



MONTCLAIR

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

REGULAR ADJOURNED MEETING
Monday, May 13, 2013
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 Sergio Sahagun, and Commissioner Don Vodvarka

4. APPROVAL OF MINUTES

The minutes of the April 22, 2013 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 2013-10
Project Address: 4737 Holt Boulevard
Project Applicant: Montclair Business Park, LLC
Project Planner: Silvia Gutiérrez, Assistant Planner
Request: Conditional Use Permit to establish a retail thrift store
- b. CASE NUMBER 2013-9
Project Address: 5391, 5399, 5427, 5445 and 5467 Moreno Street
Project Applicant: GSMS 2005-GG4 Moreno L.P. Trust
Project Planner: Silvia Gutiérrez, Assistant Planner
Request: Multi-Tenant Sign Program Amendment

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

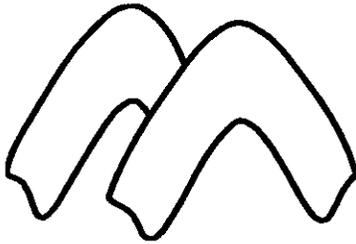
Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of June 10, 2013 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 north door of Montclair City Hall on May 9, 2013.



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 05/13/13

AGENDA ITEM 6.b

Case No. 2013-9

Application: PPD for a master sign program amendment

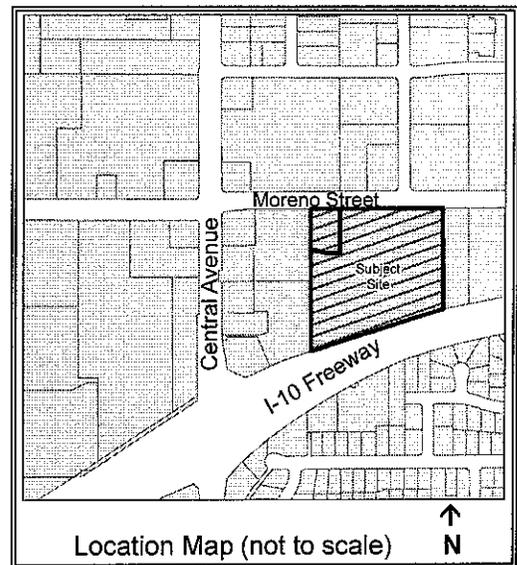
Project Address: 5391, 5399, 5427, 5445 and 5467 Moreno Street

Property Owner: GSMS 2005-GG4 Moreno Limited Partnership

General Plan: Regional Commercial

Zoning: "C-3" (General Commercial)

Assessor Parcel Nos.: 1008-201-20 and 23



EXISTING SITE FEATURES/CONDITIONS

Structures: 5391, 5399, 5427, 5445, 5467 Moreno Street – approximately 90,000 square-foot multi-tenant commercial building

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

City or other public utility easements: Typical easements

ADJACENT LAND USE DESIGNATIONS AND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	Regional Commercial	"C-3" (General Commercial)	Multi-tenant commercial center
North	Regional Commercial	"C-3" (General Commercial)	Commercial buildings
South	Regional Commercial	"C-3" (General Commercial)	I-10
East	Regional Commercial	"C-3" (General Commercial)	Commercial building
West	Regional Commercial	"C-2" (Restricted Commercial) "C-3" (General Commercial)	Multi-tenant commercial centers

Report on Item Number 6.b

CASE NUMBER 2013-9

APPLICATION TYPE(S)	Precise Plan of Design for Sign Program Amendment
NAME OF APPLICANT	GSMS 2005-GG4 Moreno Drive Limited Partnership
LOCATION OF PROPERTY	5391, 5399, 5427, 5445, 5467 Moreno Street
GENERAL PLAN DESIGNATION	Regional Commercial
ZONE DESIGNATION	C-3 (General Commercial)
EXISTING LAND USE	Montclair East Retail Center – Multi-Tenant Retail
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15311(a))
PROJECT PLANNER	Silvia Gutiérrez

Project Description

The applicant is requesting Precise Plan of Design (PPD) approval to amend a portion of the existing master sign program adopted for the eastern half of what is commonly referred to as the Montclair East retail center on the east side of Central Avenue between Interstate 10 and Moreno Street. The existing sign program for the subject half of the center was adopted in 1991 (see Attachment A). The request to amend the sign program is being made on behalf of the Fallas discount clothing retailer that opened for business in October 2012. The retailer is seeking approval for additional signage for the business, which it believes is consistent for what was approved for the Ross Dress for Less retail store (see Attachment B).

