



MONTCLAIR

CITY OF MONTCLAIR
PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS

5111 Benito Street, Montclair, California 91763

REGULAR ADJOURNED MEETING

Monday, July 23, 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 Lenhert, Commissioner Sergio Sahagun, and Commissioner Don Vodvarka

4. APPROVAL OF MINUTES

The minutes of the June 25, 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 2012-9
 - Project Address: 4027 Holt Boulevard
 - Project Applicant: United Capital Investments LLC for Killer Tattoos
 - Project Planner: Michael Diaz, City Planner
 - Request: Conditional Use Permit to allow a tattoo studio

- b. PUBLIC HEARING - CASE NUMBER 2012-10
 - Project Address: Thomas R.C., Inc. for Dollar Mania
 - Project Applicant: 9537 Central Avenue
 - Project Planner: Silvia Gutiérrez, Assistant Planner
 - Request: Conditional Use Permit to allow a convenience market

- c. PUBLIC HEARING - CASE NUMBER 2012-11
 - Project Address: 5462 Holt Boulevard
 - Project Applicant: Enterprise Rent-a-Car of L.A., Inc.
 - Project Planner: Silvia Gutiérrez, Assistant Planner
 - Request: Conditional Use Permit amendment to allow auto sales with outdoor display

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

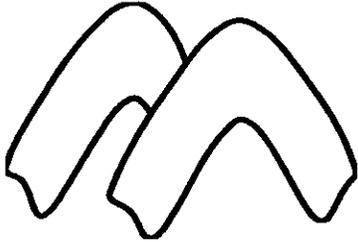
Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of August 13, 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 July 19, 2012.



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 07/23/12

AGENDA ITEM 6.a

Case No.: 2012-9

Application: CUP for tattoo studio

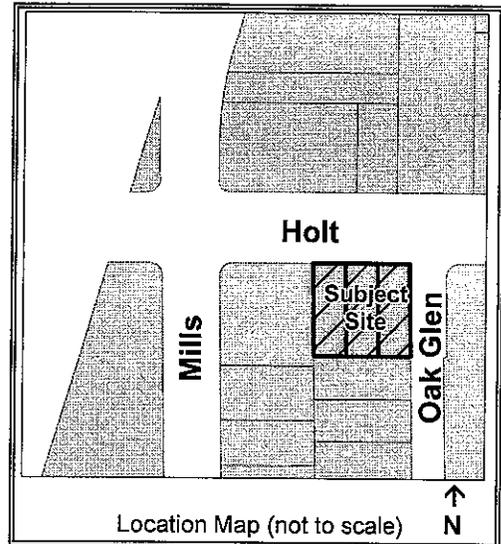
Project Address: 4027 Holt Boulevard, Suite B

Property Owner: United Capital Investments, LLC

General Plan: Business Park

Zoning: Business Park per Holt Boulevard Specific Plan

Assessor Parcel No.: 1012-021-15



EXISTING SITE FEATURES/CONDITIONS

Structures: Existing commercial building

Parking: 24 shared parking spaces (including 3 disabled-accessible spaces)

City/Public Utility Easements: None

ADJACENT LAND USE DESIGNATIONS AND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	Business Park	Business Park per Holt Boulevard Specific Plan	Vacant Tenant Space in Existing Commercial Building
North	Business Park	Business Park per Holt Boulevard Specific Plan	Retail Development across Holt Boulevard
East	Business Park	Business Park per Holt Boulevard Specific Plan	Auto Repair
South	Business Park	Business Park per Holt Boulevard Specific Plan	Vacant Building and Property Approved for a Church Use
West	Business Park	Business Park per Holt Boulevard Specific Plan	Auto Repair uses

Report on Item Number 6.a

PUBLIC HEARING – CASE NUMBER 2012-9

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	United Capital Investments LLC
LOCATION OF PROPERTY	4027 Holt Boulevard, Suite B
GENERAL PLAN DESIGNATION	Business Park
ZONING DESIGNATION	Business Park per Holt Boulevard Specific Plan
EXISTING LAND USE	Vacant Commercial Building and Tenant Space
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Michael Diaz

Project Description

The applicant is requesting approval of a Conditional Use Permit (CUP) to establish a tattoo studio in a lease space of approximately 500 square feet in a portion of an existing commercial building just west of the southwest corner of Holt Boulevard and Oak Glen Avenue. The tattoo shop would be known as "Killer Tattoos." The business would have two employees and is proposed to be open for business six (6) days a week (closed on Tuesdays) between the hours of 10:00 a.m. to 10:00 p.m.

The subject lease space consists of two rooms and the applicant would be making minor interior changes (paint, floor covering, etc.) for the business. The proposed floor plan indicates a waiting area, counter display cases, a tattoo desk and bed, storage cabinet, and a new sink. Restrooms are available within the building just behind the subject lease space. Access to the restrooms is from an exit door at the rear of the tenant space.

A site plan of the subject property and a copy of the proposed floor plan of the tenant space are enclosed in the Commission packets for reference.

Background

- The subject property is the middle lot of three (3) separate but adjoining properties owned by the same property owner - United Capital Investments LLC. Of the three properties, two are developed with two commercial buildings and shared parking. The third lot, on the corner of Holt Boulevard and Oak Glen Avenue, is undeveloped and is enclosed by a chain link fence to prevent dumping. The subject building was constructed in 1960. The rear building at 4029 Holt Boulevard, built in 1963, is currently occupied by a church use.

- Section 11.78.030.D.7 of the Montclair Municipal Code requires approval of a Conditional Use Permit for businesses engaging in dermagraphics, which includes tattooing, body art, and body piercing.
- According to California Health and Safety Code 119303(a), every person engaged in the business of tattooing, body piercing, or permanent cosmetics is required to register with the Health Department of the County in which they are doing business. Furthermore, the operator and technicians providing these services must be certified and licensed by the San Bernardino County Department of Health Services.

Planning Division Comments

Staff believes the proposed tattoo studio is appropriate for the subject location. While there may be differing opinions on tattoo establishments in general, tattoo studios have similar characteristics to other personal service businesses in that it involves the services of an artist/practitioner. Much depends on the manner in which the business is operated that ultimately determines how it is perceived and whether it is a success or failure. Although this is the business owner's first venture, staff is confident that he has a satisfactory grasp on the operational procedures necessary to operate the establishment in a professional manner. Further, it is in the property owner's best interest that this business does not create a nuisance to neighboring businesses.

While there are existing residential uses to the south of the property (the nearest home is approximately 65 feet away), the proposed lease space for the business faces directly to, and is accessed from Holt Boulevard. As such, business activity for this use will be oriented away from Oak Glen Avenue where the houses are located. Staff has added a condition that all customer access to the shop be limited to the front door on the north side of the building. Staff also believes the proposed business hours for the shop are reasonable and should not adversely impact the nearby residential properties during any night of the week. Although staff has no objection to the business being open seven (7) days a week, the applicant intends to be closed at least one day a week (Tuesdays).

Moreover, the undeveloped lot between the subject property and nearest residence has been approved to be a secured parking area for a church use that is proposed to be located in an existing building which fronts onto Mills Avenue. When developed the adjacent church parking lot will serve to buffer and separate the uses (including the tattoo studio) on the subject property from the nearest residence.

The site is sufficiently developed to support the proposed use, including on-site parking. Paved parking areas exist on the south and west sides of the property. The west parking lot is striped for 16 spaces including disabled-accessible parking spaces. These spaces are the closest to both buildings on the site and are available for use by all tenants. The south parking area is not striped but could accommodate another 10 to 12 parked vehicles. Two driveways provide easy access to the property, one from Holt Boulevard and the other from Oak Glen Avenue.

