



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

REGULAR ADJOURNED MEETING  
Monday, September 24, 2012  
7:00 p.m.

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*It is respectfully requested that you please silence your cell phones and other electronic devices while the meeting is in session. Thank you.*

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**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Chair Tenice Johnson, Vice Chair Luis Flores, Commissioner Sergio Sahagun, and Commissioner Don Vodvarka

**4. APPROVAL OF MINUTES**

The minutes of the September 10, 2012 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 2012-13  
Project Address: 9140 Monte Vista Avenue  
Project Applicant: Handoko Family Trust  
Project Planner: Michael Diaz, City Planner  
Request: Precise Plan of Design for an outpatient medical clinic and a Variance for reduced parking

## **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**

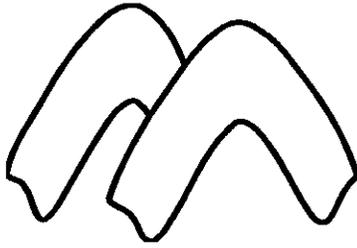
The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of October 8, 2012 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California.

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### **CERTIFICATION OF AGENDA POSTING**

I, Laura Berke, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda was posted in the window adjacent to the north door of Montclair City Hall on September 20, 2012.



# CITY OF MONTCLAIR PLANNING COMMISSION

**MEETING DATE: 09/24/12**

**AGENDA ITEM 6.a**

**Case No.: 2012-13**

**Application:** A Precise Plan of Design and Variance (reduction of on-site parking) for the construction of an approximately 8,500 square-foot outpatient dialysis clinic

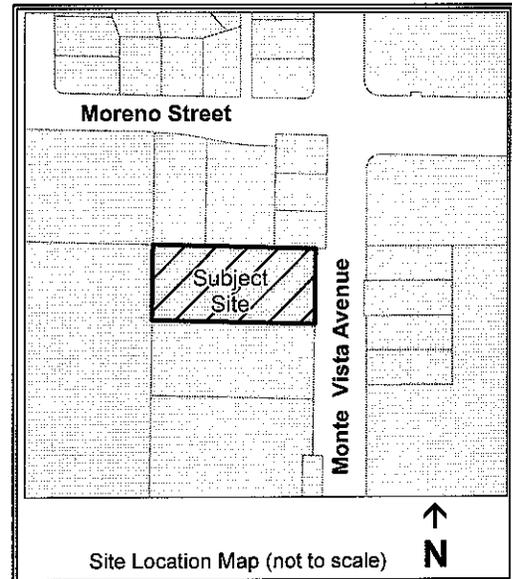
**Project Address:** 9140 Monte Vista Avenue

**Property Owner:** Handoko Family Trust

**General Plan:** Public/Quasi Public

**Zoning:** R-1 (Single-Family Residential)

**Assessor Parcel No.:** 1009-061-09



**ADJACENT LAND USE DESIGNATIONS AND USES**

	<b><i>General Plan</i></b>	<b><i>Zoning</i></b>	<b><i>Use of Property</i></b>
<b>Site</b>	Public/ Quasi-Public	R-1 (Single-Family Residential)	Former skilled nursing facility
<b>North</b>	Low Density Residential (3-7 units/acre)	R-1 (Single-Family Residential)	Single-family residential and mini park
<b>East</b>	Regional Commercial	C-3 (General Commercial)	Multi-tenant retail center (Vista Moreno Plaza) and vacant property
<b>South</b>	Public/ Quasi-Public	R-1 (Single-Family Residential)	OPARC vocational training facility
<b>West</b>	Public/ Quasi-Public	R-1 (Single-Family Residential)	Moreno Elementary School

## Report on Item Number 6.a

### PUBLIC HEARING - CASE NUMBER 2012-13

APPLICATION TYPE(S)	Precise Plan of Design and Variance for reduced parking
NAME OF APPLICANT	Handoko Family Trust
LOCATION OF PROPERTY	9140 Monte Vista Avenue
GENERAL PLAN DESIGNATION	Public/Quasi Public
ZONING DESIGNATION	R-1 (Single-Family Residential)
EXISTING LAND USE	Vacant buildings (former skilled nursing facility)
ENVIRONMENTAL DETERMINATION	Categorical Exemption - Section 15303 (New Facilities)
PROJECT COORDINATOR	Michael Diaz