Although the proposed sign program amendment is not properly presented or formatted, the intent of the applicant is to amend the existing sign program to allow an existing major tenant the ability to add a second line of copy to its previously approved and installed major identification signs (primary and secondary) that would result in an overall sign height that exceeds the limit allowed by the existing sign program. In addition, the proposed second line of copy would be an internally illuminated cabinet sign that is also not allowed by the sign program.

Montclair East Sign Program - Major Tenants Over 20,000 s.f.	
<i>Sign Program Requirement</i>	<i>Applicant's Proposal</i>
Primary - 5'-0" letters maximum Channel Letters Only Single Line Copy	8'-6" Overall Height (North Elevation) 5'-0" existing letters 2' x 24' cabinet w/applied vinyl letters
Secondary (Facing Freeway) - 3'-0" letters maximum Channel Letters Only Single Line Copy	4'-7" Overall Height (South Elevation) 3'-0" existing letters 1'-3" x 14'-10" cabinet w/applied vinyl letters
Montclair East Sign Program approved in 1991 (Case No. 90-32)	

The proposed amendment exhibits as proposed by the applicant, a copy of the applicant's letter, and a copy of the approved sign program for the center are enclosed in the Commission packets for reference.

Background

- The 17-acre commercial development known as Montclair East was developed over a period of nearly 25 years. The Firestone building was the first building constructed in 1971, the "L"-shaped building at 9197 Central Avenue and El Pollo Loco were built in 1988, and the pad building at 9177 Central Avenue was developed in 1994. On the adjacent properties, the freestanding building at 9137 Central Avenue, currently occupied by Petco and Harbor Freight Tools, was built in 1972 and remodeled ten years later. McDonald's was developed in 1989.
- The east half of the Montclair East retail center affected by this request is presently occupied by major tenants Ross Dress for Less, Sports Authority, Anna's Linens, and Fallas (formerly Office Depot). This portion of the center was completed in 1995 when the pad building that is partially occupied by David's Bridal was built.
- The Montclair East sign program affecting the subject site was approved in 1991 under Case No. 90-32. The sign program was amended later in 1991 and again in 1993. None of the subsequent amendments affected letter height for major tenants as indicated in the table on the previous page of this report.

Planning Division Comments

Staff has worked with the applicant since the Fallas store was first proposed up to the day it opened for business. During that time frame staff communicated to the applicant the sign requirements of the approved sign program for the subject portion of the Montclair East center. A record of the dates and times staff met with and discussed the signs for the store are provided in Attachment C.

Overall, staff believes that all major tenants within the center have more than an adequate amount of signs for their respective businesses. Despite the physical constraints related to the layout of the site, the existing sign program provides each major tenant the ability to have primary and secondary signs (with freeway exposure) in addition to sign panels on monument signs and a freeway-oriented pylon sign. When staff visited the site it was noted that both Ross and Fallas each have a fairly equal amount of signs, including two (2) existing wall identification signs, double-faced sign panels on the existing monument signs on Moreno Street (Fallas and Ross) and on Central Avenue (Fallas), and double-faced sign panels on the existing the freeway pylon sign. Ross has a third high-mounted building sign on the Moreno Street elevation which, in staff's opinion, can be easily missed by passersby (see Attachments D and E). All things being considered essentially equal as it relates to the number of signs and their placement, staff is not convinced that the use of large signs are, in and of themselves, the key to success in business. Staff suggests that customer awareness

of a given business is better achieved with good advertising (e.g. television and/or print ads) and product offerings.

