	R1 Single Family Residential/ M1 Limited Manufacturing	Single-family residential and light industrial uses
<b>West</b>	Business Park	Manufacturing Industrial Park (MIP)	Multi-tenant industrial building

## Report on Item Number 6.b

### PUBLIC HEARING - CASE NUMBER 2011-11

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	MNW Essex Montclair LLC, for Brighter Day Ministries (Church)
LOCATION OF PROPERTY	4650 Arrow Highway, Units B-8 & B-9
GENERAL PLAN DESIGNATION	Business Park
ZONING DESIGNATION	Manufacturing Industrial Park ("MIP")
EXISTING LAND USE	Multi-building/tenant industrial park
ENVIRONMENTAL DETERMINATION	Categorically Exempt – Section 15301 (Existing Facilities)
PROJECT PLANNER	Silvia Gutiérrez

#### **Project Description**

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow a church use within the subject tenant spaces, located within a multi-building industrial park complex known as the Montclair Business Center. The church would occupy two (2) adjoining lease spaces totaling approximately 5,000 square feet at the south end of Building B. The subject lease spaces intended for the church were formerly occupied by a scrapbook business. No changes to the exterior of the building or site are proposed by the church.

The proposed church, Brighter Day Ministries, currently has 40-50 members. Church services/meetings are conducted primarily on weekends, with Sunday services occurring between the hours of 9:00 a.m. and 2:00 p.m. Mid-week services are conducted on Wednesday evenings from 5:00 to 8:00 p.m., and on Friday evenings from 6:00 to 7:00 p.m. During regular weekday business hours, the lease space would be occupied by a few staff members working in the church offices.

#### **Background**

- Churches, synagogues, temples or other houses of worship are allowed in the "Manufacturing Industrial Park" (MIP) zoning district subject to the approval of a CUP. A CUP does not change the underlying zoning of property.
- The industrial park complex was constructed in 1980 and consists of seven (7), single-story buildings identified as Buildings A-G. On-site parking for the property is 195 spaces. Building B is approximately 12,826 square feet in overall size.
- The current make up of businesses in the complex consists primarily of small office uses, a few contractor or service uses, and martial arts studios. There are currently a number of vacant spaces.

## **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.

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 that its main services/meetings would occur during evening hours mid-week and on weekends (Sundays). Other businesses in the same building are a computer service/sales business and a uniform supply business, which appear to maintain typical business hours. As such, the potential for use conflicts is expected to be minimal.

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 an industrial lease space, the subject 5,000 square-foot space would have ten (10) parking spaces assigned to it, based on a ratio of 1 space per 500 square feet. Based on that parking allotment, the church would be allowed a maximum of 60 seats in its primary meeting space. The applicant's floor plan depicts 60 seats in the sanctuary portion of the tenant space. However, given the time frame in which the church would operate and the location of the lease space on the edge of the complex where additional parking is available, staff would support a maximum seating capacity of up to 100 seats. Staff believes this is a more realistic number to plan for and gives 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, and there is ample on-site parking near the church's lease space to use if needed.

Since the applicants are not proposing any building improvements, Building Code requirements are not triggered and the project would not be required to incorporate path of travel and current standards for disabled-accessible parking spaces at this time. However, if any physical interior changes requiring building permits are proposed in the future, then all applicable building and zoning codes in effect at that time would be enforced. A condition of approval notifying the applicants of potential requirements has been added as a reminder.

The proposed 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 Arrow Highway, which may be of benefit for some members. Therefore, the proposed church use at the subject site would not pose any significant conflicts or impacts.

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 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-building industrial park complex 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 September 16, 2011. Public hearing notices were mailed to property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary zoning entitlement. In addition, courtesy notices were mailed to tenants within the adjacent portion of the center in which the subject tenant space is located. At the time this report was prepared, no comments or inquiries had been received by staff regarding the proposal.

