



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

REGULAR ADJOURNED MEETING
Monday, February 10, 2014
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 Manny Martinez, Commissioner Sergio Sahagun, and Commissioner Don Vodvarka

4. APPROVAL OF MINUTES

The minutes of the January 27, 2014 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 2013-27
 - Project Address: 10325 Central Avenue
 - Project Applicant: Gary H. & Helga Sherman Trust
 - Project Planner: Silvia Gutiérrez, Associate Planner
 - Request: Conditional Use Permit to allow an auto sales facility with outdoor display
 - CEQA Assessment: Categorically Exempt (Section 15301)

- b. PUBLIC HEARING - CASE NUMBER 2013-29
 - Project Address: 5391-5399 Holt Boulevard
 - Project Applicant: RGS Investments LLC
 - Project Planner: Michael Diaz, City Planner
 - Request: Conditional Use Permit and Precise Plan of Design to allow an auto sales facility with outdoor display
 - CEQA Assessment: Categorically Exempt (Sections 15301 and 15311)

- c. CASE NUMBER 2014-01
 - Project Address: 9185 Central Avenue
 - Project Applicant: Blanche Chavin Family Limited Partnership
 - Project Planner: Michael Diaz, City Planner
 - Request: Precise Plan of Design for exterior remodel of existing fast food drive through restaurant (El Pollo Loco)
 - CEQA Assessment: Categorically Exempt (Sections 15301)

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

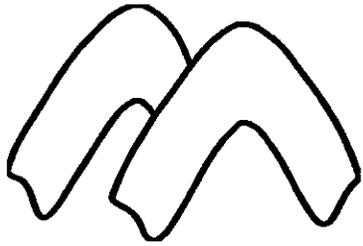
Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of February 27, 2014 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California.

CERTIFICATION OF AGENDA POSTING

I, Laura Embree, 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 February 6, 2014.



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 02/10/14

AGENDA ITEM 6.a

Case No.: 2014-01

Application: Precise Plan of Design (PPD) for exterior remodel of existing fast food drive through restaurant (El Pollo Loco)

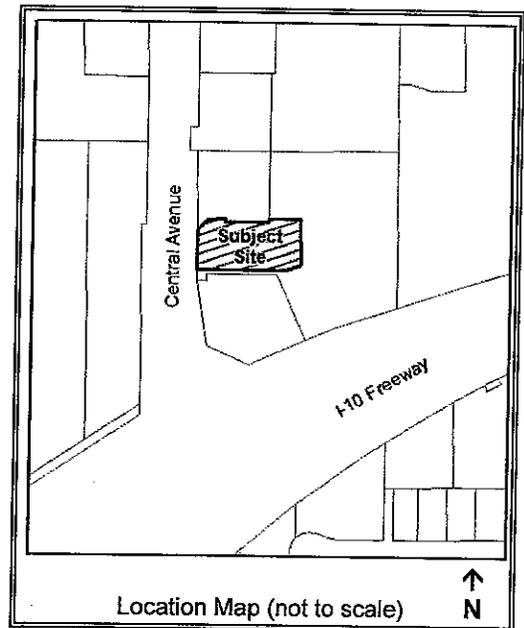
Project Address: 9185 Central Avenue

Property Owner: Blanche Chavin Family Limited Partnership

General Plan: Regional Commercial

Zoning: C-3 (General Commercial)

Assessor Parcel No.: 1008-201-18



EXISTING SITE FEATURES/CONDITIONS

Structures: Freestanding building within multi-tenant commercial center

Parking: 16 parking spaces (including 1 disabled-accessible space)

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)	Drive Through Restaurant (Montclair East Center)
North	Regional Commercial	C-3 (General Commercial)	Montclair East Center (Chipotle/Men's Wearhouse)
East	Regional Commercial	C-3 (General Commercial)	Montclair East Center Retail Commercial Tenants
South	Regional Commercial	C-3 (General Commercial)	Montclair East Center Firestone Auto Repair
West	Regional Commercial	C-3 (General Commercial)	Montclair Plaza

Report on Item Number 6.a

CASE NUMBER 2014-1

APPLICATION TYPE(S)	Precise Plan of Design
NAME OF APPLICANT	Blanche Chavin Family Limited Partnership
LOCATION OF PROPERTY	9185 Central Avenue
GENERAL PLAN DESIGNATION	Regional Commercial
ZONING DESIGNATION	C-3 (General Commercial)
EXISTING LAND USE	Multi-tenant commercial center
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Michael Diaz

Project Description

The applicant is requesting design approval for an exterior remodel of the existing El Pollo Loco drive through restaurant at the above mentioned location. The new building changes reflect the restaurant chain's Tier 1 contemporary look which has been implemented in a number of locations in the southland.

No changes to the existing building's floor plan or general configuration are proposed. The major exterior changes proposed with this (Tier 1) remodel are as follows:

- Remove gable shaped "tower" and square off front and side building parapets to create a contemporary look.
- Remove "barrel" shaped canopies from the building (except at drive through) and replace with new flat metal awnings with tie back rods.
- Install new full height storefront windows and doors at front and south side of dining room.
- Add new metal "grill" design element at front elevation. The grill will be backlit in red light during evening hours.
- Install ledge stone veneer and sill (3'-6") at the base of the building.
- Add new wall mounted decorative light fixtures. Remove existing roof mounted lights.
- Paint bold color scheme in tones of brown gold, brick, and dark brown.

- No signage has been proposed at this time, but is conceptually shown on the proposed building elevations.

Interior changes are primarily concentrated making the kitchen grills more visible and a re-organized dining area with new paint and finishes, more comfortable booths, and larger windows to allow more light into the restaurant. The salsa bar will be moved from the dining room to the front counter area. Other design touches, such as metalwork, lights and murals, make reference to the brand's Mexican heritage. No significant changes to the kitchen area are proposed.

Background

- In 1988, a Conditional Use Permit (for the drive through) and Precise Plan of Design (PPD) were approved for the existing drive through restaurant under Case No. 88-47. The building is approximately 2,250 square feet in size and was completed and opened for business in 1989.
- The subject property is approximately 0.56-acres in size and has 16 parking spaces (including 1 disabled-accessible space).
- El Pollo Loco, Inc. is headquartered in Costa Mesa, California, and currently operates nearly 400 restaurants located primarily in California, with additional restaurants in Arizona, Connecticut, Illinois, Nevada, Texas and Utah.

Planning Division Comments

Staff supports the proposed façade improvements to the existing El Pollo Loco restaurant as described above and finds it to be appropriate and timely. The new contemporary look provides a much needed upgrade to the dated appearance of the restaurant and ties into recent and anticipated improvements in the area. Given the restaurant's prominent location on Central Avenue, the proposed upgrade is an important change not only for the company but for the City.

The new contemporary look is clean and the proposed bold colors, finishes, and materials fit the proposed architecture and complement the recently repainted center that surrounds the restaurant. When completed the new look for the fast food restaurant along with a revamped menu will provide residents and workers a quality option for obtain lunch or dinner.

In reviewing this project, staff noted a few items in need of correction to make the remodel effort complete. The identified items are as follows and have been added as conditions of approval:

- Remove all roof mounted light fixtures that either direct light upward on the building (north and south elevations) or down to the parking area. The latter use of roof

lights to illuminate the parking lot is not appropriate because these lights are unsightly and cannot be shielded to avoid preventable glare.

- Remove spot lights attached to the top of the shoe box light fixtures on freestanding parking lot light standards on the site. There are three (3) freestanding parking lot light standards on the site and each has the added spot light. If additional exterior illumination is necessary it must be done in a proper manner by means of either extra wall mounted full cut-off light fixtures or with new dual or multi-head shoe box light fixtures, matching the type and style of shoe box light fixtures.
- Re-stripe parking spaces on the site with "Hairpin" standard as required by the North Montclair Specific Plan. Since the project involves the replacement of the existing non-conforming HC ramp and tearing up some of the asphalt, this would be the ideal time to make the change to comply with standards.

Finally, the applicant will submit a separate application for new signs to identify the new business and menu boards. This element of the project will be handled by staff and will be subject to applicable provisions of the Montclair sign code.

Public Notice

None required.

Environmental Assessment

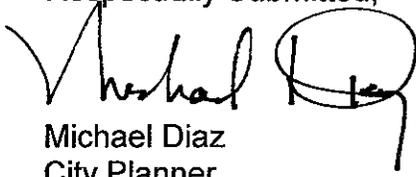
The proposed project is on a developed site and only involves exterior and interior tenant improvements with limited site changes not involving grading. As such, staff has determined that this project is categorically exempt (Class 1 – Existing Facilities) from the provisions of the California Environmental 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.
- B. Move to approve Precise Plan of Design Case No. 2014-01 for exterior, interior tenant and minor site improvements related to the façade remodel of the existing fast food/drive through restaurant building per the submitted plans, as described in the staff report, and subject to the conditions of approval in attached Resolution 14-1796.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Diaz". The signature is stylized with a large, circular flourish at the end.

Michael Diaz
City Planner

MD/lb

Z:\COMMDEV\MDIAZ\CASES\2014-01\EL POLLO LOCO RESTAURANT REMODEL\2014-01 PC RPT

RESOLUTION NUMBER 14-1796

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING CASE NUMBER 2014-01, A PRECISE PLAN OF DESIGN FOR EXTERIOR BUILDING AND SITE IMPROVEMENTS AT 9185 CENTRAL AVENUE IN THE C-3 ZONING DISTRICT (APN 1008-201-18).