Although the sign program could be considered dated in some respects, it has served the tenants of the center for over 20 years since it was approved, including the former occupant of the Fallas lease space. Nevertheless, staff recognizes that the existing sign program appears to have not been consistently applied over the years. From available records, staff has not been able to ascertain how or why the signs for Ross Dress for Less were approved as they are when approved in 1993. Due to the placement of the sign on the building, staff has not been able to confirm the size of the existing signs for Ross. While the Ross signs clearly appear taller than allowed by the sign program, the second line of copy was done in individual channel letters, which is consistent with staff's reading of the sign program, the manner in which all the tenant signs in the center with two lines of sign copy have been permitted to install, and the direction given to Fallas representatives. Fallas was given the opportunity to have two lines of copy for their sign so long as the overall respective heights of five feet (north elevation) and three feet (freeway elevation) were observed. Fallas elected to utilize full height letters without a second line of copy, which was approved by staff.

The existing sign program is not clear on the matter of two lines of copy, but based on the permits issued for current tenants in the center, the City has granted sign permits that included two lines of copy for a number of tenants. In each case, the second line is comprised of individual channel letters. Not only is the "tag line" of the Fallas proposal difficult to read, staff believes that the introduction of cabinet signs into the center – such as the 2' tall x 24' long cabinet sign proposed by Fallas proposal - would not be consistent with other sign approvals in the center and set an undesirable precedent.

Although staff does not support the applicant's specific proposal, staff believes a second line of copy in addition to the maximum letter height would be acceptable for the largest tenant spaces and that such signs would be generally proportional to their respective building elevations. Staff would be willing to support a sign program amendment if it does not introduce the use of cabinet signs within the center and the sign program is reformatted in a more professional manner with updated exhibits illustrating the changes. More specifically, the amendment needs to ensure the following is included:

- No changes to any maximum letter heights for any tenants. Staff finds the prescribed letter heights for all tenants to be appropriate, including the maximum letter heights applicable to major tenants over 20,000 square feet.
- Allow a second line of copy only for major tenants over 20,000 square feet, provided the second line of copy is comprised only of individual channel letters, has a maximum height of 15 inches for a primary sign and 12 inches for secondary sign, and a specified overall sign area height and length.

To allow the applicant additional time to respond to this direction, staff is requesting that this agenda item be continued. Since this is not a public hearing no specific hearing date need be identified.

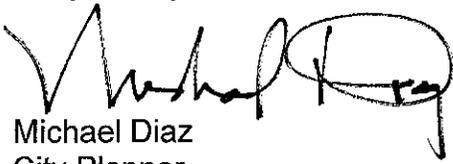
Public Notice

None required.

Planning Division Recommendation

Staff recommends that the Commission continue the review of the proposed master sign program amendment under Case No. 2013-9 to a non-specified future date in order to allow the applicant time to address staff and Commission comments regarding the proposal.

Respectfully Submitted,



Michael Diaz
City Planner

c: Jerry Murdock, Ultrasigns, 9025 Balboa Avenue, Suite 150, San Diego, CA 92123
Kristi Singh, CBRE Real Estate Manager (representing property owner), 4141 Inland Empire Blvd., Suite 100, Ontario, CA 91764
Alejandra Godoy, Real Estate Administrator, National Stores, Inc., 15001 South Figueroa Street, Gardena, CA 90248

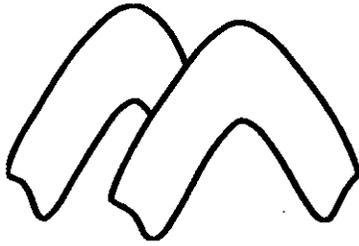
Attachments

Attachment A - Existing sign program for the subject half of the center (adopted in 1991 and amended in 1993)
Attachment B - Letter from Jerry Murdock, Ultrasigns sign contactor
Attachment C - A record of the dates and times staff met with sign contractor to discuss signs
Attachment D - Photos of existing wall signs, monument signs and pylon sign for Fallas and Ross
Attachment E - Copy of first sign proposal submitted to staff on September 5, 2012
Attachment F - Copy of site plan depicting location of existing freestanding signs for easterly portion of Montclair East