### **Environmental Assessment**

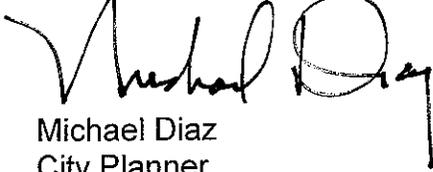
The project qualifies as a Class 1 exemption under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, which exempts projects involving little to no expansion of existing structures or uses. The project does not involve an expansion of the existing structure.

**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, 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.
  
- B. Move to approve a Conditional Use Permit under Case No. 2011-11, subject to making the required findings, and subject to the conditions as described in attached Resolution Number 11-1748.

Respectfully Submitted,



Michael Diaz  
City Planner

MD/lb

Attachments: Draft Resolution of Approval for Case 2011-11

- c: MNW Essex Montclair LLC, 18012 Sky Park Circle, #200, Irvine, CA 92614  
Clarence and Doris Hampton, Brighter Day Ministries, P.O. Box 3104, Montclair, CA 91763

## RESOLUTION NUMBER 11-1748

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2011-11 TO ALLOW A CHURCH USE IN THE "MANUFACTURING INDUSTRIAL PARK" (MIP) ZONING DISTRICT AT 4650 ARROW HIGHWAY, UNITS B-8 and B-9 (APN 1007-733-20).**

A. Recitals.

**WHEREAS**, MNW Essex Montclair LLC, property owner, filed an application for a Conditional Use Permit (CUP) on behalf of Brighter Day Ministries (Church) on September 6, 2011; and

**WHEREAS**, the application applies to a floor area of approximately 5,000 square feet located within Units B-8 and B-9 of the Montclair Business Center, at 4650 Arrow Highway; and

**WHEREAS**, the subject site is located in the "Manufacturing Industrial Park" (MIP) zoning district, 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 September 26, 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 of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on September 26, 2011, 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-building industrial park complex 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 and administrative activities within Units B-8 and B-9 of the Montclair Business Center, at 4650 Arrow Highway, as described in the staff report and depicted on approved plans. Said approval shall be limited to a lease space area of approximately 5,000 square feet. 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 to Planning Division staff 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/meetings shall be conducted primarily on weekends, with Sunday services occurring between the hours of 9:00 a.m. and 2:00 p.m. Mid-week services/meetings may be scheduled on Wednesday evenings between the hours of 5:00 p.m. and 8:00 p.m. and Friday evenings between the hours of 6:00 p.m. and 7:00 p.m. During regular mid-week business hours, the subject space may be utilized for administrative activities of the church.
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 availability of 17 parking spaces on the subject property for use at all times.

8. No temporary or permanent residential living quarters, including homeless shelter, shall be established on the premises.
9. No outdoor amplified sound systems shall be installed or used on the property.
10. No pay telephones, vending machines, or merchandise collection boxes shall be located on the exterior of the building or on the subject property.
11. 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.
12. 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.
13. 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.
14. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including, but not limited to, the following:
  - a. Temporary banners for the purpose of announcing the grand opening or advertising promotions shall require banner permits from the Planning Division prior to installation.
  - b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
  - c. 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.
15. 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.
16. 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.
17. 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.
18. 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

19. If any construction is to be commenced, the applicant shall first obtain 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. Any walls over 5'-9" in height, framing, electrical, plumbing, and mechanical require permits from the Building Division.

- b. 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%).
20. 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 parking space and unloading zone shall have no more than 2% slope in any direction. The unloading zone cannot include ramps. The space and unloading zone shall be striped in blue with the applicable design as called out in the 2010 California Building Code, Section 1129B.
  21. 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.
  22. The applicant shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service. Interior aisle ways shall maintain a required minimum width of 44 inches.

#### Fire

23. The applicant shall contact the Fire Marshal's Office to determine Fire Department requirements for the approved church use. The Fire Marshal's Office may be reached at (909) 447-3550.

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

APPROVED AND ADOPTED THIS 26TH DAY OF SEPTEMBER, 2011.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: \_\_\_\_\_  
Sergio Sahagun, Chair

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

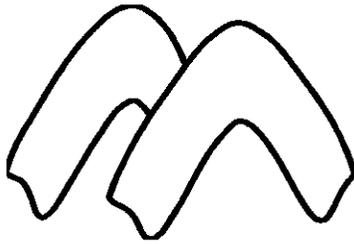
I, Steve Lustro, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning commission of the City of Montclair, at a regular meeting of the Planning Commission held on the 26th day of September, 2011, by the following vote-to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SG\CASES\2010-11\RESO11-1748



CITY OF MONTCLAIR  
**PLANNING COMMISSION**

**MEETING DATE: 09/26/11**

**AGENDA ITEM 6.c**

**Case No. 2011-10**

**Application:** Precise Plan of Design (PPD) to add an elevator to the existing two-story administration building of the Monte Vista Water District (MVWD), and exterior site work to improve accessibility for the disabled.

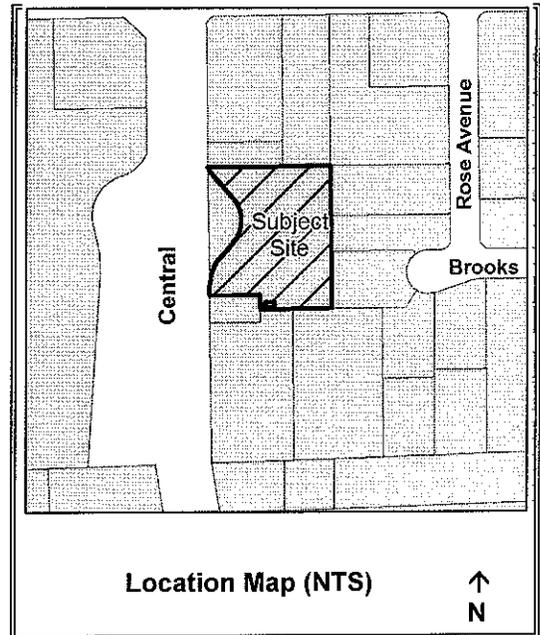
**Project Address:** 10575 Central Avenue

**Property Owner:** Monte Vista Water District

**General Plan:** Public/Quasi-Public

**Zoning:** Commercial (Holt Boulevard Specific Plan)

**Assessor Parcel Nos.:** 1010-052-12



Adjacent Land Use Designations and Existing Uses			
	<i>General Plan</i>	<i>Zoning</i>	<i>Existing Use of Property</i>
<b>North</b>	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Multi-Tenant Retail Center
<b>East</b>	Industrial Park	"Business Park" per Holt Boulevard Specific Plan	Industrial buildings
<b>South</b>	Industrial Park	M-1 (Limited Manufacturing)	Self-Storage Facility
<b>West</b>	General Commercial	"Commercial/Office" per Holt Boulevard Specific Plan	Vacant lot

## Report on Item Number 6.c

### CASE NUMBER 2011-10

APPLICATION TYPE(S)	Precise Plan of Design
NAME OF APPLICANT	Monte Vista Water District (MVWD)
LOCATION OF PROPERTY	10575 Central Avenue
GENERAL PLAN DESIGNATION	Quasi-Public
EXISTING ZONE DISTRICT	"Commercial" per Holt Boulevard Specific Plan
EXISTING LAND USE	District Administrative Offices and Maintenance Facility
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT COORDINATOR	Michael Diaz

#### **Project Description**

The Monte Vista Water District (MVWD) is requesting design approval for a building addition at the front entry (south side) of its existing two-story administrative building. The purpose of the addition is to allow for the installation of an elevator that would facilitate access to the second floor offices and boardroom. The existing recessed entry area would be enclosed and added to the floor area of the existing interior lobby area. As part of the project, a new accessible public service counter would also be installed to replace the existing one. The elevator and elevator lobby addition is proposed to be approximately 194 square feet in area, and its overall height will be approximately 29 feet. The exterior design of the building addition and proposed exterior materials are intended to tie into the "Spanish" architecture of the building.

Related site improvements include a new accessible concrete path of travel to allow access for visitors/customers coming from the street (Central Avenue) to the remodeled front entrance of the building. The path will be available for use during business hours and for public meetings, and closed off by a gate at the property line when the facility is closed. Two (2) disabled-accessible parking spaces (including one van-accessible space) would also be added to the east of the building entrance.

A total of three existing trees (two non-fruiting Pear trees and one River Birch tree) at the building entry would be removed to accommodate the exterior improvements and open up the view to the remodeled building entrance. A new planter is proposed to be added to the east side of the existing entry walkway along with two new trees (River Birch) and groundcover. Eventually, more drought tolerant plants around the building would be worked into the remaining planter areas.

During construction, a 24' x 60' modular office unit would be temporarily placed on site to maintain public business operations at the facility, including public counter hours for

questions and bill payment for customers. When construction is completed, the modular unit would be removed.

### **Background**

- Monte Vista Water District (MVWD), a county water district formed in 1927, provides retail and wholesale water supply services to a population of over 135,000 within a 30-square mile area, including the communities of Montclair, Chino Hills, portions of Chino and the unincorporated area lying between the cities of Pomona, Chino Hills, Chino and Ontario.
- The overall size of the MVWD project site is approximately three acres.
- The existing two-story office building was constructed in 1981, and is approximately 7,160 square feet in size. The building serves as the headquarters for MVWD and includes a boardroom and offices for district employees. The existing parking lot contains 18 parking spaces.
- In 2000, a wireless telecommunications facility was approved for the MVWD site within the former fire hose drying tower on the site. Two (2) wireless carriers have been approved for the facility under Case Nos. 2000-8 and 2000-30.

### **Planning Division Comments**

Overall, staff finds the proposed project to be appropriate and in keeping with the development standards of the underlying zoning district, including setback and height limits. Moreover, the proposed accessibility improvements to the interior and exterior of the building would provide a benefit to all the users of the building. Parking for the project is adequate to accommodate MVWD staff working in the building and for visitors to the building, even during construction. Other employees of MVWD park on other portions of the agency's property.

Architecturally, staff believes the new building addition and renovated front entry will enhance the appearance of the existing building. The new tower-like design of the addition will create a more discernible and visually interesting front entry statement, which the existing building lacks. Coupled with revised landscaping, including the removal of some overgrown trees, the new addition project will open up the view to the building and make it appear more inviting.

Lastly, staff notes that based on the rendering provided by the architect, the new building addition would provide an opportunity to install a new identification sign. If a new building-mounted or freestanding identification sign is being considered, then staff recommends that MVWD work with staff to find the appropriate placement and a high quality design for the new sign that would be consistent with the new improvements.

## **Public Notice**

None required.

## **Environmental Assessment**

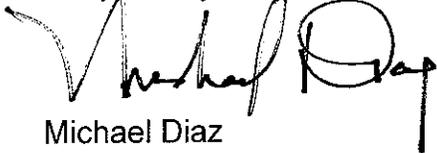
The proposed project involves only modest changes to the building and surrounding site to accommodate a new elevator and expanded lobby for the existing two-story office building and new site work to improve access and parking for disabled persons. As such, the project is found to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the CEQA Guidelines.

## **Planning Division Recommendation**

Staff recommends 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 per Section 15301 of the State CEQA Guidelines.
  
- B. Move to approve a Precise Plan of Design under Case No. 2011-10 to allow a new building addition to accommodate an elevator and expanded lobby area and new site work to improve access and parking for disabled individuals at the existing two-story administration building of the Monte Vista Water District (MVWD) at 10575 Central Avenue, per the submitted plans, as described in the staff report, and subject to the conditions of approval contained in Resolution No. 11-1747.

Respectfully Submitted,



Michael Diaz  
City Planner

MD/lb

- c: Van Jew, Monte Vista Water District, 10575 Central Avenue, Montclair, CA 91763  
Brian R. Bloom Architect, 350 South Milliken Avenue, Suite G, Ontario CA 91761

Z:\COMMDEV\MD\CASES\2011-10 PC REPORT

**RESOLUTION NUMBER 11-1747**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A PRECISE PLAN OF DESIGN UNDER CASE NUMBER 2011-10 FOR ACCESSIBILITY IMPROVEMENTS TO THE ADMINISTRATION BUILDING OF THE MONTE VISTA WATER DISTRICT AT 10575 CENTRAL AVENUE (APN 1011-052-12)**

A. Recitals.

**WHEREAS**, the Monte Vista Water District (MVWD), owner of property at 10575 Central Avenue, filed an application for a Precise Plan of Design (PPD) for accessibility improvements to its administrative building on August 26, 2011; and

**WHEREAS**, the proposed improvements to the MVWD facility are intended to improve accessibility to the main building and adjacent parking area, which includes a modest two-story addition to accommodate a new elevator and expanded lobby area, compliant disabled-accessible parking spaces, and a path of travel to accommodate access from the public street to the main entry of the administrative building; and

**WHEREAS**, the new elevator addition will allow full access to offices and the boardroom located on the second floor of the building; 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 15301 of the CEQA Guidelines, in that the proposed project involves only modest changes to the building and surrounding site to accommodate a new elevator, an expanded lobby for the existing two-story office building, and new site work at the building's entry to improve access and parking for disabled individuals. As such, the project is found to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the CEQA Guidelines; and

**WHEREAS**, on September 26, 2011, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a meeting at which time all persons wishing to testify in connection with said project were heard and said proposal was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced hearing on September 26, 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, and good planning principles, and approves the application subject to each and every condition set forth below.

Planning

1. This Precise Plan of Design (PPD) approval is for improvements to the Monte Vista Water District (MVWD) administration building at 10575 Central Avenue, as described in the staff report and depicted on approved plans on file with the Planning Division. The approved improvements include the following:
  - a. A two-story, 194 square-foot building addition to the south side of the building to accommodate a new elevator and an expanded lobby area for the building; and
  - b. Addition of two (2) compliant disabled-accessible parking spaces (including 1 van-accessible space) to the east of the remodeled main building entrance; and
  - c. Addition of a concrete path of travel leading from the public sidewalk on Central Avenue to the main entrance of the administration building.
2. PPD approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward eventual construction 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.
3. Within five days of approval, the applicant shall submit a check to Planning Division staff 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."
4. 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.

5. Any modification, intensification, or expansion of the improvements and/or use beyond that which is specifically approved with this approval shall require review and approval by the Planning Commission.
6. The use of the following temporary modular trailers (or similar structures) shall be allowed on site for the duration of construction activities:
  - a. One (1) temporary modular office trailer (24' x 60') for the purpose of maintaining public business operations at the facility; and
  - b. One (1) temporary construction office trailer; and
  - c. One (1) sea container (or similar) for storing construction tools, supplies and/or materials.
7. The modular trailers (or similar structures) identified in Condition No. 6 shall be placed on the site in a manner that does not obstruct or occupy excessive number of on-site parking spaces that are needed for MVWD employees and customers/visitors.
8. When construction is completed, all temporary trailers (or other structures) shall be removed from the site, and any damage to property caused by the placement and/or use of said temporary units/structures shall be promptly repaired to original (or better) condition than that existed prior to their use.
9. No permanent building-mounted or monument signs are approved as part of this entitlement. Should the applicant desire to install any business identification signs, plans shall be submitted to the Planning and Building Divisions for review and approval prior to installation of said sign(s).
10. Any exterior lighting shall incorporate illumination sources of an appropriate wattage so as to not create any nuisance glare to the adjacent parking areas, private roadways, public rights-of-way, or neighboring properties. Should the applicant desire to install any building-mounted wide area lighting, it shall consist of fixtures set at 90 degrees to the building wall and incorporating full cut-off lenses so as to direct illumination down to the surface to be illuminated. The use of wall packs, barnlighters, or other similar unshielded luminaires on the property shall be prohibited.
11. Mechanical equipment, including, but not limited to, utility meters, air conditioners, and repair equipment 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

fencelike screens/covers are not appropriate with the context of a commercial or industrial development and therefore are not allowed.

12. No surface mounted or exposed conduit or electrical lines shall be allowed. Electrical switchgear, meters, etc. shall be screened or housed in an enclosure to the extent allowed by the utilities.
13. All graffiti and other forms of vandalism and damage to the subject improvements shall be immediately removed and/or repaired or within 72 hours of an issued notice by the City.
14. The applicant and/or property owner shall ensure that a copy of the Planning Commission Resolution be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
15. The applicant shall agree to defend, at its sole expense, any action brought against the city, its agents, officers, or employees because of the issuance of this approval; or, in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of his obligations under this condition. The applicant and/or property owner shall ensure that a copy of the Planning Commission resolution or approval letter, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.

#### Building

16. 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 detailed plans for all walls and fencing associated with the project.

- 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. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
17. Before any trailer is set in its location, the applicant shall obtain all applicable permits from the Building Division. Plans and structural calculations shall be required for the tie-down devices.
  18. Trailers used for public use are required to be disabled-accessible by means of ramps which comply with the California Building Code (CBC) 2010 Edition, Chapter 11B, in addition to access to each feature of the trailer.
  19. Trailers used for public use (and not used for construction only) shall provide an access way to public transportation that complies with the CBC, Chapter 11B.
  20. All concrete and asphalt work shall be of a well fit and durable nature. The proper grading of walks, sidewalks, drives and yards shall be required. A minimum thickness of 3½ inches for flat concrete work and 2½ inches for asphalt paving is required. All exterior flat work shall include breaks for expansion.
  21. Required disabled-accessible parking shall be provided. The appropriate number of spaces, as determined by Chapter 11 of the California Building Code, shall be provided. 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 unloading zone shall have no more than 2% slope in any direction. The unloading zone cannot include ramps. The space and unloading zone shall be striped in blue with the applicable design as called out in the 2010 California Building Code, Section 1129B.
  22. Security gates leading to the entrance of the building shall be equipped with Medeco locks or other acceptable devices to allow access by emergency personnel and utility providers at all times.
  23. All mechanical devices and their component parts, such as elevator equipment, vents, transformers, or similar equipment, whether located on the ground or on the roof of the structure, shall be concealed on all sides

from public view in a manner that is compatible with the architectural design of the building and to the satisfaction of the Planning Division.

24. Fire sprinkler risers and roof access ladders shall be located entirely within the enclosed building.
25. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357.
26. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
27. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
28. 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.
29. A Certificate of Occupancy is required prior to occupancy of the subject building. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
30. Prior to issuance of a Certificate of Occupancy, the applicant shall submit to the Building Division electronic images of all plans and records, which are submitted for the purpose of obtaining a building permit, to the Building Division. Electronic images shall meet the City's Electronic Archiving Policy.
31. A permit shall be obtained from the State of California for the elevator and shall be given final approval before a final inspection from the Building Division can be performed.

Fire

32. The applicant shall contact the Fire Marshal's Office to determine Fire Department requirements for the approved project. The Fire Marshal's Office may be reached at (909) 447-3550.

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

APPROVED AND ADOPTED THIS 26TH DAY OF SEPTEMBER, 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 26th day of September, 2011, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

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