



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

REGULAR ADJOURNED MEETING
January 27, 2020
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 Barry Rowley, Vice Chair Manny Martinez, Commissioner Ginger Eaton, Commissioner Jaso Sanchez, and Commissioner Sergio Sahagun

4. APPROVAL OF MINUTES

None.

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 2019-21
Project Address: 9328 and 9404 Central Avenue
Project Applicant: Costco Wholesale Corp
Project Planner: Silvia Gutierrez, Associate Planner
Request: Request to approve an amendment of the existing Conditional Use Permit and Precise Plan of Design to relocate and expand the existing fueling facility

- b. PUBLIC HEARING - ORDINANCE NUMBER 2019-33
Project Address: 5319 Moreno Street
Project Applicant: Montclair Plaza Partners, LLC
Project Manager: Michael Diaz, Community Development Director
Request: Request to approve a Precise Plan of Design to allow the relocation and construction of a new freeway identification sign to replace an existing sign

- c. PUBLIC HEARING - CASE NUMBER 2019-36
Project Address: 9150 Benson Avenue
Project Applicant: BBNE Investments Montclair, LLC
Project Planner: Michael Diaz, Community Development Director
Request: Request to amend existing Conditional Use Permit and approve a Variance to upgrade and enlarge the existing electronic message center screen

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 meeting is adjourned to the regularly scheduled meeting of February 10, 2020 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 has been posted on the bulletin board adjacent to the south door of Montclair City Hall on January 23, 2020.

PUBLIC HEARING – CASE NUMBER 2019-21

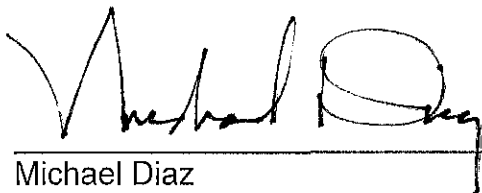
APPLICATION TYPE(S)	Conditional Use Permit/Precise Plan of Design
NAME OF APPLICANT	Costco Wholesale Corp
LOCATION OF PROPERTY	9328 and 9404 Central Avenue
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	"C-3" (General Commercial) per North Montclair Specific Plan (NMSP)
EXISTING LAND USE	Wholesale Warehouse and Gas Station
ENVIRONMENTAL DETERMINATION	Mitigated Negative Declaration
PROJECT PLANNER	Silvia Gutierrez

Project Description

Costco Wholesale Corporation is requesting approval of an amendment of the existing Conditional Use Permit and Precise Plan of Design to relocate and expand the existing fueling facility located on its site. The project consists of decommissioning the existing fuel facility after the new facility is completed at the northwestern corner of the site.

The project was advertised for public review, but due to necessary changes to the Initial Study (IS) prepared for the project, the item is not ready for Planning Commission review and consideration. The IS document has been revised and its availability for public review and comments will be re-advertised for an upcoming Planning Commission meeting.

Staff is requesting that this agenda item advertised for tonight's meeting be continued to an unspecified future meeting date after completion of the required 30-day public review period.



Michael Diaz
Community Development Director



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 01/27/20

AGENDA ITEM 6.b

Case No. 2019-33

Project Request: A request for approval of a Precise Plan of Design to allow the relocation and construction of a new 49' high by 24' wide freestanding freeway identification sign to replace an existing sign.

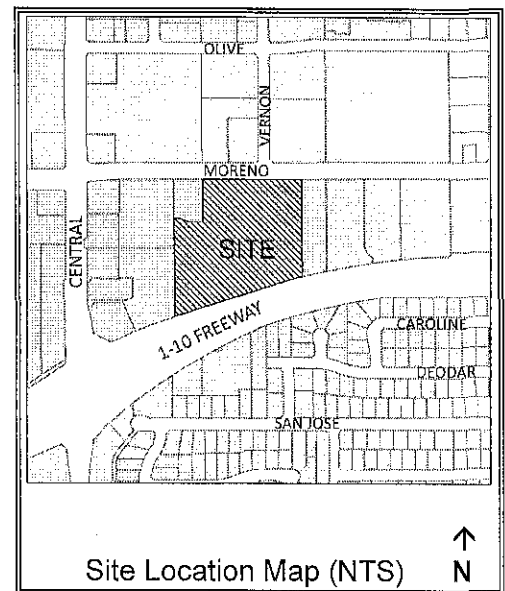
Project Address: 5319 Moreno Street

Property Owner: Montclair Plaza Partners, LLC

General Plan: Regional Commercial

Zoning: "C-3" (General Commercial)

Assessor Parcel No.: 1008-201-22



ADJACENT LAND USE DESIGNATIONS AND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	General Commercial	C-3 (General Commercial)	Montclair East Shopping Center
North	Specific Plan	C-3 (General Commercial) per North Montclair Specific Plan	Commercial Retail Centers Mobile Home Park
South	N/A	N/A	I-10 Freeway
East	Specific Plan	C-3 (General Commercial) per North Montclair Specific Plan	Commercial Uses
West	Specific Plan	C-3 (General Commercial) per Montclair East Specific Plan	Shopping Center

Report on Item Number 6.b

CASE NUMBER 2019-33

APPLICATION TYPE(S)	Precise Plan of Design
NAME OF APPLICANT	Montclair Plaza Partners, LLC
LOCATION OF PROPERTY	5391 Moreno Street
GENERAL PLAN DESIGNATION	Regional Commercial
ZONING DESIGNATION	"C-3" (General Commercial) per North Montclair Specific Plan (NMSP)
EXISTING LAND USE	Shopping Center
ENVIRONMENTAL DETERMINATION	Categorically Exempt - Sections 15302(b) and 15303(e)
PROJECT PLANNER	Michael Diaz

Project Proposal

Montclair Plaza Partners, LLC (hereafter "Owner"), owner of the Montclair East Shopping Center, is requesting approval of a new freestanding freeway-oriented identification sign to replace the existing sign at the site. The existing sign was constructed in 1993. The proposed project is necessitated by an upcoming Caltrans project to widen the I-10 Freeway that requires the relocation of the existing sign. Since the sign does not contain an electronic message center, no conditional use permit is required.