In the adjacent building to the west of the subject site, there is another church use which shares the existing parking area. Based on staff visits to the site, it appears that the

existing church has a typical service schedule that includes some weeknight services and on Sunday mornings. Most of the week during regular business hours, there is very little activity at the church so that there will likely be little to no conflict between the uses. On Sundays, the church has the option of using the parking area on the south side of the subject site, which is also close to its entrance. The south parking area is not striped but is not used unless needed for overflow parking.

As mentioned above, staff believes that there will be little conflict given the existing church's off-peak hours of operation and the relatively low volume of traffic expected at the tattoo studio. Actual tattoo work involves a substantial commitment of time, and the artist can only work on one person at a time, so excessive numbers of customers are not anticipated. When church services do occur simultaneously, the tenants have the option to use the rear parking area if needed.

Public Health and Safety

All tattoo, permanent cosmetics and body piercing establishments are required to be licensed by the San Bernardino County Health Department. The Health Department's licensing procedures require all practitioners within a tattoo establishment to maintain a current registration issued by the Department and must be in compliance with all health, safety, sanitization, and sterilization standards of the County's ordinance. Practitioners must post their certificates of registration at their work stations. All establishments are subject to unannounced visits by County Health inspectors and all employees must have attended an approved blood borne pathogens exposure control training, and a Hepatitis B Vaccination certification or declination form.

In addition to the licensing, the Health Department provides practitioner regulations, general and specific "practices and procedures," sterilization standards, and facility requirements. All enforcement activities of Health Department regulations including notices of violation, citations, administrative penalties, administrative hearings and appeals are all administered by the County. Although tattoo studios typically target an adult clientele, California law requires tattooing or piercing practitioners to verify the age of its clients. All clients must be at least 18 years of age with either valid photo identification or a notarized authorization letter from the parent or legal guardian. Violation of this requirement is a misdemeanor.

With regard to public safety, staff is not aware of any significant problems associated with existing tattoo studios in the City. According to the Police Department, there is nothing to indicate increased crime activity or other negative effects associated with this type of use. The only likely concern the Police Department has is the potential for loitering, or "hanging out" around the business. Staff believes that since the business proposes no other uses such as juice bar, coffee shop, or other retail activities, loitering will not be a significant issue. It is the City's expectation that the business owner and property owner will make every effort to discourage clients or would-be clients from loitering on or about the property. However, to address this concern, staff has included two conditions, one which requires the posting of a "No Loitering" sign, and the other prohibiting persons under age 18 from being on the premises during business hours unless accompanied by a parent or

legal guardian. Staff believes that if operated properly per the conditions of approval, the proposed tattoo studio would be appropriate and not detrimental to the surrounding area.

Property Condition and Maintenance

Whenever a discretionary action by the City is considered for approval, staff surveys the subject property to identify any existing substandard conditions. During visits to the property, staff identified the following items in need of immediate attention by the property owner:

- Cut down and/or remove weeds from the vacant lot portion of the property and adjacent parking areas (west and south of the subject building).
- Remove any and all dumped items and/or materials from the rear of the subject building.
- Properly maintain existing landscaping along the Holt Boulevard frontage of the property. The condition of the existing plant materials is satisfactory but should be more frequently maintained to ensure continued health and appearance.

Conditional Use Permit Findings

Staff finds the request to operate a dermagraphics (tattoo) studio within an existing commercial building is consistent with the Montclair Municipal Code and believes the necessary findings for granting a CUP can be made as follows:

- A. The proposed use is essential or desirable to the public convenience and public welfare, in that the tattoo studio use provides the public with an approved and licensed venue to receive dermagraphics, body art and body piercing services from a legitimate and properly licensed business. Moreover, the services offered by the tattoo studio are desired by many members of the community.
- B. That granting of the permit will not be materially detrimental to the public welfare and to other property in the vicinity, in that the use will be generally compatible with the mix of established businesses along the commercial sections on Holt Boulevard. Further, conditions of approval have been added to address concerns regarding the operation of the tattoo business and the appearance of the existing site on which it is located.
- C. The proposed tattoo studio conforms to good zoning practice, in that the use would be within an existing commercial building which has been used for various retail and service uses throughout the years. The proposed tattoo studio is subject to the approval of a Conditional Use Permit as required by Chapter 11.78 of the Montclair Municipal Code, and is generally compatible with the Business Park zoning designation of the Holt Boulevard Specific Plan, which allows personal services uses such as beauty and barber shops. More specifically, the dermagraphic services provided at a tattoo studio are broadly consistent with the term "personal

services," in that the services rendered to customers are provided by a state licensed and regulated artist or practitioner.

- D. That such use at such location is not contrary to the objective of any part of the adopted General Plan, in that the General Plan recognizes the need for a variety of commercial uses and specialized personal services that cater to the diverse desires and needs of the community.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on July 13, 2012. Public hearing notices were mailed out to property owners within a 300-foot radius of the subject property 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 this proposal.

Environmental Assessment

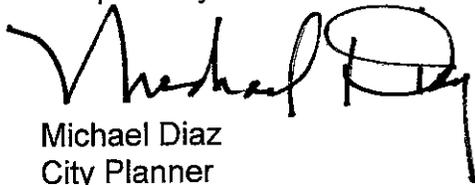
The project qualifies as a Class 1 exemption under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, which exempts projects involving little to no expansion of existing structures or uses. The project does not involve an expansion of the existing structure or a fundamental change in the type of uses permitted by the underlying zoning code. As such, a DeMinimis finding of no impact on fish and wildlife will be prepared.

Planning Division Recommendation

Staff finds the proposed development to be consistent with the Montclair Municipal Code, the Holt Boulevard Specific Plan, and the adopted General Plan; therefore, approval of Case No. 2012-9 is recommended by taking the following actions:

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.
2. Move to grant a CUP for the proposed dermagraphics (tattoo) studio, by making the four required findings and subject to the conditions of approval contained in attached Resolution No. 12-1761.

Respectfully Submitted,



Michael Diaz
City Planner

MD/lb

RESOLUTION NUMBER 12-1761

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2012-9 TO ALLOW A DERMAGRAPHS (TATTOO) STUDIO IN THE BUSINESS PARK LAND USE DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN AT 4027 HOLT BOULEVARD, SUITE B (APN 1012-021-15).

A. Recitals.

WHEREAS, on June 21, 2012, United Capital Investments LLC, property owner, filed an application for a Conditional Use Permit (CUP) on behalf of Jose Guijosa, proprietor of Killer Tattoos, to allow a dermagraphics (tattoo) studio; and

WHEREAS, this application applies to a lease space of approximately 500 square feet in floor area and identified as Suite B of the commercial building located at 4027 Holt Boulevard; and

WHEREAS, the subject site is located within the Business Park land use district of the Holt Boulevard Specific Plan; and

WHEREAS, Section 11.78.030.D.7 of the Montclair Municipal Code requires approval of a Conditional Use Permit for businesses engaging in dermagraphics, including tattooing, body art, and body piercing; and

WHEREAS, the tattoo business operator and technicians providing said services must be certified and licensed by the San Bernardino County Department of Health Services; and

WHEREAS, The business owner/operator has indicated his commitment to obtain the required certification and operate the business in a manner that meets or exceeds all professional standards in terms of training and supervision, strict adherence to age guidelines and parental consent, cleanliness, health code, and proper waste disposal policy as prescribed by the San Bernardino County Health Department; and

WHEREAS, the business owner/operator is prohibited from rendering tattoo services to minors under 18 years of age without written parental consent per State Health and Safety Code Sections 119300 through 119309, inclusive; and

WHEREAS, staff has determined that the proposal meets the intent and requirements of the ordinance for such use and the applicable development standards of the "Business Park" land use district of the Holt Boulevard Specific Plan; and

WHEREAS, Planning Division staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1), in that the proposal would not involve an expansion of the existing structure or result in a fundamental change in the type of uses permitted by the underlying zoning code. 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 with staff's determination of exemption and directs staff to prepare a Notice of 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 July 23, 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 application were heard, and said application was fully studied.

