



CITY OF MONTCLAIR  
PLANNING COMMISSION MINUTES  
REGULAR ADJOURNED MEETING  
Monday, March 9, 2009

COUNCIL CHAMBER  
5111 Benito Street, Montclair, California 91763

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**CALL TO ORDER**

Chairman Flores called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

Vice Chairman Lenhert led those present in the salute to the flag.

**ROLL CALL**

Present: Chairman Flores, Vice Chairman Lenhert, Commissioners Johnson and Vodvarka, Community Development Director Lustro, City Planner Diaz, Associate Planner Frazier-Burton and City Attorney Robbins.

Excused: Commissioner Sahagun and Associate Planner Lai.

**MINUTES**

The minutes of the February 23, 2009 meeting were presented for approval. Vice Chairman Lenhert moved, Commissioner Johnson seconded, there being no opposition to the motion, the minutes were approved 4-0.

**ORAL AND WRITTEN COMMUNICATIONS**

None.

## AGENDA ITEMS

- 6.a PUBLIC HEARING - CASE NUMBER 2009-4  
Project Address: 8939 Vernon Avenue  
Project Applicant: Willett Trust/Linda Gomez  
Project Planner: Carol Frazier-Burton, Associate Planner  
Request: Conditional Use Permit to establish and operate a licensed adult day and health care facility

Associate Planner Frazier-Burton reviewed the staff report.

Chairman Flores opened the public hearing.

John Willett, property owner, stated that Ms. Gomez was flying in from the Philippines and that was why she was not in attendance. He offered to answer any questions from the Commission.

Chairman Flores closed the public hearing.

Commissioner Vodvarka commented that he remembered when the business first opened and was very happy to see that it was growing and successful.

Commissioner Johnson stated she was tickled to see this business because she herself was sandwiched between teenage daughters and senior parents and there is a greater need for this type of business than she would have ever imagined and really felt it was a positive thing.

Commissioner Johnson moved that, based on the evidence presented, there will be no significant impact on the environment as a result of the adult day care facility at the subject site. The Planning Commission has reviewed the Planning Division's determination of exemption, pursuant to Section 15301 of the State CEQA Guidelines, and based on its own independent judgment, concurs in the staff's determination of exemption, Commissioner Vodvarka seconded, there being no opposition to the motion, the motion passed 4-0.

Commissioner Johnson moved to grant a Conditional Use Permit for the proposed adult day and health care center for a maximum of 100 adults at 8939 Vernon Avenue, Units F-K, under Case No. 2009-4 by adopting Resolution No. 09-1694, making the four necessary findings and subject to the 36 conditions of approval, Chairman Flores seconded, there being no opposition to the motion, the motion passed 4-0.

### Community Development - Planning

1. This Conditional Use Permit (CUP) approval shall be for an adult day and health care facility within a 7,200 square-foot lease space at 8939 Vernon Avenue, Units F-K. This CUP approval is contingent upon the privileges being utilized within six months from the date of Planning Commission approval. No further notice from the City shall be given regarding the project's CUP expiration date.

Request for a time extension shall be submitted by the applicant and/or property owner at least 30 days prior to expiration date. Suspension of the approved business activity for a period of six months or more voids the CUP.

2. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
3. Within five days of approval, the applicant shall submit a check in the amount of \$50 to cover the County administrative fee for filing a Notice of Exemption as required the California Environmental Act (CEQA). The check shall be made payable to the Clerk of the Board of Supervisors.
4. A copy of the CUP approval letter, with all conditions of approval relating to this application shall be conspicuously posted alongside the establishment's Business License and Certificate of Occupancy, and shall be made available for viewing to any law enforcement officer, fire and/or building inspector in the course of conducting an inspection on said premises.
5. No building-mounted signs or monument sign inserts shall be installed or erected without Planning Division approval and a building permit. All signs shall conform to the approved sign program for the property.
6. Interior tenant improvements shall require Planning and Building Division review and approval, including the requirement to obtain building permits prior to any construction activity.
7. No part of the proposed location shall be used for living quarters or other uses unrelated to the operation of a day care center.
8. The maximum number of participants allowed at any given time shall not exceed 100 persons.
9. Hours of operation shall be 8:00 a.m. to 4:30 p.m. Monday through Friday. Any changes in hours of operation shall require the approval of the Director of Community Development.
10. Any significant change to the operation of the facility beyond the scope of this approval shall require prior City review and approval, including the requirement for a new public hearing before the Planning Commission.
11. No on-site food preparation shall be permitted. Only food service from an outside vendor may be allowed.
12. The applicant shall be responsible for continuous compliance with all State licensing requirements to operate an adult day care facility.

13. 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.

Community Development - Building

14. Submit four complete sets of plans including the following:
  - a. Site/Plot Plan;
  - b. Floor Plan;
  - c. Reflected Ceiling Plan;
  - d. Electrical Plans including the size of the main switch;
  - e. Number and size of service entrance conductors, panel schedules, and single line diagrams;
  - f. Plumbing plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning; and,
  - g. Provide an existing plan of the building, including all walls to be demolished.
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. Separate permits are required for fencing and/or walls.
19. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number. The applicant shall comply with the latest adopted California Codes, and all other applicable codes, ordinances, and regulations in effect at the time of permit application.

20. Construction activity shall not occur between the hours of 8:00 p.m. and 7:00 a.m. daily.
21. Prior to issuance of building permits for a new commercial or industrial development project or major addition, the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to: Transportation Development Fee, Permit and Plan Check Fees, and School Fees. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District. Applicant shall provide a copy of the school fees receipt to the Building Division prior to permit issuance.
22. Construct trash enclosure(s) per City standard (available at the Building Division's public counter). Trash enclosure(s) shall include a solid roof and fire sprinklers if required by the Fire Department.
23. 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%).

*Fire Department*

24. A 20-foot wide base asphalt or concrete roadway capable of supporting firefighting apparatus within 150 feet of all structures is required prior to the framing stage of construction. This access is required to be maintained unobstructed throughout construction. Roadway is subject to Fire Department approval prior to construction.
25. The developer/general contractor is to be responsible for reasonable periodic clean up of the construction site to avoid hazardous accumulation of combustible trash and debris.
26. The inside turning radius for an access road shall be 32 feet or greater. The outside turning radius for an access road shall be 45 feet or greater.
27. 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.
28. The proposed commercial structure(s) shall require an approved automatic fire-sprinkler system. The system shall conform to all local and national standards. Three complete sets of the sprinkler system plans shall be submitted directly to the Fire Marshal's Office for approval prior to installation of the system in commercial structures. The system shall be so equipped as to provide a signal to a UL listed monitoring station in the event of water flow or tampering.

29. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
30. Commercial occupancies with cooking areas require an approved, fixed fire extinguishing system for protection of the hood and duct system and overall cooking areas. This system shall be equipped with an automatic fuel shutoff to all equipment protected by this system. Three complete sets of drawings of this system shall be submitted to the Fire Marshal's Office prior to issuance of a permit.
31. A fire hydrant system shall be required to provide the necessary water flow to the proposed structure(s). Exact number, location, and design of hydrants shall be determined by the Fire Marshal's Office when building plans are received. Hydrants shall be active prior to the framing stage of construction.
32. In the event that the structure is to be used for the purpose of a public assembly, the developer/architect shall contact the Fire Marshal's Office for requirements prior to submission of building plans.
33. In those structures covered by CAC Title 19, all drapes, hangings, curtains, drops, and all other decorative material shall be made from non-flammable material, or shall be treated and maintained in a flame-retardant condition, by means of a flame retardant solution or process approved by the State Fire Marshal.
34. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of normal lighting.
35. 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 the Montclair Fire Department Headquarters for those occupancies requiring such a system.
36. All Montclair Fire Department fees are due prior to any permit issuance.

## **INFORMATION ITEMS**

Director Lustro commented that the City Council meeting for Monday, March 16, 2009, has been cancelled.

Commissioner Vodvarka stated that he received a phone call before the meeting from one of the Council members and they both have the same inquiry. They were both wondering why when they get blueprints, if they do get streets on the map, they are never facing north. In the case of the Senior Center, only one of the drawings showed it was facing north and no matter how you held it, Benito Street was on the north, and that always seemed to bother him. For example, if a project were being done across the street from City Hall, it would show Benito Street on the bottom of the drawing. Director

Lustro stated that the way Commissioner Vodvarka described the site plan, the map would be correct. Depending upon the orientation of the site and how it fits on a standard sheet, the accepted practice is that north is up or to the right. So, in the case of the Senior Center plans that the Commission reviewed at the last meeting, it would be correct that Benito Street would be shown at the top of the plans because that would be north and the Senior Center would be south of Benito Street. It would follow that if we were looking at a project across the street at the condominiums, Benito Street would be at the bottom. Commissioner Vodvarka stated that one of the maps for the Senior Center project was incorrect. Vice Chairman Lenhert commented that he thought one of the maps incorrectly showed Fremont Avenue at the top of the map. Director Lustro stated that a map with Fremont Avenue at the top would be acceptable because north would then be to the right. Commissioner Vodvarka stated that what the Council member wanted to see was when he looked at a drawing, the descriptions or writings on it, are facing north. Director Lustro stated that he felt all architects and engineers try to prepare their drawings that way because that is the most accepted manner of looking at a drawing, but when it cannot be done in that manner because the site plan will not fit on the page because of the orientation of the lot, etc., then having north face to the right is acceptable. Commissioner Vodvarka stated that he could understand that.

Commissioner Vodvarka received a letter in the mail at home addressed to him called Home Emergency Insurance Solutions that claims if his water pipes break from his house to the street, past the water meter, he should have insurance to cover that pipe and wondered if anyone had heard of that. Director Lustro replied that any lateral water lines between the meter and the water main in the street is the responsibility of the water company. Anything between the water meter and the house is the homeowner's responsibility. Commissioner Vodvarka felt the company should be reported.

Chairman Flores stated that he has been trying to get something standard going with the plans so that the Commission would not have any problems when they get the maps. Engineered plans usually have the north arrow pointing right and the writing on the right. Architect's plans have different sized scales, you have to flip it upside down, and no vicinity maps. He thought the Senior Center maps were missing a vicinity map and felt if that made it into the newspaper and people wanted to know where it was, there was no way to know unless you drove through the whole town. The map for this project did not have a City map, but we should have a standard with at least a couple things so you look at the map and they are all the same.

Chairman Flores adjourned the meeting at 7:16 p.m.

Respectfully submitted,

Laura Berke  
Recording Secretary