The freeway will be widened by approximately eight feet (8') and includes the construction of a new wall separating the freeway from the site. The proposed freestanding freeway oriented-identification sign will be located behind the new wall within the existing planter in which the existing sign is currently placed.

The "flag shape" design of the proposed two-sided sign features a single support column setback from the freeway wall by approximately 16-feet, and an upper element that cantilevers in the direction of the freeway ending approximately 12 inches back from the new freeway wall. Overall dimensions for the proposed sign are 49 feet high (consistent with the existing sign height) and 24'-6" at the widest point of the upper sign element. The lower side of the upper sign element will be approximately 26 feet from the adjacent ground level.

Atop the sign will be the name of the center – **Montclair East** - consisting of internally illuminated "push thru" letters. Below the name of the center will be six separate sign panels for select tenants within the center. Tenant names will be routed out of solid aluminum panels, backed up with white Lexan, and internally illuminated. Colors for the new sign are tan, with gray and burgundy accents. Select tenants placed on the freestanding sign would be allowed the use of corporate colors and logos.

Plans for the new sign are included in the packet.

Background

- Montclair East Shopping Center is approximately 8.78 acres in size and was completed in 1992. The center consists of three buildings and surface parking spaces. The center is currently close to being fully leased, including all of its major tenant locations.
- The Montclair East Specific Plan was adopted in 1986 and the sign regulations were included in the document.
- In 1992, the current sign program was approved which included the existing freeway pylon sign. Maximum height of the freeway pylon sign was limited to 50 feet. The pylon sign was completed in 1993.
- Phase 1 of the Interstate 10 Corridor Project to add express lanes involves the widening of the existing I-10 Freeway between the Los Angeles/San Bernardino County line and I-15 Freeway, a distance of approximately 10 miles. The project includes two tolled express lanes in each direction. In addition, lanes to assist drivers getting on and off the freeway (auxiliary lanes) will be constructed in selected locations. Construction is estimated to begin in the spring of 2020.
- On October 9, 2019, the proposed location and design of the new sign was presented to the Development Review Committee for conceptual review.

Planning Division Comments

Staff finds the proposed sign to be well designed and appropriate for the center. In recent years the existing center has been steadily improved (e.g., new paint, architectural modifications, and new tenant mix). The new sign design will provide an updated look and complement those efforts. Tenants allowed on the sign will be the same as those currently displayed on the existing sign, except for tenants that are no longer at the center. Moreover, the sign will also contribute to recent improvements to private properties located along the I-10 freeway corridor.

Overall, the new sign is largely consistent with the dimensions and number of tenants allowed on the previously approved sign. The proposed location and height of the sign is appropriate considering the scale and site characteristics of the existing shopping center.

Environmental Assessment

The project is deemed to be exempt from the California Environmental Quality Act, pursuant to Sections 15302(b) and 15303(e) of State CEQA Guidelines, in that Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to the replacement of a commercial structure with a new structure of substantially the same size, purpose, capacity, and accessory (appurtenant) structures. Further, the project does not result in the physical expansion of any existing building and the project site is in an area where all public services and facilities (including ample supply of off-street parking) are available to allow for maximum development as allowed by the underlying commercial zoning and the regional commercial land use designation assigned by the Montclair General Plan. Finally, the area in which the project is located is not environmentally sensitive. Therefore, no further environmental review is required.

Public Notice

No public notice for this item was required.

Planning Division Recommendation

Staff finds the new and relocated freestanding freeway-oriented identification sign for the subject site to be consistent with the Montclair Municipal Code and the adopted General Plan, and recommends the Planning Commission approve Case No. 2019-33 taking the following actions:

- A. Move that, based on the evidence submitted, a finding is made that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 153302(b) and 15303(e) Class 2, in that the new freestanding freeway-oriented identification sign and EMC will be located on the same site as the existing sign replaced, and adjoining landscape area, and will have substantially the same purpose and capacity as the structure replaced, including but not limited to the replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity; and, accessory (appurtenant) structures. Further, the project does not result in the physical expansion of any existing building and the project site is in an area where all public services and facilities (including ample supply of off-street parking) are available to allow for maximum development allowed as allowed by the underlying commercial zoning and the regional commercial land use designation assigned by the Montclair General Plan.

- B. Move to approve a Precise Plan of Design request under Case No. 2019-33, for the new and relocated freestanding freeway-oriented identification sign, subject to the conditions of approval contained in Resolution No. 20-1935.

