



MONTCLAIR

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

REGULAR ADJOURNED MEETING
Monday, September 10, 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/MOMENT OF SILENCE

There was a moment of silence to honor Commissioner Maynard "Mac" Lenhert who recently passed away.

3. ROLL CALL

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

4. APPROVAL OF MINUTES

The minutes of the July 23, 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 2012-12
Project Address: 4651 Holt Boulevard, Unit A
Project Applicant: 1668 Investment & Associates for H2O
Market Wireless
Project Planner: Michael Diaz, City Planner
Request: Conditional Use Permit to allow a convenience store
- b. CASE NUMBER 2012-14
Project Address: 4168 Holt
Project Applicant: Phillip Gutierrez
Project Planner: Silvia Gutiérrez, Assistant Planner
Request: Precise Plan of Design for exterior building and site improvements

7. INFORMATION ITEMS

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

8. PUBLIC INSPECTION OF MATERIALS

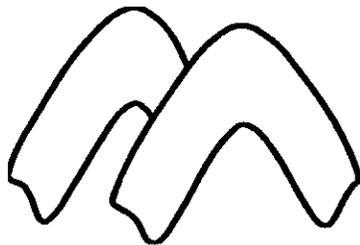
Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of September 24, 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 in the window adjacent to the north door of Montclair City Hall on September 6, 2012.



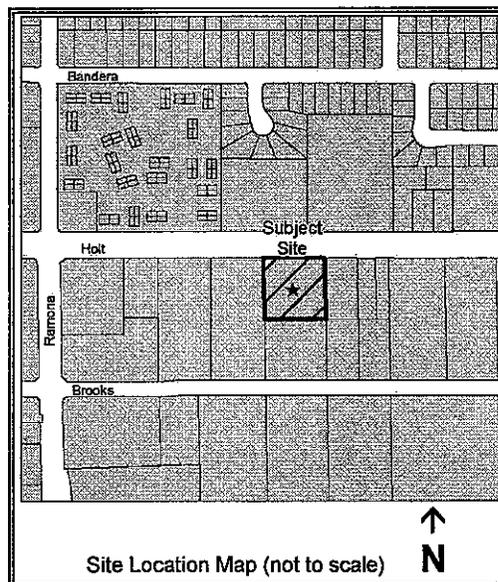
CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 09/10/12

AGENDA ITEM 6.a

Case No.: 2012-12

Application: : A request for a Conditional Use Permit (CUP) to operate a neighborhood convenience store within an existing retail commercial center. The proposed store is approximately 1,700 square feet in area and would offer various sundry items, wireless telephones, purified water, and prepared and pre-packaged food items. The on-sale of alcoholic beverages at this location is not included. A CUP is required for convenience stores under 8,000 square feet in floor area.



Project Address: 4651 Holt Boulevard, Unit A

Property Owner: 1668 Investment & Associates

General Plan: General Commercial

Zoning: "Commercial" per Holt Boulevard Specific Plan

Assessor Parcel No.: 1012-081-04

ADJACENT LAND USE DESIGNATIONS AND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	Commercial	"Commercial" Holt Boulevard Specific Plan	Multi-tenant retail commercial building
North	Commercial	"Commercial" Holt Boulevard Specific Plan	Commercial buildings/uses
East	Commercial	"Commercial" Holt Boulevard Specific Plan	Commercial building/uses
South	Business Park	"Industrial" Holt Boulevard Specific Plan	Industrial Park (Pomona Valley Workshop)
West	Commercial	"Commercial" Holt Boulevard Specific Plan	Commercial buildings/uses ReStore and furniture store

Report on Item Number 6.a

PUBLIC HEARING - CASE NUMBER 2012-12

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	1668 Investment & Associates for H2o Market Wireless
LOCATION OF PROPERTY	4651 Holt Boulevard, Unit A
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	Commercial - Holt Blvd Specific Plan
EXISTING LAND USE	Multi-tenant retail center
ENVIRONMENTAL DETERMINATION	Categorical Exemption – Section 15301 (Existing Facilities)
PROJECT PLANNER	Michael Diaz

Project Description

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow a convenience store at the existing multi-tenant retail center at the above address. The subject lease space is at the front corner of the "L"-shaped building and is approximately 1,700 square feet in size. The current tenant operates a water store and wireless phone business known as H2o Market Wireless but now wishes to expand the items he offers to include pre-packaged and a limited variety of prepared food items. Because the proposed change to the existing business would expand the existing retail business to allow the sale of fresh and pre-packaged food items and sundries, and the convenience store is less than 8,000 square feet in size, a CUP is required.