Attachment C
Case No. 2013-9

Summary of Dates Related to Signs for Fallas

- **March 8, 2012** – Planning staff reviewed the proposed tenant improvements for the future Fallas store and included the following comments: "A channel letter sign that conforms to the sign code and the existing sign will be considered for staff review."
- **July 31, 2012** – Staff received the Zoning and Use Review Application and reminded the applicant that all signs, including banners, require City review and permits prior to installation.
- **September 5, 2012** – The applicant's sign contractor meets with staff at the public counter and presents staff with a proposal to install business identification signs (Attachment E). Staff informed the sign contractor that based on the sign program, the tenant is allowed a 5'-0" tall sign on the north elevation and a 3'-0" tall sign on the south elevation and that staff was not opposed to the proposed tag line in concept. However, staff advised the applicant's representative that the design should be modified to conform to the overall maximum height limitations and that the tag line should be designed with individual channel letters since the existing sign program requires individual channel letters. Channel letters are more aesthetically pleasing and durable and are consistent with the General Plan policy that encourages well designed commercial shopping centers.
- **October 18, 2012** – The applicant's sign contractor presents staff with a revised sign proposal that includes a 4'-11" tall sign with internally illuminated individual channel letters on the north elevation, and a 3'-0" tall sign with internally illuminated individual channel letters on the south elevation. Neither sign included the backer panel and cabinet tag line originally presented to staff. Planning staff approves the plans and building permits are issued the same day.
- **November 15, 2012** – Planning staff observes that a cabinet tag line had been installed on the north and south elevations below the approved signs without City review or permits. Planning staff informs Code Enforcement to issue a Notice to Correct the same day. No response is received from the property owner's representative within the prescribed time.
- **November 29, 2012** – Code Enforcement staff issues a citation for \$250 for not obtaining approvals or permits for the illegally-installed cabinet signs. Later that same day, Jerry Murdock, contractor from Ultrasigns, came into City Hall to speak to Planning staff. The unpermitted cabinet signs were removed the following week.
- **February 6, 2013** – Ultrasigns came to the public counter to discuss a proposed sign program amendment to allow tag lines for tenants in the center.



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 05/13/13

AGENDA ITEM 6.a

Case No. 2013-10

Application: Request for a Conditional Use Permit (CUP) to establish a retail thrift store

Project Address: 4737 Holt Boulevard

Property Owner: Montclair Business Park, LLC

General Plan: General Commercial

Zoning: "Commercial" per Holt Boulevard Specific Plan

Assessor Parcel No.: 1012-091-04

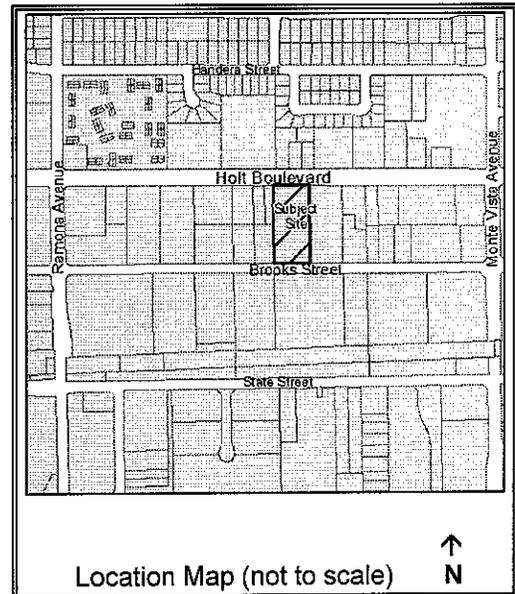
EXISTING SITE FEATURES/CONDITIONS

Structures: 22,500 square-foot multi-tenant commercial building

Parking: 110 paved parking spaces, including one (1) disabled-accessible stall

City or other public utility easements: Typical easements

ADJACENT LAND USE DESIGNATIONS AND USES



	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Multi-tenant commercial center
North	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Commercial building
South	Business Park	"Industrial" per Holt Boulevard Specific Plan	Commercial building
East	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Multi-tenant commercial center
West	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Commercial building

Report on Item Number 6.a

PUBLIC HEARING – CASE NUMBER 2013-10

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	Montclair Business Park, LLC
LOCATION OF PROPERTY	4737 Holt Boulevard
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	"Commercial" per Holt Boulevard Specific Plan
EXISTING LAND USE	Multi-Tenant Commercial Building
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Silvia Gutiérrez

Applicant's Proposal

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow the establishment and operation of a thrift store to be known as "Heartland Thrift." The proposed location is a vacant lease space within a multiple-tenant commercial building on the south side of Holt Boulevard between Ramona and Monte Vista Avenues. The subject lease space is approximately 13,500 square feet in size and is at the easterly end of the building. The majority of the lease space would be used for display and retail sales activities, with the balance reserved for a merchandise receiving area.