A. 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 July 23, 2012, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:

Conditional Use Permit Findings

- A. The proposed use is essential or desirable to the public convenience and public welfare, in that the tattoo studio use provides the public with an approved and licensed venue to receive dermagraphics, body art and body piercing services from a legitimate and properly licensed business. Moreover, the services offered by the tattoo studio are desired by many members of the community.
- B. That granting of the permit will not be materially detrimental to the public welfare and to other property in the vicinity, in that the use will be generally compatible with the mix of established businesses along the commercial sections on Holt Boulevard. Further, conditions of approval have been added to address concerns regarding the operation of the tattoo business and the appearance of the existing site on which it is located.

- C. The proposed tattoo studio conforms to good zoning practice, in that the use would be within an existing commercial building which has been used for various retail and service uses throughout the years. The proposed tattoo studio is subject to the approval of a Conditional Use Permit as required by Chapter 11.78 of the Montclair Municipal Code, and is generally compatible with the Business Park zoning designation of the Holt Boulevard Specific Plan, which allows personal services uses such as beauty and barber shops. More specifically, the dermagraphic services provided at a tattoo studio are broadly consistent with the term "personal services," in that the services rendered to customers are provided by a state licensed and regulated artist or practitioner.
 - D. That such use at such location is not contrary to the objective of any part of the adopted General Plan, in that the General Plan recognizes the need for a variety of commercial uses and specialized personal services that cater to the diverse desires and needs of the community.
- 3. Planning Division staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA). 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 and no fundamental change in the type of uses permitted by the underlying zoning code. 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 with staff's determination of exemption and directs staff to prepare a Notice of Exemption and a DeMinimis finding of no impact on fish and wildlife.
 - 4. Based upon the findings and conclusions set forth in the paragraphs above, this Commission hereby approves the application subject to each and every condition set forth below.

Planning

- 1. The Conditional Use Permit (CUP) shall be granted to allow the operation of a dermagraphics (tattoo) studio of approximately 500 square feet at 4027 Holt Boulevard, Suite B, as depicted on plans on file with the Planning Division and as described in the staff report. Any substantial changes to the operation, increase in floor area, or physical location shall require prior review and approval from the City of Montclair.
- 2. The proposed tattoo studio may operate daily between the hours of 10:00 a.m. and 10:00 p.m. Any changes to the approved hours shall be subject to the review and approval of the Community Development Director and/or Planning Commission.

3. All customer access to the tattoo shop shall be from the front entry on the north side of the building facing Holt Boulevard. The rear door of the lease space shall be used for employees and emergency access only.
4. This CUP approval shall be valid for a period of six (6) months from the date of Planning Commission approval. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date. Suspension of the approved use for a period of six months or more shall void the CUP for the specified use.
5. 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 \$375.44, payable to the "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.
6. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
7. The applicant and/or property owner shall ensure that a copy of the Planning Commission Resolution is posted on the premises and available for viewing upon request by Police and/or Code Enforcement personnel.
8. Approval of this CUP shall not waive the requirement for compliance with any regulations as forth in the California Building Code, City ordinances or by the San Bernardino County Health Department.
9. The applicant and all tattoo practitioners on the premises shall register with the San Bernardino County Environmental Health Department and shall comply with County regulations for tattoo establishments, including the payment of all applicable fees. All applicable federal, state and county health department requirements and rules (Chapter 7 of Part 15, of Division 104 of the Health and Safety Code, commencing with Section 119300) regulating such tattoo and body piercing operations shall be strictly adhered to, such as, but not limited to, maintaining proper

sterilization, sanitation, and safety standards; provision of wash basins, containers for needle disposal, first aid kit, and CPR certification.

10. The operator of the establishment shall obtain and maintain a current City business license at all times.
11. No persons under the age of 18 shall be allowed on the premises unless accompanied by a legal guardian or a parent.
12. Persons under 18 years of age shall not be permitted to receive tattoo or body piercing services without written consent of a parent or legal guardian pursuant to the requirements of California law. Posting of such age restriction in English and Spanish shall be conspicuous to the public.
13. No tattooing shall be administered unless the patrons are wearing appropriate clothing and/or towels that fully cover genitals. The breasts of female patrons shall be covered.
14. Only commercial quality and operable window coverings may be installed on the interior side of the lease space store front to provide privacy for clients when services are being performed.
15. Permanent building-mounted, wall-mounted or monument signs are not part of this approval. Should the applicant desire to install any business identification signs, plans shall be submitted by a duly licensed sign contractor to the Planning and Building Divisions for review and approval prior to installation of said sign(s). The applicant shall comply with the adopted sign program for the subject property and with sign regulations of the City of Montclair. All work shall be professionally installed by a duly licensed sign contractor, to the satisfaction of the City Planner.
16. 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, posters, graphics, or other window coverings (temporary or permanent) of any type shall not occupy more than 25 percent of the aggregate window area of the lease space. Flashing or animated window signs are expressly prohibited.
 - c. At no time shall pennants, inflatable signs, "human" signs, other similar advertising devices be utilized on the property or off-site.

- d. No portable signs (e.g., A-frames) shall be permitted on the exterior of the building or mounted/attached to vehicles.
17. Graffiti on the building or associated improvements shall be removed immediately by the applicant/property owner upon notification by the City. Paint utilized in covering such graffiti shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
18. The proprietor of the tattoo studio and/or property owner shall monitor and maintain the area surrounding the exterior of the business in a clean and orderly manner at all times, including the adjacent parking areas.
19. The proprietor of the tattoo studio shall take whatever reasonable steps are deemed necessary to prevent loitering and/or assure the orderly conduct of its employees, patrons, and visitors on the premises. A minimum of one (1) 'No Loitering' sign shall be installed in plain view at the business.
20. No public telephones, vending machines, or other coin-operated machines shall be located on the exterior of the building.
21. The consumption of alcoholic beverages on the property and/or within the subject lease space and property shall be prohibited.
22. This permit may be modified or revoked, after the Planning Commission has conducted a public hearing, for failure to abide by any conditions of this CUP or the Montclair Municipal Code, or in the event that the use is determined to be a nuisance to surrounding properties, businesses or the community at large.
23. To ensure compliance with the conditions of the approval, a final inspection is required from the Building and Planning Divisions upon completion of construction and all improvements. The applicant shall contact the City to schedule an appointment for such inspections.
24. 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

25. Plans and permits shall be required for any construction which will be done, including any framing, plumbing, electrical, mechanical or disabled-accessibility upgrades. Plans for construction work shall be reviewed and approved prior to permit issuance. Commencement of construction work shall not begin without the approval of plans and the issuance of a building permit. Contact the Building Division at 909/625-9477 for an appointment to submit plans.
26. All new mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, 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 and Building Divisions.
27. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. The numerical address of the building shall be displayed on the north-facing elevation.
 - b. Numerals shall be Helvetica font, minimum 10 inches in height, minimum 1½ inches in depth, and in a color that adequately contrasts with the background to which they are attached.
 - c. The facility shall be provided with a minimum maintained illumination level of one (1) foot-candle from dusk until termination of business every business day. During all other hours of darkness, a minimum of one-quarter (.25) foot-candles of illumination shall be maintained at grade.
28. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
29. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. 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 the City of Montclair Environmental Manager at 909/625-9446 for additional information.
30. 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.

31. 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.

