



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

REGULAR ADJOURNED MEETING
Monday, May 12, 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 April 28, 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 2013-19 'A'
Project Address: 5205 San Bernardino Street
Project Applicant: Montclair Senior Apartments LLC
Project Planner: Michael Diaz, City Planner
Request: Variance to allow a fence in excess of 48 inches in height within front yard setback
CEQA Assessment: Categorically Exempt (Section 15305)
- b. PUBLIC HEARING - CASE NUMBER 2014-5
Project Address: 5280 Arrow Highway
Project Applicant: Prime Pacific Investments
Project Planner: Michael Diaz, City Planner
Request: Conditional Use Permit to allow a wireless telecommunications facility
CEQA Assessment: Categorically Exempt (Section 15303)
- c. PUBLIC HEARING - CASE NUMBER 2014-9
Project Address: 5201 Benito Street
Project Applicant: City of Montclair
Project Planner: Steve Lustro, Community Development Director
Request: Conditional Use Permit to allow a certified farmers' market facility
CEQA Assessment: Categorically Exempt (Section 15311)
- d. CASE NUMBER 2013-12
Project Address: 4628 Holt Boulevard
Project Applicant: Lucky Holt Investment LLC
Project Planner: Silvia Gutiérrez, Associate Planner
Request: Time Extension request for a previously approved Precise Plan of Design
CEQA Assessment: Categorically Exempt (Section 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

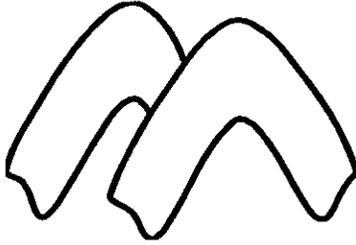
Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of June 9, 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 May 8, 2014.



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 05/12/14

AGENDA ITEM 6.a

Case No.: 2013-19 'A'

Application: A request to re-approve a Variance for a portion of a metal perimeter fence at the front property line of the subject site.

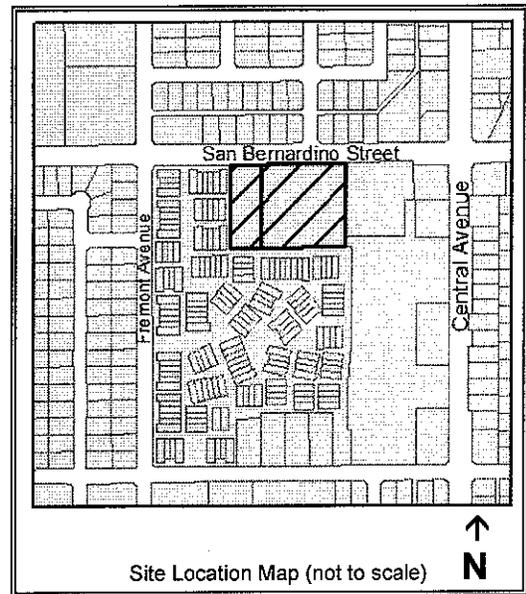
Project Address: 5205 San Bernardino Street

Property Owner: Montclair Senior Apartments LLC

General Plan: Senior Housing

Zoning: R-3 (Multiple-Family Residential)

Assessor Parcel No.: 1010-041-73



ADJACENT LAND USE DESIGNATIONS AND USES

	General Plan	Zoning	Use of Property
Site	Senior Housing	R-3 (Multiple-Family Residential)	Senior Apartments
North	Low and Medium Density Residential	R-3 (Multiple-Family Residential)	Single Family Residences and Apartments
East	General Commercial	C-3 (General Commercial)	Vedic Temple and Montclair Town Center
South	Medium Density Residential	R-3 (Multiple-Family Residential)	Montclair Town Center Condominiums
West	Medium Density Residential	R-3 (Multiple-Family Residential)	Montclair Town Center Condominiums

Report on Item Number 6.a

PUBLIC HEARING - CASE NUMBER 2013-19 'A'

APPLICATION TYPE(S)	Variance (Setback)
NAME OF APPLICANT	Montclair Senior Apartments LLC
LOCATION OF PROPERTY	5205 San Bernardino Street
GENERAL PLAN DESIGNATION	Senior Housing
ZONING DESIGNATION	R-3 (Multiple Family Residential)
EXISTING LAND USE	Senior Apartments
ENVIRONMENTAL DETERMINATION	Categorically Exempt, Section 15305 of CEQA Guidelines
PROJECT PLANNER	Michael Diaz

Project Update

On August 12, 2013, the Planning Commission approved a variance request to allow a portion of a proposed metal fence to encroach into the required front setback on the subject property. The previously approved variance was valid for a period of six months from the date of Planning Commission action, or until February 12, 2014, at which time the variance approval became null and void. The failure to initiate plan check or complete the project within the six (6)-month time was due to an unexpected illness with the main person involved with the project. No extension request was filed for the project.

With this application, the applicant is seeking to obtain re-approval of the variance so that project can be initiated and completed as originally proposed. There are no modifications to the scope of the project and there are no changes to the circumstances that formed the original basis for staff's recommendation and the Commission's prior approval. The remainder of this report provides a description of the project and staff's analysis of the proposal.

As such, staff believes the original required findings for the proposed variance can be reaffirmed and would recommend Planning Commission approval, subject to the conditions of approval as contained in the new resolution prepared for this application.

Project Description

The applicant is requesting a setback variance to allow a portion of a new, six-foot high decorative metal fence to be located within the required 25-foot front setback of the subject property on the south side of San Bernardino Street between Central and Fremont Avenues. The proposed fence is intended to secure the property and its

residents from unauthorized access into the complex. Currently, the property is an open campus with no fence of any kind across the front.

The proposed variance would apply to the following portions of the proposed six-foot high fence:

- ❑ A segment of the fence, approximately 127 feet in length, located on the north property line between the west end of the "Welcome Center" and the west side of Building A; and
- ❑ A 65-foot segment set back 22'-6" from the north property line to allow a gate at the north end of the west parking lot/driveway.

The San Bernardino Street property line is located 12 feet back of curb face (or seven feet behind the inside edge of the existing public sidewalk). The remaining portions of the proposed fence/gates across the front of the site would comply with required setbacks.

An automatic gate would be provided at each existing driveway leading to the parking areas for the complex. Four (4) self-closing pedestrian gates are also proposed to be incorporated into the fence design to facilitate exiting. The existing Welcome Center building and visitor parking area would remain unfenced/gated and open for daily use by guests and prospective tenants.

The proposed six-foot high fence would be black in color and consist of metal posts and 3/4-inch square pickets squared off with a smooth top railing. Approximately four existing trees would be removed to accommodate the fence installation. New landscape materials (non-turf) are proposed between the fence and the public sidewalk. A site plan and drawing detail of the fence are included in the Commission packets for reference.

Background

- The subject property is located within the R-3 (Multiple-Family Residential) zone. The minimum front setback for the R-3 zone is 25 feet for buildings and structures.
- The rectangular-shaped project site is approximately 3.8 acres in overall area. The frontage of the property on San Bernardino Street is approximately 486 feet long.
- The existing senior apartment development was approved in 1986 and consists of eight (8) two-story buildings with 144 units. The complex also has a community building/manager, swimming pool, and 112 on-site parking spaces.
- Heritage Park is an age-restricted complex with a minimum age of 55 years for its residents.

Planning Division Comments

The purpose for installing the six-foot high fence is to secure the senior apartment complex from unauthorized access to the site, units and parking areas. The campus is currently open to the street, which allows for unrestricted access that has resulted in unauthorized parking by non-residents, trespassing, peddling, auto thefts, vandalism, and a general lack of security. The complex has an on-site manager and maintenance staff but has limited means to monitor what happens on-site. The proposed fence would help on-site management in providing greater security to the site and its residents. Staff contacted representatives from the Montclair Police Department who concurred with the need for a fence to better secure the site and provide a safer living environment for its residents.

Although the zoning for the subject site is R-3, Heritage Park is unique in that it is one of only four (4) sites within the City with a General Plan land use designation of "Senior Housing." According to the Montclair General Plan, senior housing fills a "... special need in the community for active seniors to have an opportunity to interact with other peers and enjoy a safe and productive and meaningful lifestyle in their later years in a safe environment." The proposed fence and associated variance request would facilitate the securing of the site as envisioned by the language of the General Plan related to the Senior Housing land use designation. The properties to the east and northeast are commercially developed, and the other multi-family residential zoned properties to the south and west are not the same as the subject site and are not designed to exclusively accommodate a senior residential population.

The City encourages the implementation of the concept of Crime Prevention through Environmental Design (CPTED) guidelines where feasible, including the use of plants and/or fencing to restrict where people should enter, restricting the number of entry points into a development, and securing areas behind buildings by use of limited fences that allow views into the development while restricting access. The proposed installation of the fence for the complex would better secure the complex and help to direct visitors toward the manager's office for improved observation and monitoring. As such, the reduced setback for a portion of the proposed fence would be consistent with CPTED principles and not detract from the appearance of the property.