The store operator proposed to add the following food items in addition to his existing water and wireless phone business:

- Pre-packaged ice cream, soda and energy drinks, candy, chips, cookies, energy bars, gum, trail mix, etc.
- Travel-size over the counter medicine products, cosmetics,
- Costume jewelry, cigarettes, souvenirs
- smoothies, tea, coffee and fresh fruit juice
- Donuts, pastries, flan, cheesecake prepared off-site
- Food to go items: spring rolls, sandwiches, and fruit salads
- Frozen yogurt and ice cream
- Lottery tickets

No alcoholic beverages are proposed to be sold at this location. All merchandise would be displayed inside the store and all sales would occur inside the store. Current store hours are Monday through Saturday from 10:00 a.m. to 7:30 p.m. and closed on Sundays.

The proposed store layout includes merchandise-stocked shelves, coolers, water purification/dispensing area, a food and drink preparation area, a cashier counter and a seating area with a couple tables and chairs. No exterior changes are proposed for the existing lease space. A site plan and floor plan is provided in the Commission packets for reference.

Background

- The existing multi-tenant commercial center was constructed in 1983-84 and has approximately 65 parking spaces on the property.
- A neighborhood convenience market/store 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 convenience store to be an appropriate use for the subject site. The proposed use is typical for a retail development and will not likely cause any direct conflicts with other tenants or uses in the center. All merchandise would be displayed inside the store and all sales would be conducted indoors. 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.

With regard to the selling of prepared foods from the premises, staff has no objection based on what was described above and that applicant complies with all required health and safety and environmental standards. However, staff's recommendation for approval does not include the ability to expand on-site cooking or food preparation without prior City and County Health Department review and approvals. Deep frying or grilling in particular would require significant improvements to the kitchen and plumbing that could be quite involved and expensive. Staff has included this limitation as a condition of approval.

Staff has no objection to the inclusion of a small seating area in the store as proposed with this application. As long as the area is a minor part of the floor area and does not exceed a maximum of 4 tables and 12 chairs, the eating space would be considered minor and incidental. Anything more would begin to move the use to a fast food or sit down restaurant use that would require an amendment to this application, more parking spaces, and possible building upgrades. A condition with the above limitation has been added.

Lastly, staff notes that the store is outfitted with security cameras inside to promote public safety and minimize any potential 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.

Property Maintenance

Although the center is in generally sound condition and fairly well maintained, its appearance is dated and would benefit greatly with a fresh coat of paint and a new or updated sign program to enhance its presence on the street and draw prospective tenants and/or customers. The freestanding monument sign and individual tenant wall sign cabinets are not in the best condition and the inconsistent design of tenant signs is not visually attractive. More specifically, many of the existing signs do not have approved sign permits and are inconsistent with the existing dated sign program criteria that require the use of raised acrylic letters.

In 2009, a Conditional Use Permit was approved for the existing tattoo shop in the center (Case No. 2009-26). At that time, a number of property maintenance issues were identified for improvement. All but one of the items identified were properly addressed. As such, the property is in sound condition. The one item that remains to be done is the addition of doors to the trash enclosure at the rear (west) side of the property. This item has been added as a condition of approval for the property owner to address.

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, purified water, and prepackaged and prepared food items for the general public.
- B. Granting of the CUP for the proposed convenience store 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 store will be conducted indoors. Ample parking exists on the site to accommodate patrons of all the businesses in the center.
- C. The proposed convenience store at the subject site conforms to good zoning practice, in that the retail use is consistent with the underlying Commercial zoning district of the Holt Boulevard Specific Plan, subject to CUP approval. Moreover, the convenience store is consistent with the type of uses found in small retail developments. In addition, since the use does not sell alcoholic beverages, there is no major concern that the store will generate excessive pedestrian traffic to the site and impact other business or reduce available parking or the normal needs of 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 August 31, 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 had not received any public comments.