#### **Project Proposal**

The applicant is requesting approval of a Precise Plan of Design (PPD) to develop a new outpatient dialysis clinic and a Variance for reduced parking in conjunction with the proposed use. The clinic would be operated by DaVita Inc., which provides dialysis treatment to patients. Treatment would be provided six days a week between the hours of 4:00 a.m. and 10:30 p.m. on Monday, Wednesday, and Friday, and from 4:00 a.m. to 7:00 p.m. on Tuesday, Thursday and Saturday. The facility would be closed on Sundays.

A copy of the proposed site plan, floor plans, elevations, renderings, and conceptual landscape plan are included in the Commission packets. A color board will be presented at the meeting.

#### **Precise Plan of Design**

To accommodate the proposed project, the site would be cleared of all existing buildings and improvements and replaced with a new building and on-site parking. The new clinic would be housed in an 8,500 square-foot, single-story building. The floor plan for the building includes a reception/waiting area, offices, patient preparation areas, equipment and storage rooms, a staff lounge, restrooms, and a main treatment room with 28 patient stations.

The building would be sited at the southeast corner of the property, approximately 137 feet back from the front property line along Monte Vista Avenue, 49 feet from the north property line, and five feet from the west and south property lines. The height of the new building would be 20'-8". A covered trash enclosure is proposed at the northwest corner of the site. The enclosure includes a lockable area to secure biohazard waste until it can be picked up by an authorized waste disposal company.

The architecture of the new building is a low-profile modern style that features the use of masonry block walls (split-face and colored block), a flat roof, and an "Alucobond" metal fascia/parapet on the east and north elevations. Windows and doors are proposed to be anodized aluminum and are oriented on the building in a horizontal window pattern. Above the windows on the east (front), south and west elevations, a decorative two-foot deep metal sunshade would be provided. On the north side of the building, a tall curtain wall of windows is proposed to provide natural light into the building and allow outdoor views to patients undergoing treatment in the treatment room. All rooftop equipment would be concentrated near the center of the roof where it would be screened from view by an architectural metal screen that is integrated into the overall design of the building.

A conceptual landscape plan for the project was submitted and covers the landscape planter areas that are generally located around the parking lot. In addition, 15-foot deep planters are provided at the front of the property adjacent to Monte Vista Avenue. The proposed plant palette includes the use of Crape Myrtle (*Lagerstroemia indica*) trees, Kangaroo Paw and Natal Plum shrubs, and Star Jasmine as a ground cover. Tree sizes are 24-inch box.

#### Variance for Reduction of On-Site Parking

The project also involves a variance request to allow a slight reduction in the number of on-site parking spaces provided with the project. According to the Zoning Code, medical uses are subject to a parking requirement of one space for every 160 square feet of gross floor area. For an 8,500 square-foot building, the parking requirement is 54 spaces, while 52 spaces are provided. If approved, the variance would allow the reduction of two spaces, or approximately 3.74 percent of the required total.

Although the variance request represents a minor deviation in the required number of parking spaces, the Montclair Municipal Code does not offer an administrative remedy to the situation, so the variance is the only way to address the reduction.

#### Background

- DaVita Inc. is a leading provider of kidney care in the United States. The company provides dialysis services to patients with chronic kidney failure and end stage renal disease (ESRD). As of June 30, 2012, DaVita operated or provided administrative services at 1,884 outpatient dialysis centers located in the United States, serving approximately 149,000 patients.
- The project site is approximately 37,000 square feet (.85 acres) in size. The property currently contains three distinct structures, including the original residential structure and garage built around 1948. Over time, the existing structures were subsequently expanded. The largest structure at the rear of the property was built in the late 1970s to early 1980s.

- Based on available City records, the use of the property shifted from a single-family residence to a home for children in the 1960s. The last business, Monte Vista Child Care Center, closed in 2009.

### **Planning Division Comments**

Overall, staff finds the project to develop an outpatient dialysis clinic at the subject site to be very well designed and consistent with the general development standards applicable to such a medical facility. If approved, the project would replace blighted property conditions with new development that contributes to the improvement of the adjacent streetscape. Staff appreciates the applicant's desire to scrape clean the property and start over rather than trying to work with the existing hodgepodge of development currently existing on the site.