Fences and walls, like buildings, are considered structures and are subject to the applicable setback standards within the underlying zoning district. In this case, a 25-foot setback is required from the street, which all the existing buildings meet, except for the western corner of Building B. If a fence were to be placed at the required 25-foot setback, the fences could only be placed between the buildings leaving the fronts of Buildings A and B (and their front-facing windows) outside the fence and exposed to the street. Further, a significant portion of the existing pedestrian paths at the front of the property would end up on the outside of the fence and inhibit their use. Other potential alternatives to meet the required setback or other placement within the setback area were explored by staff and the applicant, including the use of a code compliant 48-inch high metal fence across the entire frontage of the site. The alternatives were found to

be ineffective or would have resulted in a visually odd and undesirable alignment of the fence around existing site conditions and trees that would have called more attention to its presence than the simple and straight fence alignment that is proposed with this variance request. Given the existing conditions, staff believes the strict application of the required 25-foot setback for a six-foot high metal fence would hinder the ability to effectively secure the site.

At approximately 127 feet in length, the closest portion of the fence subject to this variance request is slightly more than one-quarter (1/4) of the overall 486-foot long property frontage and not expected to pose a significant impact. The portion of the fence at 22'-6" from the property line appears to be more in line with the existing buildings and does not pose a visually significant change as viewed from the street. The design and color of the proposed metal fence is simple and complementary to the existing development and would not significantly affect the open feel of and visibility into the well-maintained complex. Further, the new landscaping in front of the fence would serve to further mitigate its placement near the public sidewalk and street.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on May 2, 2014. The original public hearing was advertised in the Inland Valley Daily Bulletin newspaper on August 2, 2013.

Public hearing notices were mailed out to property owners within a 300-foot radius of the subject property in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, no comments or inquiries had been received by staff regarding this proposal.

Environmental Assessment

The project qualifies as a Class 5 exemption under Section 15305 of the California Environmental Quality Act (CEQA) Guidelines, which exempts projects that involve minor alterations in land use limitations that do not create a new parcel, change a land use, nor increases the allowable density of the project. The setback variance requested is limited in scope and does not create new parcels, affect land use, or increase density.

Variance Findings

Staff believes the necessary findings for the proposed variance from the required street side yard setback standard can be made as follows:

- A. That because of special circumstances applicable to the subject property, including its size, depth, location and surroundings, the strict application of the provisions of the Montclair Municipal Code is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications. The strict application of 25-foot setback

requirement for the portion of the fence is not a practical solution given the placement and orientation of the existing buildings on the site, particularly Building B. The application of the 25-foot setback would result in a fence of limited effectiveness, as the fence could only be placed between the buildings, leaving the fronts of the buildings exposed to the street. Moreover, alternative solutions explored for the placement of the fence within the setback area would have resulted in a visually odd and undesirable alignment of the fence around existing site conditions and trees that would have called more attention to its presence than the simple and straight fence alignment that is proposed with this variance request. Given the fixed development of the property, the proposed setback and placement of the fence at the north property line, located seven feet behind the existing sidewalk, is appropriate.

- B. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners in the vicinity and under identical zoning classifications. Although the zoning for the subject site is R-3, Heritage Park is unique in that it is one of only four (4) sites within the City with a General Plan land use designation of "Senior Housing." According to the Montclair General Plan, senior housing fills a "... special need in the community for active seniors to have an opportunity to interact with other peers and enjoy a safe and productive and meaningful lifestyle in their later years in a safe environment." The proposed fence and associated variance request would facilitate the securing of the site as envisioned by the language of the General Plan related to the Senior Housing land use designation. The properties to the east and northeast are commercially developed, and the other multi-family residential zoned properties to the south and west are not the same as the subject site and are not designed to exclusively accommodate a senior residential population.

- C. That the granting of such variance will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity and zone in which the subject property is located. At approximately 127 feet in length, the proposed variance for the portion of the fence closest to the street would be slightly more than one quarter (1/4) of the overall 486-foot long property frontage and is not expected to pose a visual significant impact. Moreover, the shorter 65-foot length of the fence set back 22'-6" from the front property line is necessary to enclose the existing parking area and, likewise, would have no significant visual impact to the streetscape. The placement, design, and color of the proposed fence, including the portions of the fence affected by this variance request, are appropriate and complementary to the modest design of the existing facility. The proposed installation of the fence for the complex would better secure the complex and help to direct visitors towards the Manager's Office/Unit for improved observation and monitoring. As such, the reduced setback for the portion of the proposed fence would be consistent with CPTED principles without detracting from the appearance of the property. Lastly, new landscaping in front

of the fence would serve to further mitigate its placement near the public sidewalk and street.

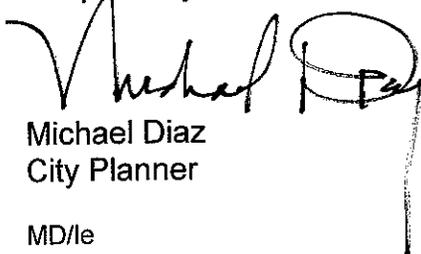
- D. The granting of such variance will not be contrary to the objectives of any part of the adopted General Plan. The General Plan designates the property as Senior Housing and the property is developed accordingly. The proposed variance would allow the owners of the property to take measures to adequately secure the property for its residents in an orderly and efficient manner.

Planning Division Recommendation

Staff recommends that the Planning Commission find the proposed front yard setback variance for portions of a proposed six-foot high decorative metal fence along the San Bernardino Street frontage of the subject site to be appropriate and to take the following actions:

- A. Move that, based upon evidence submitted, the Planning Commission finds the current application for the proposed variance qualifies as a Class 5 exemption under Section 15305 of the California Environmental Quality Act (CEQA) Guidelines, which exempts projects that involve minor alterations in land use limitations that do not create a new parcel, change a land use, nor increases the allowable density of the project. The setback variance requested is limited in scope and does not create new parcels, affect land use, or increase density.
- B. Approve a Variance request under Case No. 2013-19 'A' to reauthorize the installation of a 127-foot long portion of a proposed six-foot high perimeter fence at the front property line and a second portion of the fence to be set back 22'-6" rather than at the required 25-foot front yard setback line, for the senior apartment complex located at 5205 San Bernardino Street, as described in the staff report and depicted in approved plans subject to the findings and conditions in Planning Commission Resolution No. 14-1800.

Respectfully Submitted,



Michael Diaz
City Planner

MD/le

Attachments: Draft Resolution of Approval for Case No. 2013-19 'A'

- c: David Page, Montclair Senior Apartments LLC, 9601 Wilshire Blvd, Beverly Hills, CA 90210
Linda Steele, Heritage Park Montclair Senior Community, 5205 San Bernardino Street, Montclair, CA 91763

Z:\COMMDEV\MD\CASES\2013-19 'A' HERITAGE PARK FENCE VARIANCE\2013-19 'A' PC RPT

RESOLUTION NO. 14-1800

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING APPROVAL OF A VARIANCE REQUEST UNDER CASE NO. 2013-19 'A' TO ALLOW A SEGMENT OF A SIX-FOOT HIGH DECORATIVE METAL FENCE WITHIN THE REQUIRED 25-FOOT FRONT YARD SETBACK AT 5205 SAN BERNARDINO STREET (APN 1010-041-73)

A. Recitals.

WHEREAS, on June 25, 2013, Montclair Senior Apartments LLC, property owner of the subject site, filed an application requesting a variance from the required 25-foot front yard setback to allow a six-foot high decorative metal fence and gates along the property's San Bernardino Street frontage; and

WHEREAS, on August 12, 2013, the Planning Commission approved the proposed variance for the subject site under Case 2013-19; and

WHEREAS, the approved variance was valid for six months from the date of Planning Commission action; and

WHEREAS, the applicant was not able to initiate plan check or complete the project within the six (6) month time frame ending on February 12, 2014 at which time the variance became null and void; and

WHEREAS, on April 14, 2014, Montclair Senior Apartments LLC, property owner of the subject site, submitted a new application requesting re-approval of the proposed variance from the required 25-foot front yard setback to allow a six-foot high decorative metal fence and gates along the property's San Bernardino Street frontage; and

WHEREAS, the new application proposes no changes to the original scope of the project and there are no significant changes in the circumstances regarding the property that formed the original basis for the variance request; and

WHEREAS, the application applies to the subject site, which is approximately 3.8 acres in size and developed as a senior housing apartment complex built in 1986, with 144 units and 112 on-site parking spaces; and

WHEREAS, the General Plan land use designation for the subject site is Senior Housing; and

WHEREAS, the zoning of the subject site is R-3 (Multiple-Family Residential); and

WHEREAS, the minimum front yard setback of the R-3 zone is 25 feet for buildings and structures; and

WHEREAS, the maximum height for fences and walls within a required front yard setback is 48 inches; and

WHEREAS, the proposed setback variance request applies only to the following segments of the proposed six-foot-high decorative metal fence as depicted on the submitted plans:

- ❑ A segment of the fence, approximately 127 feet in length, located on the north property line between the west end of the "Welcome Center" and the west side of Building A; and
- ❑ A 65-foot segment set back 22'-6" from the north property line to allow a gate at the north end of the west parking lot/driveway; and