Respectfully Submitted,



Michael Diaz
Community Development Director

MD/le

Attachments: Draft Resolution No. 20-1935

- c: Montclair Plaza Partners, LLC, 3435 Wilshire Boulevard, #1480, Los Angeles, CA 90010
Sunset Equity, 6125 Washington Boulevard, 3rd Floor, Culver City, CA 90232
Joe Silva, Inland Signs, 1715 South Bonview Avenue, Ontario, CA 91761
Noel Castillo, Director of Public Works/City Engineer

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RESOLUTION NO. 20-1935

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING CASE NO. 2019-33, A PRECISE PLAN OF DESIGN TO RELOCATE AND INSTALL A NEW FREEWAY-ORIENTED IDENTIFICATION SIGN FOR THE MONTCLAIR EAST SHOPPING CENTER, AT 5319 MORENO STREET, IN THE "C-3 GENERAL COMMERCIAL" LAND USE DISTRICT OF THE NORTH MONTCLAIR SPECIFIC PLAN (NMSP) (APNS 1008-201-22)

A. Recitals

WHEREAS, on December 16, 2019, Montclair Plaza Partners, LLC, owner of the Montclair East Shopping Center, filed an application to relocate an existing freeway-oriented identification sign, and install a new 49 foot high freeway-oriented identification sign at 5319 Moreno Street; and

WHEREAS, the Montclair East Shopping Center is located on a 8.8-acre site, and was approved in 1992 under Case No. 90-32; and

WHEREAS, the existing freeway identification sign was constructed in 1993 as part of the center and pursuant to a sign program approved in 1991, which allowed the construction of a freeway "pylon" sign up to a maximum height of 50 feet; and

WHEREAS, the existing shopping center has frontage on Moreno Street and approximately 700 feet along the I-10 Freeway corridor; and

WHEREAS, the proposed sign project is necessitated by a Caltrans project to widen the I-10 Freeway that affects the subject site and requires the relocation of the existing sign; and

WHEREAS, the land use designation of the subject property by the Montclair General Plan is "Regional Commercial" and zoned "C-3 General Commercial" by the North Montclair Specific Plan (NMSP); and

WHEREAS, the Planning Commission has reviewed the Planning Division's determination that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Sections 15302(b) and 15303(e) of State CEQA Guidelines, and based on its own independent judgment, concurs with staff's determination of said exemption and finding of no significant effect on the environment; and

WHEREAS, on January 27, 2020, commencing at 7:00 p.m. in the Council Chambers at Montclair City Hall, the Planning Commission conducted a meeting at which time all persons wishing to testify in connection with said project were heard and said proposal was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon substantial evidence presented to this Commission during the above-referenced public meeting on January 27, 2020, including written and oral staff reports, together with public testimony, this Commission hereby finds the proposal to relocate and install a new freestanding freeway-oriented identification sign for the Montclair East shopping center to be consistent with the overall objectives of the City of Montclair General Plan, the Montclair East Specific Plan, the Montclair Municipal Code, and good planning principles, and approves the application subject to each and every condition set forth below.

Planning

1. This Precise Plan of Design approval is for a two-sided freestanding freeway-oriented identification sign, as depicted on approved plans, dated December 12, 2019 and as described in the staff report. The approved sign shall comply with the following requirements:
 - a. The new freestanding freeway-oriented identification sign shall continue to be located within the landscape planter where the existing pylon sign currently exists, as adjusted for the freeway widening project, and as depicted on the approved site plan and accompanying plans; and
 - b. The overall height of the freestanding freeway-oriented identification sign shall not exceed 49 feet as measured from grade immediately adjacent to the base of the sign to the top of the sign.
 - c. Sign copy for identifying the name of the shopping center – **Montclair East** – shall be comprised of internally illuminated “push thru” letters.
 - d. Sign copy of each tenant panel (maximum of six panels) shall be constructed of aluminum with routed-out letters backed with white Lexan. Sign face backgrounds shall be painted tan color. Sign copy and logos may allow for registered corporate colors as may apply.

- e. Support column shall be painted to match stucco color of the main building.
2. Applicant shall be responsible for complying with California State Department of Transportation (Caltrans) regulations as may apply to the construction of the sign. Any modifications necessitated by Caltrans regulations shall require City review and approval prior to the implementation of any changes.
3. This PPD approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check and building permits to allow eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
4. No changes to the provisions of the approved freeway-oriented identification sign shall be permitted without prior City review and approval. Any modification (including colors and/or materials), intensification, or expansion of the use and design plan beyond that which is specifically approved, with this PPD, shall require further review and approval by the Planning Commission.
5. Within five (5) days of approval by the Planning Commission, the applicant shall submit to the Planning Division 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).
6. In establishing and conducting the subject use, the applicant shall, at all times, comply with any and all laws, ordinances and regulations of the City of Montclair, the County of San Bernardino, and the State of California, including, but not limited to, Chapter 11.72.370 of the Montclair Municipal Code. Approval of this PPD shall not waive compliance with any such requirements.
7. Landscaping shall be provided for the planter in which the new identification sign is located, to the extent possible. The applicant shall submit a detailed landscape plan for the planter area for City Planner review and approval. Installation of the approved landscaping shall be completed at the time a final inspection of the sign is requested.
8. An approved sign permit (and building permit, if applicable) shall be required prior to the installation of panels for each new and subsequent tenant identified on the freeway-oriented identification sign authorized by this approval.
9. No exposed raceways or electrical conduit/wire shall be allowed on the exterior visible face of any building for any building-mounted sign.