Architecturally, the building design is appropriate and well done with design details extended to all sides of the building. Moreover, rooftop equipment would be properly screened behind an architecturally integrated metal screen. The proposed use of high quality exterior materials will stand the test of time and be durable. The proposed colors for the building are appropriate for the design of the building and the type of facility proposed.

Because the building and required parking occupies the bulk of the property, landscaping is largely limited to peripheral planter areas, including the 15-foot deep setback areas (planters) at the front of the site. Although the selected plant materials are few, they are drought tolerant and visually attractive. The Crape Myrtle trees in particular are well-suited to narrow planter areas, and when mature, will provide some shade during the summer. However, the plan for the 15-foot deep planters at the front of the site is incomplete and needs to be modified to add further visual interest beyond the use of the Star Jasmine groundcover.

The last issue related to landscaping is with regard to required street trees, which were not shown on the landscape plan. The designated street tree for Monte Vista Avenue is Canary Island Pine (*Pinus canariensis*) with the Crape Myrtle tree as an alternative. The presence of overhead utility lines on the west side of Monte Vista Avenue fronting the property make installation of the Canary Island Pines impractical from a long-term perspective, so using the alternative species, which typically reaches a maximum height of 25 feet, would be more prudent. Staff has included a condition that directs the applicant to continue working with staff to determine the appropriate street trees, their placement, and further development of the understory landscaping plan in the front landscape planters.

### **Parking Variance**

The proposed parking variance is to allow the reduction of required on-site parking from 54 to 52 spaces, a reduction of approximately four percent. As previously mentioned, required parking for medical uses is significantly more than for a regular office or retail use. If the project were for offices, the parking requirement would be 34 spaces, 20 less

than required for a medical use. The subject parking standard is intended to ensure that adequate parking is available for staff and patients at the proposed outpatient dialysis clinic, particularly during peak hours of use.

The applicant has worked diligently to meet the parking requirements for the facility by adjusting the size and placement of the building on the site to attain the number of required parking spaces in an efficient and logical manner. As originally proposed, the building was about 10,000 square feet in size, but has subsequently been downsized to a point where required parking could be accommodated and the project is still feasible to build. The applicant would have been able to meet the minimum parking requirement were it not for additional Fire Department access requirements.

According to the Fire Department, access to the site and building with a fire truck is an essential requirement to respond to calls for service (fire or medical). In addition, for safety and efficiency reasons, it was mandatory for a responding fire truck to be able to turn around on-site and exit onto Monte Vista Avenue in a forward direction rather than by backing out into oncoming traffic. To comply with the above requirements, the applicant was required to adjust the parking layout at the mid-point of the property to meet minimum turning radii for a fire truck. The required changes to the site plan by the Fire Department resulted in the loss of two parking spaces and a reduction in the overall amount of parking that could have been provided. The alternative was to further decrease the size of the building to accommodate the two spaces lost in meeting Fire Department requirements.

Given the above circumstances, staff believes the variance is warranted. According to the applicant, the average number of employees per shift is 15, and at least 70% of its patients arrive and depart via medical van transportation companies. As such, staff finds there will be more than ample on-site parking for employees and patients. Even with the reduction in on-site parking proposed with this variance, there would be a surplus of 18 parking spaces should the main use of the property ever change to all office or retail businesses.

### **Public Comment from Adjoining Property Owners**

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on September 14, 2012. Public hearing notices were mailed out to property owners within a 300-foot radius from the boundaries 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 is deemed to be Categorically Exempt pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guidelines, which applies to new construction of structures under 10,000 square feet in size and associated improvements to the property.