WHEREAS, based upon the facts and information contained in the application, together with all written and oral reports included for the environmental assessment for the application, the Planning Commission finds the proposed setback variance request is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15305 of the CEQA Guidelines, which applies to minor alterations in land use limitations that do not create a new parcel, change a land use, nor increases the allowable density of the project. The setback variance requested for the subject property is limited in scope and does not create new parcels, affect land use, or increase density; and

WHEREAS, on May 2, 2014, this variance request was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper. Public hearing notices were mailed out to property owners within a 300-foot radius of the subject property in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, no comments or inquiries had been received by staff regarding this proposal; and

WHEREAS, on May 12, 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 substantial evidence presented to this Commission during the above-referenced public hearing on May 12, 2014, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:
 - a. That because of special circumstances applicable to the subject property, including its size, depth, location and surroundings, the strict application of the provisions of the Montclair Municipal Code is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications. The strict application of 25-foot setback requirement for the portion of the fence is not a practical solution given the placement and orientation of the existing buildings on the site, particularly Building B. The application of the 25-foot setback would result in a fence of limited effectiveness, as the fence could only be placed between the buildings leaving the fronts of the buildings exposed to the street. Moreover, alternative solutions explored for the placement of the fence within the setback area would have resulted in a visually odd and undesirable alignment of the fence around existing site conditions and trees that would have called more attention to its presence than the simple and straight fence alignment that is proposed with this variance request. Given the fixed development of the property, the proposed setback and placement of the fence at the north property line, located seven feet behind the existing sidewalk, is appropriate.
 - b. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners in the vicinity and under identical zoning classifications. Although the zoning for the subject site is R-3, Heritage Park is unique in that it is one of only four (4) sites within the City with a General Plan land use designation of "Senior Housing." According to the Montclair General Plan senior housing fills a "...special need in the community for active seniors to have an opportunity to interact with other peers and enjoy a safe and productive and meaningful lifestyle in their later years in a safe environment." The proposed fence and associated variance request would facilitate the securing of the site as envisioned by the language of the General Plan related to the Senior Housing land use designation. The properties to the east and northeast are commercially developed, and the other multi-family residential zoned properties to the south and west are not the same as the subject site and are not designed to exclusively accommodate a senior residential population.

- c. That the granting of such variance will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity and zone in which the subject property is located. At approximately 127 feet in length, the proposed variance for the portion of the fence closest to the street would be slightly more than one quarter (1/4) of the overall 486-foot long property frontage and is not expected to pose a visual significant impact. Moreover, the shorter 65-foot length of the fence set back 22'-6" from the front property line is necessary to enclose the existing parking area and, likewise, would have no significant visual impact to the streetscape. The placement, design, and color of the proposed fence, including the portions of the fence affected by this variance request, are appropriate and complementary to the modest design of the existing facility. The proposed installation of the fence for the complex would better secure the complex and help to direct visitors towards the Manager's Office/Unit for improved observation and monitoring. As such, the reduced setback for the portion of the proposed fence would be consistent with CPTED principles without detracting from the appearance of the property. Lastly, new landscaping in front of the fence would serve to further mitigate its placement near the public sidewalk and street.
- d. The granting of such variance will not be contrary to the objectives of any part of the adopted General Plan. The General Plan designates the property as Senior Housing and the property is developed accordingly. The proposed variance would allow the owners of the property to take measures to adequately secure the property for its residents in an orderly and efficient manner.

C. Conditions of Approval.

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 variance approval shall supersede all previous approvals and shall allow the following exceptions to the required setback standard as depicted on approved plans on file with the Planning Division:
 - a. A segment of the fence, approximately 127 feet in length, located on the north property line between the west end of the "Welcome Center" and the west side of Building A; and
 - b. A 65-foot segment set back 22'-6" from the north property line to allow a gate at the north end of the west parking lot/driveway.

2. The maximum height of the fence shall not exceed six feet (6'-0") in height as measured from the adjacent public sidewalk. All other buildings or structures (including remaining portions of the subject fence) shall comply with required setbacks of the R-3 zoning district.
3. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
 - a. A check in the amount of **\$50.00**, 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 **\$402.32**, payable to the "City of Montclair," to cover the cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.
4. This variance approval shall be valid for six months from the date of Planning Commission action. If no construction drawings have been submitted to the City for plan review within this time frame, and no subsequent building permits are issued, then the approval shall automatically expire without further City action.
5. The approved fence shall remain open to allow views into the property by Police and Code Enforcement personnel. No panels (wood, metal, mesh, etc.) or security devices (such as barbed/concertina wire, etc.) shall be attached to the fence at any point. Landscape material adjacent to the fence shall be maintained so that it does not exceed two-thirds the height of the fence, or four feet in height.
6. Prior to the issuance of a building permit to install the fence, the applicant shall work with the City Planner to finalize a selection of plant materials to be placed in the planter area in front of the fence.
7. The applicant and/or property owner shall be responsible for maintaining the property in good condition at all times, including the condition of the decorative metal fence authorized by this approval.

Building

8. Submit three (3) sets of Site/Plot Plans to the Building Division for review.
9. A building permit is required for the construction of the fence.
10. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project address 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.

11. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
12. 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 finishes of all types shall not be below standard for the use applied.
13. 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%). Accessible parking shall be made available to the public as well as the residences.
14. Construction drawings submitted to the building division for plan review shall comply with the Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn every day.
 - b. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.
 - c. Proper access shall be provided to the Fire Department for emergency service access.
15. Prior approval of the Fire Department is required before a final inspection can be made by the Building Division.
16. Prior to the final inspection, the applicant shall:
 - a. Submit to the Building Division electronic images of all plans and records which were submitted for the purpose of obtaining a building permit. Electronic images shall comply with the City's Electronic Archiving Policy.
 - b. Complete all on- and off-site improvements.

- c. Install all disabled-accessible parking stalls and parking lot signage.

Fire

17. An approved emergency keyed access system shall be required to facilitate access to buildings or gates by Fire Department personnel in the event of an emergency during non-business hours. Forms are available at Montclair Fire Department Headquarters, 8901 Monte Vista Avenue, for those occupancies requiring such a system. Facilities with gated drive approaches shall contact Fire Marshal's Office for additional key and strobe requirement.
18. Vehicle security gates shall be approved only with the use of hold-open devices to allow for emergency vehicle access. Contact the Fire Marshal's office for specific requirements.
19. Minimum driveway width shall be 27 feet.
20. All Fire Department access and fire lanes shall be posted as "No Parking, Fire Lane." Signs shall be designed and mounted in accordance with Montclair Fire Department standards.

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

APPROVED AND ADOPTED THIS 12TH DAY OF MAY, 2014.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, Chair

ATTEST: _____
Steve Lustro, Secretary

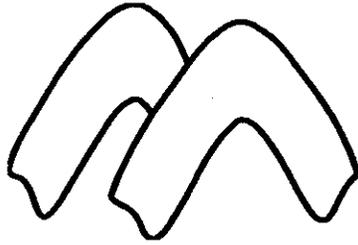
I, Steve Lustro, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 12th day of May, 2014, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MD\CASES\2013-19 'A' \2013-19 'A' VARIANCE SETBACK RESO



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 05/12/14

AGENDA ITEM 6.b

Case No.: 2014-5

Application: Conditional Use Permit (CUP) and Precise Plan of Design (PPD) to allow a 60-foot high wireless telecommunication tower (disguised as a "faux" pine tree) and associated ground level support equipment.

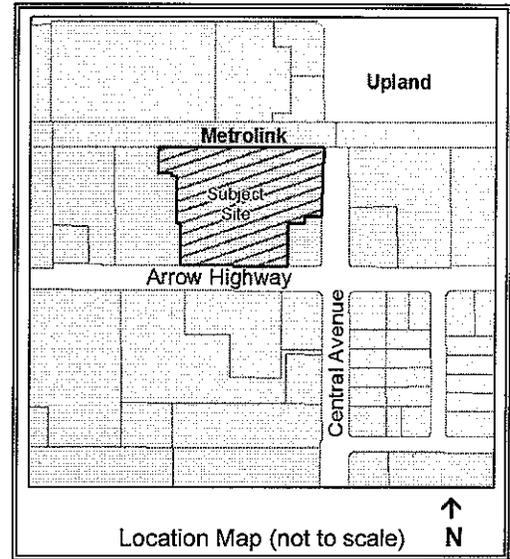
Project Address: 5280 Arrow Highway

Property Owner: Prime Pacific Investments

General Plan: Planned Development

Zoning: C-3 (General Commercial) per the North Montclair Specific Plan (NMSP)

Assessor Parcel No.: 1007-671-11



EXISTING SITE FEATURES/CONDITIONS

Structures: A 92,000 square-foot single story building – the easterly 51,000 square feet is occupied by John's Incredible Pizza; the westerly 41,000 square feet is vacant.

Parking: 450 parking spaces, (including 11 disabled-accessible spaces)

ADJACENT LAND USE DESIGNATIONS AND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	Planned Development	C-3 (General Commercial) per North Montclair Specific Plan (NMSP)	John's Incredible Pizza / vacant lease space
North	Planned Development	Commercial per Turner Montclair Center Specific Plan	Metrolink right-of-way and multi-tenant commercial center
East	General Commercial	C-3 (General Commercial) per North Montclair Specific Plan (NMSP)	Montclair Village Plaza multi-tenant commercial center
South	Planned Development	C-3 (General Commercial) per North Montclair Specific Plan (NMSP)	Multi-tenant commercial center
West	Planned Development	Town Center (TC) per North Montclair Downtown Specific Plan	Pep Boys and self-serve car wash

Report on Item Number 6.b

PUBLIC HEARING - CASE NUMBER 2014-5

APPLICATION TYPE(S)	Conditional Use Permit and Precise Plan of Design
NAME OF APPLICANT	Prime Pacific Investments Inc.
LOCATION OF PROPERTY	5280 Arrow Highway
GENERAL PLAN DESIGNATION	Planned Development
ZONING DESIGNATION	C-3 (General Commercial) per the North Montclair Specific Plan (NMSP)
EXISTING LAND USE	Commercial retail building with Restaurant / Entertainment use
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15303)
PROJECT PLANNER	Michael Diaz

Project Description

Verizon Wireless is requesting approval of a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) to construct a "stealth" wireless telecommunications facility designed to resemble an evergreen pine tree ("monopine") at the northwest corner of Arrow Highway and Central Avenue. The purpose of the new wireless telecommunications facility is to provide improved cell phone coverage for customers of Verizon and a future carrier that would have the ability to co-locate on the monopine at a future date.

The proposed height of the monopine is 60 feet. A total of 12 antenna panels divided into three sectors with four antenna panels each and one microwave dish would be installed on the proposed monopine. The antenna panels and dish would be mounted at 55 feet and 41 feet high, respectively. Plans and a photo-simulation of the proposed monopine are provided in the Commission packets for reference. Three (3) Pine trees of moderate height would be removed from the area where the facility is proposed; however, these trees would be replaced in the turf area directly south of the wireless facility and new low growing shrubs would be added beneath the new monopine structure.

The proposed wireless facility, consisting of the monopine and associated equipment enclosure, would be located on the east side of the building within the existing landscape planter area. The size of the overall ground lease area measures 32'-9" deep by 25'-0" wide (819 square feet) and does not require the elimination of any parking spaces or modifications to the building. The equipment enclosure would be 25'-0" wide by 14'-0" feet deep (350 square feet) and be enclosed with a new, eight-foot high masonry wall to match existing masonry block used on the main building. The support equipment within the enclosure would include three radio equipment cabinets, two Telco cabinets, two battery back-up cabinets, an emergency generator, receptacles

and lights, and utility stub-ups connecting the equipment with antennas via underground lines. Access to the equipment area would be from a gate facing the parking lot. The facility would be unstaffed, but visited on an average of once per month for routine maintenance purposes.

Background

- The subject site is approximately 5.8 acres in size and developed with a 92,000 square-foot building and paved surface parking for 450 vehicles.
- The site was originally developed in 1985 as a members-only Home Club home improvement center that later became HomeBase and was subsequently converted to the House2Home concept.
- In 2004, Planning Commission approved a Conditional Use Permit (CUP) under Case No. 2004-15 to allow John's Incredible Pizza Co. to operate a restaurant and entertainment establishment within a 51,000 square-foot portion of the original building. John's Incredible Pizza was also approved to sell beer and wine (Type 41) in conjunction with a bona fide restaurant.
- The Federal Telecommunications Act of 1996 precludes local governments from banning cellular transmission sites based on health concerns about the dangers of exposure to radiofrequency radiation (RFR) and electromagnetic frequency (EMF). This is due to inconclusive evidence about the health risk of exposure to RFR and EMF. Cities and counties retain discretion over design and location of the sites but cannot exclude them. Therefore, the Planning Commission is reminded that it cannot consider any environmental effects of emissions that otherwise comply with FCC regulations, including purported impacts upon health or alleged interference with television reception, in its decision to approve or deny the project.
- The Montclair Municipal Code permits wireless telecommunications facilities subject to the approval of a Conditional Use Permit (CUP) pursuant to Chapter 11.73 (Wireless Telecommunications Facilities). The wireless ordinance provides policies and direction, clarifies existing codes, and sets forth reasonable criteria, development standards and standardized conditions of approval upon which staff is using to evaluate this application.

Planning Division Comments

Wireless telecommunications facilities are permitted with a CUP in the C-3 zoning district, provided that it is located a minimum of 200 feet from any residence. There are no residences within the immediate area and at 5.8 acres in size, the site is of sufficient size to easily accommodate the facility with no significant impact to the existing use of the property. The proposed placement of the facility on the east side of the building is ideal from the standpoint that area is used only during peak hours, no parking is affected, and no changes to the building are necessary. Moreover, the proposed monopine does not interfere with access to the main building entry located at the front

(south) side of the building or to any outdoor activities associated with the existing restaurant / entertainment use.

At approximately 150 feet from Central Avenue and 85 feet from the north property line, the placement of the monopine and associated equipment enclosure meets all required setbacks. At 60 feet in overall height, the monopine structure is less than the maximum building height of 75 feet allowed in the C-3 zoning district. As such, staff believes that the placement of the wireless telecommunications facility is sufficiently separated from all surrounding activities. In addition, staff notes the proposed location of the facility sits below the grade of Central Avenue and the Metrolink right-of-way to the north so that it would not dominate the existing landscape or be readily noticeable to the casual observer.

Demand for more cell towers is generally driven by the number of subscribers and by the addition of text, photo and video messaging services to the communication system. Companies add sites to eliminate "dead zones" and to handle increasing traffic. According to Verizon representatives, the proposed location is necessary to handle increased phone use in the area. The need for better service in the area will increase in coming years as new residential uses are being developed on parcels to the west of the property as envisioned by the North Montclair Downtown Specific Plan (NMDSP). Service propagation maps prepared by the applicant indicate how the new wireless telecommunications facility will help to expand coverage and remedy areas of weak reception.

The proposal does not impact existing improvements or reduce the number of existing parking spaces. Further, no traffic or circulation issues concerning the proposed facility have been identified or are anticipated as the site would be unstaffed and would require only general maintenance every 4-6 weeks. Ground equipment for the facility would be out of view and secured from public access. Trees removed to make room for the facility would be replaced in the adjacent planters immediately south of the subject location.

The design of the proposed cell tower is appropriate for the proposed location in which it will be located. The monopine is intended to mitigate potential visual impacts of the antenna structure to the greatest extent possible and is appropriate since other evergreens, notably Pines, are present on the site and in the surrounding area. To ensure that the proposed tree is realistic, staff recommends that the foliage begin about 10 to 12 feet from the ground and that branch design, length, and density be approved separately by the City Planner per conditions of approval. At 60 feet in height, the monopine is tall enough to operate with little to no interference and is generally in scale with the building and the varying heights of other natural trees in the area. The photo simulation would be used during the plan check and field inspection process to ensure compliance with project approval.

As mentioned above, the FCC is the final authority on the safety of telecommunications towers and the City is not permitted to make additional judgments on health and safety issues. This application shall be considered on design and location criteria only. According to the FCC, radiofrequency (RF) emissions measurements made near typical

cellular and PCS installations, especially those with tower-mounted antennas, have shown that ground-level power densities are thousands of times less than the FCC's limits for safe exposure. This makes it extremely unlikely that a member of the general public could be exposed to RF levels in excess of FCC guidelines due solely to cellular or PCS base station antennas located on towers or monopoles. Finally, regarding RF emissions, the proposed telecommunications facility would be required to meet all radio frequency and related regulations of the FCC at the time of initial operation of the new facility and in perpetuity.

Staff believes that the location and physical features of the monopine and associated ground-mounted equipment provide the best degree of both aesthetic and environmental protection pertaining to the site and surrounding uses.

Conditional Use Permit Findings

- A. The proposed wireless telecommunications facility is essential or desirable to the public convenience and public welfare in that such facilities provide universal access to telecommunications services for all Montclair citizens, businesses, visitors and commuters traveling through the City. In addition, the proposed wireless facility has the capability to continue to operate and provide communications service in the event of a major power outage that may cause traditional telephone service to be rendered inoperable.
- B. The proposed wireless telecommunications facility use would not create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. The antenna structure will be located on the side of a large, existing commercial building where there is no public entry and would not detract from its overall appearance. The design of the facility as a monopine generally ties into the use of Pine trees on the site and in the adjacent parkways so as to generally blend in with the overall landscape. Lastly, all necessary building permits will be required to ensure that the facility is properly constructed and inspected. In summary, no threats to public health or safety have been identified for this proposal.
- C. That the proposed wireless telecommunications facility use at the proposed location conforms to good zoning practice. The proposal is consistent with City policy, the requirements of the Montclair Wireless Ordinance, and the North Montclair Specific Plan. At 5.8 acres in area, the subject property on which the wireless facility would be located is of sufficient size to easily accommodate the proposed monopine structure without impacting the overall use and appearance of the site. The proposed wireless telecommunications facility meets all applicable setback and height requirements and no parking would be lost to accommodate the project. Associated support equipment will be adequately screened by means of a masonry wall enclosure that matches the appearance of the existing building.