A. Recitals.

WHEREAS, on January 21, 2014, Blanche Chavin Family Limited Partnership, property owner, filed an application for a Precise Plan of Design (PPD) on behalf of the El Pollo Loco franchise, for an exterior building remodel of the existing drive through restaurant at the subject location; and,

WHEREAS, the application applies to property located at 9185 Central Avenue; and,

WHEREAS, the subject property is located is within the C-3 "General Commercial" zoning district of the North Montclair Specific Plan; and

WHEREAS, the proposed remodel is consistent with the intent of the North Montclair Specific Plan and the Municipal Code; 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 Febraury 10, 2014, 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 February 10, 2014, 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 the façade remodel of an existing drive through fast food restaurant building at 9185 Central Avenue as depicted on approved plans on file with the Planning Division and as described in this report.
2. PPD approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
3. 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.
4. 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.
5. 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 the California Environmental Act (CEQA). The check shall be made payable to the Clerk of the Board of Supervisors and submitted to the Montclair Planning Division.
6. Prior to the issuance of building permits, the applicant shall submit plans addressing the following items:
 - a. Remove spot lights attached to the top of the shoe box light fixtures on freestanding parking lot light standards on the site. There are three (3) freestanding parking lot light standards on the site and each has the added spot light. If additional exterior illumination is necessary it shall be provided by means of either extra wall mounted full cut-off light fixtures or with new dual or multi-head shoe box light

fixtures, matching the type and style of existing shoe box light fixtures. No "drop-down" lenses shall be allowed.

- b. Remove all roof mounted light fixtures that either direct light upward on the building (north and south elevations) or down to the parking area.
 - c. Repair and re-stripe the parking lot. All automobile parking spaces on the subject site shall be clearly delineated with double-line (e.g. "hairpin") striping. Parking stalls shall be a minimum of 9'-0" in width as measured to the center of the "hairpin," and a minimum of 20'-0" in length.
7. All decorative exterior building mounted lighting shall incorporate illumination sources of an appropriate wattage so as to not create any nuisance glare to the adjacent parking areas, private roadways, public rights-of-way, or neighboring properties. The use of unshielded wall packs, barnlighters, roof mounted, or other similar luminaires on the property shall be prohibited.
 8. All satellite dish antennas, microwave receivers and transmitters, and other forms of communication equipment shall be located in a manner in accordance with the provisions of Chapter 11.46 of the Montclair Municipal Code.
 9. 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.
 10. No surface mounted 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.
 11. No public telephones, vending machines, children's rides or other coin-operated machines shall be located on site or around the exterior of building.
 12. 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 Certificate of Occupancy.
 13. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including but not limited to, the following:

- a. Temporary banners for the purpose of announcing the grand opening or advertising promotions shall require banner permits from the Planning Division prior to installation.
 - b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
 - c. At no time shall pennants, inflatable signs, "human" signs, other similar advertising devices be utilized on the property or off-site.
14. Prior to the installation of new or replacement of any existing signs and menu boards, the applicant shall submit a and application for a Sign Permit to the Planning Division for review and approval. Signs shall comply with the City of Montclair Sign Regulations (Section 11.72), including the requirement that wall signs shall consist of individual channel letters (illuminated or non-illuminated).
 15. All signs shall be properly maintained at all times in a safe and secure manner. Exposed surfaces shall be cleaned and painted as necessary to ensure a presentable appearance. Broken and defective parts shall be repaired or replaced immediately.
 16. 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.
 17. 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.
 18. 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.
 19. 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

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

27. Provide and clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
28. Construction drawings submitted to the building division for plan review shall comply with the Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. Install a numerical address on the west building elevation. Address numerals shall be in a font acceptable with the Planning Division, a minimum of ten inches in height, a minimum of 1 ½ inches in depth, and be in contrasting color which adequately contrast to the background to which they are attached.
 - b. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn everyday.
 - c. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.
 - d. Remove unpermitted site lighting which has been added to the permitted light standards.
29. A certificate of Occupancy is required prior to the occupancy of the building. Issuance of the Certificate of Occupancy shall be contingent upon the Fire Department inspection and the final approvals from other departments and/or agencies.
30. Prior to the issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Building Division electronic images of all plans and records which were submitted for the purpose of obtaining a building permit. Electronic images shall comply to the City's Electronic Archiving Policy.
 - b. Complete all on- and off-site improvements.
31. Restriping of the parking lot is required in a cane type double stripe pattern.
32. Noncompliant handicapped stalls are required to be made compliant with current Building Codes.
33. Electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside the building.

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

APPROVED AND ADOPTED THIS 10 TH DAY OF FEBRUARY, 2014.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, Chair

ATTEST: _____
Steve Lustro, Secretary

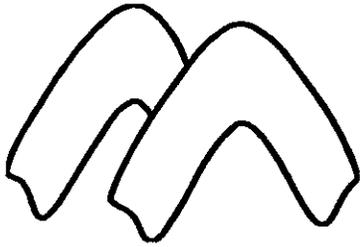
I, Steve Lustro, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 10th day of February, 2014, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MD\CASES\2014-01\EL POLLO LOCO REMODEL\2014-12 PC RPT



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 02/10/14

AGENDA ITEM 6.a

Case No.: 2013-27

Application: Conditional Use Permit (CUP) to allow outdoor display associated with new and used auto sales and ancillary auto repairs.

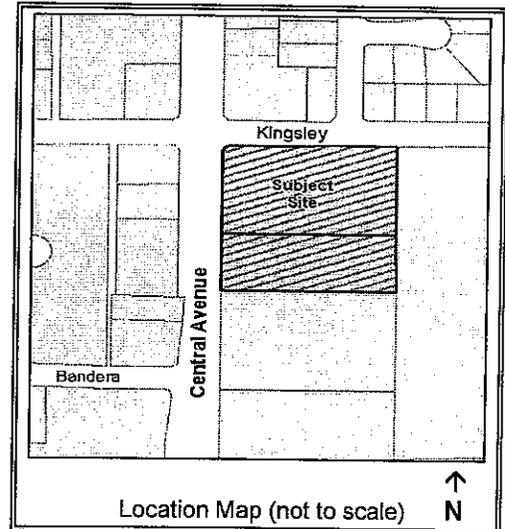
Project Address: 10325 Central Avenue

Property Owner: Gary and Helga Sherman Trust

General Plan: General Commercial

Zoning: "C-3" (General Commercial)

Assessor Parcel Nos.: 1010-610-10 and 11



EXISTING SITE FEATURES/CONDITIONS

Structures: One (1) office building/showroom

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

City/Public Utility Easements: None

Trees/Significant Vegetation: Perimeter landscaping along Central Avenue and Kingsley Street and on-site landscaping

ADJACENT LAND USE DESIGNATIONS AND USES

	General Plan	Zoning	Use of Property
Site	General Commercial	"C-3" (General Commercial)	Vacant commercial building
North	Neighborhood Commercial and Low Density Residential (3-7 units/acre)	"C-2" (Restricted Commercial) "R-3" (Multi-Family Residential)	Multi-tenant commercial building; duplexes
East	Neighborhood Park	"R-3" (Multi-Family Residential)	Saratoga Park
South	General Commercial	"C-3" (General Commercial)	Power Toys watercraft and motorcycle sales
West	General Commercial	"C-2" (Restricted Commercial)	Multi-tenant commercial buildings

Report on Item Number 6.a

PUBLIC HEARING - CASE NUMBER 2013-27

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	Gary H. & Helga Sherman Trust
LOCATION OF PROPERTY	10325 Central Avenue
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	"C-3" (General Commercial)
EXISTING LAND USE	Vacant former auto dealership
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Silvia Gutiérrez

Project Description

The applicant is requesting approval of a Conditional Use Permit (CUP) to re-establish an auto dealership with outdoor display and ancillary auto service at the southeast corner of Central Avenue and Kingsley Street. St. George Auto Sales (more commonly known as STG Auto) is the proposed business that would be operating from the subject site with this approval. STG Auto offers a wide selection of used vehicles from economy cars to used luxury automobiles. STG Auto proposes to have outdoor display and/or storage of vehicles on the site, the bulk of which would be stored in a secure parking area at the rear (east) side of the property behind the building. Any necessary auto repairs would be performed within existing service bays.

The proposed hours of operation for STG Auto would be 9:00 a.m. to 9:00 p.m., seven days a week. The automobile service portion of the business is proposed to be open Monday through Friday from 8:00 a.m. to 6:00 p.m., and would be closed on Saturdays and Sundays.

The existing building is approximately 14,589 square feet in size. No interior tenant improvements are proposed other than interior paint and replacement of carpet and other cosmetic changes. The existing interior layout of the westerly portion of the building is proposed for customer service and a waiting lounge, parts and accessory retail sales, employee lunch room, and office functions. The balance of the building would be used to support automotive repair and services and parts storage. No auto body work or painting would occur at this location. Vehicular access to the facility would continue to be from the existing Central Avenue and Kingsley Street drive approaches.

Except for a new identification sign, no significant changes to the exterior of the building or site are proposed. An aerial site plan is included in the Commission packets for reference.