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

APPROVED AND ADOPTED THIS 23RD DAY OF JULY, 2012.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, Chair

ATTEST: _____
Steve Lustro, Secretary

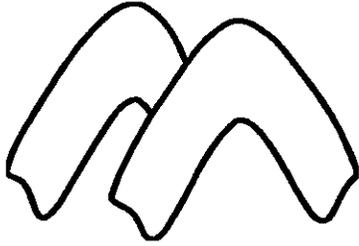
I, Steve Lustro, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 23rd day of July, 2012, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MD\CASES\2012-9 RESO



**CITY OF MONTCLAIR
PLANNING COMMISSION**

MEETING DATE: 07/23/12

AGENDA ITEM 6.b

Case No.: 2012-10

Application: Conditional Use Permit (CUP) request to operate a 1,300 square-foot neighborhood convenience market within 300 feet of a residential zone.

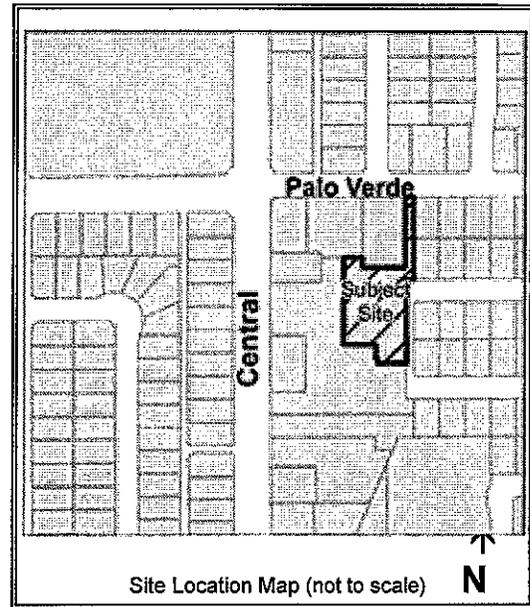
Project Address: 9537 Central Avenue

Property Owner: Thomas R.C., Inc. for Dollar Mania

General Plan: General Commercial

Zoning: C-2 (Limited Commercial)

Assessor Parcel No.: 1008-601-67



ADJACENT LAND USE DESIGNATIONS AND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	General Commercial	C-2 (Limited Commercial)	Multi-tenant retail
North	Low Density Residential	R-1 (Single-Family Residential)	Single-Family Residential
East	Low Density Residential	R-1 (Single-Family Residential)	Single-Family Residential
South	General Commercial	C-2 (Limited Commercial)	Multi-tenant retail
West	General Commercial	C-2 (Limited Commercial)	Multi-tenant retail

Report on Item Number 6.b

PUBLIC HEARING - CASE NUMBER 2012-10

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	Thomas R.C., Inc. for Dollar Mania
LOCATION OF PROPERTY	9537 Central Avenue
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	C-2 (Limited Commercial)
EXISTING LAND USE	Multi-tenant retail center
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 convenience market in an in-line tenant space at the existing multi-tenant retail center commonly known as the Stater Bros. shopping center at the southeast quadrant of Central Avenue and Palo Verde Street. The subject lease space for the convenience store, which would be known as Dollar Mania, is approximately 1,300 square feet in size. All merchandise would be displayed inside the store and all sales would be conducted inside the store. A CUP is required for the proposed convenience market because it is less than 8,000 square feet in size and is within 300 feet of a residential zone (located to the north and east of the center).

Dollar Mania is an independent store which sells selected groceries and sundry items including home decorations, housewares, health and beauty aids and jewelry. No alcoholic beverages are proposed to be sold at this location. The store would employ approximately 1-3 employees. The proposed store would be equipped with a security surveillance system.

The proposed store would be open Monday through Saturday from 9 a.m. to 9 p.m. and 10 a.m. to 5 p.m. on Sunday. The proposed store layout includes merchandise-stocked shelves, cooler and a cashier counter. No exterior changes are proposed for the existing storefront window/door assembly. A second exit door on the west side of the lease space facing Central Avenue is proposed. A site plan and floor plans depicting the location of each business within the building are included in the Commission packets for reference.

Background

- The Stater Bros. retail center was constructed in 1978, and is comprised of five separate properties, each under a different ownership. The center contains four

buildings of varying sizes, the largest of which is the Stater Bros. grocery store. A total of 153 parking spaces are located on-site for the center, including 19 disabled-accessible spaces.

- The subject that would house the proposed convenience store is located generally northeast of the Stater Bros. building and is approximately 12,480 square feet in overall area. Twenty (20) parking spaces are located directly in front of building.
- A neighborhood convenience market is defined by the Montclair Municipal Code as a retail facility of less than 8,000 square feet in size that provides a limited variety of food, sundries, and/or off-sale liquor for day-to-day shopping convenience located within 300 feet of neighboring residential zones.

Planning Division Comments

In general, staff finds the proposed Dollar Mania convenience store to be an appropriate use for the subject site. All merchandise would be displayed inside the store and all sales would be conducted indoors. Notwithstanding the fact that the center is comprised of multiple parcels with different owners, it is in generally sound condition and fairly well maintained. The proposed use is one that would typically be found in a retail center. Although some food items will be sold in the store, it does not appear that it poses any direct conflict with other uses in the center. Moreover, parking spaces at the existing center are available to all the lease spaces and is very well utilized by customers. As a retail use, the store does not require more spaces than more intense uses would.

The owner of the store is proposing to use security cameras inside and outside of the premises to promote public safety and minimize problems. Staff would also recommend that the pay counter be clutter free and that window signs be limited to promote the highest visibility possible to the inside of the store by the Police Department.

Conditional Use Permit Findings

- A. The proposed convenience store will be an essential and desirable use for the general public convenience and welfare. The store would provide a variety of retail goods and items, including some prepackaged food items, for the public at reduced prices.
- B. Granting of the CUP for the proposed convenience market will not be materially detrimental to the public welfare and to other property in the vicinity. The proposed store occupies an existing lease space and all the activities of the proposed convenience market will be conducted indoors.
- C. The proposed convenience store at the subject site conforms to good zoning practice, in that it is consistent with the underlying C-2 zoning district, subject to CUP approval. The convenience store is a retail use that does not propose to sell alcoholic beverages and is consistent with the type of uses typical for a retail

center. In addition, the use does not generate excessive parking needs beyond other retail uses.

- D. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages a wide range of retail and service uses within the retail commercial area.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on July, 23, 2012. Public hearing notices were also mailed to property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary zoning entitlement. In addition, staff notified tenants within the center. At the time this report was prepared, staff received one (1) comment from the public in opposition to the proposal, but no specific reasons for opposing the item were given.

Environmental Assessment

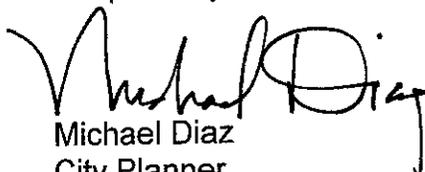
The project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301, which exempts projects involving little to no expansion of existing structures or uses.

Planning Division Recommendation

Staff recommends that the Planning Commission take the following actions:

- 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. As such, the Commission directs staff to prepare a DeMinimis finding of no impact on fish and wildlife.
- B. Move to approve a Conditional Use Permit for a convenience market at 9537 Central Avenue under Case No. 2012-10, subject to making the required findings and subject to the conditions in attached Resolution Number 12-1762.

Respectfully Submitted,


Michael Diaz
City Planner

c: Thomas R.C., Inc., Property Owner
Zaine Pimentel, Dollar Mania, Inc.

RESOLUTION NUMBER 12-1762

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2012-10 TO ALLOW A CONVENIENCE MARKET IN THE C-2 (LIMITED COMMERCIAL) ZONING DISTRICT AT 9537 CENTRAL AVENUE (APN 1008-601-67).