- D. That such use in such location is not contrary to the objectives of any part of the adopted General Plan which encourage compliance with Federal law, an increase in emergency preparedness, the enhancement of public convenience and communication, and for projects which meet community design objectives to reasonably minimize undesirable aesthetic effects on adjacent properties.

Wireless Telecommunications Facility Findings

Staff further finds the proposed wireless telecommunications facility to be consistent with Chapter 11.73 of the Montclair Municipal Code, and believes the necessary findings for allowing the establishment of such a facility can be made as follows:

- A. There is adequate space on the property for the wireless telecommunications facility without conflicting with existing buildings or other improvements, reducing required parking or landscaping, or otherwise compromising applicable development standards. The subject site on which the proposed wireless telecommunications facility is proposed is approximately 5.8 acres in size and is developed in a manner that will easily accommodate the project without significant impact. The proposed wireless telecommunications facility will not eliminate any parking spaces or existing landscaping. New landscaping around the base of the tree will be added.
- B. The design and placement of the wireless telecommunications facility will not adversely impact the use of the property, buildings and structures located on the property or the surrounding area or neighborhood. The proposed monopine will be placed in an existing planter area on the east side of the building where there is no public entry point and where it would not adversely affect or restrict the use of the property. In addition, all support equipment will be screened from view by a new masonry wall enclosure and any utility lines/connections will be placed underground.
- C. The wireless telecommunications facility, as proposed, is consistent with the provisions of Chapter 11.73 and complies with all other applicable requirements of Title 11 of the Montclair Municipal Code. The facility will not emit excessive noise, vibration, traffic or other disturbance that would have a substantial adverse effect on abutting property or uses located on these properties. Moreover, the proposed wireless telecommunications facility meets required setback and height limits of the underlying district and is planned to accommodate a second carrier in the future. Finally, the monopine design of the antenna support structure will not adversely affect appearance of the surrounding area.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on May 2, 2014. Public hearing notices were also mailed to existing tenants of the center and 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 this proposal.

Environmental Assessment

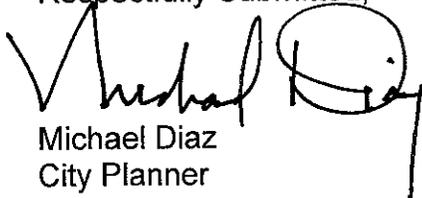
The proposed project involves installation of small, new structures on a developed site. As such, Staff determined that this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15303 of the CEQA Guidelines (Class 3 – New Construction or Conversion of Small Structures).

Planning Division Recommendation

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

1. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 3 exemption under State CEQA Guidelines Section 15303.
2. Move to approve a Conditional Use Permit and Precise Plan of Design under Case No. 2014-5 to allow a telecommunications facility disguised as a 60-foot high monopine at 5280 Arrow Highway, per the submitted plans, as described in the staff report, and required findings subject to the conditions in attached Resolution Number 14-1804.

Respectfully Submitted,



Michael Diaz
City Planner

MD/le

Attachments: Draft Resolution of Approval for Case No. 2014-5

c: Kim Nguyen, CORE Communications Group, 2749 Saturn Street, Brea, CA 92821
Prime Pacific Investments Inc., 8807 Pico Blvd, Suite 203, Los Angeles, CA 90035

RESOLUTION NO. 14-1804

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT AND PRECISE PLAN OF DESIGN UNDER CASE NO. 2014-5 TO ALLOW A WIRELESS TELECOMMUNICATIONS FACILITY (MONOPINE) IN THE C-3 ZONING DISTRICT OF THE NORTH MONTCLAIR SPECIFIC PLAN, 5280 ARROW HIGHWAY (APN 1007-671-11)

A. Recitals.

WHEREAS, on March 10, 2014, Prime Pacific Investments Inc., submitted an application for a Conditional Use Permit (CUP) to allow the construction of a wireless telecommunications facility consisting of a 60-foot high "monopine" structure and support equipment enclosure at 5280 Arrow Highway; and

WHEREAS, Verizon Wireless is the carrier desiring to construct the wireless telecommunications facility on the subject property and has identified the site as a practical location in central Montclair to construct a wireless telecommunications facility to provide enhanced services to its customers by increasing signal strength and minimizing dropped calls; and

WHEREAS, Chapter 11.73 of the Montclair Municipal Code governs the development of wireless telecommunications facilities within the City and provides policies and sets forth criteria, development standards and standardized conditions of approval upon which to evaluate this application; and

WHEREAS, Section 11.73.100 of the Montclair Municipal Code strongly encourages co-location of wireless telecommunications facilities to minimize their numbers and the visual impact additional locations would have on the community; and

WHEREAS, staff has determined that the application meets the intent and requirements of the Municipal Code and the applicable development standards of the North Montclair Specific Plan and Wireless Telecommunications Ordinance; and

WHEREAS, Planning Division staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines, pursuant to Section 15303 (Class 3 – New Construction or Conversion of Small Structures). In addition, there is no substantial evidence that the project will have a significant effect on the environment. The Planning Commission has reviewed the Planning Division's determination of exemption, and based on its own independent judgment, concurs with staff's determination of exemption and directs staff to prepare a Notice of Exemption; and

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

WHEREAS, on May 12, 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.

A. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on May 12, 2014, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:

Conditional Use Permit Findings

- A. The proposed wireless telecommunications facility is essential or desirable to the public convenience and public welfare in that such facilities provide universal access to telecommunications services for all Montclair citizens, businesses, visitors and commuters traveling through the City. In addition, the proposed wireless facility has the capability to continue to operate and provide communications service in the event of a major power outage that may cause traditional telephone service to be rendered inoperable.
- B. The proposed wireless telecommunications facility use would not create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. The antenna structure will be located on the side of a large, existing commercial building where there is no public entry and would not detract from its overall appearance. The design of the facility as a monopine generally ties into the use of Pine trees on the site and in the adjacent parkways so as to generally blend in with the overall landscape. Lastly, all necessary building permits will be required to ensure that the facility is properly constructed and inspected. In summary, no threats to public health or safety have been identified for this proposal.

- C. That the proposed wireless telecommunications facility use at the proposed location conforms to good zoning practice. The proposal is consistent with City policy, the requirements of the Montclair Wireless Ordinance, and the North Montclair Specific Plan. At 5.8 acres in area, the subject property on which the wireless facility would be located is of sufficient size to easily accommodate the proposed monopine structure without impacting the overall use and appearance of the site. The proposed wireless telecommunications facility meets all applicable setback and height requirements and no parking would be lost to accommodate the project. Associated support equipment will be adequately screened by means of a masonry wall enclosure that matches the appearance of the existing building.
- D. That such use in such location is not contrary to the objectives of any part of the adopted General Plan which encourage compliance with Federal law, an increase in emergency preparedness, the enhancement of public convenience and communication, and for projects which meet community design objectives to reasonably minimize undesirable aesthetic effects on adjacent properties.

Wireless Telecommunications Facility Findings

- A. There is adequate space on the property for the wireless telecommunications facility without conflicting with existing buildings or other improvements, reducing required parking or landscaping, or otherwise compromising applicable development standards. The subject site on which the proposed wireless telecommunications facility is proposed is approximately 5.8 acres in size and is developed in a manner that will easily accommodate the project without significant impact. The proposed wireless telecommunications facility will not eliminate any parking spaces or existing landscaping. New landscaping around the base of the tree will be added.
- B. The design and placement of the wireless telecommunications facility will not adversely impact the use of the property, buildings and structures located on the property or the surrounding area or neighborhood. The proposed monopine will be placed in an existing planter area on the east side of the building where there is no public entry point and where it would not adversely affect or restrict the use of the property. In addition, all support equipment will be screened from view by a new masonry wall enclosure and any utility lines/connections will be placed underground.
- C. The wireless telecommunications facility, as proposed, is consistent with the provisions of Chapter 11.73 and complies with all other applicable requirements of Title 11 of the Montclair Municipal Code. The facility will not emit excessive noise, vibration, traffic or other disturbance that would

have a substantial adverse effect on abutting property or uses located on these properties. Moreover, the proposed wireless telecommunications facility meets required setback and height limits of the underlying district and is planned to accommodate a second carrier in the future. Finally, the monopine design of the antenna support structure will not adversely affect appearance of the surrounding area.

3. 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 approval is for a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) to construct a wireless telecommunication facility consisting of a 60-foot high faux "monopine" antenna structure and associated support equipment enclosure on a portion of the property located at 5280 Arrow Highway as described in the staff report and depicted on the approved plans. The approval of this permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted.
2. Conditional Use Permit (CUP) approval shall be valid for six months from the date of Planning Commission action. If no construction drawings have been submitted to the City for plan review within this time frame or a time extension for such CUP granted, then the approval shall automatically expire without further City action.
3. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
 - a. A check in the amount of **\$50.00**, 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). The check shall be made payable to the Clerk of the Board of Supervisors.
 - b. A check in the amount of **\$442.36**, payable to the "City of Montclair," to cover the cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.
4. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 15 days of receipt of the Planning Commission Resolution.