Background

- St. George Auto Sales (STG) was started in 1997 by Ryan and Tony Bacily. STG carries a wide selection of used vehicles from economy cars to used luxury automobiles. The subject location would be STG Auto's second dealership in Montclair.
- The subject site is approximately 2.1 acres in area and is developed with a single building and parking areas to the north and west.
- In 1980, George Follmer obtained CUP and PPD approvals under Case No. 80-47 for a new Porsche-Audi-Subaru dealership. The current owner, Gary Sherman, purchased the property in late 1990. The site has been leased to several dealerships including Empire Suzuki in 2002. In 2005, under Case No. 2005-39, Mr. Sherman was granted a Conditional Use Permit Amendment for Penske Automotive Group to relocate its service facility for Mercedes-Benz automobiles to the site. At the same time, a Precise Plan of Design (PPD) was approved for a 1,809 square-foot building addition to the east side of the service area. Penske ceased operations at the site in 2007 when its permanent facility in West Covina was completed. The site has been vacant since then, although the property owner has made arrangements periodically with other local auto dealers to store excess inventory at the rear of the property.
- Section 11.78.100.C.4 of the Montclair Municipal Code requires a new CUP to re-establish a use that has been discontinued for a period of six continuous months or longer.

Planning Division Comments

Overall, staff finds the proposed project to be appropriate for the site. The CUP would not result in a significant change in the way the property has been utilized for the past 30 years. The subject site is of adequate size and shape to accommodate the proposed combination of uses – administrative offices, used car sales, and auto repair and service. Moreover, the site is fully developed and has organized parking at the front of the site for customers and display, while the rear of the property is large, illuminated and paved to allow for organized storage of vehicle inventory. The applicant recently completed parking area improvements including re-striping, disabled parking improvements, and new landscaping.

The two parking areas at the front of the property facing the street have direct access from the adjacent streets and are of adequate size and capacity to allow for the desired display of vehicles and for required customer parking for the business. Required employee and customer parking (21 spaces) per the Montclair Municipal Code can be easily provided for on-site in the spaces located adjacent to the building.

STG Auto receives cars every business day to maintain its inventory. Over the course of a typical month, about 80 vehicles would be brought to the site, which can be easily managed and is not expected to have any significant impact to the on-site operations or to adjacent public streets. To ensure that no issues are created, staff has added conditions of approval to specify that no parking of inventory shall be allowed on public streets and that all off-loading of vehicles occurs on-site and does not block or occur on any portion of the public right-of-way (including across public sidewalks and drive approaches).

With regard to the servicing and maintenance of vehicles, the building is designed for all work to occur indoors within existing service bays. Any washing of vehicles on site will require compliance with current environmental standards, including the requirement that an approved vehicle wash rack be approved by City's Environmental Manager. The applicant has indicated that they will submit full plans to comply with this requirement. A condition of approval addressing this issue has been included.

Property Condition and Maintenance

Despite the lack of an occupant for a number of years, the property is in generally good condition. However, there remain a few items that need to be addressed to ensure that minor issues do not become major ones. During visits to the property, staff identified the following items in need of immediate attention by the property owner:

- Add mulch to the existing planters around the site. Mulch in several places is low or absent.
- Paint the poles and luminaires of the existing, freestanding lights throughout the parking lot. The paint on the luminaires is faded and in some places showing signs of rust. Approved colors shall be dark bronze or black.
- Remove, repair or replace the damaged metal railing at the corner of Kingsley Street and Central Avenue.
- Remove all existing on-site graffiti.
- Remove weeds and seal cracks in the paved parking area on the southerly parcel.
- Remove weeds and maintain in a presentable fashion all unpaved areas on the subject site.

Finally, staff has also indicated to the property owner and STG Auto that no vehicles shall be allowed to be parked on any unpaved surface (including areas with gravel) until such time as the applicant is prepared to install an approved parking lot in these areas and comply with all Water Quality Management Plan (WQMP) requirements. The applicant understands that an amendment to this proposed CUP would be required to

review and approve any expansion of paved areas for additional outdoor display or parking of vehicles on this parcel.

Environmental Assessment

Staff has determined that this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the CEQA Guidelines. The proposed project is on a developed site and involves only limited site changes not involving grading and will not result in any expansion of structures or uses.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on January 31, 2014. Public hearing notices were also mailed to property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, no comments or inquiries had been received by staff regarding the proposal.

Conditional Use Permit Findings

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

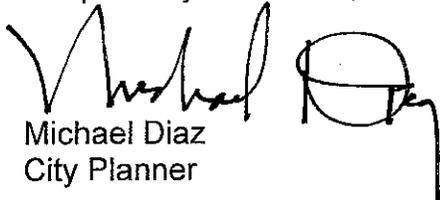
- A. The proposed use is desirable to the public convenience and public welfare, in that it will provide local residents with a convenient and organized location to purchase previously-used vehicles within the City.
- B. That granting of the proposed Conditional Use Permit will not be materially detrimental to the public welfare and other property in the vicinity. The proposed business makes use of the site that was originally developed for auto sales and the property is generally well-maintained and in sound condition.
- C. The proposed uses associated with this Conditional Use Permit request are consistent with the "C-3" (General Commercial) land use designation for the site. The property is adequate in size and shape to accommodate the use and is located on a lot with frontage on fully developed streets.
- D. The proposed uses at the subject location are not contrary to the objectives of any part of the adopted General Plan, which envisions a variety of commercial uses in the area where the property is located and promote the orderly development and maintenance of commercial properties within the City.

Planning Division Recommendation

Staff finds the proposed use to be consistent with the Montclair Municipal Code and adopted General Plan. Therefore, staff recommends approval of Case No. 2013-27 by taking the following actions:

1. Move that, based upon the evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301, which exempts projects that result in negligible or no expansion of existing structures or uses.
2. Move to approve a Conditional Use Permit under Case No. 2013-27 to re-establish a used automobile sales and auto service business as described in the staff report, at 10325 Central Avenue, subject to required findings and conditions of approval contained in attached Resolution No. 13-1795.

Respectfully Submitted,



Michael Diaz
City Planner

MD/le

Attachments: Draft Resolution of Approval for Case No. 2013-27

Z:\COMMDEV\SG\CASES\2013-27\RPT

RESOLUTION NUMBER 14-1795

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NUMBER 2013-27 TO RE-ESTABLISH AUTOMOBILE SALES WITH OUTDOOR DISPLAY ON PROPERTY IN THE "C-3" (GENERAL COMMERCIAL) ZONE FOR THE PROPERTY LOCATED AT 10325 CENTRAL AVENUE (APNs 1010-601-10 and 1010-601-11).

A. Recitals.

WHEREAS, on December 16, 2013, Gary and Helga Sherman Trust, property owner and applicant, filed an application to re-establish a used auto sales business with outdoor display at 10325 Central Avenue; and

WHEREAS, in 1980, a CUP and PPD were approved for an auto sales business, a Porsche-Audi-Subaru dealership, under Case No. 80-47; and

WHEREAS, the current owner, Gary Sherman, purchased the property in late 1990. The site has been leased to several dealerships including Empire Suzuki in 2002; and

WHEREAS, in 2005, a Conditional Use Permit Amendment and Precise Plan of Design were approved for the Penske Automotive Group to relocate its Mercedes-Benz service facility to the site under Case No. 2005-39, which also permitted a 1,809 square-foot building addition to the east side of the service area; and

WHEREAS, in 2007 all auto sales and service uses ceased operations at the site and the property has since been vacant, with the exception of the periodic storage of vehicles at the rear of the property by other auto dealerships; and

WHEREAS, an auto sales business, STG Auto, desires to make use of the subject site; and

WHEREAS, the subject site is located within in the "C-3" (General Commercial) zone; and

WHEREAS, the Montclair Municipal Code requires a CUP for auto sales uses with outdoor display upon review of development standards and land use compatibility with surrounding properties; and

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

WHEREAS, staff has determined that the proposal meets the intent and requirements of the Municipal Code to re-establish a used auto sales business and meets the applicable development standards of the "C-3" (General Commercial) zone; and

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

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

WHEREAS, a notice of public hearing was duly given and posted in the manner and for the time frame prescribed by law; and

WHEREAS, on February 10, 2014, commencing at 7 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a public hearing at which time all persons wishing to testify in connection with said project were heard and said proposal was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on February 10, 2014, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:

Conditional Use Permit Findings

- A. The proposed use is desirable to the public convenience and public welfare, in that it will provide local residents with a convenient and organized location to purchase previously-used vehicles within the City.
- B. That granting of the proposed Conditional Use Permit will not be materially detrimental to the public welfare and other property in the vicinity. The proposed business makes use of the site that was originally developed for auto sales and the property is generally well-maintained and in sound condition.

- C. The proposed uses associated with this Conditional Use Permit request are consistent with the "C-3" (General Commercial) land use designation for the site. The property is adequate in size and shape to accommodate the use and is located on a lot with frontage on fully developed streets.
 - D. The proposed uses at the subject location are not contrary to the objectives of any part of the adopted General Plan, which envisions a variety of commercial uses in the area where the property is located and promote the orderly development and maintenance of commercial properties within the City.
- 3. Planning Division staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA). The project qualifies under the Class 1 exemption pursuant to State CEQA Guidelines Section 15301, which exempts projects involving little to no expansion of existing structures and no fundamental change in the type of uses permitted by the underlying zoning code. In addition, there is no substantial evidence that the project will have a significant effect on the environment. The Planning Commission has reviewed the Planning Division's determination of exemption and, based on its own independent judgment, concurs with staff's determination of exemption.
 - 4. Based upon the findings and conclusions set forth in the paragraphs above, this Commission hereby approves the application subject to each and every condition set forth below.