A. Recitals

WHEREAS, on July 2, 2012, Dollar Mania, with the consent of the property owner, Thomas R.C., Inc., filed an application for a Conditional Use Permit (CUP) to allow a convenience market at 9537 Central Avenue, and

WHEREAS, the subject location is within a multi-building and multi-tenant commercial retail center commonly known as the Stater Bros. Center; and

WHEREAS, the center and subject lease space are located in the C-2 (Limited Commercial) zoning district; and

WHEREAS, the Stater Bros. retail center has a total of 153 parking spaces on-site for shared use by the center's tenants, including 19 disabled-accessible spaces; and

WHEREAS, this CUP application specifically applies to an in-line lease space of approximately 1,300 square feet in size; and

WHEREAS, a neighborhood convenience market is defined by the Montclair Municipal Code as a retail facility less than 8,000 square feet in size that provides a limited variety of food and sundries for day-to-day shopping convenience; and

WHEREAS, the Montclair Municipal Code requires a CUP for neighborhood convenience stores that are within 300 feet of a residential zone; and

WHEREAS, staff has determined that the proposal meets the intent and requirements of the C-2 zoning district and applicable development standards; and

WHEREAS, staff has determined the proposed convenience store would not have a significant effect on the environment and has prepared a Categorical Exemption pursuant to Section 15301 of the California Environmental Quality Act (CEQA); 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 July 23, 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 request 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 July 23, 2012, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:
 - a. The proposed convenience store will be an essential and desirable use for the general public convenience and welfare. The store would provide a variety retail goods and items, including some prepackaged food items, for the public at reduced prices.
 - b. Granting of the CUP for the proposed convenience market will not be materially detrimental to the public welfare and to other property in the vicinity. The proposed store occupies an existing lease space and all the activities of the proposed convenience market will be conducted indoors.
 - c. The proposed convenience store at the subject site conforms to good zoning practice, in that it is consistent with the underlying C-2 zoning district, subject to CUP approval. The convenience store is a retail use that does not propose to sell alcoholic beverages and is consistent with the type of uses typical for a retail center. In addition, the use does not generate excessive parking needs beyond other retail uses.
 - d. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that the adopted General Plan encourages a wide range of retail and service uses within the retail commercial area.
3. Planning Division staff has determined 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 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 with staff's determination of exemption and directs staff to prepare a Notice of Exemption; 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 Conditional Use Permit (CUP) approval shall allow a convenience store within a 1,300 square-foot lease space at 9537 Central Avenue, as described in the staff report and as depicted on the approved plans on file with the Planning Division.
2. Goods and items offered for sale at the approved convenience store shall be limited to prepackaged food items and sundry items including home decorations, housewares, health and beauty aids and jewelry. No alcoholic beverages shall be consumed or sold from this location.
3. Any modification, intensification, or expansion of the use beyond that which is specifically approved with this approval, shall require review and approval by the Planning Commission.
4. This CUP approval shall be valid for a period of six months (180 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.
5. Any substantial changes to the nature or scope of the business, as approved by this permit, including, but not limited to, added services, an increase in floor area, relocation, exterior appearance, etc., shall require prior City review and approval. Any substantial changes to the establishment without City approval shall be deemed a violation of this CUP and may be cause for revocation. Upon transfer, sale or re-assignment of the establishment to another individual or entity, the applicant shall make full disclosure of these CUP requirements and restrictions to future buyers, transferees or assignees.

6. This decision, or any aspect of this decision, can 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.
7. Approved hours of operation for the convenience market shall be seven days a week, between the hours of 9 a.m. to 9 p.m.
8. If the applicant intends to utilize shopping carts in conjunction with its operation of the retail store, the following plans, as applicable, shall be submitted to the Planning and Building Divisions and approved to the satisfaction of the Director of Community Development prior to issuance of a Certificate of Occupancy:
 - a. Plans for an electronic cart containment system in the parking lot, including a detailed site plan illustrating the location of embedded loop sensors.
 - b. Design and location for any on-site cart corrals.
 - c. Plans for the placement of bollards or similar devices at the front of the demised tenant space to prohibit shopping carts from being taken into the parking lot.
9. Shopping carts shall not be stored or stacked on the exterior of the building during regular business hours. Further, shopping carts shall be stored within the demised tenant space during non-business hours.
10. No exterior security bars and roll-up doors shall be installed to windows and pedestrian building entrances.
11. The business owner and/or staff shall maintain the area surrounding the business in a clean and orderly manner at all times.
12. No exterior signs are approved pursuant to this CUP approval. Prior to the installation of any business identification signs on the building or site, a sign plan shall be submitted to the Planning Division for review and approval pursuant to the applicable portions of the Montclair Sign Code and/or approved sign program for the center in which the subject lease space is located.
13. A clear unobstructed line of sight into the store shall be provided and maintained at all times, defined generally as the area extending between three feet above the ground to at least six feet above the ground. In addition to the requirements for window signs, the floor plan layout for the convenience store shall not allow the display of hanging, freestanding or stacked items, or the placement of storage racks/cabinets placed against windows that would block clear visibility into the premises from exterior

windows by emergency personnel, as defined above and approved by the City Planner.

14. Window signs or displays shall comply with the following requirements:
 - a. Temporary or permanent window signs, posters, banners, or other applied graphics shall not cover more than 25 percent of each window and shall not be placed in windows in a manner that will obstruct the view into the building by emergency personnel.
 - b. Window sign placement shall not obstruct the view of the sales transaction area from inside and outside the building.
 - c. Any window tinting shall allow for physical identification of all persons in the sales transaction area from outside the building.
15. The use of temporary promotional banners shall comply with Chapter 11.72 of the Montclair Municipal Code. A permit shall be obtained prior to the display of any temporary promotional banner.
16. No video or arcade games, pinball machines, pool tables, jukeboxes, or similar devices shall be allowed within the subject lease space, with the exception of official State lottery machines.
17. No exterior public telephones, vending or other coin-operated machines, kiddie rides, collection boxes, etc., shall be located on the exterior of the subject lease space.
18. 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.
19. A copy of the CUP approval letter with all conditions of approval relating to this application shall be conspicuously posted alongside the establishment's Business License and Certificate of Occupancy, and shall be made available for viewing to any law enforcement officer, fire, building, or code enforcement inspector in the course of conducting an inspection of said premises.
20. To ensure compliance with the conditions of the approval, a final inspection is required from the Building and Planning Divisions upon completion of construction and all improvements. The applicant shall contact the City to schedule an appointment for such inspections.

21. Any violations of the conditions of approval may result in the revocation or modification of this permit, including the imposition of fines in the event that the use is determined to be a nuisance to surrounding properties, businesses or the community at large.
22. The applicant shall agree to defend, at his sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or, in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of his obligations under this condition.

Building

23. 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 (if required), 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. Clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
24. All mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, 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.
25. 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.

26. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. The numerical address of the tenant space (9537) shall be displayed on the fixed glass window over the main entrance on the west facing elevation.
 - b. Numerals shall be Helvetica font, six (6) inches in height, and white in color.
27. 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. 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.

Fire

28. Fire extinguisher location(s) shall be determined by the Montclair Fire Department.
29. Contact the Fire Marshal's Office for further requirements regarding emergency and exit lighting.

Police

30. The sales transaction area (or cashier station) shall be located and designed so that the employee and customer are visible from directly outside the store including the parking area. Windows or doors shall not be blocked with posters, signs, racks, or other displays.
31. Counters shall be maintained free from excessive displays to enhance the visibility of the cashier station.
32. Maintain visibility within the store by providing adequate lighting, installing mirrors, and keeping signs and shelving low.
33. Obtain Police Department review and approval for the proposed video surveillance security camera system.
34. Install height tape next to exit door(s).