5. Approval of this CUP shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances, the San Bernardino County Health Department, or the State of California.
6. A copy of the CUP approval letter with all conditions of approval relating to this application shall be kept on file at the subject location and be made available for viewing to any law enforcement officer, fire, building, or code enforcement inspector in the course of conducting an inspection of said premises.
7. The wireless telecommunications facility shall be constructed in substantial compliance with plans reviewed and approved by the Planning Commission.
8. The applicant shall be responsible to fully comply with all requirements of the Federal Communications Commission (FCC) regarding electromagnetic frequency (EMF) and radiofrequency radiation (RFR) standards.
9. Prior to the approval of a final inspection for the project, the applicant shall install the following landscape items:
 - a. Two (2) replacement trees within the planter area immediately south of the approved wireless facility. Each tree shall be a minimum 36-inch box size. At least one (1) tree shall be a Pine tree of a species acceptable to the City Planner.
 - b. Add low growing/spreading shrubs to cover the area below the monopine and in front of the equipment enclosure as generally shown on plans. Plant materials shall be of a variety that is appropriate to the climate and easy to maintain.
 - c. Provide irrigation to all new plant materials.
10. Prior to issuance of a building permit, the applicant shall submit detailed shop drawings and/or plans for the proposed monopine for final design review and approval by the City Planner. Drawings/plans shall incorporate or address the following elements:
 - a. The first level of branches for the monopine shall be installed approximately 10-12 feet above adjacent ground level.
 - b. The support pole shall be fully treated and have full "bark" finish.

- c. Artificial branches and foliage shall be of sufficient quality, quantity, length, spacing, and density to provide screening of the antennas and to achieve a natural appearance to the greatest extent possible.
 - d. Each antenna panel shall be covered with "antenna socks" that match the approved foliage color.
 - e. All stand-off-mounts and support pipe mounts shall be painted in a "flat" complementary finish to reduce reflection and visibility of the mounting hardware.
11. No advertising, signs or lighting shall be incorporated or attached to the antenna array or support facilities, except as required by the City's Building Division or federal regulations.
 12. All electrical and utility connections serving the facility shall be placed underground in accordance with the requirements of the Montclair Municipal Code.
 13. The applicant shall submit to the City certification of continued use of the approved facility on an annual basis at the time of business license renewal for as long as the facility remains in operation. The certification shall indicate that the facility is operating as approved and that the facility complies with the most current FCC safety standards. Facilities that are no longer in operation shall be completely removed within 90 days after the date cessation of operation.
 14. If no annual certification is provided, the CUP for the facility may be revoked by the Director. Prior to revoking a permit, the Director shall provide the owners of record written notice of their failure to provide the annual certification and an opportunity for a hearing.
 15. Notice of change of ownership of the facility shall be provided in writing to the Director within 30 days of said change.
 16. Within 90 days of commencement of operations, applicants shall provide a preliminary report and field report prepared by a qualified engineer that shows the operation of the facility to be in conformance with the standards established by ANSI and IEEE for safe human exposure to EMF and RFR.
 17. All future changes and modifications to an approved facility, such as the addition of panel, whip, dish, omnidirectional, GPS or test antennas, shall require prior review and approval by the City.

18. The applicant and/or property owner shall be responsible for maintaining the monopine structure, antennas and artificial foliage and branches, building, ground equipment, fencing, lighting, landscaping, and all improvements in good condition and/or 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 screen walls, or adjacent buildings or structures shall be removed immediately by the applicant/property owner upon notification by the City.
19. The permit may be modified or revoked for failure to abide by the conditions contained herein, or in the event the use is determined to be a nuisance to surrounding properties, businesses, or community at-large.
20. Prior to issuance of a building permit for the approved wireless telecommunications facility, the applicant shall ascertain and comply with all requirements of the City of Montclair Building Division and the Montclair Fire Department.
21. If, as a result of the operation of the subject facility, existing or future residential, commercial or industrial properties near the site experience interference difficulties with electronic equipment (such as radios, televisions, telephones, home computers, etc.), or if public safety personnel experience interference with communications systems, the applicant shall be solely and fully responsible to correct any and all problems upon proof of such interference.
22. At no time shall equipment noise from any source exceed an exterior noise level for nighttime hours as set forth in Table 6-2 of the Montclair General Plan. Any backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekday nights. The carrier shall take corrective action within 30 days of receipt of any reported noise complaint by the Planning Division.
23. All graffiti and other forms of vandalism and damage to the wireless telecommunications facility shall be removed and/or repaired within 72 hours of notice by the City.
24. 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.
25. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval.

The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

Building

26. Submit two complete sets of plans for the project, including engineered structural calculations and drawings for the monopine structure, associated facilities and utility plans, and three additional sets of architectural plans, including elevations, colors and materials, foliage addition to the monopine and lighting, if any, for review and approval by the Building and Planning Divisions.
27. Underground Service Alert shall be notified 48 hours prior to any excavation by calling 8-1-1.
28. All off-site and on-site excavation and trenching shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
29. The developer/contractor is to be responsible for reasonable periodic clean up of the construction site to avoid hazardous accumulation of combustible trash and debris.
30. Architect's/Engineer's stamp and "wet" signature are required prior to permit issuance.
31. 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.
32. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
33. Separate permits are required for fencing and/or walls.
34. All utility services to the project shall be installed underground.
35. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number.

36. Exits and accessible paths of travel, egress or any other accessible function of the property shall not be obstructed at any time.
37. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
38. Approval of final inspection is required prior to the use of the subject facility. Final approval by the Building Official shall be contingent upon compliance with all conditions of approval. The applicant shall contact the City to schedule an appointment for such final inspection.
39. Prior to the issuance of final approval of the project, the applicant shall submit to the Building Division electronic images of all plans and records for the purpose of obtaining a building final. Electronic images shall comply with the City's Electronic Archiving Policy.

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

APPROVED AND ADOPTED THIS 12TH DAY OF MAY, 2014.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, Chair

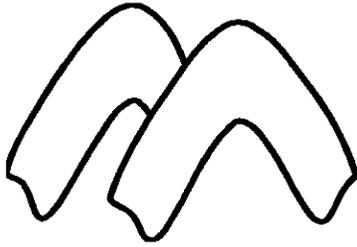
ATTEST: _____
Steve Lustro, Secretary

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 12th day of May, 2014, by the following vote, to-wit:

AYES:

NOES:

ABSENT:



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 05/12/14

AGENDA ITEM 6.c

Case No.: 2014-9

Application: Request for a Conditional Use Permit (CUP) to establish and operate a weekly Certified Farmers' Market in Alma Hofman Park.

Applicant/Property Owner: City of Montclair

General Plan: Neighborhood Park

Zoning: R-1 (Single-Family Residential)

Project Address: 5201 Benito Street

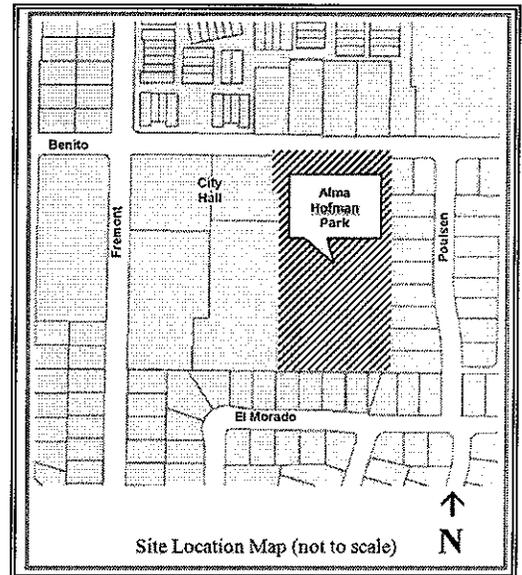
APNs: 1010-301-18

EXISTING SITE FEATURES/CONDITIONS

Structures: Community park, including lighted tennis and basketball courts, skate park, splash pad, children's playground, benches and tables

Parking: 65 parking spaces, including three (3) disabled-accessible spaces

Trees/Significant Vegetation: Park setting featuring turf and numerous trees of various sizes including mature Palms, Pines, and broadleaf trees.