## Variance Findings for Parking Reduction

- A. Because of special circumstances applicable to the subject property, including its size, shape, topography, location or surroundings, the strict application of the provisions of Title 11 of the Montclair Municipal Code are found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications. The variance is necessary to provide a measure of relief for the project due to Fire Department requirements to provide access to the project site. According to the Fire Department, access to the site and building with a fire truck is essential to respond to calls for service (fire or medical) at the proposed outpatient dialysis clinic. For safety and efficiency reasons, the Fire Department also deemed it mandatory for a fire truck to be able to turn around on-site and exit onto Monte Vista Avenue in a forward direction rather than by backing out into oncoming traffic. The applicant would have been able to meet the more stringent parking requirements of the Code were it not for the above Fire Department access requirements that included the requirement to adjust the parking layout at the mid-point of the property to comply with minimum turning radii for fire trucks.
- 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 variance allows the applicant to develop the site in an appropriate and efficient manner that is consistent with adjacent uses to the south, while still providing more than adequate parking to support the subject outpatient dialysis clinic use. Moreover, without the variance, the building would have to be unnecessarily reduced to accommodate on-site parking that was impacted by Fire Department requirements. Finally, even with the reduction in on-site parking proposed with this variance, there would be a surplus of 18 parking spaces should the main use of the property ever change to all office or retail businesses.
- C. The granting of such variance will not be materially detrimental to public welfare or injurious to other property or improvements in the vicinity and zone in which the property is located. The reduction of two spaces from the overall total of required on-site parking spaces is minor in nature and will have no significant impact to the use of the property or to adjacent land uses. Most of the patients do not drive to the facility but are brought and picked up by medical van transportation companies, relatives, or friends who generally do not remain on site while treatment is occurring. As such, staff finds there will be ample on-site parking for employees and patients.
- D. The granting of such variance will not be contrary to the objectives of any part of the adopted General Plan or the Municipal Code that encourages orderly development of the property within the City and compatible uses. The variance for a slight reduction in the number of on-site parking spaces does not adversely impact surrounding development and allows the proposed project to move forward and replace the blighted condition which currently exists on the site. Moreover, the proposed development would result in an improved streetscape

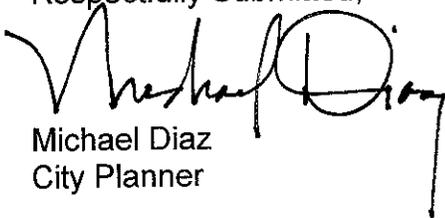
that complements the new residential development under construction nearby on Monte Vista Avenue.

**Planning Division Recommendation**

Staff recommends the Planning Commission take the following actions to approve the proposal to construct an 8,500 square-foot building, on-site parking, and associated improvements in conjunction with a new outpatient dialysis clinic at 9140 Monte Vista Avenue:

- A. Move that, based upon evidence submitted, the Planning Commission finds the current application for the proposed variance qualifies as a Class 3 exemption under Section 15303 of the California Environmental Quality Act (CEQA) Guidelines, which address the construction of new small structures less than 10,000 square feet in size.
  
- B. Move to approve the Precise Plan of Design request under Case No. 2012-13 for the site plan, floor plans, elevations, colors, materials, and conceptual landscape plan associated with the proposed 8,500 square-foot building, parking, and associated on-site improvements per the submitted plans and as described in the staff report, subject to the conditions contained in Planning Commission Resolution No. 12-1766.
  
- C. Move to grant the Variance request under Case No. 2012-13 to allow a two-space reduction in the overall amount of required on-site parking spaces provided for the subject project, as described in the staff report and subject to the findings and conditions in Planning Commission Resolution No. 12-1767.

Respectfully Submitted,



Michael Diaz  
City Planner

MD/lb

Attachments: Draft Resolution No. 12-1766 for Precise Plan of Design  
Draft Resolution No. 12-1767 for Variance

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**RESOLUTION NUMBER 12-1766**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF MONTCLAIR APPROVING A  
PRECISE PLAN OF DESIGN UNDER CASE  
NUMBER 2012-13 FOR THE CONSTRUCTION OF  
AN OUTPATIENT MEDICAL CLINIC AND  
ASSOCIATED SITE IMPROVEMENTS AT  
9140 MONTE VISTA AVENUE (APN 1009-061-09).**

A. Recitals.

**WHEREAS**, on August 29, 2012, an application for a Precise Plan of Design (PPD) and a Variance was submitted by the Handoko Family Trust, property owner, for development of a new outpatient medical building with on-site parking at the subject location; and,