Heartland Thrift collects merchandise from items donated by customers from the applicant's own moving box company and surplus inventory from Vintage Walk, located in Covina, a company that sells antiques and conducts estate sales. In addition, when inventory levels dictate, the applicant would purchase bulk clothing from wholesale brokers in Downtown Los Angeles. According to the applicant, all of the incoming merchandise is proposed to be sorted at the home where items would be picked up and made ready to transport to the Montclair store for sale to the public.

Items would be unloaded from the southwest side of the proposed lease space through an existing roll-up door. No donations or drop-offs would be accepted at the Montclair location. The items proposed to be sold would include clothing, small housewares (pots, pans, and lamps) and furniture. Initially, the thrift store would have two (2) full time employees and five (5) part-time employees, in shifts. The proposed hours of operation are 9:00 a.m. to 8:45 p.m. Monday through Saturday and closed on Sundays.

A floor plan of the lease space is provided in the Commission packets for reference.

Background

- According to the Holt Boulevard Specific Plan (hereinafter "Specific Plan"), land use activities such as thrift stores, antique shops, and used merchandise are allowed in the "Commercial" land use district, subject to the approval of a CUP. Thrift stores engage in the resale of used (or second-hand) merchandise.
- The subject site is approximately 2.4 acres in area and is developed with a single-story, 22,500 square-foot building, constructed in 1960.
- The City of Montclair currently has four (4) thrift stores.

Planning Division Comments

Initially, staff had several concerns regarding the establishment of a thrift store, given the City already has four other similar establishments in close proximity to the subject location. The proposed store's inventory would be limited to the sale of new and used clothing/shoes/accessory items, housewares, pots, pans, lamps, and furniture and it would not be a collection/donation site. According to the applicant, all items sold at the store would be collected and sorted at their source before bringing items to the proposed Montclair site.

Since the store would not receive and process used merchandise on the premises, there is less potential for problems such as unauthorized outside storage and dumped/discarded materials that are usually associated with thrift stores. While dumping is still a possibility, conditions of approval have been proposed to specifically address this concern to ensure that the business is operated more like a traditional retail store and the site is properly maintained.

The commercial center is modest looking in appearance and landscaping at the center is fairly well-maintained. The building is generally in sound condition, even though it is one of the oldest developed commercial properties along Holt Boulevard. There are 110 off-street parking stalls on this parcel, mostly located in the front of the building. Reciprocal parking is possible with the adjoining commercial and industrial parcel to the east, which is under the same ownership and is considered an integral part of the center. As such, staff finds there is sufficient parking to accommodate the thrift store and other uses through a shared parking arrangement. Over one-half of the building would be occupied by the thrift store while the remainder of the building is currently occupied by a drapery store, pet grooming shop, and a beauty salon which do not generate high parking demands. The only use within the center that may generate a slightly higher demand on a parking-to-floor area ratio is a traffic school. It has a maximum capacity of 30 occupants within a relatively small 600 square-foot tenant space.

A few concerns that staff has are the lack of a pedestrian path-of-travel from the public right-of-way, lack of van-accessible parking for persons with disabilities, outdated or inadequate building and parking lot lighting. Conditions of this CUP will require the property be brought up to current Code. Signage on the building has been brought up to current standards after the removal of a non-conforming pole sign and the adoption of a comprehensive tenant sign program in 2005. The applicant is proposing to install a monument sign per the approved sign program, which would be submitted for staff review at a later date.