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

APPROVED AND ADOPTED THIS 23RD DAY OF JULY, 2012.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, Chair

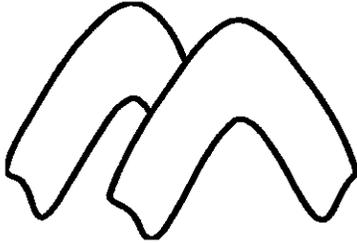
ATTEST: _____
Steve Lustro, Secretary

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 conducted on the 23rd day of July, 2012, by the following vote, to-wit:

AYES:

NOES:

ABSENT:



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 07/23/12

AGENDA ITEM 6.c

Case No.: 2012-11

Application: Conditional Use Permit (CUP) Amendment to allow outdoor display related to new and used auto sales and car rental services

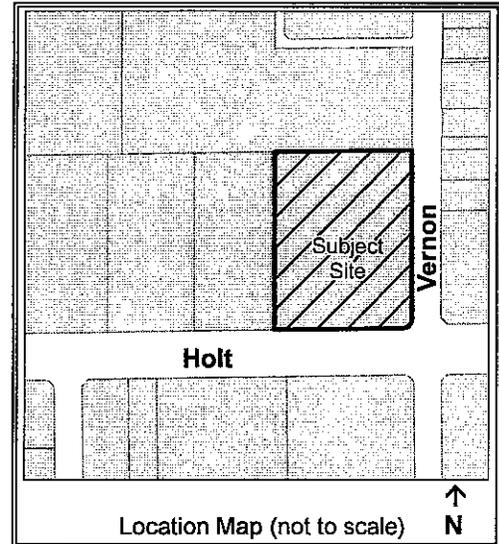
Project Address: 5462 Holt Boulevard

Property Owner: Enterprise Rent-A-Car of Los Angeles

General Plan: General Commercial

Zoning: "Auto Mall" per Holt Boulevard Specific Plan

Assessor Parcel No.: 1010-591-18



EXISTING SITE FEATURES/CONDITIONS

Structures: One (1) office building/showroom

Parking: Paved, striped parking at east and west sides of building; striped "stacked" inventory parking at rear of building

City/Public Utility Easements: None

Trees/Significant Vegetation: Perimeter landscaping along Holt Boulevard and Vernon Avenue and on-site landscaping

ADJACENT LAND USE DESIGNATIONS AND USES

	General Plan	Zoning	Use of Property
Site	General Commercial	"Auto Mall" (AM) per Holt Boulevard Specific Plan	Office/commercial building
North	Neighborhood Park	R-3 (Multi-Family Residential)	Saratoga Park
East	General Commercial	"Auto Mall" (AM) per Holt Boulevard Specific Plan	Vacant lot
South	General Commercial	"Business Park" (BP) per Holt Boulevard Specific Plan	Multi-tenant commercial development
West	General Commercial	"Auto Mall" (AM) per Holt Boulevard Specific Plan	Multi-tenant buildings for auto-related retail/service uses

Report on Item Number 6.c

PUBLIC HEARING - CASE NUMBER 2012-11

APPLICATION TYPE(S)	Conditional Use Permit Amendment
NAME OF APPLICANT	Enterprise Rent-A-Car of Los Angeles
LOCATION OF PROPERTY	5462 Holt Boulevard
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	"Auto Mall" per Holt Boulevard Specific Plan
EXISTING LAND USE	Car Rental Agency
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Silvia Gutiérrez

Project Description

The applicant is requesting approval of an amendment to a Conditional Use Permit (CUP) approved in 1987 that would allow the operation of the currently existing auto rental business and a used car sales business at the northwest corner of Holt Boulevard and Vernon Avenue. Both businesses are affiliated with Enterprise Rent-A-Car, but would operate as separate entities within the same building. Each business would have outdoor display and/or storage of vehicles on the site, the bulk of which would be stored in a secure parking area at the rear (north) side of the property behind the building. Inventories of vehicles for each business would be separated by a wrought iron fence.

The businesses would be open to the public Monday through Saturday from 9:00 a.m. to 7:00 p.m., and closed on Sundays. Except for a car wash rack and vacuuming, no additional auto repair would be done on-site. Any necessary auto repairs would be performed at an off-site location.

Display of vehicles for each business and customer parking would occur at the front of the site in the two separate parking areas on each side (west and east) of the building. The westerly parking area would be utilized by the rental business and is improved with 24 parking spaces, eight of which would be reserved for customers. The easterly parking area fronts both Holt Boulevard and Vernon Avenue and has 34 spaces, nine of which would be reserved for customers. The remainder would be used for the display of vehicles. Employees of the business would be required to park at the rear of the building.

The existing building is approximately 10,434 square feet in size and has a two-story portion at the rear half of the structure. The building currently provides administrative office space for regional managers and the existing car rental business operations. A summary breakdown of each aspect of the proposal is provided in the following table:

Proposed Enterprise Rent-A-Car Businesses at 5462 Holt Boulevard		
<i>Regional Administrative Offices</i>	<i>Enterprise Car Rental</i>	<i>Enterprise Car Sales (Used)</i>
Approximately 8,046 square feet	Approximately 862 s.f., max. 30-car inventory	Approximately 1,526 s.f., max. 100-car inventory

Enterprise plans to have vehicles driven to the lot with a driver in the car. The estimated monthly replenishment inventory to be delivered to the retail Enterprise Car Sales office is approximately 80 vehicles, or about three (3) vehicles per business day.

Except for a new identification sign, no significant changes to the exterior of the building or site are proposed. A site plan and floor plans depicting the location of each business within the building are included in the Commission packets for reference.

Background

- The subject site is approximately 2.6 acres in area and is developed with a single building and parking areas to the north, west, and east. Prior to Enterprise Rent-A-Car, the site was previously occupied by Montclair Yamaha and Foxy's Beer Tavern.
- In 1987, the Planning Commission approved Case No. 87-36, a Conditional Use Permit to allow automobile sales with outdoor display, and a Precise Plan of Design to remodel and refurbish the existing building. A variance was also granted to allow a reduced setback for the wall constructed along the Vernon Avenue frontage of the site.
- In 1991, the Holt Boulevard Specific Plan was adopted, which rezoned the subject property from C-3 (General Commercial) to "Auto Mall."
- In 2009, the previous auto sales use on the subject site relocated its operations to 10385 Central Avenue. However, the intent is to now relocate the auto sales component back to 5462 Holt Boulevard.
- Chapter 11.78.100.C.4 of the Montclair Municipal Code requires a new CUP to re-establish a use that has been discontinued for a period of six continuous months or longer.

Planning Division Comments

Overall, staff finds the proposed project to be appropriate. The amendment to the original CUP would not result in a significant change in the way the property has been utilized for the past 30 years. The use is consistent with uses allowed for the "Auto Mall" land use designation of the Holt Boulevard Specific Plan. The main use of the property will continue to be related to the rental and/or sale of vehicles by Enterprise Rent-A-Car, in addition to the administrative offices for its regional managers.

Staff finds the subject site to be of adequate size and shape to accommodate the proposed combination of uses – administrative offices, rental, and used car sales. The site is fully developed and has organized parking at the front of the site for customers and display, while the rear side of the property is large, illuminated, and paved to allow for organized storage of the vehicle inventories for each business. Restriping of the aforementioned parking areas is part of the proposal to help maintain an organized use of the property.

The two parking areas at the front of the property facing the street have direct access from the adjacent streets and are of adequate size and capacity to allow for the desired display of vehicles and for required customer parking for each business. Each parking area is separated from the other so as not to create any potential on-site circulation or parking issues. Required employee parking (21 spaces) per the Holt Boulevard Specific Plan is easily provided for on the site and would be located behind the building in the large parking field.

As mentioned above, both businesses receive cars every business day to maintain their respective inventories. Staff recognizes this as an integral aspect of the business but is pleased to see that the former practice of shipping and receiving vehicles at the site via large auto carriers parked in the traffic lanes of Vernon Avenue would be eliminated. This former practice had created significant problems for traffic flow on the street, had been noted by the City, and was the subject of complaints from motorists. Staff appreciates Enterprise's decision to "...never ship or receive cars using car-carrier tractor trailers..." but desires to point out that either individually driven vehicles or deliveries via commercial auto carriers is acceptable provided that no parking occurs on the street and all off-loading of vehicles does not block or take place on any portion of the public right of way (including blockage of public sidewalks). This restriction is included as a condition of approval.

No servicing or major maintenance of vehicles on the site is proposed except for vacuuming and washing of cars. In regard to the washing of vehicles on the site, the City will require compliance with current environmental standards, including the requirement that an approved vehicle wash rack be installed. The washing of vehicles, parts, or equipment is prohibited without the installation of an approved vehicle wash rack and interceptor (sand/oil clarifier) connected to the sanitary sewer system as approved by the City's Environmental Manager. The applicant has indicated that they will submit full plans to comply with this requirement. A condition of approval addressing this issue has been included.

One area of concern for staff is the applicant's proposal to remove an existing metal fence which separates the east parking area from the rear of the property. Staff believes the existing fence is necessary to adequately secure the site, especially during evening hours and would like to see the fence retained. If access to the north area is needed for more on-site efficiency, staff recommends the fence be modified to add a retractable gate that can be opened during the day and closed after business hours.

Without the fence, the rear of the property would be open to unrestricted access. The Police Department shares Planning staff's concern regarding this issue.

Property Condition and Maintenance

While the site is generally well maintained, there are few items that need to be addressed to ensure that minor issues do not become major ones. During visits to the property, staff identified the following items in need of immediate attention by the property owner:

- Inspect and repair the existing retaining wall at the westerly property line. The existing block near the front of the property appears to be loose in a few places and the cap top is missing.
- Add mulch to the existing planters around the site. Mulch in several places is low or absent.
- Paint the poles and luminaires of the existing, freestanding lights throughout the parking lot. The paint on the luminaires is faded and in some places showing signs of rust. Poles and luminaires shall be painted black, brown, or bronze.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on July 13, 2012. Public hearing notices were also mailed to property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, no comments or inquiries had been received by staff regarding the proposal.

Conditional Use Permit Findings

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

- A. The proposed use is desirable to the public convenience and public welfare, in that it will provide local residents with a convenient location to rent vehicles or purchase previously-used vehicles within the City.
- B. That granting of the proposed CUP amendment will not be materially detrimental to the public welfare and other property in the vicinity. The proposed businesses to be conducted on-site are consistent with underlying zoning designation and the site is on Holt Boulevard where other auto-related uses are located. Moreover, the property is generally well maintained and in sound condition.
- C. The proposed uses associated with this CUP amendment request are consistent with the underlying "Auto Mall" (AM) land use designation of the site as indicated

by the Holt Boulevard Specific Plan. Auto sales and/or rental uses with outdoor display may be conditionally permitted on properties that are appropriately developed to accommodate the use. The site is adequate in size and shape and located on a lot with frontage on a fully developed major street.

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

Environmental Assessment

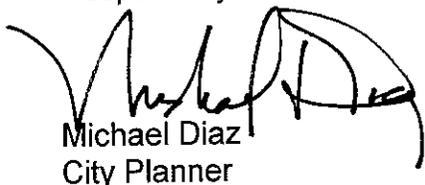
The proposed project is on a developed site and involves only limited site changes not involving grading. As such, staff has determined that this project is categorically exempt (Class 1 – Existing Facilities) from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the CEQA Guidelines.

Planning Division Recommendation

Staff finds the proposed use to be consistent with the Montclair Municipal Code, Holt Boulevard Specific Plan, and adopted General Plan. Therefore, staff recommends approval of Case No. 2012-11 by taking the following actions:

1. Move that, based upon the evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301, which exempts projects that result in negligible or no expansion of existing structures or uses. As such, the Commission directs staff to prepare a DeMinimis finding of no impact on fish and wildlife.
2. Move to approve a Conditional Use Permit under Case No. 2012-11 to allow the re-establishment of a used automobile sales business as described in the staff report, at 5462 Holt Boulevard, subject to making the four required findings, and subject to the conditions contained in attached Resolution Number 12-1763.

Respectfully Submitted,



Michael Diaz
City Planner

MD/lb

Attachments: Draft Resolution of Approval for Case No. 2012-11

Z:\COMMDEV\SG\CASES\2012-11RPT

RESOLUTION NUMBER 12-1763

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT AMENDMENT UNDER CASE NUMBER 2012-11 TO RE-ESTABLISH AUTOMOBILE SALES WITH OUTDOOR DISPLAY IN CONJUNCTION WITH ADMINISTRATIVE USES AND CAR RENTAL WITH OUTSIDE STORAGE OF VEHICLE INVENTORY ON PROPERTY IN THE "AUTO MALL" LAND USE DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN AT 5462 HOLT BOULEVARD (APN 1010-591-18).

A. Recitals.

WHEREAS, on July 3, 2012, Enterprise Rent-A-Car of Los Angeles, property owner and applicant, filed an application to amend the existing conditional use permit (Case No. 87-36) to re-establish used auto sales business at 5462 Holt Boulevard; and

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

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

WHEREAS, in 1987, Case No. 87-36 was approved for a Conditional Use Permit to allow automobile sales with outdoor display, and a Precise Plan of Design to remodel and refurbish the existing building. A variance was also granted to allow a reduced setback for the wall constructed along the Vernon Avenue frontage of the site; and

WHEREAS, in 2009, the previous auto sales use at the subject site ceased operations and relocated to its present location at 10385 Central Avenue; and

WHEREAS, Enterprise Rent-A-Car now desires to relocate its used car sales business from its current location at 10385 Central Avenue to the subject site; and

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

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

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

WHEREAS, staff finds and determines that the proposed used auto sales business is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the State CEQA Guidelines and has prepared a Notice of Exemption; and

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 July 23, 2012, commencing at 7 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 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 public hearing on July 23, 2012, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:

Conditional Use Permit Findings

- A. The proposed use is desirable to the public convenience and public welfare, in that it will provide local residents with a convenient location to rent vehicles or purchase previously-used vehicles within the City.
- B. That granting of the proposed CUP amendment will not be materially detrimental to the public welfare and other property in the vicinity. The proposed businesses to be conducted on-site are consistent with underlying zoning designation and the site is on Holt Boulevard where other auto-related uses are located. Moreover, the property is generally well maintained and in sound condition.
- C. The proposed uses associated with this CUP amendment request are consistent with the underlying "Auto Mall" (AM) land use designation of the site as indicated by the Holt Boulevard Specific Plan. Auto sales and/or rental uses with outdoor display may be conditionally permitted on properties that are appropriately developed to accommodate the use. The site is

adequate in size and shape and located on a lot with frontage on a fully developed major street.

- D. The proposed uses at the subject location are not contrary to the objectives of any part of the adopted General Plan or the Holt Boulevard Specific Plan, as both documents envision a variety of commercial uses in the area where the property is located and promote the orderly development and maintenance of commercial properties within the City.
3. Planning Division staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA). 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 and no fundamental change in the type of uses permitted by the underlying zoning code. 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 with staff's determination of exemption and directs staff to prepare a Notice of Exemption and a DeMinimis finding of no impact on fish and wildlife.
4. Based upon the findings and conclusions set forth in the paragraphs above, this Commission hereby approves the application subject to each and every condition set forth below.

Planning

1. This Conditional Use Permit amendment approval is for the following uses 5462 Holt Boulevard to be operated by Enterprise Rent-A-Car:
- a. A car rental business occupying approximately 862 square feet of the ground floor on the west side of the subject building as depicted on the approved plans;
 - b. A used car sales business occupying approximately 1,526 square feet of the ground floor on the east side of the subject building as depicted on the approved plans; and
 - c. Administrative offices for regional managers occupying approximately 8,046 square feet of the ground floor located at the rear of the building and second floor of the subject building as depicted on the approved plans.
2. Approval of this CUP Amendment shall supersede the CUP approval issued under Case No. 87-36.

3. Conditional Use Permit (CUP) approval shall be valid for a period of six (6) months from the date of Planning Commission approval. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date. Suspension of the approved use for a period of six months or more shall void the CUP approval for the specified use.
4. 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 \$354.86 payable to the "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.
5. Approval of this CUP shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances, the San Bernardino County Health Department, or the State of California.
6. The display of all cars associated with both the rental and sales of vehicles on the property shall be done in an orderly fashion as depicted on the approved site plan. At no time shall vehicles be parked or displayed in any portion of on-site circulation aisles or driveway access points from a public street.
7. The used car sales business shall observe the following requirements:
 - a. Vehicles offered for sale shall be limited to late model used autos and light duty trucks only and in good/presentable condition at all times.
 - b. Price displays for vehicles offered for sale shall be restricted to signage placed on the windshield only.
 - c. No inoperable or damaged vehicles (offered for sale or not) shall be parked and/or stored on any portion of the auto sales area at the front of the property at any time.
 - d. No recreational vehicles, trailers, buses, boats, large and/or commercial trucks/equipment, or other similar vehicles may be stored and/or offered for sale on the premises.

8. The delivery of all vehicles to the site shall be off-loaded entirely on-site at the rear of the property without blocking any portion of the public right-of-way, including blockage of public sidewalks.
9. No servicing and/or repairing of vehicles shall occur on-site, with the exception of the vacuuming and washing of vehicles within a wash rack facility approved by the City of Montclair Environmental Manager. Building permits for any such facility or structure shall be obtained by the applicant.
10. Prior to the commencement of business activities associated with this approval, the business owner shall obtain and maintain a valid business license at all times. For more information regarding the issuance of a business license, contact the City of Montclair Business License Technician at 909/625-9423.
11. Prior to issuance of a business license and Certificate of Occupancy for the subject tenant space, the applicant shall:
 - a. Inspect and repair the existing retaining wall at the westerly property line to replace or secure loose block and/or missing wall caps.
 - b. Add mulch to the existing planters around the site.
 - c. Paint the poles and luminaires of the existing freestanding lights throughout the parking lot to eliminate the faded appearance and address potential rust-through issues. Paint color shall be limited to black, brown, or bronze.
 - d. Obtain Building Division approval and permits for the existing shade structure located at the rear parking area
12. The applicant shall coordinate with the City Planner for the design and relocation of all fencing and/or gates on the property. The rear vehicle storage area shall be appropriately secured to the satisfaction of the City Planner and the Police Department. All gates between the front parking lots and the rear parking lot shall be closed and locked during non-business hours.
13. No vehicles offered for sale or for rent shall be parked on or within the Holt Boulevard or Vernon Avenue rights-of-way at any time.
14. Any modification, intensification, or expansion of the use beyond that which is specifically approved with this Conditional Use Permit shall require review and approval by the Planning Commission.
15. No outdoor pay telephones or vending machines shall be installed or used on the property in conjunction with this approval.

16. No shade structures or tents shall be erected within the areas between the main building and adjacent public streets. Any other structures placed or erected elsewhere on the subject site shall require prior review and approval by the City.
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. All vertical or "snow cone" style auto dealership promotional banners shall require review and approval by the Planning Division and issuance of a sign permit prior to installation.
 - d. Portable flags, pennants, spinners, painted-on signs or the like shall be prohibited.
 - e. No trailer-mounted electronic sign/message boards or other similar types of portable signs shall be permitted on the property at any time.
18. The applicant shall maintain the property, including all landscape planters, free of trash and debris and abandoned vehicles or auto parts. Dead, missing, or dying plant materials shall be replaced and maintained in healthy living conditions at all times.
19. All graffiti and other forms of vandalism and damage to the subject improvements shall be promptly removed and/or repaired within 72 hours of notice by the City.
20. 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.
21. The subject business shall be subject to periodic City inspection to verify compliance with the conditions of this approval. Failure to operate the used auto sales business in conformance with the conditions of this approval may result in the Conditional Use Permit being returned to the Planning Commission for consideration of revocation of the permit to operate.

22. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

Building

23. Prior to the commencement of business operations associated with this approval, the applicant shall comply with the following items:
- a. Provide and clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
 - b. Stripe a minimum of two (2) disabled-accessible parking spaces equally spaced between the front and rear parking lots and provide unobstructed travel to the building. The path-of-travel shall be located as close as possible to the building and shall not exceed a 2% cross slope. All sharp obstructions shall be removed from the required path-of-travel.
 - c. Signage for all disabled-accessible parking shall be placed at each parking space and at the main entrance to the parking lot.
 - d. A symbol of accessibility shall be placed at the main entrance to the business.
24. Submit four complete sets of plans, including the following:
- a. Site/Plot Plan.
 - b. Floor Plan.
25. Construction drawings submitted to the Building Division for plan review shall comply with the Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:

- a. Install a numerical address on the south-facing office building elevation. Address numerals shall be in Helvetica font, a minimum of ten inches (10") in height, a minimum of 1½ inches in depth, and be in a color that adequately contrasts to the background to which they are attached.
 - b. Provide solid core 1¾" wood doors or equivalent metal doors to separate suites from lobby area.
26. Prior to the issuance of a Certificate of Occupancy, the applicant shall:
- a. Submit to the Building Division electronic images of all plans and records that were submitted for the purpose of obtaining a building permit. Electronic images shall comply with the City's Electronic Archiving Policy.
 - b. Install all disabled-accessible parking stalls and parking lot signage.
27. 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.

Environmental

28. A Wastewater Discharge Survey is required to be completed and submitted to the Environmental Manager prior to the issuance of a business license. The survey shall provide information on facility operations, including the type and frequency of service and maintenance procedures to be done on-site, chemical storage, and the estimated number of vehicles to be washed per day (if applicable). Please contact Nicole Greene, Environmental Manager, at (909) 625-9446.
29. The washing of vehicles, parts, or equipment is prohibited without the installation of an approved vehicle wash rack and interceptor (sand/oil clarifier) connected to the City of Montclair sanitary sewer system as approved by the City's Environmental Manager.

Fire

30. A 20-foot wide base asphalt or concrete roadway capable of supporting fire-fighting apparatus within 150 feet of structure(s) is required.
31. The inside turning radius for all access roads shall be 32 feet or greater, and the outside turning radius shall be 45 feet or greater.

32. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
33. Fire extinguisher locations shall be determined by the Montclair Fire Department.
34. All Double Check Detector Assemblies (DCDA) shall be maintained and painted by the property owner with the following paint color specification: Rust-Oleum satin interior/exterior acrylic latex paint, "Hunt Club Green," No. 794452 (quart). This condition is subject to Fire Department inspection and approval when work is completed.

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

APPROVED AND ADOPTED THIS 23RD DAY OF JULY, 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 conducted on the 23rd day of July, 2012, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SG\CASES\2012-11 PC RESOLUTION