Environmental Assessment

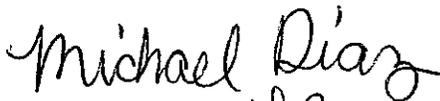
The project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301, which exempts projects involving little to no expansion of existing structures or uses.

Planning Division Recommendation

Staff recommends 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 store at 4651 Holt Boulevard, Suite A under Case No. 2012-12, subject to making the required findings and subject to the conditions in attached Resolution Number 12-1764.

Respectfully Submitted,



Michael Diaz
City Planner

- c: 1668 Investment and Associates, Property Owner
Jonathan Vong, Pacific Gold Coast Realty, Property Mgr, 1930 South Brea Canyon Rd, #160, Diamond Bar, CA 91765
Christopher Nguyen, Business Owner, 10243 Corkwood Court, Rancho Cucamonga, CA 91737

RESOLUTION NUMBER 12-1764

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2012-12 TO ALLOW A CONVENIENCE STORE IN THE COMMERCIAL ZONING DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN AT 4651 HOLT BOULEVARD, UNIT A (APN 1012-081-04).

A. Recitals

WHEREAS, on August 8th, 2012, 1668 Investment & Associates, property owner, filed an application for a Conditional Use Permit (CUP) to allow a convenience store at 4651 Holt Boulevard, Unit A, and

WHEREAS, this CUP application specifically applies to an in-line lease space of approximately 1,700 square feet in size, identified as Unit A; and

WHEREAS, the subject lease space is within a small multi-tenant commercial retail center in the Commercial zoning district of the Holt Boulevard Specific Plan; and

WHEREAS, the existing retail center has a total of 50 on-site parking spaces shared by all the tenants of the center, including 3 disabled-accessible spaces; and

WHEREAS, a neighborhood convenience store or market is defined by the Montclair Municipal Code as a retail facility less than 8,000 square feet in size or within 300 feet of a residential zone that provides a limited variety of food and sundries for day-to-day shopping convenience; and

WHEREAS, staff has determined that the proposal meets the intent and requirements of the Commercial zoning district of the Holt Boulevard Specific Plan 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 September 10, 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 September 10, 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 of retail goods and items, purified water, and prepackaged and prepared food items for the general public.
 - b. Granting of the CUP for the proposed convenience store 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 store will be conducted indoors. Ample parking exists on the site to accommodate patrons of all the businesses in the center.
 - c. The proposed convenience store at the subject site conforms to good zoning practice, in that the retail use is consistent with the underlying Commercial zoning district of the Holt Boulevard Specific Plan, subject to CUP approval. Moreover, the convenience store is consistent with the type of uses found in small retail developments. In addition, since the use does not sell alcoholic beverages there is no major concern that the store will generate excessive pedestrian traffic to the site and impact other business or reduce available parking or the normal needs of 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 1,700 square-foot lease space at 4651 Holt Boulevard, Unit A, 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 for various sundry items, decorations, housewares, health and beauty aids, jewelry, prepackaged food items (e.g., chips, cookies, candy, gum, etc.), soft drinks, and purified water. Any food items prepared on-site shall be limited to sandwiches, smoothies, fruit bowls, teas, ice cream, and small dessert items. No grilling, deep frying, or intense food preparation shall be allowed without prior City review and approval that may require additional kitchen and plumbing improvements as determined by the Building Official and/or Environmental Manager.
3. No alcoholic beverages shall be allowed on site or sold from this location.
4. No more than 4 tables and 12 chairs shall be allowed in the waiting/dining area within the store premises. The applicant shall submit a floor plan depicting the location of the tables for City Planner and Building Official review and approval.
5. 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.
6. 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 \$407.78, 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.
7. 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.
8. 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.
9. 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.
10. Approved hours of operation for the convenience store shall be seven days a week, between the hours of 9 a.m. to 9 p.m.
11. Within 90 days of the date of Planning Commission action on this CUP request, the property owner shall complete:
 - a. Add doors to the existing trash enclosure pursuant to City standards. Said improvement shall require approval of plans and issuance of a building permit.
 - b. Comply with all disabled-access requirements as determined by the Building Official.
12. No shopping carts shall be used with this business without City review and approval of an electronic cart containment system.
13. No exterior security bars and roll-up doors shall be installed to windows and pedestrian building entrances.

14. The business owner and/or staff shall maintain the area surrounding the business in a clean and orderly manner at all times.
15. 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.
16. 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 or the cashier counter 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.
17. 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.
18. No outdoor display areas for merchandise are authorized as part of this approval.
19. No outdoor patio/seating areas shall be allowed with this approval. Outdoor seating shall require approval of a CUP and the provision of the appropriate number of additional required parking spaces by the tenant for the identified area.
20. 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.
21. 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.
22. The property owner and business operator shall take whatever reasonable steps are deemed necessary to prevent loitering and/or assure the orderly conduct of its employees, patrons, and visitors at the store and on the site.

store and on the site. A minimum of one (1) "No Loitering" sign shall be installed in plain view at the business.

23. 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.
24. 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.
25. To ensure compliance with the conditions of 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.
26. 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.
27. 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

28. Prior to issuance of building permits, the applicant shall:
 - a. Submit four complete sets of plans for the project, including building, electrical, plumbing, mechanical, lighting, and accessibility details, and Title 24 calculations for review and approval by the Building Division. The plans shall comply with the latest edition of approved codes by the State of California and the City of Montclair. Contact

City of Montclair. 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%).
 - c. Accessible Parking space design shall be 9' x 20' with a loading zone located on the passenger side. The unloading zone shall be 5' x 20' for a standard accessible stall and 8' x 20' for a van-accessible stall. The space and unloading zone shall have no more than 2% slope in any direction. The unloading zone cannot include ramps. The space and unloading zone shall be striped in blue with the applicable design as called out in the 2010 California Building Code Section 1129B.
- 29. Exposed raceways shall be prohibited on all building-mounted and freestanding signs. An architectural sign backing/raceway may be allowed on the commercial building subject to review and approval by the City Planner.
 - 30. All concrete and asphalt work shall be of a well fit and durable nature. The proper grading of walks, sidewalks, drives and yards shall be required. A minimum thickness of 3 ½ inches for flat concrete work and 2 ½ inches for asphalt paving is required. All exterior flat work shall include such breaks for expansion.
 - 31. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357.
 - 32. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
 - 33. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact Michael Hudson, City Engineer, at 909/625-9441 for fees.
 - 34. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA). Contact Michael Hudson, City Engineer, at 909/625-9441 for fees.

35. An approved, emergency-keyed access system shall be required to facilitate access by Fire Department personnel in the event of an emergency during non-business hours. Forms are available at Montclair Fire Department Headquarters, 8901 Monte Vista Avenue, for those occupancies requiring such a system.
36. 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.
37. 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.
38. Prior to issuance of the Building permit, the applicant shall prove, by way of permit, that the San Bernardino County Health Dept has approved the same set of plans as was submitted to the City for permit.

Environmental

39. A Wastewater Discharge Survey shall be completed and submitted to the Environmental Manager for approval prior to completion of the Plan Check Process. Contact Nicole Greene, Environmental Manager at 909-625-9446 for more information.
40. All food waste materials shall be disposed of in the trash. Sewer disposal is not permitted. This also includes all warm items such as chili, soups, chili cheese, nacho cheese, condiments, hot dogs, hamburgers, etc.

Fire

41. Prior to the opening of the business allowed with this permit, contact the Fire Marshal's Office to arrange for an on-site inspection to determine emergency and exit lighting requirements, and locations for required fire extinguisher(s).

Police

42. 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.

43. Counters shall be maintained free from excessive displays to enhance the visibility of the cashier station.
44. Maintain visibility within the store by providing adequate lighting, installing mirrors, and keeping signs and shelving low.
45. Obtain Police Department review and approval for the proposed video surveillance security camera system.
46. 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 10th DAY OF SEPTEMBER, 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 10TH day of September, 2012, by the following vote, to-wit:

AYES:

NOES:

ABSENT:



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 9/10/12

AGENDA ITEM 6.b

Case No.: 2012-14

Application: Precise Plan of Design (PPD) for exterior facade remodel of an existing commercial building

Project Address: 4168 Holt Boulevard

Property Owner: Philip Gutiérrez

General Plan: Planned Development

Zoning: R-3 (11 du/acre) per Holt Boulevard Specific Plan

Assessor Parcel No.: 1009-533-01

EXISTING SITE FEATURES/CONDITIONS

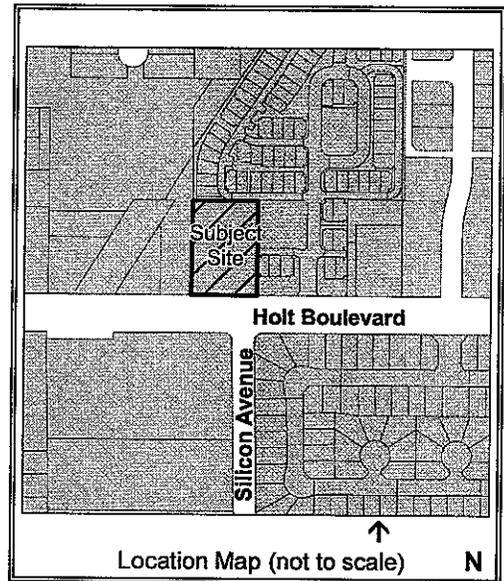
Structures: Single commercial building divided into two lease spaces

Parking: 38 parking spaces (including disabled-accessible spaces)

City/Public Utility Easements: None

Trees/Significant Vegetation: Parking lot landscaping

ADJACENT LAND USE DESIGNATIONS AND USES



	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	Planned Development	R-3 (11 du/ac) per Holt Specific Plan	Multi-tenant commercial center
North	Planned Development	R-3 (11 du/ac) per Holt Specific Plan	Bellafina Town Homes
East	Planned Development	R-3 (11 du/ac) per Holt Specific Plan	Bellafina Town Homes
South	Business Park	Business Park per Holt Specific Plan	Iglesia Ni Cristo (Church)
West	Planned Development	R-3 (11 du/ac) per Holt Specific Plan	Vacant Lot

Report on Item Number 6.b

CASE NUMBER 2012-14

APPLICATION TYPE(S)	Precise Plan of Design
NAME OF APPLICANT	Phillip Gutierrez
LOCATION OF PROPERTY	4168 Holt Avenue
GENERAL PLAN DESIGNATION	Planned Development
ZONING DESIGNATION	R-3 (11 du/ac) per Holt Boulevard Specific Plan
EXISTING LAND USE	Commercial Building
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Silvia Gutiérrez

Project Description

The applicant is requesting design approval for exterior improvements to the façade of the existing commercial building facing Holt Boulevard. The existing building is approximately 9,600 square feet in area, and is currently divided into two lease spaces for a retail automotive accessory store and a retail skate shop. A warehouse storage area is located in the rear portion of the building.

The proposed changes to the front of the building are intended to cover the dated gable end design of the current building and to provide a more attractive appearance to the street. New changes include the following:

- The addition of a parapet and entry columns across the front of the building to create two separate entrances for each tenant space and allow for the placement of business identification signs. The new parapet will be finished in stucco and features a cornice cap and trim.
- New horizontal metal reveals to break up larger stucco wall planes.
- New decorative light fixtures mounted on front of modified columns.
- New color scheme from dark brown to light tan.

Plans for the exterior remodel are included in the Commission packets. No interior tenant improvements are proposed and no signage is part of this approval but has been conceptually shown.

Background

- Based on City records, the existing building was originally built around 1979 and was home to EZ Party Rentals. Since then the building was subdivided into the two existing lease spaces in the late 1980's.
- The site has 38 parking spaces that are adequately distributed around the site and support the existing uses.
- The overall appearance of the center is dated, but is in generally sound condition. Parking lot lighting and landscaping exists but is not consistent with present day standards.

Planning Division Comments

Staff is supportive of the proposed facade improvements as described above and finds them to be appropriate and more up to date architecturally. Staff has worked with the applicant to arrive at a building design that is consistent with the quality of recent development within the City and contributes positively to newer improvements on Holt Boulevard and in the immediate area. Staff finds the new exterior materials to be appropriate and durable. The proposed neutral colors, finishes, and materials fit the proposed architecture.

Since the proposed changes are only to the exterior façade of the building and involve no expansion of the floor area of the existing building or existing uses, there is no impact to on-site parking. At a later date, the applicant will submit a separate application for new signs to replace those on the building for each business, which will be handled administratively by staff.

Property Maintenance

Although the property is in generally sound condition and fairly well maintained, there are a few items that need to be addressed to make the effort to remodel the front of the building complete. A review of actual field conditions indicates that parking spaces need to be re-stripped to improve visibility, especially during evening hours. A second area of concern is the missing doors at the existing trash enclosure. Finally, the existing sea container placed at the rear of the building must be removed from the property prior to issuance of building permits. As part of staff's recommendation for approval, conditions of approval addressing these items have been added.

Public Notice

None required.

Environmental Assessment

The proposed project is on a developed site and only involves interior tenant improvements and 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 recommends that the Planning Commission take the following action(s):

- A. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301, which exempts projects involving limited site changes not involving grading. As such, a DeMinimis finding of no impact on fish and wildlife will be prepared.
- B. Move to approve Precise Plan of Design Case No. 2012-14 for exterior building and site improvements related to the façade remodel of an existing multiple tenant building per the submitted plans, as described in the staff report, and subject to the conditions of approval in attached Resolution 12-1765.

Respectfully Submitted,



Michael Diaz
City Planner



MD/lb

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RESOLUTION NUMBER 12-1765

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING CASE NUMBER 2012-14, A PRECISE PLAN OF DESIGN FOR EXTERIOR BUILDING AND SITE IMPROVEMENTS AT 4168 HOLT BOULEVARD IN THE R-3 11 DU/AC IN THE HOLT SPECIFIC PLAN ZONING DISTRICT (APN 1009-531-02).

A. Recitals.

WHEREAS, on August 30, 2012, an application for a Precise Plan of Design (PPD) was submitted by Philip Gutiérrez, property owner, for exterior improvements to the façade of the existing commercial building facing Holt Boulevard at the subject location; and,

WHEREAS, the application applies to property located at 4168 Holt Boulevard; and,

WHEREAS, the Planning Commission has reviewed the Planning Division's determination that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the State CEQA Guidelines, and based on its own independent judgment, concurs with staff's determination of said exemption and finding of no significant effect on the environment.

WHEREAS, on September 10, 2012, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a meeting at which time all persons wishing to testify in connection with said project were heard and said proposal was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced hearing on September 10, 2012, including written and oral staff reports, together with public testimony, this Commission hereby finds the proposal to be consistent with the overall objectives of the City of Montclair General Plan, Montclair Municipal Code, and good planning principles, and approves the application subject to each and every condition set forth below.

Planning

1. This Precise Plan of Design (PPD) approval is for the exterior improvements associated with façade remodel of an existing commercial building at 4168 Holt Boulevard as depicted on approved plans on file with the Planning Division and as described in this report.
2. Within five days of approval, the applicant shall submit a check in the amount of \$50 to cover the County administrative fee for filing a Notice of Exemption as required by the California Environmental Act (CEQA). The check shall be made payable to the Clerk of the Board of Supervisors.
3. PPD approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
4. Approval of this PPD shall not waive compliance with any applicable regulations as forth by the California Building Code and/or City Ordinances, the San Bernardino County Health Department, or the State of California.
5. The applicant and/or property owner shall ensure that a copy of the Planning Commission Resolution, 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.
6. A minimum of 38 parking spaces shall be maintained on the subject property at all times.
7. No outdoor display areas for merchandise are authorized as part of this approval, except as approved with a valid temporary Promotional Outdoor Event or Special Outdoor Event issued by the City.
8. All decorative exterior building-mounted lighting shall be shielded so as to not create any nuisance glare to the adjacent parking areas, private roadways, public rights-of-way, or neighboring properties. The use of wall packs, barnlighters, or other similar unshielded luminaires on the property shall be prohibited.
9. Prior to the issuance of a final for the façade remodel, the property owner shall complete the following:

- a. Add doors to the existing trash enclosure pursuant to City standards. Said improvement shall require approval of plans and issuance of a building permit.
 - b. Remove outdoor storage container and barrels from the rear of the property.
 - c. Restripe parking lot to improve visibility of parking spaces. Re-striping shall incorporate "hairpin" design and comply with all disabled-access requirements as determined by the Building Official.
10. No shopping carts shall be used with this business without City review and approval of an electronic cart containment system.
11. No exterior security bars and roll-up doors shall be installed to windows and pedestrian building entrances.
12. All satellite dish antennas, microwave receivers and transmitters, and other forms of communication equipment shall be located and fully screened in a manner in accordance with the provisions of Chapter 11.46 of the Montclair Municipal Code.
13. Mechanical equipment including, but not limited to, utility meters, air conditioners, kitchen vents or hoods, repair equipment, etc., shall be located within the building or screened in a manner that is compatible with the architectural design of the building to the satisfaction of the Planning Division. Wooden lattice or fence-like screens/covers are not appropriate with the context of a commercial or industrial development and therefore are not allowed.
14. No exterior surface mounted and/or exposed conduit or electrical lines shall be allowed. Electrical switchgear, meters, etc. must be screened or housed in an enclosure, to the extent allowed by the utilities.
15. No public telephones, vending machines, children's rides or other coin-operated machines shall be located on the exterior of any building within the center.
16. The finish quality of exterior design elements including, but not limited to, building façade shall be subject to approval of the City Planner prior to issuance of a Certificate of Occupancy.
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. At no time shall pennants, inflatable signs, "human" signs, other similar advertising devices be utilized on the property or off-site.
18. Permanent and/or temporary promotional window signs shall not occupy more than 25 percent of the aggregate window area.
19. No permanent building-mounted or monument signs are approved as part of this entitlement. Prior to the installation of any permanent business identification signs, the applicant shall submit plans and an application for a Sign Permit to the Planning Division for review and approval. Wall signs shall use individual channel letters.
20. All signs shall be maintained at all times in a safe and secure manner. Exposed surfaces shall be cleaned and painted as necessary. Broken and defective parts shall be repaired or replaced
21. The property owner/applicant shall keep the premises clean at all times, and maintain in good repair all building exteriors, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas.
22. All graffiti and other forms of vandalism and damage to the subject improvements shall be removed and/or repaired within 72 hours of notice by the City.
23. 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

24. Submit four complete sets of plans, including the following:
 - a. Site/Plot Plan;
 - b. Floor Plan;
 - c. Electrical Plans
 - d. Provide an existing plan of the building including all walls to be demolished.

- e. Waste recycling plan, recycling 50% of all construction debris.
- 25. Submit two sets of structural calculations, if required.
- 26. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
- 27. The applicant shall comply with the latest adopted California Building Code, and other applicable codes, ordinances and regulations in effect at the time of permit application. These applicable codes shall be indicated on the first page of submitted plans.
- 28. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
- 29. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number. The applicant shall comply with the latest adopted California Codes, and all other applicable codes, ordinances, and regulations in effect at the time of permit application.
- 30. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
- 31. Exposed raceways shall be prohibited on the exterior of all buildings and building-mounted and freestanding signs. An architectural sign backing/raceway may be allowed on the commercial building, subject to review and approval by the City Planner.
- 32. 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.
- 33. 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.
- 34. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. The numerical address of the building shall be displayed in two locations on the south-facing elevation as follows:

- 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.
35. 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.

Fire

36. Prior to the opening of the business allowed with this permit, contact the Fire Marshal's Office to arrange for an on-site inspection to determine emergency and exit lighting requirements, and locations for required fire extinguisher(s).
37. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
38. All Montclair Fire Department fees are due prior to any permit issuance.

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

APPROVED AND ADOPTED THIS 10th DAY OF SEPTEMBER, 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

Planning Commission conducted on the 10th day of September, 2012, by the following vote,
to-wit:

AYES:

NOES:

ABSENT:

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