Planning

- 1. This Conditional Use Permit approval is for the following uses at 10325 Central Avenue:
 - a. Administrative offices for sales staff, managers and administrative staff occupying approximately 4,880 square feet of the subject building, as depicted on the approved plans; and
 - b. Auto repair service within existing service bays occupying approximately 8,820 square feet of the subject building, as depicted on the approved plans.
- 2. Approval of this CUP shall supersede all previous CUP approvals issued for this site.
- 3. Any modification, intensification, or expansion of the improvements and/or use beyond that which is specifically approved with this approval shall require prior City review and approval. Major changes such as new buildings, building additions, or expanded parking areas shall require Planning Commission review and approval of an amendment to this CUP.

4. Conditional Use Permit (CUP) approval shall be valid for a period of six (6) months from the date of Planning Commission approval. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date. Suspension of the approved use for a period of six months or more shall void the CUP approval for the specified use.
5. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
 - a. A check in the amount of **\$50**, payable to "Clerk of the Board of Supervisors," to cover the County administrative fee for filing a Notice of Exemption as required by the California Environmental Quality Act (CEQA).
 - b. A check, in the amount of **\$386.92**, payable to the "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.
6. Approval of this CUP shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances, the San Bernardino County Health Department, or the State of California.
7. The display of all cars associated with sales of vehicles on the property shall be done in an orderly fashion as depicted on the approved site plan. At no time shall vehicles be parked or displayed in any portion of on-site circulation aisles, driveway access points from a public street, or on any unpaved surface (including spread gravel areas).
8. The used car sales business shall observe the following requirements:
 - a. Vehicles offered for sale shall be limited to late model used autos and light duty trucks only and displayed in good/presentable/operable condition at all times.
 - b. Price displays for vehicles offered for sale shall be restricted to signage placed on the windshield only.
 - c. No inoperable or damaged vehicles (offered for sale or not) shall be parked and/or stored on any portion of the auto sales area at the front of the property at any time.
 - d. No recreational vehicles, trailers, buses, boats, large and/or commercial trucks/equipment, or other similar vehicles may be stored and/or offered for sale on the premises.
9. The delivery of all vehicles to the site shall be off-loaded entirely on-site at the rear of the property without obstructing any portion of the public right-of-way, including public sidewalks.

10. No vehicles offered for sale shall be parked on or within the public-rights-of-way at any time.
11. No public address or paging system, or exterior telephone ringer device(s) shall be installed or utilized as part of the new use.
12. Any vacuuming and washing of vehicles must occur within a wash rack facility approved by the City of Montclair Environmental Manager. The applicant shall be responsible for ascertaining all requirements from the Environmental Manager including the need to obtain building permits for any required improvements.
13. Prior to the commencement of business activities associated with this approval, the business owner shall obtain and maintain a valid business license at all times. For more information regarding the issuance of a business license, contact the City of Montclair Business License Technician at 909/625-9423.
14. Prior to issuance of a business license and Certificate of Occupancy for the subject tenant space, the applicant shall:
 - a. Inspect all existing metal railing along the street frontages of the property and paint, repair, replace or remove all substandard components to the satisfaction of the City Planner.
 - b. Add mulch to the existing planters and live plants to match the plantings on the parcel known as APN 1010-601-10 through out the site, including the southern parcel known as APN 1010-601-11.
 - c. Submit landscaping and irrigation plans for revision of, and addition to, the existing planter areas for review and approval by the Planning and Building Divisions.
 - d. Paint the poles and luminaires of the existing freestanding lights throughout the parking lot to eliminate the faded appearance and address potential rust-through issues. Approved paint colors shall be limited to dark bronze or black.
 - e. Remove graffiti on the existing fence at the south facing property line.
15. The applicant shall coordinate with the City Planner for the design and relocation of all fencing and/or gates on the property. The rear vehicle storage area shall be appropriately secured to the satisfaction of the City Planner and the Police Department. All gates between the front parking lots and the rear parking lot shall be closed and locked during non-business hours.
16. Any modification, intensification, or expansion of the use beyond that which is specifically approved with this Conditional Use Permit shall require review and approval by the Planning Commission.

17. No outdoor pay telephones or vending machines shall be installed or used on the property in conjunction with this approval.
18. No shade structures or tents shall be erected within the areas between the main building and adjacent public streets. Any other structures placed or erected elsewhere on the subject site shall require prior review and approval by the City.
19. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including, but not limited to the following:
 - a. Temporary banners for the purpose of announcing the grand opening or advertising promotions shall require banner permits from the Planning Division prior to installation.
 - b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
 - c. Special Auto Dealership signs (vertical or "snowcone" banners) may be attached to a maximum of 50 percent of the total number of light poles in the public area of the parking lot subject to approval of a permit by the Planning Division.
 - d. Portable flags, pennants, spinners, painted-on signs or the like shall be prohibited.
 - e. No trailer-mounted electronic sign/message boards or other similar types of portable signs shall be permitted on the property at any time.
20. All decorative exterior lighting shall incorporate illumination sources of an appropriate wattage so as to not create any nuisance glare to the adjacent parking areas, private roadways, public rights-of-way, or neighboring properties. Should the applicant desire to install any additional building-mounted wide area lighting, it shall consist of fixtures set at 90 degrees to the building wall and incorporating fully cut-off lenses so as to direct illumination down to the surface to be illuminated. All soffit lighting installed within the building shall be flush-mounted so that the lens or bottom of the fixture is flush with the underside of the soffit. The use of wall packs, barnlighters, or other similar unshielded luminaires on the property shall be prohibited.
21. All landscape planting areas, including planter boxes, shall have 100 percent irrigation coverage by an automatic irrigation system.
22. Landscape maintenance shall be subject to immediate and periodic inspections by the City. The property owner shall be required to remedy any defects in grounds maintenance and replace any trees, shrubs, vines, or groundcover with a similar species, size, and quantity that are lost due to unauthorized removal, disease, windstorm, or other natural disaster as indicated by the City inspector, within two weeks after notification. Inspections shall be based on automatic landscape

irrigation schedule, plant maintenance, weed and rubbish control, landscape plan approval, and any other area that is incidental to grounds maintenance.

23. All existing trees on the project site shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA). Written proof of such corrective measures shall be submitted to the Planning Division prior to issuance of a Certificate of Occupancy.
24. The applicant and/or property owner shall be responsible for maintaining the building's signs, lighting, landscaping, and all improvements in good working order at all times. Any accumulation of trash, weeds, or debris on the property shall be removed immediately so as not to present a public nuisance. Graffiti on the building or associated improvements shall be removed immediately by the applicant/property owner upon notification by the City.
25. All graffiti and other forms of vandalism and damage to the subject improvements shall be promptly removed and/or repaired within 72 hours of notice by the City.
26. 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.
27. The subject business shall be subject to periodic City inspection to verify compliance with the conditions of this approval. Failure to operate the used auto sales business in conformance with the conditions of this approval may result in the Conditional Use Permit being returned to the Planning Commission for consideration of revocation of the permit to operate.
28. 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

29. Prior to the commencement of business operations associated with this approval, the applicant shall comply with the following items:
 - a. Provide and clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum

cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).

- b. Provide and maintain a minimum illumination level of (1) foot-candle from dusk to dawn everyday.
 - c. Install approved emergency lighting to provide adequate illumination in the event of an electrical service interruption.
30. Submit four (4) complete sets of a site/plot plan.
 31. Any proposed interior improvements, including electrical, plumbing and mechanical work, require submittal of plans that contain details of the work to be accomplished.
 32. Contractors must show proof of State of California and City of Montclair licenses and Workers' Compensation coverage to Building Division staff prior to permit issuance.
 33. Separate permits are required for fencing and/or walls. Provide site plan with fencing details that include construction material, height, linear feet, and elevation drawings of proposed fencing.
 34. Plans shall be submitted for plan check and approved prior to commencing construction. All plans shall be marked with the following: Case No. 2013-27. The property owner/applicant shall comply with the latest adopted California Codes and all applicable codes, ordinances, and regulations in effect at the time of permit application.
 35. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
 36. 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 of a durable nature. Paint and stucco work in all cases shall not be below standard for the use applied.
 37. A Certificate of Occupancy is required prior to the occupancy of the building. Issuance of the Certificate of Occupancy shall be contingent upon the Fire Department inspection and the final approvals from other departments and/or agencies.

Environmental - Pretreatment

38. A Wastewater Discharge Survey is required to be completed and submitted to the Environmental Manager prior to the issuance of a business license. The survey

shall provide information on facility operations, including the type and frequency of service and maintenance procedures to be done on-site, chemical storage, and the estimated number of vehicles to be washed per day (if applicable). Please contact Nicole Greene, Environmental Manager, at (909) 625-9446.

39. The washing of vehicles, parts, or equipment is prohibited without the installation of an approved vehicle wash rack and interceptor (sand/oil clarifier) connected to the City of Montclair sanitary sewer system as approved by the City's Environmental Manager.

Stormwater/Water Quality Management Plan

40. Future use of the unpaved areas of the southerly parcel known as Assessor's Parcel Number 1010-601-11 shall require submittal of a CUP Amendment and a Water Quality Management Plan (WQMP) for review and approval by the NPDES Coordinator prior to storage on vehicles on unpaved surfaces. The WQMP shall be prepared by a Registered Civil Engineer or other qualified professional as may be authorized in the guidelines. Use the following link: http://www.cityofmontclair.org/depts/pw/engineering/2013_wqmp_forms.asp For further information contact Joseph Rosales, NPDES Coordinator, at (909) 625-9470.

Fire

41. A 20-foot wide base asphalt or concrete roadway capable of supporting firefighting apparatus within 150 feet of structure(s) is required.
42. The inside turning radius for all access roads shall be 32 feet or greater, and the outside turning radius shall be 45 feet or greater.
43. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
44. Fire extinguisher locations shall be determined by the Montclair Fire Department.
45. All Double Check Detector Assemblies (DCDA) shall be maintained and painted by the property owner with the following paint color specification: Rust-Oleum satin interior/exterior acrylic latex paint, "Hunt Club Green," No. 794452 (quart). This condition is subject to Fire Department inspection and approval when work is completed.
46. In the event that any vehicles displayed inside building, said vehicles shall have empty fuel tanks.

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

APPROVED AND ADOPTED THIS 10th DAY OF FEBRUARY, 2014.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, Chair

ATTEST: _____
Steve Lustro, Secretary

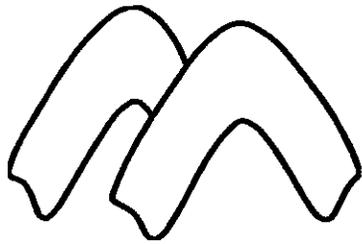
I, Steve Lustro, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 10th day of February, 2014, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SG\CASES\2013-27 PC RESOLUTION



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 02/10/14

AGENDA ITEM 6.b

Case No. 2013-29

Application: A Conditional Use Permit (CUP) and Precise Plan of Design (PPD) for an existing auto sales use and addition of an outdoor parking/display area.

Project Address: 5391-5399 Holt Boulevard

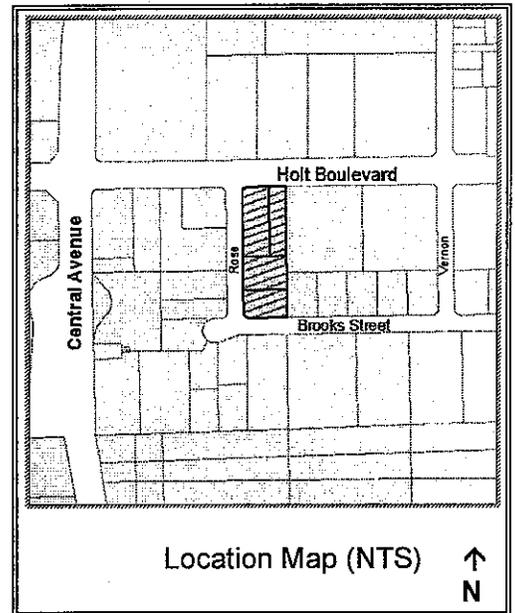
Property Owner: RGS Investments LLC

General Plan: General Commercial and Industrial Park

Zoning: Specific Plan – Business Park per the *Holt Boulevard Specific Plan*

Assessor Parcel Nos: 1011-051-01 to 1011-051-04

City/Public Utility Easements: None



Adjacent Land Use Designations and Existing Uses			
	General Plan	Zoning	Existing Use
Site	General Commercial Industrial Park	"Business Park" (BP) per Holt Boulevard Specific Plan	So-Cal Motors used auto dealership
North	General Commercial	"Auto Mall" (AM) per Holt Boulevard Specific Plan	Auto Retail and Service/Sales
East	General Commercial	"Business Park" (BP) per Holt Boulevard Specific Plan	Thrift store and mixed retail/service uses
South	Industrial Park	M-1 (Limited Manufacturing) M-2 (General Manufacturing)	Industrial buildings / tow yard
West	General Commercial	"Commercial" (C) per Holt Boulevard Specific Plan	Vacant lot and motel

Report on Item Number 6.b

PUBLIC HEARING – CASE NUMBER 2013-29

APPLICATION TYPE(S)	Conditional Use Permit and Precise Plan of Design
NAME OF APPLICANT	RGS Investments LLC
LOCATION OF PROPERTY	5391-5399 Holt Boulevard
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	Business Park per the <u>Holt Boulevard Specific Plan</u>
EXISTING LAND USE	Used car sales / vacant residential structure and out-building
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Sections 15301 & 15311)
PROJECT PLANNER	Michael Diaz

Project Proposal

The applicant is requesting approval of a new Conditional Use Permit (CUP) for the existing used auto sales business that would also allow the expansion of the use to the adjoining property at 5399 Holt Boulevard. The new CUP is intended to supersede all previous CUPs granted for the property, which were first approved in the 1970s. The current auto sales business, SoCal Auto Sales, has been operating at the subject site since 2010. As part of this CUP request, the four (4) contiguous lots that currently and are proposed to comprise the business operation would be merged into a single parcel.

The Precise Plan of Design (PPD) would address the development of an auto display/parking area on the property at 5399 Holt Boulevard. The proposed development of this property includes the following elements:

- Demolition or removal of the existing two-story residential structure at the front of the site and storage building at the rear of the property, which served as a bookstore operated by the previous property owner; and
- Construction of a display/parking area with direct access from Holt Boulevard and internal access to the existing auto display area on the adjacent parcels. Construction activities for this element of the project would consist of site preparation, grading, building construction, paving, and landscaping for the new parking area.

Plans for the proposed project are included in the Commission packets for reference.

Background

- The project site is located within the planning area of the Holt Boulevard Specific Plan (HBSP). The HBSP was adopted in 1991, which changed the original C-3 (General Commercial) zoning designation to "Business Park."
- In the early 1970s, at least two conditional use permit approvals (CUP Nos. 311 and 326) were granted for the three properties that currently comprise the existing auto sales use. The original CUPs allowed the development of the site for the display and sale of mobile homes. Watercraft and used car sales have been operating on the site since 1986, five years before the adoption of the HBSP.
- The project site consists of four (4) separate parcels which would be merged into a single parcel with this project. The total land area for all four existing parcels is approximately 1.72 acres as indicated in the following table:

5391-5399 Holt Boulevard			
Lot	APN	Land Area	Improvements
1	1011-051-01	16,000 S.F.	Paved surface for parking/display
2	1011-051-02	19,200 S.F.	Three (3) structures for sales offices and storage
3	1011-051-03	25,000 S.F.	Paved surface for parking/display
4	1011-051-04 (5399 Holt Blvd)	15,087 S.F.	Single-family residence (1913) and storage/garage building (1961-62)
Total Lot Area – 75,297 S.F. (1.72 acres)			

Existing Structures at 5399 Holt Boulevard

History

Per County assessor's records, the existing, two-story house was built in 1913 and was most likely the home for a local citrus grower. The house is an example of the Craftsman architectural style but the non-descript storage building at the rear of the property was constructed in 1961-62 and does not match the style of the home nor does it possess any identifiable architectural style. The property or structures are not listed on any local, state or national inventory of Historic Resources.

To staff's knowledge, the property was owned by the Guthormsen family from about 1960 through October 2012. Thomas Guthormsen lived at the house until his death in 2009, and had operated a bookstore known as The Old House Bookshop in the building at the rear of the property from 1981 to 2003. Since Mr. Guthormsen's passing in 2009 the house and property have been vacant and unoccupied.

The existing residential structure was considered legal non-conforming when it was occupied since the underlying zoning for the property changed to a commercial zoning designation as far back as the 1970s and then again in 1991 with the adoption of the

Holt Boulevard Specific Plan. The legal non-conforming status was valid as long as the structure was in continuous use as a residence. However, the house has been vacant and unoccupied for almost five years. Pursuant to the Montclair Municipal Code, any non-conforming use that is discontinued for more than a period of six months is deemed to have lost its non-conforming status. Since the property has not been used as a residence since 2009, the residential use cannot be re-established.

Before the property was sold in 2012, a number of individuals approached the City regarding various proposals to reuse the site. Potential new uses such as offices, auto repair, and a restaurant were proposed but none of the interested parties had sufficient resources or the sophistication to tackle the endeavor, which would include improving the property to meet minimum development, accessibility and building code requirements that would apply. In the meantime, the property and structures have remained vacant and continued to deteriorate.

Opportunity to Relocate the Existing Structure

When the current property owner became interested in the site, he contacted City staff to present a proposal to clear the site by demolishing the residence and storage building to allow for the expansion of the adjacent auto sales use to this property. Although the property or structure is not identified on any local, state or national inventory of Historic Resources, and there is no requirement mandated by the Montclair Municipal Code, staff supported the possibility of relocating the structure to another site in or outside the City. Staff required the applicant to make an effort to offer the structure to an interested individual, agency or organization that could move the structure off-site to a suitable location where it could be rehabilitated and reused.

With the assistance of City staff, a letter, dated October 11, 2012, was drafted and mailed to six (6) local historic preservation organizations in the hope that one or more of them would have an interest in the house or have "connections" to other individuals or entities that would have an interest in relocating the house. The letter offered the house at no cost to any individual, agency or organization interested in obtaining the house and moving it off the property (at their cost). The letter was sent to the historic preservation organizations listed below:

- Chino Valley Historical Society
- Claremont Heritage
- Ontario Heritage
- Pomona Heritage
- Pomona Valley Historical Society
- Upland Heritage

The letter provided each organization 60 days to respond to the offer. However, no response of any kind was received by staff or the applicant by the deadline of December 13, 2012.

After the current CUP application was submitted on December 30, 2013, an individual contacted City staff about the status of the house and his interest in preserving or moving it off-site. Staff informed the inquirer of the current application and advised him to contact the applicant about the possibility of obtaining the structure to relocate. Staff understands that contact was made with applicant, but is not aware of any agreement that may have been made regarding the house.

Current Physical Condition

The subject property has been a significant Code Enforcement problem since 2009. The structures are in poor condition and suffer from significant damage due to a lack of maintenance, vandalism, and theft. What vegetation was on the property died years ago before the current owner acquired it. Despite the owner's and City's attempts to keep the residence and storage building secure from trespassers, the structures have broken into repeatedly with vandals strewing trash and debris from both structures about the property.

The inside of the house is filled with old furniture, trash, human waste, drug paraphernalia, and other similar conditions that indicate transients have occupied the house regularly. Floors, walls and ceilings are severely damaged in a number of places, most likely due to plumbing or roof leaks. Although much of the original interior casework is largely intact (including the staircase), several other items are missing such as portions of the oak floor, the front door, the fireplace mantel, all porcelain bathroom fixtures, kitchen cabinets and fixtures. The rear structure is open and filled with old books.

According to the Building Official, the main house could not be re-occupied without extensive repairs such as new electrical wiring, plumbing, and additional seismic strengthening. Based on the City's experience rehabilitating older structures that it owns, particularly the Reeder Ranch residence at 4405 Holt Boulevard, the cost to rehabilitate the house for a new use would likely exceed \$200,000. If the house were to be moved to a new location, it could not occur until all necessary entitlements were secured for the new location and any conditions for relocation were satisfied. In most cases, the time, effort, and cost associated with moving a structure to a new location (in addition to making the necessary repairs) almost always proves to be prohibitive.

Planning Division Comments

Overall, staff finds the proposed project to be appropriate. The property at 5391 Holt Boulevard has been utilized for the sale of mobile home, boats, and used vehicles for over 40 years with no significant changes. With this new CUP approval, the main use of the property will continue to be related to the sale of used vehicles. Staff finds the proposed CUP approval will properly entitle the business to operate pursuant to updated City standards and regulations that would apply to the proposed expansion area.

When the properties are merged into a single parcel, the subject site will be of adequate size and shape to accommodate the existing use in an orderly fashion. Except for the

property at 5399 Holt Boulevard, the site is fully developed and is in generally sound condition. The existing site has organized parking for customers and vehicle display and is illuminated. The existing structures and landscaping appear to be in sound condition and well maintained.

In regard to the new vehicle display/parking area proposed with this project, staff finds the proposal to be appropriately designed. Other than a new parking surface, landscaping and pole-mounted light fixtures, no other improvements or buildings are proposed for this parcel. The new vehicle display/parking area would have direct access to Holt Boulevard, be internally connected to the existing parking areas, illuminated, and landscaped. Improvements associated with the Water Quality Management Plan (WQMP) are incorporated into the design and will appear as landscaping for the property. All new parking lot light fixtures will be required to be shielded and fixed at a 90-degree angle to the parking surface.

No servicing or major maintenance of vehicles is conducted on the site, and no change is requested with this application. The washing of vehicles, parts, or equipment is prohibited without the installation of an approved vehicle wash rack and interceptor (sand/oil clarifier) connected to the sanitary sewer system as approved by the City's Environmental Manager. Should the applicant desire to have the ability to wash vehicles on the site, further City review and approval will be required, including the need to amend the approved CUP and comply with current environmental standards.

The proposed expansion of the auto display area to the adjoining property at 5399 Holt Boulevard is fairly modest in scope and a logical connection to the existing development that would not pose a significant impact on the existing use or the surrounding area. The removal of the existing residential structures (by demolition or relocation) would also resolve a major code enforcement concern for the City.

Proposed Demolition

As discussed above, the current condition of the property at 5399 Holt Boulevard is poor and, given the need to expend considerable effort and financial resources, the ability to move the structure to a new location is not practical or a reasonable expectation. Moreover, the applicant has no interest in rehabilitating the structure and property for an alternative use. Unless the applicant voluntarily agrees to work with an individual or organization to move the house, there is no reason at this point to delay any further action on the submitted application.

Staff and the applicant have made a reasonable effort to find a recipient for the house and the City cannot require the owner to continue to put his development plans on hold while an individual or group tries to assemble the resources necessary to relocate the house. At the same time, the City is not in a position to continue to expend Code Enforcement resources, which are already stretched thin, to police the property and help the owner maintain its security.

Signs

While the site is generally well maintained, there are few items related to existing signage on the property that need to be addressed as part of this review. Except for the monument sign, all other signs on the property do not have sign permits or meet minimum City standards, including the wall sign mounted to the front (north face) of the main building, and the promotional signs affixed to the exterior light poles on the site.

Aside from necessary sign permits from the Planning Division, the phone number that is included on the wall-mounted sign cannot be approved. The City's sign code limits sign copy to the minimal information necessary to identify the business, and does not include extraneous advertising such as phone numbers and website addresses (Section 11.72.180 MMC). As such, the phone number will need to be removed.

With regard to the canvas advertising signs affixed to light poles, the sign code would allow them with a sign permit provided they meet minimum requirements including the requirement that "Montclair" or "City of Montclair" be included in the sign copy. Staff will provide the applicant with the criteria for these signs so that the necessary permits can be obtained. Conditions addressing this issue have been included in the proposed resolution of approval.

Conditional Use Permit Findings

Staff finds the request for a Conditional Use Permit for the used auto sales business to be appropriate and believes the necessary findings for granting a CUP can be made as follows:

- A. The proposed CUP for the existing used auto sales business is essential or desirable to the public convenience and public welfare, in that the new CUP coupled with a modest expansion of the vehicle display/parking on to an adjoining property is a reasonable and logical improvement to the existing auto sales use.
- B. That granting the proposed CUP will not be materially detrimental to the public welfare and to other property in the vicinity. In the early 1970s at least two conditional use permit approvals (CUP Nos. 311 and 326) were granted for the three properties that currently make up the existing auto sales use. The original CUPs allowed the development of the site for the display and sale of mobile homes. Watercraft and used car sales have operated on the site since at least 1986 with no known significant issues. The proposed CUP does not involve significant changes to the current operation of business, except for a modest expansion of outdoor display area as contemplated with this application. Moreover, no auto service or car washing is conducted on the site and will not be changed by this new CUP.

Regarding the demolition of the structures at 5399 Holt Boulevard, the property is in poor condition and no viable option for moving the structure off-site for rehabilitation has been proposed to date. City staff has supported the possibility

of relocating the structure and, with the applicant's involvement, has made reasonable efforts to offer the house to any individual or organization that could demonstrate the ability move it to a new location. However, no response of any kind was received by staff or the applicant and the City cannot require the owner to continue to put his development plans on hold until an individual or group tries to assemble the resources necessary to relocate the house. At the same time, the City is not in a position to continue to expend Code Enforcement resources, which are already stretched thin, to monitor this property.

- C. The proposed CUP and modest expansion of the existing auto sales use at the subject location conforms to good zoning practice in that the existing business was properly established in the 1970s and allows it to continue on the subject site pursuant to updated conditions of approval that allow for proper enforcement. Moreover, the proposal incorporates and makes sensible use of an adjacent, nonconforming parcel that complies with applicable development standards contained in the Montclair Municipal Code and Holt Boulevard Specific Plan.
- D. That such use in such location is not contrary to the objective of any part of the adopted General Plan. The General Plan encourages the development of efficient, attractive and safe commercial areas within the City.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on January 31, 2014. Public hearing notices were mailed to property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law. At the time this report was prepared, only one individual contacted City staff regarding the proposed demolition of the residence at 5399 Holt Boulevard.

Environmental Assessment

The Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Sections 15301 and 15311 of the State CEQA Guidelines. The project qualifies because the majority of the property is already developed and utilized as an auto sales facility and new improvements are limited to the development of a new outdoor display/parking area with landscaping of approximately 15,000 square feet in size. Further, the exemption covers the demolition of one single-family residence and the small commercial structure. Accordingly, there is no substantial evidence the project would pose a potential significant impact to the environment.

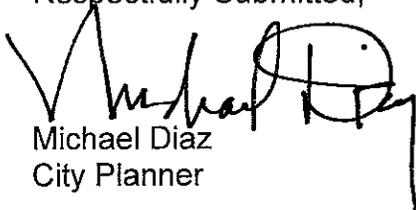
Planning Division Recommendation

Staff recommends that the Planning Commission find the proposal to approve a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) for the existing used auto sales business and allow the expansion of the use to the adjoining property at 5399 Holt Boulevard to be appropriate and consistent with the Montclair Municipal Code

and Holt Boulevard Specific Plan. The new CUP is intended to supersede all previous CUPs granted for the property that were first approved in the 1970s. Accordingly, staff recommends approval of Case No. 2013-29 by taking 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) pursuant to Sections 15301 and 15311 of the State CEQA Guidelines, which exempts projects that result in negligible or no expansion of existing structures or uses.
- B. Move to approve a Conditional Use Permit and Precise Plan of Design under Case No. 2013-29, subject to making the required findings, and subject to the conditions contained in attached Resolution Number 14-1797.

Respectfully Submitted,



Michael Diaz
City Planner

MD/lb

Attachments: Draft Resolution No. 14-1797

c: RGS Investments LLC, 5589 Brooks Street, Montclair, CA 91763
Ali Kasfy, West-Tech Mechanical, Inc., 5589 Brooks Street, Montclair, CA 91763

Z:\COMMDEV\MD\CASES\2013-29 SO CAL AUTO SALES\2013-29 PC1RPT

RESOLUTION NO. 14-1797

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT AND PRECISE PLAN OF DESIGN UNDER CASE NO. 2013-29 FOR AN EXISTING AUTO SALES LOT AND A PROPOSED EXPANSION AT 5391-5399 HOLT BOULEVARD (APNs 1011-051-01 to 1011-051-04).

WHEREAS, on December 30, 2013, RGS Investments LLC, property owner, filed an application for a Conditional Use Permit and Precise Plan of Design (PPD) under Case No. 2013-29, to allow the expansion of the existing used auto sales facility at 5391-5399 Holt Boulevard; and

WHEREAS, the project site is currently zoned "Business Park" per the Holt Boulevard Specific Plan (HBSP); and

WHEREAS, conditional use permits entitling the subject property at 5391 Holt Boulevard to be used for mobile home sales were first approved in 1970 and 1972 under CUP Nos. 311 and 326; and

WHEREAS, current City business license records indicate that the site has been used for the sales of watercraft and vehicles since 1986; and

WHEREAS, the current auto sales business, SoCal Auto Sales, has been operating at the subject site since 2010; and

WHEREAS, the subject project site currently consists of four (4) separate but contiguous parcels which would be merged into a single parcel with this project; and

WHEREAS, the total land area, after the four parcels are merged would be approximately 1.72 acres; and

WHEREAS, the project includes the removal of the existing residential structure and storage building at 5399 Holt Boulevard and the construction of a display/parking area and driveway for the business on the property; and

WHEREAS, the Precise Plan of Design pertains to the site plan; exterior lighting, and landscaping associated with the development of the display/parking area on the property presently addressed as 5399 Holt Boulevard; and

WHEREAS, the 5399 Holt Boulevard property was owned by the Guthormsen family for over 50 years until 2012, when the property was acquired by the current owner; and

WHEREAS, the existing house was built in 1913 and is an example of the Craftsman architectural style. The existing non-descript garage building (former bookstore) at the rear of the property was constructed in 1961-62 and does not match the style of the home nor does it possess an identifiable architectural style; and

WHEREAS, the property or structure at 5399 Holt Boulevard is not listed on any local, state or national inventory of Historic Resources; and

WHEREAS, on October 11, 2012, City staff and the applicant identified six (6) historic preservation organizations to notify them of the availability of the home for relocation. Each organization was provided 60 days to respond to the offer. No response of any kind was received by staff or the applicant from any of the organizations within the 60-day timeframe; and

WHEREAS, the physical condition of the property and structure continues to physically deteriorate due to roof leaks, repeated break-ins, and theft of fixtures; and

WHEREAS, staff has determined that the proposal meets the intent and requirements of the ordinance for such use and the applicable development standards of the Montclair Municipal Code and Holt Boulevard Specific Plan; and

WHEREAS, the Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Sections 15301 and 15311 of the State CEQA Guidelines. The project qualifies because the majority of the property is already developed and utilized as an auto sales facility and new improvements are limited to the development of a new outdoor display/parking area with landscaping of approximately 15,000 square feet in size. Further, the exemption covers the demolition of one single-family residence and the small commercial structure. Accordingly, there is no substantial evidence the project would pose a potential significant impact to the environment.

WHEREAS, on February 10, 2014, 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 February 10, 2014, including written and oral

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

- a. The proposed CUP for the existing used auto sales business is essential or desirable to the public convenience and public welfare, in that the new CUP coupled with a modest expansion of the vehicle display/parking on to an adjoining property is a reasonable and logical improvement to the existing auto sales use.
- b. That granting the proposed CUP will not be materially detrimental to the public welfare and to other property in the vicinity. In the early 1970s at least two conditional use permit approvals (CUP Nos. 311 and 326) were granted for the three properties that currently make up the existing auto sales use. The original CUPs allowed the development of the site for the display and sale of mobile homes. Watercraft and used car sales have operated on the site since at least 1986 with no known significant issues. The proposed CUP does not involve significant changes to the current operation of business, except for a modest expansion of outdoor display area as contemplated with this application. Moreover, no auto service or car washing is conducted on the site and will not be changed by this new CUP.

Regarding the demolition of the structures at 5399 Holt Boulevard, the property is in poor condition and no viable option for moving the structure off-site for rehabilitation has been proposed to date. City staff has supported the possibility of relocating the structure and, with the applicant's involvement, has made reasonable efforts to offer the house to any individual or organization that could demonstrate the ability move it to a new location. However, no response of any kind was received by staff or the applicant and the City cannot require the owner to continue to put his development plans on hold until an individual or group tries to assemble the resources necessary to relocate the house. At the same time, the City is not in a position to continue to expend Code Enforcement resources, which are already stretched thin, to monitor this property.

- c. The proposed CUP and modest expansion of the existing auto sales use at the subject location conforms to good zoning practice in that the existing business was properly established in the 1970s and allows it to continue on the subject site pursuant to updated conditions of approval that allow for proper enforcement. Moreover, the proposal incorporates and makes sensible use of an adjacent, nonconforming parcel that complies with applicable development standards contained in the Montclair Municipal Code and Holt Boulevard Specific Plan.
- d. That such use in such location is not contrary to the objective of any part of the adopted General Plan. The General Plan encourages the

development of efficient, attractive and safe commercial areas within the City.

3. Based upon the substantial evidence presented to this Commission during the above-referenced hearing on February 10, 2014, 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, Holt Boulevard Specific Plan and good planning principles, and approves the application subject to each and every condition set forth below.

Planning

1. This approval is for the following:
 - a. A Conditional Use Permit for an existing auto sales use on the subject site at 5391 Holt Boulevard (identified as APNs 1011-051-01 to 03) and to allow the expansion of the use to the adjacent property (APN 1011-051-04) as depicted on approved plans and as described in the staff report. This CUP approval shall supersede all approvals for the subject site previously issued under CUP Nos. 311 and 326.
 - b. A Precise Plan of Design for the site plan, exterior lighting, and landscaping associated with the development of the display/parking area on the property presently addressed as 5399 Holt Boulevard (APN 1011-051-04) as depicted on the submitted plans and described in the staff report.
2. Conditional Use Permit (CUP) approval shall be valid for a period of six (6) months from the 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 CUP expiration date.
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 and building permits to allow 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. No changes to the approved set of plans shall be permitted without prior City review and approval. Any modification, intensification, or expansion of the use and design plan beyond that which is specifically approved shall require review and approval by the Planning Commission.
5. Approval of this PPD shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances, the San Bernardino County Health Department, or the State of California.
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 **\$500.88**, 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. 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.
9. Prior to the issuance of a grading or building permit for the project, the property owner shall:
 - a. Apply for a lot merger of the four (4) parcels involved with this application into a single unified property. The properties in question are depicted on the submitted plans and are further identified by current APNs 1011-051-01 to 04. The applicant shall contact the City Engineer to ascertain requirements for said lot merger and provide a certified copy of recorded lot merger documents at the County Recorder's Office.
 - b. Prepare a Photometric Plan for the new vehicle display/parking area to demonstrate compliance with required illumination levels for City review and approval. The Photometric Plan shall include

the location of all exterior light fixtures and the overall illumination levels across the site.

All exterior lighting fixtures shall comply with the following standards:

- i. All light fixtures shall incorporate 90-degree cut-off style luminaires and flat lenses so as to direct illumination downward to the surface to be illuminated and away from public rights-of-way or adjacent residential properties/uses. This condition shall not only apply to all new lighting fixtures, but also to those that are existing but do not currently comply.
 - ii. Freestanding light fixtures and poles shall not exceed a maximum height of 20'-0" as measured from adjacent grade to top of luminaires, including raised concrete bases.
 - iii. Above-grade concrete bases for light poles shall be enhanced with a color, texture, and/or material used on the main building and to the satisfaction of the City Planner.
 - iv. The color of all new parking area light poles and fixtures shall match existing to the greatest extent possible. If matching colors from the manufacturer are not available, the applicant shall paint existing freestanding light fixtures to match the new fixtures. Acceptable paint colors for the light fixtures and poles shall be dark bronze or black.
 - v. The use of wall packs, barnlighters, other similar unshielded luminaires, and/or decorative lighting installed solely for the purpose of illuminating the roof shall be prohibited.
 - vi. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.
- c. Remove all unpermitted signs from the property including, but limited to, the phone number on the main office building and all non-conforming promotional signs affixed to the exterior light poles on the site. Sign permits shall be required for all signs.
 - d. Remove the existing non-conforming pole sign at the front of the 5399 Holt Boulevard property.
 - e. Patch and paint as needed around each building.

- f. Comply with all Fire Department, Building Division, and Environmental Compliance requirements.
10. The business operator shall contact the City of Montclair Business License Technician to modify the current City Business License to reflect the expanded business as allowed by this CUP approval.
 11. All automobile parking or display spaces created for the new parking/display area shall be clearly delineated with double-line (e.g. "hairpin") striping. Parking stalls shall be a minimum of 9'-0" in width as measured to the center of the "hairpin," and a minimum of 20'-0" in length, with a maximum allowed overhang of 2'-0" into landscape areas or pedestrian paths that are a minimum of 6'-0" in width.
 12. All inventory vehicles for the business shall be kept in an orderly manner and presentable (saleable) condition. No vehicles of any kind shall be parked in required setbacks, on landscape planter areas, in drive aisles, or across driveway entry points or public sidewalks.
 13. The outdoor storage of personal or other items (including motor vehicles), trailers, storage bins, etc. not directly related to the primary use of the property shall be prohibited.
 14. No outdoor loudspeakers shall be allowed.
 15. No outdoor pay telephones or vending machines shall be installed or used on the property.
 16. Temporary promotional signs shall comply with provisions contained in Chapter 11.72 of the Montclair Municipal Code pertaining to signs for automobile dealerships. Trailer- or vehicle-mounted electronic message reader boards shall be expressly prohibited.
 17. No exterior surface-mounted exposed conduit or electrical lines shall be allowed. Electrical switchgear, meters, etc., shall be screened or housed in an appropriately designed enclosure to the extent allowed by the utilities.
 18. All rooftop mechanical equipment, vents, meters, HVAC units, ducts, conduit, satellite dishes, etc., shall be fully screened from view by a raised parapet wall or roof screen in a manner that is compatible with the architectural design of the building to the satisfaction of the City Planner. Wooden lattice or fencelike screens/covers are not considered appropriate materials used for screening.
 19. All on-site ground-mounted mechanical equipment, including, but not limited to, utility meters, air conditioners, condenser units, and repair

equipment shall be located within the building or on the exterior of the building only when necessary and screened in a manner that is compatible with the architectural design of the building subject to the satisfaction of the City Planner.

20. The applicant and/or property owner shall continuously maintain in good repair and appearance all building exteriors, walls, exterior lighting, drainage facilities, driveways, and parking areas, landscaping, etc.
21. Graffiti or etching of glass areas on the building or on other site improvements shall be removed/replaced immediately by the applicant/property owner upon notification by the City.
22. All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency.
23. Any plant material that does not survive or is removed or destroyed shall be replaced upon its demise or removal with plant material of a like type and size as that originally approved and installed.
24. Plant material shall not be severely pruned such that it stunts or deforms its natural growth pattern or characteristic feature(s). Trees shall be pruned to ISA (International Society of Arboriculture) standards and only as necessary to promote healthy growth and for aesthetic purposes (i.e., to enhance the natural form of the tree). Improperly or severely pruned trees, including topping as defined by the Water Conservation Ordinance, that results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with a tree of similar size and maturity as that which was removed or, as required by the Community Development Director.
25. 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.
26. 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

Demolition of House and Accessory structures:

27. Submit three complete sets of plans including the following:
 - a. Site/Plot Plan showing structures to be demolished and the location of utilities which will be capped off. Include any septic tanks, seepage pits, pools, ponds and underground lines for future reference.
 - b. Provide an existing plan of the building to be demolished.
 - c. Provide a copy of the Asbestos Report from a certified Environmental Contractor stating all asbestos has been removed and disposed of properly.
 - d. Provide written verification from the South Coast Air Quality Management District (AQMD) stating that it has been notified ten days prior to the removal/demolition of the home on the site.
 - e. Waste recycling plan, recycling 50% of all construction debris
28. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
29. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
30. 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. The site shall be clean of debris and construction material. Large rock, boulders and tree rots shall be removed so that final grade will be uniform and level.
31. A permit final is required for the completion of this portion of the project. Issuance of the final permit shall be contingent upon the Planning Division inspection and the final approvals from other departments and/or agencies.

Lot Merger and Parking Lot Installation:

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

- b. Electrical Plans, including the single line diagrams, number and size of any new wiring, branch circuits, new sub-panels, panels, etc.
 - c. Waste recycling plan, recycling 50% of all construction debris
33. Submit two sets of structural calculations, if required, and two sets energy conservation calculations for any new site lighting poles installed. Manufacturer's specifications are not sufficient. Provide structural calculations.
 34. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
 35. 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.
 36. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
 37. Separate permits are required for fencing and/or walls.
 38. All utility services to the project shall be installed underground.
 39. 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.
 40. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
 41. Prior to issuance of building permits for a new commercial or industrial development project or major addition, the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to, Transportation Development Impact Fee, Permit and Plan Check Fees, and School Fees. All required school fees shall be paid directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District. Applicant shall provide a copy of the school fees receipt to the Building Division prior to permit issuance.
 42. Construct trash enclosure(s) per City Standard (available at the Building Division's public counter).

43. 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.
44. 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%). Asphalt paving shall be smooth, free of excessive cracking and holes. Parking lot striping shall be double line – "hairpin" or box type. Disabled-accessible parking spaces shall conform to Chapter 11B of the California Building Code and be as close as possible to the entrance of the building.
45. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn every day.
46. A Certificate of Occupancy is required prior to the occupancy of the lot. Issuance of the Certificate of Occupancy shall be contingent upon the Fire Department inspection and the final approvals from other departments and/or agencies.
47. Prior to the issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Building Division electronic images of all plans and records which were submitted for the purpose of obtaining a building permit. Electronic images shall comply to the City's Electronic Archiving Policy.
 - b. Complete all on- and off-site improvements.
 - c. Install all disabled parking stalls and parking lot signage.

Water Quality Management Plan

48. The property owner shall be responsible to contract with a qualified firm to inspect and maintain any and all stormwater treatment devices specified by the approved WQMP, following all engineer's recommendations. It shall also be the responsibility of the property owner to maintain inspection reports and have them readily available for review by City staff upon request. In the event that any stormwater treatment device fails due to lack of, or insufficient maintenance and/or inspection, or some other unforeseen circumstance, it shall be the responsibility of the property owner to correct the deficiency and restore the stormwater treatment device(s) to its original working condition.

49. Prepare and submit plans for erosion and sediment control. Plans shall include all phases of the construction project, including demolition, rough grading, utility and road installation, to the satisfaction of the City Engineer. Contact Joe Rosales, NPDES Coordinator, at 909/625-9470.
50. Prior to issuance of a final inspection, the applicant shall:
 - a. Submit to the Engineering Division an electronic copy of the approved WQMP in PDF format.
 - b. Submit to the Engineering Division as-built drawings as they relate to the WQMP.
 - c. Record the WQMP Maintenance Agreement with the County of San Bernardino and provide evidence of said recording to the NPDES Coordinator.
51. Prior to receiving a final inspection, the person or corporation responsible for the preparation of the WQMP shall certify in writing to the Building Official that all conditions and requirements of the WQMP have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the Building Official that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the WQMP.
52. The applicant shall ensure that all requirements of the approved WQMP for the project are incorporated and consistent with the approved landscape and irrigation plans for the project. All required Best Management Practices (BMPs) shall be duly noted and shown on the landscape plans per the approved WQMP.

Environmental Compliance

53. No washing of vehicles, parts, or equipment, or vehicle repair/maintenance activities shall be permitted on-site at any time without the permitted addition of infrastructure approved by the Environmental Manager. For further clarification please contact Nicole Greene, Environmental Manger, at 909/625-9446.

Engineering

54. If a new drive approach is to be constructed from Holt Boulevard, it shall meet minimum commercial driveway width standards and meet accessibility requirements of the Americans With Disabilities Act (ADA). Additional right-of-way shall be dedicated for public sidewalk, if necessary.

55. Install a "ONE WAY" directional sign in the Holt Boulevard median opposite the new drive approach to the satisfaction of the Public Works Director.
56. All utilities within development boundaries shall be placed underground. This requirement applies to electrical services, transformers and switches, and where technology exists, telephone and cable television facilities as well.
57. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
58. A Water Quality Management Plan (WQMP) has been developed and approved by the City for this project. All requirements of the approved WQMP shall be implemented.
59. A grading plan shall be prepared subject to the approval of the City Engineer. An erosion control plan is to be included and considered an integral part of the grading plan. Grading plans shall be designed in accordance with City standards and guidelines, and shall be on 24" by 36" sheets. Compaction tests will be required prior to paving the property at 5399 Holt Boulevard demonstrating a minimum relative density of 95 percent unless a lower relative density is specified by a qualified geotechnical engineer.
60. No soil may be imported or exported to or from the project site from any adjacent building site or from other sources for construction purposes without first obtaining approval from the City Engineer. A plan acceptable to the City Engineer shall be prepared showing proposed haul routes within the City. The plan shall include provisions for street sweeping and cleanup. Contractor(s) shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements.
61. All drainage facilities shall comply with requirements of the approved WQMP.
62. All on- and off-site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
63. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at (800) 422-4133.

Fire

64. Provide a minimum 27-foot wide driveway approach at Holt Boulevard for Fire Department access. This access shall maintained unobstructed at all times. Roadway is subject to Fire Department approval prior to construction.
65. The developer/general contractor is to be responsible for reasonable periodic clean up of the construction site to avoid hazardous accumulation of combustibile trash and debris.

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

APPROVED AND ADOPTED THIS 10TH DAY OF FEBRUARY, 2014.

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 February, 2014, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MDIAZ\CASES\2013-29 PC RESOLUTION