ADJACENT LAND USE DESIGNATIONS AND LAND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	Neighborhood Park	R-1 (Single-Family Residential)	Alma Hofman Park
North	Public/Quasi-Public	AP (Administrative Professional)	U.S. Post Office/Offices
East	Low Density Residential (3-7 du/ac)	R-1 (Single-Family Residential)	Single-Family Residential
South	Low Density Residential (3-7 du/ac)	R-1 (Single-Family Residential)	Alma Hofman Park and Single-Family Residential
West	Public/Quasi-Public	R-1 (Single-Family Residential)	Civic Center

Report on Item Number 6.c

PUBLIC HEARING - CASE NUMBER 2014-9

APPLICATION TYPE	Conditional Use Permit
NAME OF APPLICANT	City of Montclair
LOCATION OF PROPERTY	5201 Benito Street
GENERAL PLAN DESIGNATION	Low Density Residential
ZONING DESIGNATION	R-1 (Single-Family Residential)
EXISTING LAND USE	Alma Hofman Park
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15311)
PROJECT COORDINATOR	Steve Lustro

Applicant's Proposal

The City of Montclair is requesting approval of a Conditional Use Permit (CUP) to co-sponsor a weekly Certified Farmers' Market in Alma Hofman Park. The proposal would allow the establishment and operation of a Certified Farmers' Market selling fresh fruits, vegetables, nuts, herbs, eggs, honey, flowers and food products from livestock grown or produced by local farmers. In addition, "non-certified" vendors are expected to participate in the market selling items such as jams and jellies, salsa, pastries, kettle corn, roasted corn, and other prepared food products. The market, proposed to operate on a year-round basis, would be co-sponsored by Heritage Education Group, which currently operates certified farmers' markets on Thursdays at Bon View Park in Ontario and on Fridays at Victoria Gardens in Rancho Cucamonga.

The Montclair Certified Farmers' Market is proposed to operate on Wednesdays from 4 p.m. to 8 p.m. The event would initially operate in the two northernmost rows of parking in order to be visible to passersby on Benito Street. Thirty-four of the lot's parking spaces, including three disabled-accessible stalls, would be maintained for use by the public. At the conclusion of the event, all tents, EZ-Ups and barricades would be removed and the site restored to its original condition. It is expected that 7-10 vendors will initially participate in the weekly event. The market is required to be operated in accordance with the rules and regulations of the County of San Bernardino Department of Agriculture/Weights and Measures, County of San Bernardino Health Department, State of California Code of Regulations Section 1392, and Division 17, Chapter 10.5 (Section 47000 et. seq.) of the State of California Food and Agricultural Code.

During summer months when the Splash Pad is in operation, the Certified Farmers' Market may relocate elsewhere in Alma Hofman Park to free up parking, which is in higher demand during the summer. Alternate locations being considered are the tennis courts, basketball court adjacent to the Community Center and the fire road on the park's easterly perimeter.

A site plan illustrating the proposed parking lot location and set-up of the Certified Farmers Market is included in the Commission packets for reference.

Background

In Fiscal Year 2012-13, First 5 San Bernardino County awarded a grant to the City under the program Healthy Montclair to help identify needs in the City related to health. One of the needs identified was access to healthy foods. Accordingly, a goal for Fiscal Year 2013-14 to meet this need was to identify a location in the City for a certified farmers' market. The Human Services Department selected Alma Hofman Park because of its central location, proximity to other City facilities and activities, and available parking among other considerations. The proposed day and time was purposely selected as not to conflict with markets in nearby communities and to allow local farmers the opportunity to participate in an additional event.

Planning Division Comments

Section 11.78.030.D of the Montclair Municipal Code allows "(s)wap meets, flea markets, and other assemblies of temporary or semipermanent vendors" subject to approval of a Conditional Use Permit. A pending amendment to Section 11.78.030.K of the Montclair Municipal Code defines Certified Farmers' Markets and identifies the locations and circumstances under which they would be permitted. Specifically, Certified Farmers' Markets would be allowed in the R-1 (Single-Family Residential) zone on property developed with civic or public uses when co-sponsored by the City, but would continue to be subject to approval of a CUP. At its meeting on April 28, 2014, the Planning Commission approved Resolution No. 14-1802, recommending City Council approval of Ordinance No. 14-942, amending the Zoning Code. On May 5, 2014, Council adopted the ordinance on first reading and will consider a final reading and adoption at its meeting on May 19, 2014. To accommodate operation of the market on its inaugural day (May 7), staff approved a Special Outdoor Event permit.

The vendors selling fresh fruit, produce and flowers are required to be certified growers and food vendors will be required to obtain City business license certificates and comply with County Health Department requirements. Vendors will be limited to a two-hour set-up time prior to the market opening, will be responsible for their own clean-up, and must occupy space for the duration of the market.

Staff believes that having Heritage Education Group as the market operator will be beneficial because of the organization's experience with Certified Farmers' Markets in other cities. It is hoped that vendors currently participating in farmers' markets on other days during the week will add the Montclair market to their calendar. Staff also believes that having an experienced market operator will result in a professionally-run event that will not create any adverse impact to the general public.

In order to maintain the integrity of the Certified Farmers' Market and ensure that it does not degrade into a swap meet, staff has included conditions of approval strictly regulating items that may and may not be sold at the event.

Staff notes that the inaugural Certified Farmers' Market at Alma Hofman Park on May 7 was well received by the public and drew a steady stream of customers. In addition to a variety of fresh fruit and vegetables for sale, other vendors sold tamales, peanut brittle, nuts, hummus, tea, jams and jellies, relishes and salsa, pastries, kettle corn, baked potatoes and roasted corn.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on May 2, 2014. Public hearing notices were mailed out to property owners within a 300-foot radius of the subject property in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, no comments or inquiries had been received by staff regarding this proposal.

Environmental Assessment

The project qualifies as a Class 11 exemption under Section 15311 of the California Environmental Quality Act (CEQA) Guidelines, which exempts projects involving the placement of seasonal or temporary uses in generally the same location from time to time in publicly owned parks or other facilities designed for public use.

Conditional Use Permit Findings

Staff believes that the required findings for granting this CUP can be made as follows:

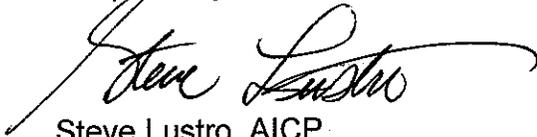
- A. That said is essential or desirable to the public convenience and public welfare in that the use will provide a clean, safe, and professionally operated certified farmers' market for the convenience of the community.
- B. That granting the permit will not be materially detrimental to the public and to other property in the vicinity because the proposed use is limited in scope and hours of operation and will be located in a defined area that will not negatively impact surrounding uses.
- C. That such use in such location conforms to good zoning practice as the proposed use is permissible in the subject location with the approval of a Conditional Use Permit.
- D. That such use in such location is not contrary to the objective of any part of the adopted General Plan for the reason that the General Plan advocates diversity in land uses and that such use enhances the community well being.

Planning Division Recommendation

Staff finds the proposed certified farmers' market to be consistent with the Montclair Municipal Code and the adopted General Plan; therefore, approval of Case No. 2004-9 is recommended by taking the following actions:

- A. Move that, based upon evidence submitted, the Planning Commission finds the current application for the proposed variance qualifies as a Class 5 exemption under Section 15305 of the California Environmental Quality Act (CEQA) Guidelines, which exempts projects involving the placement of seasonal or temporary uses in generally the same location from time to time in publicly-owned parks or other facilities designed for public use.
- B. Grant a Conditional Use Permit for the proposed certified farmers' market to operate on Wednesdays from 4:00 p.m. to 8:00 p.m. at Alma Hofman Park, 5201 Benito Street, as described in the staff report and depicted in approved plans subject to the findings and conditions in Planning Commission Resolution No. 14-1803.

Respectfully Submitted,



Steve Lustro, AICP
Community Development Director

Attachments: Draft Resolution of Approval for Case No. 2014-9

c: Marcia Richter, Human Services Director

Z:\COMMDEV\SL\2014-9 PC RPT

RESOLUTION NO. 14-1803

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF MONTCLAIR APPROVING A
CONDITIONAL USE PERMIT TO ALLOW THE
ESTABLISHMENT AND OPERATION OF A CERTIFIED
FARMERS' MARKET AT ALMA HOFMAN PARK,
5201 BENITO STREET (APN 1010-301-18)**

A. Recitals.

WHEREAS, on April 29, 2014, the City of Montclair, property owner of the subject site, filed an application requesting a Conditional Use Permit to allow a weekly Certified Farmers' Market in a portion of the parking lot at Alma Hofman Park; and

WHEREAS, during summer months when the Splash Pad in Alma Hofman Park is in operation, the Certified Farmers' Market may relocate to an alternate location on the park's tennis courts; and

WHEREAS, the Certified Farmers' Market is proposed to be operated on a year-round basis, rain or shine, on Wednesdays from 4:00 p.m. to 8:00 p.m.; and

WHEREAS, the proposed Certified Farmers' Market would be operated by Heritage Education Group, which has experience managing similar events in various other Southern California cities; and

WHEREAS, the proposed Certified Farmers' Market would be co-sponsored by the City of Montclair; and

WHEREAS, the subject property is zoned R-1 (Single-Family Residential) and fully improved as a community park; and

WHEREAS, Section 11.78.030.D of the Montclair Municipal Code allows "(s)wap meets, flea markets, and other assemblies of temporary or semipermanent vendors" subject to approval of a Conditional Use Permit; and

WHEREAS, a pending amendment to Section 11.78.030.K of the Montclair Municipal Code would allow Certified Farmers' Markets in the R-1 (Single-Family Residential) zone, when located on property developed with civic or public uses and when co-sponsored by the City, subject to approval of a Conditional Use Permit; and

WHEREAS, vendors participating at the market selling fresh fruit, vegetables, nuts, herbs, eggs, honey, bread, flowers and food products from livestock are required to be certified growers; and

WHEREAS, other "non-certified," "value-added" vendors are permitted to participate in the market, such as those selling items including jams and jellies, salsa, pastries, kettle corn, roasted corn, and other prepared food products; and

WHEREAS, the Certified Farmers' Market shall comply with all rules and regulations of the County of San Bernardino and State of California with respect to operation of Certified Farmers' Markets; and

WHEREAS, based upon the facts and information contained in the application, together with all written and oral reports included for the environmental assessment for the application, the Planning Commission finds the proposed Conditional Use Permit for the establishment and operation of a Certified Farmers' Market is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15311 of the CEQA Guidelines, which exempts projects involving the placement of seasonal or temporary uses in generally the same location from time to time in publicly owned parks or other facilities designed for public use; and

WHEREAS, on May 2, 2014, this Conditional Use Permit request was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper. Public hearing notices were mailed out to property owners within a 300-foot radius of the subject property in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, no comments or inquiries had been received by staff regarding this proposal; and

WHEREAS, on May 12, 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 substantial evidence presented to this Commission during the above-referenced public hearing on May 12, 2014, including written and oral staff reports, together with public testimony, this Commission hereby finds as follows:
 - a. The proposed Certified Farmers' Market will be a desirable use for the general public, in that it will provide a convenient location for members of the public to purchase fresh fruit, vegetables, nuts, herbs, eggs, honey, bread, flowers and food products from

livestock directly from local farmers, along with other "non-certified" prepared food items.

- b. Granting of the CUP for the proposed Certified Farmers' Market will not be materially detrimental to the public welfare and to other property in the vicinity, in that the proposed market would be located in a public park that has sufficient space to accommodate the market and an adequate amount of parking for customers of the market. Further, the event will be conducted only once weekly so impacts to users of Alma Hofman Park will be minimal.
- c. The proposed Certified Farmers' Market at the subject site conforms to good zoning practice, in that the Montclair Municipal Code allows "(s)wap meets, flea markets, and other assemblies of temporary or semipermanent vendors" subject to approval of a Conditional Use Permit, and further, a pending amendment to Section 11.78.030.K of the Montclair Municipal Code would allow Certified Farmers' Markets in the R-1 (Single-Family Residential) zone, when located on property developed with civic or public uses and when co-sponsored by the City. The CUP allows the City to place reasonable conditions to govern the operation of the Certified Farmers' Market so that it does not negatively impact other activities in the park or the surrounding neighborhood.
- d. That such use in such location is not contrary to the objective of any part of the adopted General Plan, in that Land Use Goal LU-1.0.0 of the adopted General Plan encourages "an effective balance of land use...patterns that will promote the optimum degree of health, safety, (and) well-being..."

C. Conditions of Approval.

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 approval is for a Conditional Use Permit to operate a weekly Certified Farmers' Market on Wednesdays at Alma Hofman Park, 5201 Benito Street, as described in the staff report and depicted on the submitted plans.
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 commencement of the event. 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 any of the approved uses for a period of six months or more voids the CUP for the specified use.

3. The Certified Farmers' Market is to be conducted on Wednesdays between 4:00 p.m. and 8:00 p.m. Vendors shall be permitted to begin arriving and setting up on the site no earlier than 2:00 p.m. No overnight camping is permitted.
4. The Certified Farmers' Market shall occupy a maximum of 31 parking spaces located on the north side of the parking lot as depicted on the approved site plan. The three (3), disabled-accessible parking spaces along the south side of the parking lot shall be maintained available for use by persons with disabilities.
5. During the summer when the Splash Pad is in operation, the Certified Farmers' Market may relocate to an alternate location within Alma Hofman Park, such as the basketball court, tennis courts, or fire road along the park's easterly perimeter.
6. The Certified Farmers' Market shall comply with all rules and regulations of the County of San Bernardino Department of Agriculture/Weights and Measures, and the County of San Bernardino Health Department. Vendors shall be required to obtain all necessary permits from said departments as required.
7. Each vendor within the "certified" area of the market shall display a "producer's certificate" as required by the County of San Bernardino Department of Agriculture/Weights and Measures, verifying that the product(s) offered for sale were produced by that vendor.
8. Certified vendors shall offer for sale only items permitted to be sold at Certified Farmers' Markets by the County of San Bernardino Department of Agriculture/Weights and Measures, County of San Bernardino Health Department and the State of California Code of Regulations Section 1392.
9. The applicant shall allow vendors within the "non-certified" area of the market to sell prepared food items such as confections, jams and jellies, sauces, pastries and other snacks. The applicant may also designate a limited number of spaces for information distribution by non-profit community organizations; however, no crafts or retail merchandise shall be sold within the Certified Farmers' Market.

10. Display areas shall be maintained in a neat and orderly manner. Sunshades shall be limited to canopies and awnings in good repair. One banner, not exceeding 20 square feet in area, shall be allowed for individual vendors. Flags, pennants and other similar advertising devices shall not be permitted.
11. A maximum of two temporary banners, maximum four feet (4'-0") in height and ten feet (10'-0") in length, shall be permitted to be installed in the existing perimeter landscape area along Benito Street between 2:00 p.m. and 8:00 p.m. each Wednesday. Supporting posts for the banners shall be installed in permanent, at-grade sleeves and removed at the conclusion of each week's event.
12. Removable barricades shall delineate the perimeter of the Certified Farmers' Market to prohibit vehicular traffic through the subject area when it is being conducted in the parking lot.
13. Vendors shall not dispose of spoiled or unsold products on-site in order to minimize trash generation.
14. The applicants shall provide a sufficient number of trash receptacles throughout the Certified Farmers' Market site for use by patrons. The applicants shall be responsible for removing trash from site and clean up of surrounding areas at the conclusion of each event.
15. There shall be no amplified music on the site. Any acoustic music shall not exceed the requirements of Section 6.12.040 of the Montclair Municipal Code.
16. Each vendor shall be required to obtain and maintain a current business license certificate from the City of Montclair and shall comply with all requirements of the Finance Division regarding reporting of gross receipts, etc.
17. Prior to commencement of the Certified Farmers' Market, the co-sponsor (Heritage Education Group) shall enter into a license agreement with the City of Montclair for operation of the market. Said agreement shall address hours of operation, maintenance of the property, indemnification, and insurance coverage to the satisfaction of the City Attorney.
18. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any damages, loss, court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its

own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

Building

19. Canopies and EZ-Ups shall be adequately anchored for stability to the satisfaction of the Building Division. Canopies shall not be tied or tethered together.
20. The use of electrical conveyances, generators, inverters or similar devices by individual vendors or the market in general shall be subject to review and approval by the Building Division and Fire Department.

Fire

21. The use of portable fuel tanks (i.e., propane), cooking equipment and devices using open flames shall be subject to review and approval by the Fire Department. Fire extinguishers of an appropriate type and quantity shall be provided to the satisfaction of the Fire Department.

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

APPROVED AND ADOPTED THIS 12TH DAY OF MAY, 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 12th day of May, 2014, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SL\2014\2014-9 PC RESO 14-1803



MONTCLAIR

MEMORANDUM

To: Montclair Planning Commission
From: Michael Diaz, City Planner 
Date: May 12, 2014
Subject: Request for time extension for Case No. 2013-12 for a new office building at 4628 Holt Boulevard

Applicant's Request

Robert Chiang, representing Lucky Holt Investment, LLC, is requesting a time extension for the Precise Plan of Design (PPD) approved to allow the construction of a three-story, 40,134 square-foot office building (Case Number 2013-12) at 4628 Holt Boulevard. The project was approved by the Planning Commission on June 10, 2013. The time extension request was submitted on May 6, 2014.

The reason for the request is to allow the applicant more time to find appropriate tenants that would enable them to obtain necessary financing for the project. The applicant is requesting a 12-month time extension, which would extend the approval of the project to June 10, 2015. Other than the time extension for the PPD, no other changes to the project have been requested. A set of the approved plans is enclosed in the Commission packets for reference.

Planning Division Comments

Staff supports the requested time extension request and continues to believe the project is appropriate for the site. The 84 conditions identified in Resolution No. 13-1780 would continue to be valid and in effect for the project. City approval for this project would expire and become null and void if permits are not issued by the end of the extended time period. Thereafter, the applicant would be required to reapply for review and approval of a new Precise Plan of Design and pay all associated fees if it wishes to continue with a project on the subject site.

Planning Division Recommendation

Staff recommends the Planning Commission find the proposed time extension request for the Precise Plan of Design related to Case No. 2013-12 to be appropriate and to approve the request for a 12-month PPD time extension to June 10, 2015, subject to the conditions of approval contained in Planning Commission Resolution No. 13-1780.