With conditions, staff can support the proposed use and does not foresee the aforementioned potential problems occurring on the site. Further, the applicant has indicated that they will monitor the rear area of the building, install exterior security cameras, and clean up any illegally discarded items. If operated properly per the conditions of approval, staff believes the proposed thrift store use will not be detrimental to the surrounding area. Moreover, staff believes that with required site improvements and installation of the proposed monument sign, the landlord would increase its chances of attracting long-term credit tenants to the commercial center.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on May 3, 2013. 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.

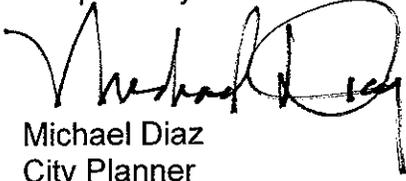
Planning Division Recommendation

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

1. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301.

2. Move to approve Case No. 2013-10, subject to making the required findings and subject to the conditions in attached Resolution Number 13-1777.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Diaz", written over a printed name and title.

Michael Diaz
City Planner

SG/lb

Attachments: Draft Resolution of Approval for Case No. 2013-10

RESOLUTION NO. 13-1777

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2013-10 TO ALLOW A THRIFT STORE IN THE "COMMERCIAL" LAND USE DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN AT 4737 HOLT BOULEVARD (APN 1012-091-04).

A. Recitals.

WHEREAS, Montclair Business Park, LLC, Inc. filed an application for a Conditional Use Permit (CUP) to allow a thrift store operation on March 18, 2013, hereinafter referred to as "the application"; and

WHEREAS, the Holt Boulevard Specific Plan requires a CUP for the establishment of a thrift store in the "Commercial" land use district upon the review of applicable development standards and land use compatibility with surrounding properties; and

WHEREAS, the application applies to the lease space that encompasses approximately 13,500 square feet at 4737 Holt Boulevard, which is part of a 22,500 square-foot multiple tenant building; and

WHEREAS, staff has determined that the application meets the intent and requirements of the Holt Boulevard Specific Plan for the proposed use and the applicable development standards of the "Commercial" land use district; 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 May 13, 2013, 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.

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 May 13, 2013, including written

and oral staff reports, together with public testimony, this Commission hereby finds as follows:

- a. That said use is essential or desirable to the public convenience and public welfare, in that the subject thrift store will provide the general public an alternative to purchase lower priced new and used clothing items in a safe and clean environment intended for the retail sales of goods.
 - b. That granting the permit will not be materially detrimental to the public welfare and to other property in the vicinity, in that, the use is similar to, and consistent with, retail businesses along Holt Boulevard. In addition, the subject use will be operated as a retail store and not as a collection site for donated items, thereby reducing the potential for creating unsightly conditions on the premises.
 - c. That such use in such location conforms to good zoning practice in that stores selling used merchandise are permitted in the "Commercial" land use district of the Holt Boulevard Specific Plan, subject to approval of a CUP. Conditions of approval are designed to ensure that the business is not operated in such a way as to cause undesired secondary effects that would degrade the condition of the property.
 - d. That such use in 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 businesses offering goods and services to local residents.
3. Planning Division staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies as a Class 1 exemption under State CEQA Guidelines, Section 15301, which exempts projects involving little to no expansion of existing structures or uses. The project does not involve an expansion of the existing structure or a fundamental change in the type of uses permitted by the zoning code. In addition, there is no substantial evidence that the project may have a significant effect on the environment.
 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 approval is for a Conditional Use Permit (CUP) to allow the establishment of a thrift store with retail sales only within an existing 13,500 square-foot portion of a 22,500 square-foot, multiple-tenant commercial building at 4737 Holt Boulevard, per the submitted plans. Any substantial changes to the operation, increase in floor area of the demised space, and/or physical location, shall require prior City approval.
2. CUP approval shall be valid for a period of six (6) months from the date of Planning Commission approval unless substantial progress has been made in property improvement or that the store is in operation with City issuance of a Certificate of Occupancy. 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 voids this CUP for the specified use.
3. 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 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 \$448.52, 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.
4. Prior to the commencement of business activities associated with this approval, the business owner shall obtain a valid business license. For more information regarding the issuance of a business license, contact the City of Montclair Business License Technician at 909/625-9423.
5. The activities of the operation shall be limited to the permitted use of a thrift store selling new or used clothing, used furniture, and housewares.
6. The floor plan of the thrift store shall substantially conform to the proposed floor plan submitted for this application at all times. Any expansion or significant change shall require City review and approval.

7. The site shall not be used as a collection facility for donated goods of any kind. The use of drop boxes/receptacles of any type shall not be allowed at this location.
8. Approved hours of operation for the thrift store are 9:00 a.m. to 9:00 p.m., seven days per week. The business owner has the option of opening or closing anytime within these hours. Any extension of the hours of operation requires prior City approval.
9. No exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be allowed.
10. The business owner and/or staff shall maintain the area surrounding the business in a clean and orderly manner at all times. Litter and trash receptacles shall be located at convenient locations inside and outside establishments, and operators of such establishments shall remove trash and debris from its premises on a daily basis.
11. Exterior lighting of the parking areas shall be modified as necessary to provide a minimum intensity of at least one foot-candle of light throughout the parking area at all times in compliance with the Montclair Security Ordinance.
12. Prior to issuance of a business license and Certificate of Occupancy for the subject tenant space, the applicant shall:
 - a. Prepare and submit a photometric analysis for the subject site to determine what, if any, modifications are necessary to the existing site lighting to comply with the Montclair Security Ordinance. All necessary lighting modifications shall be completed within 90 days of Planning Commission action on this CUP request.
 - b. Remove the unshielded building-mounted luminaires along the east side of the tenant space at 4737 Holt Boulevard. Should the applicant desire to replace any or all of these luminaires, the replacement fixtures shall be of a 90-degree, fully-cutoff style to the satisfaction of the City Planner.
 - c. Add mulch or groundcover to planters in the parking lot.
13. Within 90 days of the date of Planning Commission action on this CUP request, the applicant shall:
 - a. Comply with all disabled-accessible parking requirements as determined by the Building Official.
 - b. Repair all substandard paving and re-stripe the entire parking lot to City standards, including the incorporation of "hairpin-style" striping.

14. 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.
15. Changes to the exterior of the building (including paint) or site shall not be made without prior approval from the Planning Division.
16. 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.
17. 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 thrift 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.
18. 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.
19. 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.
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, children's rides, collection boxes, etc., shall be located on the exterior of the subject lease space or the remainder of the site.

22. No customers shall be permitted to loiter or congregate outside of the facility. The operator shall post "No Loitering" signs within the parking areas pursuant to the Montclair Municipal Code.
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. 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.
25. 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.
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.
28. This permit may be modified or revoked for failure to abide by these conditions or in the event that the use is determined to be a nuisance to surrounding properties, businesses or the community at large.

Building

29. Submit four complete sets of plans including the following:
 - a. Site/Plot Plan;

- b. Floor Plan;
 - c. Electrical plans, including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
 - d. Plumbing plans, including isometrics, underground diagrams, water and waste diagrams, fixture units, gas piping, and heating and air conditioning.
 - e. An existing plan of the building that includes all walls to be demolished.
 - f. Waste recycling plan, recycling 50% of all construction debris.
30. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
31. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
32. 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.
33. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
34. 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.
35. Construction activity shall only occur between 7:00 a.m. and 8:00 p.m. daily. All construction work carried out under the review of the Building Division shall be of good quality. The Building Official shall have the authority to enforce the installation of work that is straight, level, plumb, square, etc., as the situation requires. All work shall be well fit and of a durable nature. Paint and stucco in all cases shall not be below standard for the use applied.
36. Storage racks or shelving over 8 feet in height shall be installed only after plans, structural calculations, and permits have been approved and issued by the Building Division.
37. 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%).

38. 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. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn every day.
 - b. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.
39. 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 other departments and/or agencies.
40. Prior to the issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Building Division electronic images of all plans and records, which were submitted for the purpose of obtaining a building permit.
 - b. Electronic images shall comply with the City's Electronic Archiving Policy.
 - c. Install compliant disabled parking stalls and parking lot signage.

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

APPROVED AND ADOPTED THIS 13TH DAY OF MAY, 2013.

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 13th day of May, 2013, by the following vote, to-wit:

AYES:

NOES:

ABSENT: