



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

REGULAR ADJOURNED MEETING
Monday, June 25, 2012
7:00 p.m.

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

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Chair Tenice Johnson, Vice Chair Luis Flores, Commissioner Maynard Lenhart, Commissioner Sergio Sahagun, and Commissioner Don Vodvarka

4. APPROVAL OF MINUTES

The minutes of the May 29, 2012 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 2012-8
- Project Address: 5688 Holt Boulevard, Unit B, and
10462 Benson Avenue
- Project Applicant: Senyan "Sam" and Jennifer Meng for
Iglesia Aliento De Vida (Church)
- Project Planner: Silvia Gutiérrez, Assistant Planner
- Request: Conditional Use Permit to allow the
establishment of a church use

7. INFORMATION ITEMS

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

8. PUBLIC INSPECTION OF MATERIALS

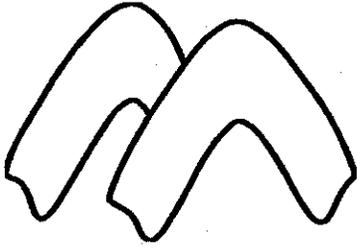
Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of July 9, 2012 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California.

CERTIFICATION OF AGENDA POSTING

I, Laura Berke, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda was posted on the bulletin board adjacent to the south door of Montclair City Hall on June 21, 2012.



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 06/25/12

AGENDA ITEM 6.a

Case No.: 2012-8

Application: Conditional Use Permit (CUP) request to allow a church use in two combined lease spaces at an existing multi-tenant commercial development.

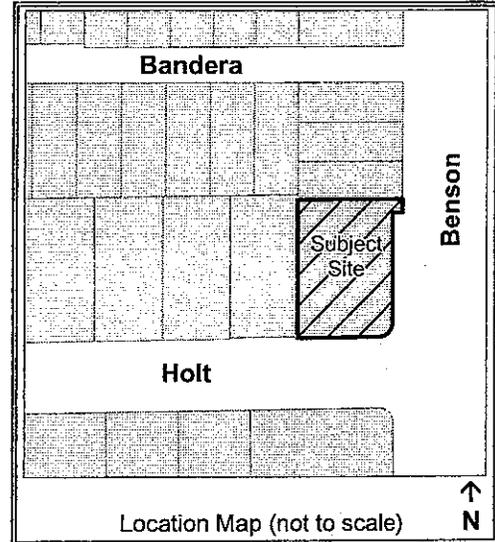
Project Address: 5688 Holt Boulevard, Unit B

Property Owners: Senyan "Sam" and Jennifer Meng

General Plan: General Commercial

Zoning: "Commercial" per Holt Boulevard Specific Plan

Assessor Parcel No.: 1010-581-56



EXISTING SITE FEATURES/CONDITIONS

Structures: Multi-tenant commercial building

Parking: 27 parking spaces (including 1 disabled-accessible space and loading zone)

City/Public Utility Easements: None

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

ADJACENT LAND USE DESIGNATIONS AND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Multi-tenant commercial building
North	Low Density Residential	"Commercial" per Holt Boulevard Specific Plan	Single-Family Residential
East	High Density Residential (City of Ontario)	"C-3" (Commercial Service)	Commercial
South	General Commercial	"Business Park" per Holt Boulevard Specific Plan	Commercial
West	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Commercial

Report on Item Number 6.a

PUBLIC HEARING - CASE NUMBER 2012-8

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	Senyan "Sam" and Jennifer Meng for Iglesia Aliento de Vida (Church)
LOCATION OF PROPERTY	5688 Holt Boulevard, Unit B
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	"Commercial" per Holt Boulevard Specific Plan
EXISTING LAND USE	Multi-tenant commercial building
ENVIRONMENTAL DETERMINATION	Categorical Exemption – Section 15301 (Existing Facilities)
PROJECT PLANNER	Silvia Gutiérrez

Project Description

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow a church use at the subject location. The subject lease space in question is approximately 2,081 square feet in size and is located at the east end of the existing one-story commercial building at the northwest corner of Holt Boulevard and Benson Avenue.

The proposed church, Iglesia Aliento de Vida (Breath of Life Church), currently has 15-25 members. Main services/meetings are conducted on weekends, with Sunday services occurring between the hours of 11:00 a.m. and 1:00 p.m. Mid-week services are conducted on Wednesday and Friday evenings between the hours of 7:00 p.m. and 9:30 p.m. During the regular business hours of the week, the tenant space would be occupied by a few staff members working in the church offices. Minor interior improvements to create two smaller rooms are proposed, but there would be no significant changes to the exterior of the building. Some modifications to the existing parking lot to accommodate accessible parking spaces would be required.

Background

- Churches, synagogues, temples or other houses of worship are allowed in the "Commercial" (C) land use district of the Holt Boulevard Specific Plan subject to the approval of a CUP. A CUP does not change the underlying zoning of property.
- The property is currently developed with two (2) separate buildings (5876 and 5688 Holt Boulevard). One building (5876) houses an auto repair business while the subject building (5688) is approximately 6,000 square feet in size and is divided into two (2) lease spaces, the largest of which houses a retail sign company. The property has 28 on-site parking spaces.

- City building records indicate that the site was originally developed in the 1950s, most likely as a gas station which was later demolished in the late 1960s. Subsequent remodeling to the subject building (5688 Holt) occurred around 1972-73 into its current configuration. In 2010, a new parapet was installed on the subject building.

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 activities of the proposed church use without significant impact. The site is fully developed, in sound condition, and appears to be properly maintained. However, staff has noted a few items regarding the physical condition of the property that need attention. Signage on the east-facing storefront windows needs to be removed, and doors need to be installed on the existing trash enclosure, which directly faces the street. These items have been added as conditions of approval for the project.

The new church use is not expected to cause adverse impacts to any adjacent uses, as all activities at the church would be conducted entirely within the building and the main services/meetings would occur during off-peak hours, such as evenings during the week and on Sundays. At this point, the only other businesses on the site are an auto glass repair shop in one building and the retail sign company in the subject building. Both businesses have typical retail hours (8:00 a.m. to 5:00 p.m. Monday thru Saturday), so the potential for use conflicts or lack of parking 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. There are 13 parking spaces directly in front of the lease space that would be available to the church to use during the times they meet. As such, the 13 parking spaces would allow up to 78 seats. Staff believes this number of seats is appropriate as a maximum number and gives the church some flexibility for moderate growth before needing to find another location in the future if and when it reaches its occupancy limit. In order to comply with Building Code requirements for access, some modification to the front parking lot will need to be completed to incorporate the required path of travel and meet current standards for disabled-accessible parking spaces. A condition requiring the submittal of a revised parking plan has been added as a condition of approval for the project.

The church use would not result in excessive or burdensome use of existing streets, transportation facilities, utilities or schools. Vehicular access to the site is appropriate via existing driveways, which are fully improved and directly connected to improved public roadways. Public transit is also available on Holt Boulevard, which may be of benefit for some church members. Therefore, the proposed religious use in relation to parking requirements or effects on the roadway infrastructure and potential operational conflicts would not be significant.

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

Findings

- A. The proposed use is essential or desirable to the public convenience and public welfare, in that the church use would provide its adherents a place to worship within in an appropriately located and properly developed site.
- B. Granting of the conditional use permit for the proposed church permit at the subject site will not be materially detrimental to the public welfare and other property in the vicinity. Religious services at the site would be held entirely within the building and occur generally during off-peak hours so as not to have a significant impact on other businesses or activities of the center.
- C. The proposed use conforms to good zoning practices and development standards and is consistent with the Montclair Municipal Code. The church use would be located on a property of adequate size, shape, and development to accommodate the proposed use and its parking requirements. The proposed religious use would not have a substantial adverse effect on traffic circulation, access, and the provision of parking in the existing center or 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 June 15, 2012. Public hearing notices were mailed property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, no comments or inquiries had been received by staff regarding the proposal.

Environmental Assessment

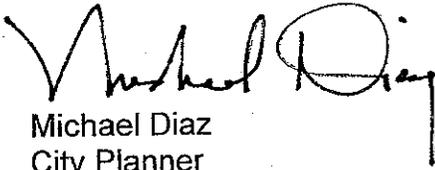
The project qualifies as a Class 1 exemption under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, which exempts projects involving little to no expansion of existing structures or uses. The project does not involve an expansion of the existing structure. Moreover, there will be no impact on fish and wildlife with this project.

Planning Division Recommendation

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

1. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301, which exempts projects involving little to no expansion of existing structures or uses.
2. Move to approve a Conditional Use Permit under Case No. 2012-8, subject to making the required findings, and subject to the conditions as described in attached Resolution Number 12-1760.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Diaz". The signature is stylized with a large, looped "D" and a long, sweeping underline.

Michael Diaz
City Planner

MD/ib

Attachments: Draft Resolution of Approval for Case 2012-8

RESOLUTION NUMBER 12-1760

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING CASE NO. 2012-8, A CONDITIONAL USE PERMIT TO ALLOW A CHURCH USE IN THE "COMMERCIAL" LAND USE DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN AT 5688 HOLT BOULEVARD, UNIT B (APN 1010-581-56).

A. Recitals.

WHEREAS, Senyan "Sam" and Jennifer Meng, property owners, filed an application for a Conditional Use Permit (CUP) to allow a church use at 5688 Holt Boulevard, Unit B, on May 7, 2012; and

WHEREAS, the subject site is located in the "Commercial" land use district of the Holt Boulevard Specific Plan, which allows church uses subject to the approval of a CUP upon review of applicable development standards and the review of land use compatibility with surrounding properties; and

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

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 June 25, 2012, 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 June 25, 2012, 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 of the conditional use permit for the proposed church permit at the subject site 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 use would be located on a property of adequate size, shape, and development to accommodate the proposed use and its parking requirements. The proposed religious use would not have a substantial adverse effect on traffic circulation, access, and the provision of parking in the existing center or 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.
3. 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
 4. 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 meetings at 5688 Holt Boulevard, Unit B, as described in the staff report and depicted on approved plans. Said approval shall be limited to one (1) lease space of approximately 2,081 square feet in area. A day care facility or private school use is not a part of this approval. Kitchen/cooking facilities are 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) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
 - a. A check in the amount of \$50, payable to "Clerk of the Board of Supervisors," to cover the County administrative fee for filing a Notice of Exemption as required by the California Environmental Quality Act (CEQA).
 - b. A check in the amount of \$413.66, payable to "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.
4. No modification, intensification, or expansion of the use, including an increase in the floor area or occupancy load beyond that which is specifically approved with this CUP, shall be allowed without prior review and approval by the Planning Commission.
5. A copy of the signed Resolution of Approval with all conditions of approval shall be maintained on the premises at all times, and shall be made available upon request for viewing to any law enforcement officer, fire, building, or code enforcement inspector in the course of conducting an official inspection on said premises.
6. Services shall be limited to Sundays and weekday evenings (Monday through Saturday) after 6:00 p.m. The building may be used by the church for non-worship administrative activities during regular daytime hours for church offices/ administration and or committee meetings.
7. Seating capacity in the sanctuary shall not exceed a maximum of 78 persons or a lesser capacity as required by the property owner.

Seating of 78 persons is based on the use of the 13 parking spaces immediately available at the front of the subject lease space.

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 church meetings and associated activities shall occur indoors at all times. Any outdoor event or displays shall be subject to City review and approval of a Special Event Permit.
12. Prior to the commencement of church services at the subject location, the property owner shall complete the following items subject to the satisfaction of the City Planner:
 - a. Remove all abandoned window signage from the east-facing storefront windows.
 - b. Install doors on the existing trash enclosure per City standards.
 - c. Submit a parking lot plan showing the incorporation of the required ADA path-of-travel for City review and approval.
13. The gate for the parking area at the rear of the building shall be closed and locked at all times the existing business(es) or church use is not in operation.
14. 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.
15. 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.

16. 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.
17. 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.
18. 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.
19. 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.
20. 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.

21. 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

22. Submit four (4) complete sets of plans including the following:
 - a. Site/Plot Plan;
 - b. Floor Plan;
 - c. Reflected Ceiling Plan;
 - d. Electrical Plans, including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
 - e. Plumbing plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning.
 - f. Provide an existing plan of the building including all walls to be demolished.
 - g. Waste recycling plan, recycling 50% of all construction debris.
23. The applicant shall comply with the latest adopted California Building Code, and other applicable codes, ordinances and regulations in effect at the time of permit application. These applicable codes shall be indicated on the first page of submitted plans.
24. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
25. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
26. 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 Fee, Permit and Plan Check Fees, and 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 Division prior to permit issuance.

27. 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%).
28. Construction drawings submitted to the Building Division for plan review shall comply with Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. 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 be in a contrasting color which adequately contrasts with the background to which they are attached.
 - b. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn every day.
 - c. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.
29. A Certificate of Occupancy is required prior to the occupancy of the building. Issuance of the Certificate of Occupancy shall be contingent upon the Fire Department inspection and the final approvals from other departments and/or agencies.
30. Prior to the issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Building Division electronic images of all plans and records, which were submitted for the purpose of obtaining a building permit. Electronic images shall comply with the City's Electronic Archiving Policy.
 - b. Install all disabled-accessible parking stalls and associated parking lot signage.

Fire

31. Any modifications to the floor plan of the subject lease space shall be reviewed by the Fire Marshal to ensure that existing fire suppression system (e.g., sprinklers, alarm, detection, etc.) has not been compromised. Applicant shall submit three (3) complete sets of the sprinkler system plans directly to the Fire Marshal's Office for approval prior to any tenant improvements involving the addition or removal any walls within the lease space.
32. Since the structure is to be used for the purpose of public assembly, the developer/architect shall contact the Fire Marshal's Office for requirements prior to submission of building plans. The Fire Marshal's Office may be reached at (909) 447-3550.
33. In those structures covered by CAC Title 19, all drapes, hangings, curtains, drops, and all other decorative material shall be made from non-flammable material, or shall be treated and maintained in a flame-retardant condition, by means of a flame-retardant solution or process approved by the State Fire Marshal.
34. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of normal lighting.
35. All Montclair Fire Department fees are due prior to any permit issuance.

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

APPROVED AND ADOPTED THIS 25TH DAY OF JUNE, 2012.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, 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 25th day of June, 2012, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SG\CASES\2012-8\ RESO12-1760