10. The freestanding freeway-oriented identification sign shall be maintained in good and/or working condition at all times, including regular cleaning. All damage and/or defective parts shall be immediately repaired or replaced as necessary. Any graffiti, etching, discoloration, etc., shall be removed and surfaces refinished as necessary to restore original or like-new appearance.
11. No banners or other promotional signs shall be applied to or hung upon the freeway-oriented identification sign at any time.
12. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
13. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed on any sign. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
14. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative, or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to, arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void or annul, any action of, or permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities, thereof (including actions approved by the voters of City), for or concerning the project, whether such Actions, are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any action brought and City shall cooperate with the applicant in the defense of the Action.

Building Division

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

- b. Foundation, framing, details of construction and material listings.
 - c. Electrical Plans, including the size of the electrical conductors, and single line diagrams;
 - d. Waste recycling plan, recycling 65% of all construction debris
16. 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.
 17. Submit two sets of structural calculations, if required and two sets energy conservation calculations.
 18. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
 19. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
 20. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number.
 21. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
 22. Prior approval of the Building Official will be required if the base foundation of the existing sign is intended to be reused for the base of the new sign.
 23. All utility services to the sign shall be installed underground.
 24. Exposed raceways and electrical feeds shall be prohibited on the exterior of the sign.
 25. All construction work carried out under the review of the Building Division shall be of good quality. The Building Official shall have the authority to enforce the installation of work that is straight, level, plumb, square, etc., as the situation requires. All work shall be well fit and of a durable nature. Paint and stucco in all cases shall not be below standard for the use applied.
 26. All mechanical devices and their component parts, fans, vents, transformers, or similar equipment, whether located on the ground or on the exterior of the structure, shall be concealed on all sides from public view in a manner that is

compatible with the architectural design of the sign and to the satisfaction of the Planning Division.

27. Fire sprinkler equipment and access ladders, if required, shall be located entirely within the enclosed sign.

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

APPROVED AND ADOPTED THIS 27TH DAY OF JANUARY, 2020.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Barry Rowley, Chair

ATTEST: _____
Michael Diaz, Secretary

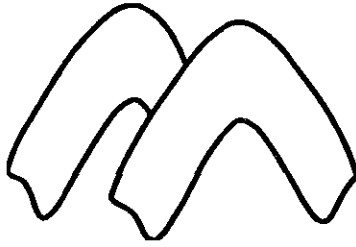
I, Michael Diaz, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 27th day of January, 2020, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MDIAZ\CASES\2019-33\PC RESOLUTION



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 01/27/20

AGENDA ITEM 6.c

Case No. 2019-36

Project Request: A Precise Plan of Design request to amend an existing Conditional Use Permit (2001-31) and a Variance to allow an upgrade and enlargement of the existing electronic message center (EMC) at the subject site (Giant RV). The Variance is proposed to increase the EMC screen size from 322 square feet to 442 square feet in size.

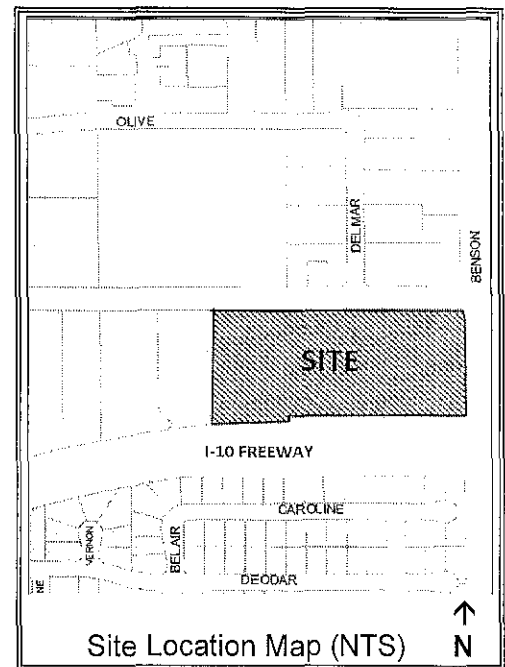
Project Address: 9150 Benson Avenue

Property Owner: BBNE Investments Montclair, LLC

General Plan: Regional Commercial

Zoning: "C-3" (General Commercial) per North Montclair Specific Plan.

Assessor Parcel Nos.: 1008-211-4 & 7



ADJACENT LAND USE DESIGNATIONS AND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	Regional Commercial	C-3 (General Commercial) per North Montclair Specific Plan	RV Sales / Service
North	Commercial and Industrial Park	C-3 (General Commercial) per North Montclair Specific Plan	Commercial and Residential Uses
South	---	---	I-10 Freeway
East	---	City of Upland	Commercial Uses
West	Regional Commercial	C-3 (General Commercial) per North Montclair Specific Plan	Commercial Uses

Report on Item Number 6.c

CASE NUMBER 2019-36

APPLICATION TYPE(S)	Precise Plan of Design, Conditional Use Permit Amendment, and Variance
NAME OF APPLICANT	BBNE Investments Montclair, LLC
LOCATION OF PROPERTY	9150 Benson Avenue
GENERAL PLAN DESIGNATION	Regional Commercial
ZONING DESIGNATION	"C-3" (General Commercial) per North Montclair Specific Plan (NMSP)
EXISTING LAND USE	Recreational Vehicle Sales/Service Center (Giant RV)
ENVIRONMENTAL DETERMINATION	Categorically Exempt - Sections 15302(b) and 15303(e)
PROJECT PLANNER	Michael Diaz

Project Proposal

BBNE Investments Montclair, LLC (hereafter "Owner") is proposing to replace an existing electronic message center (EMC) screen with an updated and larger screen. The development of the site and approval of the existing EMC sign was approved in 2001 pursuant to a Conditional Use Permit (CUP) and Variance for the size of the EMC screen, under Case No. 2001-31. The proposed request to amend the CUP and the variance are intended to allow the enlargement and update of the existing EMC screen. Except for an enlarged screen, no changes are proposed to the location, height, and overall design scheme of the existing sign and structure supporting it.

The proposal is to enlarge the existing screen of the EMC from approximately 322 square feet to 442 square feet in size (37 percent increase), and to upgrade the electronics of the sign to full-color LED technology. The dimensions of the proposed EMC screen are 34' x 13'. The current EMC Ordinance limits the size of the electronic screen display to 260 square feet in area.

Plans for the proposed new EMC sign are included in the Commission packets for reference.

Background

- In 2001, the Planning Commission approved the development of the site under Case No. 2000-31 for a new recreational vehicle sales and service center, and a sign program, which included the existing freeway identification and digital sign. The approved maximum height for the freeway oriented identification sign was 50 feet, which is the current height of the existing sign.

- In 2016, the City adopted Ordinance No. 16-957, amending the Municipal Code addressing EMCs within the City. New requirements of the ordinance included the need for a Conditional Use Permit (CUP) and a limit on the size of the digital screen.
- EMC screens are comprised of pixels, or points of light, that make up a display. These pixels light up in different combinations, forming text, images, and video clips on the display. Generally, the more pixels there are the more detail is possible.

Planning Division Comments

The use of a freestanding EMC and identification sign is characteristic of freeway-oriented auto or vehicle centers, including such uses within Montclair and adjacent cities. The use of an EMC sign at Giant RV has been ongoing since 2001, and has been instrumental in the business's longevity and success.

The existing EMC sign has been operating at the subject site for about 19 years and is now technologically outdated. As such, the existing EMC sign has reached the end of its effective life span. The existing sign is also relatively small and the messages/images on the existing EMC screen are not crisp and are no longer vibrant (especially during daylight hours). The new larger EMC screen will allow clear and easy-to-read content (images and sign copy) ensuring better visibility to motorists traveling in each direction on the freeway. Moreover, the new EMC will be more energy efficient to operate, and will be easier to maintain in proper working order. Staff is unaware of any problems caused by the existing sign (other than reduced clarity) and does not expect any issues to arise with the new sign.

The proposed enlargement of the screen will make no change to the location, height, and overall design of the existing sign. The existing sign will remain in scale with the development and site characteristics of the existing site and use. Giant RV has nearly 900 lineal feet of freeway frontage, with good visibility to freeway motorists. Line of sight distances for the EMC sign are not expected to change significantly from what the existing sign provides, except for crisper and more vibrant messages/images afforded by the improved technology.

Staff finds the proposed increase in the screen size over the limits of the Ordinance to be warranted by the unique characteristics of the existing development. EMCs facing the freeway need to be of an appropriate size and orientation to be easy to view and read with little to no distortion. While the location and height of the sign will remain unchanged, the current size of the screen is not suitable to meet modern HD display image formats utilized with modern EMC screens. Without a proper aspect ratio (i.e., height and width of the screen), the risk of image distortion such as stretching or improper cropping is greatly increased. Thus, the proposed increase in the size of the screen is warranted in that it will provide a proper screen ratio to achieve natural looking images as part of an appropriately designed and scaled EMC screen relative to the dimensions of the existing structure, than the current code limitation would allow without the requested variance. Maintaining the same size and shape of the existing EMC sign

could not achieve the objectives for displaying natural looking images with improved readability.

Other than the larger screen, the existing sign structure and location will continue to be consistent with the provisions of Chapter 11.72.370 of the Montclair Municipal Code. Moreover, the operational characteristics of the EMC will be subject to the applicable approvals of the Ordinance, including brightness control, frequency of image changes, and maintenance.

Findings to Amend Conditional Use Permit for Existing Electronic Message Center

The necessary findings for granting an amendment to the existing CUP allowing the installation of the existing freeway oriented freestanding sign and EMC at the subject site can be made, as follows:

- A. The amendment of the CUP for the existing freestanding freeway-oriented sign and EMC is desirable and necessary for the public convenience and public welfare, in that the proposed modification related to the EMC screen size will result in an attractive state-of-the-art digital sign that will continue to provide necessary identification for the existing use and in providing needed and relevant information about the use and community-oriented messages.
- B. The granting of the amendment of the CUP for the existing freestanding freeway-oriented sign and EMC will not be materially detrimental to the public welfare and to other property in the vicinity in that the scope of changes with the proposed freeway-oriented identification sign and EMC are modest in nature and requiring no changes in the overall physical dimensions or location of the existing sign. Moreover, the result of an updated and enlarged EMC screen will vastly improve visibility and readability of the EMC sign in the same location where the existing pylon sign has been operating for nearly 19 years without negative impacts. Moreover, the freeway-oriented identification sign and EMC sign is compatible with commercial uses surrounding its location, and are common features at nearby auto and retail centers located on freeways or State highways. Lastly, the operation of the proposed freeway-oriented identification sign and EMC conforms to the requirements of the Electronic Message Center (EMC) Displays Ordinance (Chapter 11.72.370 of the Montclair Municipal Code).
- C. The proposed amendment of the CUP for the existing freestanding freeway-oriented sign and EMC conforms to good zoning practice and development standards. The existing sign and EMC are appropriately located on the subject 8.8-acre site and does not pose any known adverse impacts to adjacent property or uses. Moreover, the improvements allowed with this amendment allows the existing use to remain competitive and thereby contribute to the economic well-being of the City.
- D. The proposed digital monument sign in the proposed location is not contrary to the objectives of any part of the adopted General Plan, in that, the General Plan

promotes the development of, and improvements to, commercial properties as means to provide benefits for the residents of the community. Effective and distinct sign types and their implementation, as proposed in this application.

Variance Findings for Increased Screen Size of Electronic Message Center

The necessary findings for granting a Variance for the increased screen size for the new freestanding EMC and identification sign can be made, as follows:

- A. That because of special circumstances applicable to the subject property, including its size, shape, topography, location, or surroundings, the strict application of the EMC screen size limitation as provided in Chapter 11.72.370 of the Montclair Municipal Code is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications. The Giant RV site is approximately 7.8 acres in size and located adjacent to the I-10 Freeway corridor where other EMC signs have been recently erected or approved for updates in size and technology.
- B. The 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 zone classifications. The site already has a freestanding freeway-oriented identification sign and EMC that has served the site for nearly 19 years. Since no changes in height or width of the sign structure are proposed, the increase in the size of the EMC screen poses no adverse impacts. Moreover, the proposal allows the applicant to take advantage of improved technology, energy savings, and the ability to display clear and easy-to-read images for motorists on the freeway.
- 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 property is located, in that the increased screen size is relatively modest in scope and does not necessitate any physical changes to the location and overall dimensions of the existing sign structure. As such, the improved and enlarged screen size, will not negatively impact surrounding properties by blocking views of other signs or buildings, or by means of light spill over to any adjacent residential uses. The improved EMC will continue to appropriately identify and advertise the existing use as a regional destination in Montclair.
- D. That the granting of such variance will not be contrary to the objectives of any part of the adopted General Plan, in that, the General Plan specifically recognizes the importance of retaining the economic viability of commercial centers in the City. Effective signs coupled with other site improvements are key elements of that effort.

Environmental Assessment

The project is deemed to be exempt from the California Environmental Quality Act, pursuant to Sections 15302(b) and 15303(e) of State CEQA Guidelines, in that Class 2

consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including, but not limited to, the replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity; and, accessory (appurtenant) structures. Further, the project does not result in the physical expansion of any existing building and the project site is in an area where all public services and facilities (including ample supply of off-street parking) are available to allow for maximum development allowed as allowed by the underlying commercial zoning and the regional commercial land use designation assigned by the Montclair General Plan. Finally, the area in which the project is located is not environmentally sensitive. Therefore, no further environmental review is required.

Public Notice

This item was advertised as a public hearing in the Inland Valley Daily Bulletin on January 17, 2020. Public hearing notices were mailed to all property owners within 300 feet of the boundaries of the subject property. At the time of preparation of this report, staff had not received any comments or correspondence from the public regarding the application.

Planning Division Recommendation

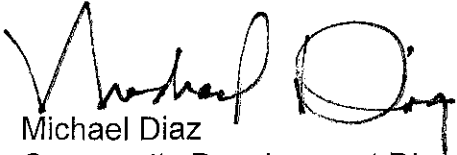
Staff finds the larger screen size proposed for the EMC improvements to be consistent with the Montclair Municipal Code and the adopted General Plan, and recommends the Planning Commission approve Case No. 2019-36 by taking the following actions:

- A. Move that, based on the evidence submitted, a finding is made that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 153302(b) and 15303(e) Class 2, in that the new freestanding freeway-oriented identification sign and EMC will be located on the same site as the existing sign replaced, and adjoining landscape area, and will have substantially the same purpose and capacity as the structure replaced, including but not limited to the replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity; and, accessory (appurtenant) structures. Further, the project does not result in the physical expansion of any existing building and the project site is in an area where all public services and facilities (including ample supply of off-street parking) are available to allow for maximum development allowed as allowed by the underlying commercial zoning and the regional commercial land use designation assigned by the Montclair General Plan.
- B. Move to approve a Precise Plan of Development (PPD) for the modified design of the existing freeway-oriented identification sign and EMC screen at the subject site; subject to the conditions of approval contained in Resolution No. 20-1936.
- C. Move to approve an amendment to the Conditional Use Permit under Case No. 2001-31 allowing the modification to the existing freeway oriented identification

sign and EMC at the subject site; subject to the conditions of approval contained in Resolution No. 20-1936.

- D. Move to approve a Variance allowing an increase in the size of the EMC screen size up to a maximum of 442 square feet, under Case No. 2019-36, subject to the conditions of approval contained in Resolution No. 20-1936.

Respectfully Submitted,



Michael Diaz
Community Development Director

MD/lb

Attachments: Draft Resolution No. 20-1936

c: BBNE Investments Montclair, LLC, 9150 Benson Avenue, Montclair, CA 91763
George Saelzler, Electra-Vision Advertising, 731 West 11th Street, Claremont, CA 91711

Z:\COMMDEV\CC\CASES\2019-36\GIANT RV ELECTRONIC SIGN REPLACEMENT\2019-36\PC RPT

RESOLUTION NO. 20-1936

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING CASE NO. 2019-36, PRECISE PLAN OF DESIGN, A CONDITIONAL USE PERMIT AMENDMENT TO MODIFY THE EXISTING FREEWAY-ORIENTED IDENTIFICATION SIGN AND ELECTRONIC MESSAGE CENTER (EMC), A VARIANCE FOR AN INCREASE IN THE SIZE OF THE SCREEN OF THE EMC AT 5190 BENSON AVENUE, IN THE "C-3 GENERAL COMMERCIAL" LAND USE DISTRICT OF THE NORTH MONTCLAIR SPECIFIC PLAN (NMSP) (APNS 1008-211-4 AND 7)

A. Recitals

WHEREAS, on December 18, 2019, BBNE Investments Montclair, LLC, filed an application for a Precise Plan of Design (PPD), an amendment Conditional Use Permit (CUP), Variance, and to modify the size of the electronic message center (EMC) portion of an existing 50' high freeway-oriented identification sign located at 5190 Benson Avenue; and

WHEREAS, this request pertains to an existing freeway-oriented identification sign and EMC approved in 2001 under Case No. 2000-31, and located and oriented to the adjacent I-10 Freeway corridor; and

WHEREAS, the land use designation of the subject property by the Montclair General Plan is "Regional Commercial" and zoned "C-3 General Commercial" by the North Montclair Specific Plan (NMSP); and

WHEREAS, the existing freeway-oriented identification sign and EMC is an component of the recreational vehicle sales and service business situated on 7.8 acres at the southwest corner of Moreno Street and Benson Avenue; and

WHEREAS, the subject site has nearly 900 lineal feet of direct I-10 Freeway frontage; and

WHEREAS, the proposed modification is to replace the existing EMC with an updated and larger screen; and

WHEREAS, Chapter 11.72.370 of the Montclair Municipal Code, contains a maximum EMC screen size of 260 square feet, and

WHEREAS, the application includes a variance request to allow the screen to be enlarged from 322 square feet to 442 square feet (37 percent increase); and

WHEREAS, in 2016, the City adopted Ordinance No. 16-957, amending the Municipal Code to add Chapter 11.72.370 addressing electronic message centers (EMCs) and their operations. The Ordinance requires the approval of a CUP; and

WHEREAS, this item was advertised as a public hearing in the Inland Valley Daily Bulletin on January 17, 2020. Public hearing notices were mailed to all property owners within 300 feet of the boundaries of the subject property; and

WHEREAS, the Planning Commission has reviewed the Planning Division's determination that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Sections 15302(b) and 15303(e) of State CEQA Guidelines, and based on its own independent judgment, concurs with staff's determination of said exemption and finding of no significant effect on the environment; and

WHEREAS, on January 27, 2020, commencing at 7:00 p.m. in the Council Chambers at Montclair City Hall, the Planning Commission conducted a meeting at which time all persons wishing to testify in connection with said project were heard and said proposal was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon substantial evidence presented to this Commission during the above-referenced public hearing on January 27, 2020, including written and oral staff reports, together with public testimony, this Commission hereby makes the following findings to amend Conditional Use Permit to modify the size of the existing EMC screen at the Giant RV (sales and service) center:
 - A. The amendment of the CUP for the existing freestanding freeway-oriented sign and EMC is desirable and necessary for the public convenience and public welfare, in that the proposed modification related to the EMC screen size will result in an attractive state-of-the-art digital sign that will continue to provide necessary identification for the existing use and in providing needed and relevant information about the use and community-oriented messages.
 - B. The granting of the amendment of the CUP for the existing freestanding freeway-oriented sign and EMC will not be materially detrimental to the public welfare and to other property in the vicinity in that the scope of

changes with the proposed freeway-oriented identification sign and EMC are modest in nature and requiring no changes in the overall physical dimensions or location of the existing sign. Moreover, the result of an updated and enlarged EMC screen will vastly improve visibility and readability of the EMC sign in the same location where the existing pylon sign has been operating for nearly 19 years without negative impacts. Moreover, the freeway-oriented identification sign and EMC sign is compatible with commercial uses surrounding its location, and are common features at nearly auto and retail centers located on freeways or State highways. Lastly, the operation of the proposed freeway-oriented identification sign and EMC conforms to the requirements of the Electronic Message Center (EMC) Displays Ordinance (Chapter 11.72.370 of the Montclair Municipal Code).

- C. The proposed amendment of the CUP for the existing freestanding freeway-oriented sign and EMC conforms to good zoning practice and development standards. The existing sign and EMC are appropriately located on the subject 7.8-acre site and does not pose any known adverse impacts to adjacent property or uses. Moreover, the improvements allowed with this amendment allows the existing use to remain competitive and thereby contribute to the economic well-being of the City.
 - D. The proposed digital monument sign in the proposed location is not contrary to the objectives of any part of the adopted General Plan, in that, the General Plan promotes the development of, and improvements to, commercial properties as means to provide benefits for the residents of the community. Effective and distinct sign types and their implementation, as proposed in this application.
3. Based upon substantial evidence presented to this Commission during the above-referenced public hearing on January 27, 2020, including written and oral staff reports, together with public testimony, this Commission hereby makes the following necessary findings to approve the Variance to increase the size of, and update, an existing EMC screen at the Giant RV (sales and service) center, as follows:
- A. That because of special circumstances applicable to the subject property, including its size, shape, topography, location, or surroundings, the strict application of the EMC screen size limitation, as provided in Chapter 11.72.370 of the Montclair Municipal Code, is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications. The Giant RV site is approximately 7.8 acres in size and located adjacent to the I-10 Freeway corridor

where other EMC signs have been recently erected or approved for updates in size and technology.

- B. The 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 zone classifications. The site already has a freestanding freeway-oriented identification sign and EMC that has served the site for nearly 19 years. Since no changes in height or width of the sign structure are proposed, the increase in the size of the EMC screen poses no adverse impacts. Moreover, the proposal allows the applicant to take advantage of improved technology, energy savings, and the ability to display clear and easy-to-read images for motorists on the freeway.
 - 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 property is located, in that the increased screen size is relatively modest in scope and does not necessitate any physical changes to the location and overall dimensions of the existing sign structure. As such, the improved and enlarged screen size, will not negatively impact surrounding properties by blocking views of other signs or buildings, or by means of light spill over to any adjacent residential uses. The improved EMC will continue to appropriately identify and advertise the existing use as a regional destination in Montclair.
 - D. That the granting of such variance will not be contrary to the objectives of any part of the adopted General Plan, in that, the General Plan specifically recognizes the importance of retaining the economic viability of commercial centers in the City. Effective signs coupled with other site improvements are key elements of that effort.
4. Based upon the substantial evidence presented to this Commission during the above-referenced hearing on January 27, 2020, including written and oral staff reports together with public testimony, this Commission hereby finds the proposal to increase the size of, and update, an existing EMC screen at the Giant RV (sales and service) center, to be consistent with the overall objectives of the City of Montclair General Plan, the North Montclair Specific Plan, the Montclair Municipal Code, and good planning principles, and approves the application subject to each and every condition set forth below.

Planning

1. This approval for an amendment to the existing Conditional Use Permit, Variance, is limited to the proposed replacement and increase in size of the existing EMC screen on the existing freestanding freeway-oriented sign structure at the subject site.
2. Maximum size of the EMC screen shall be limited to 442 square feet in area, as depicted on approved plans dated December 12, 2019, and as described in the staff report. Except for changes approved for the EMC screen size, no other changes to the EMC or physical characteristics of the existing freeway-oriented sign structure, including location, structure height and dimensions, and the overall design, are permitted without prior review and approval by the City.
3. All applicable conditions of approval of Case No. 2000-31 for development of the subject site shall continue to remain in force.
4. Programming and operation of the EMC shall be in full compliance with the standards specified in Chapter 11.72.370 of the Montclair Municipal Code, and any applicable rules set by the State Department of Transportation (Caltrans) for the siting of such changeable message signs located adjacent to freeways.
5. CUP amendment and Variance approvals shall be valid for six (6) months and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward obtaining building permits and completing the approved project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP and Variance expiration date.
6. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
 - a. A check in the amount of **\$50.00**, 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 **\$808.50**, payable to the "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.
7. In establishing and conducting the subject use, the applicant shall, at all times, comply with any and all laws, ordinances and regulations of the City of Montclair,

the County of San Bernardino, and the State of California, including, but not limited to, Chapter 11.72.370 of the Montclair Municipal Code. Approval of this CUP and Variance shall not waive compliance with any such requirements.

8. The freestanding freeway-oriented identification EMC sign shall be maintained in good and/or working condition at all times, including regular cleaning. All damage and/or defective parts shall be immediately repaired or replaced as necessary. Any graffiti, etching, discoloration, etc., shall be removed and surfaces refinished as necessary to restore original or like-new appearance.
9. No banners or other promotional signs shall be applied to, or hung upon, the freeway oriented sign structure sign at any time.
10. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
11. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed on any sign. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
12. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative, or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited, to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void or annul, any action of, or permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities, thereof (including actions approved by the voters of City), for or concerning the project, whether such Actions, are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any action brought and City shall cooperate with the applicant in the defense of the Action.

Building Division

13. Submit four complete sets of plans including the following:
 - a. Site/Plot Plan;
 - b. Foundation, framing, details of construction and material listings.
 - c. Electrical Plans including the size of the electrical conductors, and single line diagrams;
 - d. Waste recycling plan, recycling 65% of all construction debris
14. 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.
15. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
16. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
17. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
18. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number.
19. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
20. Prior approval of the Building Official will be required if the base foundation of the existing sign is intended to be reused for the base of the new sign.
21. All utility services to the sign shall be installed underground.
22. Exposed raceways and electrical feeds shall be prohibited on the exterior of the sign.
23. All construction work carried out under the review of the Building Division shall be of good quality. The Building Official shall have the authority to enforce the installation of work that is straight, level, plumb, square, etc., as the situation requires. All work shall be well fit and of a durable nature. Paint and stucco in all cases shall not be below standard for the use applied.

24. All mechanical devices and their component parts, fans, vents, transformers, or similar equipment, whether located on the ground or on the exterior of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the sign and to the satisfaction of the Planning Division.
25. Fire sprinkler equipment and access ladders, if required, shall be located entirely within the enclosed sign.

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

APPROVED AND ADOPTED THIS 27TH DAY OF JANUARY, 2020.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Barry Rowley, Chair

ATTEST: _____
Michael Diaz, Secretary

I, Michael Diaz, 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 27th day of January, 2020, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MDIAZ\CASES\2019-36\PC RESOLUTION