**WHEREAS**, the application applies to property located at 9140 Monte Vista Avenue; and,

**WHEREAS**, the subject site is approximately 37,000 square feet (.85 acres) in size, and is currently developed with three distinct structures, including the original residential structure built around 1948, all of which are in poor condition; and

**WHEREAS**, the proposed project involves the clearing of the site and the subsequent construction of an 8,500 square-foot building with on-site parking and landscaping for use as a new outpatient dialysis clinic; and

**WHEREAS**, the proposed project also includes a variance request to reduce required on-site parking from 54 spaces to 52 spaces; and

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

**WHEREAS**, on September 24, 2012, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a meeting at which time all persons wishing to testify in connection with said project were heard and said proposal was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced hearing on September 24, 2012, including written and oral staff reports together with public testimony, this Commission hereby finds the proposal to be consistent with the overall objectives of the City of Montclair General Plan, Montclair Municipal Code, and good planning principles, and approves the application subject to each and every condition set forth below.

Planning

1. This Precise Plan of Design (PPD) approval is for the construction of an 8,500 square-foot building with 52 parking spaces and associated on-site improvements at 9140 Monte Vista Avenue, as described in the staff report and depicted on approved plans.
2. PPD approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
3. Approval of this PPD shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances, the San Bernardino County Health Department, or the State of California.
4. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
  - a. A check in the amount of \$50, payable to "Clerk of the Board of Supervisors," to cover the County administrative fee for filing a Notice of Exemption as required by the California Environmental Quality Act (CEQA).
  - b. A check in the amount of \$386.92, payable to the "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.

5. 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.
6. The applicant and/or property owner shall ensure that a copy of the Planning Commission Resolution, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
7. Prior to the issuance of a grading or building permit for the project, the applicant or property owner submit the following items for City Planner review and approval:
  - a. Revised landscape plans for the front setback planters adjacent to Monte Vista Avenue. The planters shall include required street trees and additional plant material to add visual interest to the site. One Crape Myrtle (*Lagerstroemia indica*) street tree shall be provided in each of the three (3) setback planters, minimum 24-inch box size.
  - b. A water budget for the landscaping areas on the entire site. The water budget shall be prepared by a licensed landscape architect.
  - c. A Photometric Plan for the exterior site area of the property to demonstrate compliance with required illumination levels for City review and approval. The Photometric Plan shall include the location of all exterior light fixtures and the overall illumination levels across the site. All proposed exterior lighting fixtures shall comply with the following standards:
    - i. All light fixtures shall incorporate 90-degree cut-off style luminaires and flat lenses so as to direct illumination downward to the surface to be illuminated and away from public rights-of-way or adjacent residential properties/uses.
    - ii. Freestanding light fixtures and poles shall not exceed a maximum height of 20'-0" as measured from adjacent grade to top of luminaires, including raised concrete bases.
    - iii. Above-grade concrete bases for light poles shall be enhanced with a color, texture, and/or material used on the main building and to the satisfaction of the City Planner.
    - iv. The use of wall packs, barnlighters, other similar unshielded luminaires, and/or decorative lighting installed solely for the purpose of illuminating the roof shall be prohibited.

- v. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.
  - d. Design details for the required trash enclosure at the northwest corner of the site. The trash enclosure shall comply with City standards and be designed to complement the appearance of the main building on the site.
8. No outdoor pay telephones or vending machines shall be installed or used on the property in conjunction with this approval.
  9. No permanent building-mounted, wall-mounted or monument signs are approved as part of this entitlement. Should the applicant desire to install any business identification signs, plans shall be submitted to the Planning and Building Divisions for review, approval, and issuance of all requisite permits prior to installation of any sign(s).
  10. No surface-mounted exposed conduit or electrical lines shall be allowed. Electrical switchgear, meters, etc. shall be screened or housed in an enclosure, to the extent allowed by the utilities.
  11. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be completely screened from public view in a manner that is incorporated into the architectural design of the building to the satisfaction of the City Planner.
  12. All on-site ground-mounted mechanical equipment, including, but not limited to, utility meters, air conditioners, condenser units, and repair equipment shall be located within the building or screened in a manner that is compatible with the architectural design of the building to the satisfaction of the City Planner.
  13. Electrical and fire suppression service lines/equipment shall rise within the interior of the building(s). Any roof ladders shall also be located entirely inside the building.
  14. All Double Check Detector Assemblies (DCDA) shall be adequately screened by landscaping or an approved architectural screen wall.
  15. The applicant and/or property owner shall continuously maintain in good repair and appearance all building exteriors, walls, exterior lighting, drainage facilities, driveways, and parking areas, landscaping, etc.
  16. The business operator shall obtain and maintain a City of Montclair Business License and comply with all City regulations at all times.

17. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code. Temporary banners for the purpose of announcing a grand opening or promotional event shall require a banner permit from the Planning Division prior to installation.
18. No portable flags, pennants, spinners, painted-on signs, off premise signs, trailer-mounted electronic sign/message boards or other similar types of portable signs shall be allowed.
19. All graffiti shall be removed within 24 hours of its appearance. If graffiti is not removed within 24 hours of notification, the City shall remove the graffiti and invoice the applicant for the cost of clean-up.
20. Plant materials shall be maintained in a healthy and thriving condition and relatively weed free. All plants that fail to thrive because of disease, damage, accident or other cause shall be immediately replaced with a plant of the same species and size as originally approved. At the discretion of the City Planner, replacement of any plant materials that have been improperly maintained and/or pruned shall be required at a size equal to the size of the plant had it been properly cared for.
21. Trees shall not be severely pruned, topped or pollarded. Any trees that have been pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Planner, within the timeframe established by the City. All existing and new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA).
22. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
23. Prior to the issuance of certificates of use and occupancy, applicant shall install said landscaping and irrigation system and shall have a licensed landscape architect or licensed landscape contractor certify that it was installed in accordance with the approved plan.
24. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

Building

25. Submit four complete sets of plans, including the following:
  - a. Site/Plot Plan;
  - b. Floor Plan;
  - c. Reflected Ceiling Plan;
  - d. Electrical Plans, including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
  - e. Plumbing Plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning;
  - f. Provide an existing plan of the building including all walls to be demolished (if applicable); and,
  - g. Waste Recycling Plan, recycling 50% of all construction debris.
26. Submit two sets of structural calculations, if required, and two sets of energy conservation calculations.
27. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
28. 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.
29. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
30. Separate permits are required for fencing and/or walls. Submit detailed plans for all walls and fencing associated with the project.
31. All utility services to the project shall be installed underground.
32. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
33. Prior to issuance of building permits for a new commercial or industrial development project or major addition, the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to:

Transportation Development Impact Fee, Permit and Plan Check Fees, and School Fees. 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.

34. Construct trash enclosure(s) per City Standard (available at the Building Division's public counter).
35. All concrete and asphalt work shall be of a well fit and durable nature. The proper grading of walks, sidewalks, drives and yards shall be required. A minimum thickness of 3½ inches for flat concrete work and 2½ inches for asphalt paving is required. All exterior flat work shall include breaks and joints for expansion.
36. Prior to commencement of building framing or delivery of any combustible materials to the project site, an all-weather access roadway capable of supporting firefighting apparatus shall be constructed within 150 feet of all structures. An all-weather access is defined as base course A.C. pavement to a minimum depth of 2½ inches and having a minimum width of 20'-0". The 20-foot width shall be maintained free and clear of construction equipment, materials, and debris for the duration of construction.
37. Provide and clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%). Install all disabled-accessible parking stalls and parking lot signage.
38. Construction drawings submitted to the Building Division for plan review shall comply with the Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
  - a. Install a numerical address on the east building elevation. Address numerals shall be in Helvetica font, a minimum of ten inches in height, a minimum of 1½ inches in depth, and be in a color that adequately contrasts to the background to which they are attached.
  - b. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn every day.
  - c. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.

39. A Certificate of Occupancy is required prior to the occupancy of the building. Issuance of the Certificate of Occupancy shall be contingent upon the Fire Department inspection and the final approvals from other departments and/or agencies.
40. Prior to the issuance of a Certificate of Occupancy, the applicant shall:
  - a. Submit to the Building Division electronic images of all plans and records, which are submitted for the purpose of obtaining a building permit. Electronic images shall meet the City's Electronic Archiving Policy.
  - b. Complete all on- and off-site improvements. Complete all approved public improvements, including, but not limited to, P.C.C. sidewalk, curb and gutter, asphaltic concrete paving, and concrete standard streetlights in a quantity and spacing satisfactory to the City Engineer.

#### Engineering

41. Should existing drive approaches have to be altered or relocated, new drive approach width(s) shall not exceed 40 feet. Top of 'x' shall be no less than five feet from property line projection.
42. Underground all overhead utility lines along the west side of Monte Vista Avenue for the length of the project limits to the nearest pole not adjacent to the property frontage and remove all abandoned utility poles. All new guy wires required to anchor end poles shall be located beyond the project limits. The developer may pay an "in lieu" fee for utility undergrounding as set forth in the Municipal Code, subject to approval by the City Engineer.
43. Pay transportation-related development impact fees. Fees shall be assessed at the rate in effect at the time the fees are paid.
44. Pay Regional Sewerage Capital Outlay fees at rates specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.
45. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
46. On-site sewer laterals shall be designed in accordance with City of Montclair Building Division requirements.
47. A grading plan shall be prepared subject to the approval of the City Engineer. An erosion control plan shall be included and considered an integral part of the grading plan. Grading plans shall be designed in accordance with City standards and guidelines, and shall be on 24" by 36" sheets.

48. No soil may be imported or exported to or from the project site from any adjacent building site or from other sources for construction purposes without first obtaining approval from the City Engineer. A plan acceptable to the City Engineer shall be prepared showing proposed haul routes within the City. The plan shall include provisions for street sweeping and cleanup. Contractor(s) shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements.
49. All off- and on-site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
50. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at 800/422-4133.

Water Quality Management Plan

51. A Water Quality Management Plan (WQMP) is required for this project. Approval of the WQMP is required prior to the preparation of grading and/or other improvement plans. Requirements for the WQMP may be obtained from the City NPDES Coordinator Joseph Rosales at 909/625-9470. All drainage facilities shall comply with requirements of the approved WQMP.
52. Prior to issuance of a grading permit or the construction of stormwater runoff treatment structural devices associated with the WQMP (or not), the applicant shall obtain a construction permit for stormwater runoff structural treatment devices and pay fees at the established rate.
53. Comply with all requirements of the approved Water Quality Management Plan (WQMP) for this project.
54. The applicant/developer/homeowners association shall be responsible to contract with a qualified firm to inspect and maintain any and all manufactured stormwater treatment devices specified by the approved WQMP, following all manufacturers' recommendations. It shall also be the responsibility of the applicant/developer/homeowners association to maintain inspection reports and have them readily available for review by City staff upon request. In the event that any stormwater treatment device fails due to lack of, or insufficient maintenance and/or inspection, or some other unforeseen circumstance, it shall be the responsibility of the applicant/developer/homeowners association to correct the deficiency and restore the stormwater treatment device(s) to its original working condition.
55. Prepare and submit plans for erosion and sediment control. Plans shall include all phases of the construction project, including rough grading, utility and road installation, and vertical construction to the satisfaction of the City

Engineer. A State General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities shall be obtained prior to construction. Contact Joe Rosales, NPDES Coordinator, at 909/625-9470.

56. Prior to issuance of a Certificate of Occupancy, the applicant shall:
  - a. Submit to the Engineering Division an electronic copy of the approved WQMP in PDF format.
  - b. Have the WQMP Maintenance Agreement recorded with the County of San Bernardino and provide evidence of said recording to the NPDES Coordinator.
57. Prior to release of a Certificate of Occupancy, the person or corporation responsible for the preparation of the WQMP shall certify in writing to the Building Official that all conditions and requirements of the WQMP have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the Building Official that lessee or purchaser has been advised in writing of lessee's or purchaser's ongoing maintenance responsibilities with respect to the requirements of the WQMP.
58. The applicant shall ensure that all requirements of the approved WQMP for the project are incorporated and consistent with the approved landscape and irrigation plans for the project. All required Best Management Practices (BMPs) shall be duly noted and shown on the landscape plans per the approved WQMP.

#### Environmental

59. The applicant shall complete a Wastewater Discharge survey prior to plan review. Contact Nicole Greene, Environmental Manager, at 909/625-9446 for more information.
60. All wastewater discharged to the City of Montclair Sanitary Sewer System from the subject facility shall be in compliance with Montclair Municipal Code Section 9.20.610 – Local Concentration Limitations. For more information contact Nicole Greene, Environmental Manager, at 909/625-9446.

#### Fire

61. 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.

62. 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.
63. Planter areas in the center of drive aisles and adjacent to entrances should be low profile type, not to exceed eight feet in height when mature.
64. The inside turning radius for an access road shall be 32 feet or greater, and the outside turning radius shall be 45 feet or greater.
65. 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.
66. The proposed commercial structure(s) shall require an approved automatic fire sprinkler system. The system shall conform to all local and national standards. Three (3) 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.
67. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
68. 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.
69. 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.
70. Commercial/industrial occupancies shall install approved emergency lighting to provide illumination in the event of any interruption of normal lighting.
71. All Montclair Fire Department fees are due prior to any permit issuance.
72. Covered trash enclosures shall have fire sprinklers installed should any one of the following conditions exist: the trash enclosure has a combustible roof covering, the trash enclosure contains two or more individual trash containers, or the trash enclosure is under or within five (5) feet of combustible construction.

73. Fire extinguisher location(s) to be determined by the Montclair Fire Department.
74. All Double Check Detector Assemblies (DCDA) shall be painted and maintained by the property owner with the following paint color specifications: Rust-Oleum satin interior/exterior acrylic latex paint, "Hunt Club Green" No. 794452 (quart). This condition is subject to Fire Department inspection and approval when work is completed.

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

APPROVED AND ADOPTED THIS 24TH DAY OF SEPTEMBER, 2012.

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 24th day of September, 2012, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MDIAZ\CASES\2012-13 PC RESOLUTION

## RESOLUTION NUMBER 12-1767

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A VARIANCE UNDER CASE NUMBER 2012-13 FOR A REDUCTION OF ON-SITE PARKING ASSOCIATED WITH CONSTRUCTION OF AN OUTPATIENT MEDICAL CLINIC AND ASSOCIATED SITE IMPROVEMENTS AT 9140 MONTE VISTA AVENUE (APN 1009-061-09).

#### A. Recitals.

**WHEREAS**, on August 29, 2012, in conjunction with an application for a Precise Plan of Design (PPD) to develop an outpatient dialysis clinic on property at the above-referenced address, a request for a variance to reduce on-site parking was submitted by the Handoko Family Trust, property owner; and

**WHEREAS**, Section 11.66.010.B.8 of the Montclair Zoning Code requires one (1) parking space for every 160 square feet of gross floor area for medical or dental uses; and

**WHEREAS**, the proposed 8,500 square-foot, single-story building requires a minimum of 54 on-site parking spaces for an outpatient dialysis clinic; and

**WHEREAS**, the proposed variance request is to reduce the amount of provided on-site parking spaces from 54 to 52 spaces, a net reduction of two parking spaces; and

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

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

**WHEREAS**, on September 24, 2012, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a meeting at which time all persons wishing to testify in connection with said project were heard and said proposal was fully studied.

#### B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

2. Based upon the substantial evidence presented to this Commission during the above-referenced hearing on September 24, 2012, including written and oral staff reports, together with public testimony, this Commission hereby finds the proposal to be consistent with the overall objectives of the City of Montclair General Plan, Montclair Municipal Code, and good planning principles, and approves the application subject to each and every condition set forth below.
  1. The approved parking variance shall allow the reduction of a maximum of two (2) on-site parking spaces at the subject site as depicted in approved plans.
  2. This variance approval shall be implemented in conjunction with entitlements and all conditions of approval granted for Case Number 2012-13, as contained in Planning Commission Resolution No. 12-1766.
  3. This variance approval shall be valid for six (6) months from the date of City Council action. If no construction drawings have been submitted to the City for plan review within this time frame, then the approval shall automatically expire without further City action.

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

APPROVED AND ADOPTED THIS 24TH DAY OF SEPTEMBER, 2012.

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 24th day of September, 2012, by the following vote, to-wit:

AYES:

NOES:

ABSENT: