



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

REGULAR ADJOURNED MEETING  
Monday, November 25, 2013  
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 Manny Martinez, Commissioner Sergio Sahagun, and Commissioner Don Vodvarka

**4. APPROVAL OF MINUTES**

The minutes of the October 28, 2013 Planning Commission meeting are presented for consideration.

**5. ORAL AND WRITTEN COMMUNICATIONS ON NON-AGENDA ITEMS**

The public is invited to address the Planning Commission regarding any items that are not on the agenda. Comments should be limited to matters under the jurisdiction of the Planning Commission. It is respectfully requested that speakers limit their comments to no more than three minutes in length.

Any person wishing to address the Planning Commission on an agenda or non-agenda item should complete a speaker's card and submit it to the City Planner. Speaker's cards are available at the entrance to the Council Chambers.

## 6. AGENDA ITEMS

- a. PUBLIC HEARING – CASE NUMBER 2013-25  
Project Address: 4701 Holt Boulevard  
Project Applicant: Montclair Business Park, LLC for  
Calvary Chapel Gracia  
Project Planner: Silvia Gutiérrez, Associate Planner  
Request: Conditional Use Permit to allow a church  
CEQA Assessment: Categorically Exempt (Section 15301)
- b. CASE NUMBER 2013-11  
Project Address: 5119 Bandera Street  
Project Applicant: Foremost Healthcare Properties Inc.  
Project Planner: Silvia Gutiérrez, Associate Planner  
Request: Time extension for Conditional Use Permit  
to expand a skilled nursing facility  
CEQA Assessment: Categorically Exempt (Section 15301)

## 7. INFORMATION ITEMS

Although the Planning Commission is prohibited from taking action on or discussing items not on the posted agenda, a member of the Planning Commission may ask for information, request a report back or to place a matter of business on the agenda for a subsequent meeting, ask a question for clarification, make a brief announcement, or briefly report on his or her own activities, provided the foregoing are related to, or within the jurisdiction of, the Planning Commission.

## 8. PUBLIC INSPECTION OF MATERIALS

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

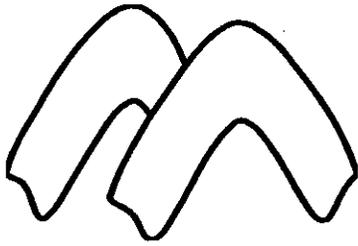
## 9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of December 9, 2013 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California.

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### CERTIFICATION OF AGENDA POSTING

I, Laura Embree, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda was posted on the bulletin board adjacent to the north door of Montclair City Hall on November 21, 2013.



# CITY OF MONTCLAIR PLANNING COMMISSION

**MEETING DATE: 11/25/13**

**AGENDA ITEM 6.a**

**Case No. 2013-25**

**Application:** Request for a Conditional Use Permit (CUP) to establish a church use within a vacant, 7,500 square-foot tenant space. An administrative office for the church is also proposed at a separate, 1,200 square-foot lease space at 4715 Holt Boulevard.

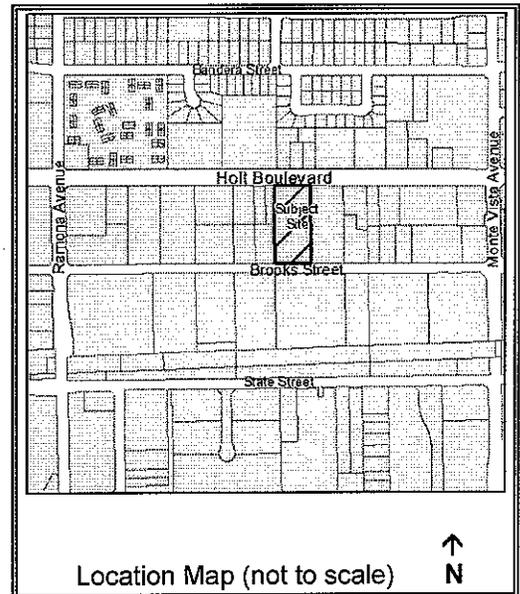
**Project Address:** 4701 Holt Boulevard

**Property Owner:** Montclair Business Park, LLC

**General Plan:** General Commercial

**Zoning:** "Commercial" per Holt Boulevard Specific Plan

**Assessor Parcel No.:** 1012-091-04



**EXISTING SITE FEATURES/CONDITIONS**

**Structures:** 25,500 square-foot multi-tenant commercial building

**Parking:** 110 paved parking spaces, including four (4) disabled-accessible stalls

**City or other public utility easements:** Typical easements

**ADJACENT LAND USE DESIGNATIONS AND USES**

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
<b>Site</b>	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Multi-tenant commercial center
<b>North</b>	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Commercial building
<b>South</b>	Business Park	"Industrial" per Holt Boulevard Specific Plan	Commercial building
<b>East</b>	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Multi-tenant commercial center
<b>West</b>	General Commercial	"Commercial" per Holt Boulevard Specific Plan	Commercial building

## Report on Item Number 6.a

### PUBLIC HEARING - CASE NUMBER 2013-25

APPLICATION TYPE(S)	Conditional Use Permit
NAME OF APPLICANT	Montclair Business Park, LLC
LOCATION OF PROPERTY	4701 Holt Boulevard
GENERAL PLAN DESIGNATION	Commercial
ZONING DESIGNATION	"Commercial" per Holt Boulevard Specific Plan
EXISTING LAND USE	Multi-tenant commercial building
ENVIRONMENTAL DETERMINATION	Categorical Exemption – Section 15301 (Existing Facilities)
PROJECT PLANNER	Silvia Gutiérrez

#### **Project Description**

The applicant is requesting approval of a Conditional Use Permit (CUP) to allow the establishment of a church use within a storefront commercial lease space located at 4701 Holt Boulevard. The lease space is approximately 7,500 square feet in size and is currently vacant. The church is also proposing to lease an additional 1,200 square-foot lease space in the same center at 4715 Holt Boulevard, which would be used for the church offices.

The proposed church is known as Calvary Chapel Gracia and is a bilingual, non-denominational congregation that currently rents space at Ontario Christian School to hold mid-week and weekend services. The subject lease space in Montclair would allow the congregation to move to a more permanent facility. The congregation numbers approximately 120 and consists mainly of young families. Primary church services are conducted on Sundays between the hours of 8:00 a.m. and 2:00 p.m. and mid-week on Wednesday evenings between the hours of 6:00 p.m. and 10:00 p.m.

As indicated on the submitted floor plan, the sanctuary or main assembly hall is approximately 3,050 square feet in size and has a seating arrangement to accommodate up to 177 occupants. The balance of the leasehold would be used for Sunday school classrooms, multi-purpose room, storage and offices. A day care facility or private school use is not a part of this approval. No exterior building changes are proposed by the church.

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

## Background

- Churches, synagogues, temples or other houses of worship are allowed in the "Commercial" (C) land use district of the Holt Boulevard Specific Plan subject to the approval of a CUP.
- The subject property is developed with a multi-tenant commercial building built in 1963. The center currently has 110 off-street standard parking stalls, located mostly in the front of the building.
- The existing building is currently divided into seven (7) lease spaces that are occupied by the a range of tenants as listed in the following table:

Address	Business Name	Use	Lease Area (sq. ft.)
4701 Holt Boulevard	----	Vacant	7,500
4703 Holt Boulevard	Beauty Salon	Personal Services	700
4705 Holt Boulevard	Pet Store	Retail Sales	700
4707 Holt Boulevard	Traffic School	Educational	700
4711 Holt Boulevard	Alan's Draperies	Retail Sales	1,200
4715 Holt Boulevard	----	Vacant	1,200
4737 Holt Boulevard	Heartland Thrift Store	Second Hand Store	13,500
<b>Total</b>			<b>25,500</b>

- A CUP was granted in 2006 under Case No. 2006-23 to allow a church to be established at 4701 Holt Boulevard. However, the project was never completed and the lease space has been vacant since 2007.

## Planning Division Comments

Overall, staff is supportive of the proposed CUP request to allow the proposed church use at the subject site as described herein. Staff finds the existing site and building to be adequate in shape and size and designed in such a way so as to easily accommodate the proposed activities of the church use. The church use will provide its adherents a place to worship within in an appropriately located and developed site.

The physical condition of the property is sound and has been steadily improved as new tenants have been attracted to the site. The property owner recently made landscaping enhancements to the front of the center, restriped parking spaces, and improved parking lot lighting when the Heartland Thrift Store was approved for the site. However, staff has noted a few items regarding the physical condition of the property that need attention. The first item is that at the façade of the building is in need of patching and fresh coat of paint to eliminate holes and "ghosts" of removed signs. A second area of concern is the need for an enlarged outdoor area in the corner of the center and in front of the new church use. The existing 6-foot wide walkway is clearly inadequate to comfortably handle the number of persons entering and exiting the church lease space. Staff has added a condition of approval to provide a widened and improved "plaza" area

at the northwest corner of the building for the new church use. This improvement would eliminate vehicles from parking immediately adjacent to the front door and allow for a comfortable and safe landing area for pedestrians.

The new church use is not expected to cause adverse impacts to any adjacent uses within the center, as all activities at the church are held entirely within the building and services are typically held on weekends (Sundays) and a mid-week service on Wednesday evenings. With these hours, any potential conflicts between the church users and other tenants are expected to be minimal.

Pursuant to the Montclair Municipal Code, parking for a church use or public assembly is based on seats in the sanctuary at a ratio of one (1) parking space for every six (6) seats. As a commercial lease space, the subject 7,500 square-foot lease space would have 30 parking spaces of the total allotted to it, which would allow a maximum of 180 seats in the sanctuary. The applicant's floor plan depicts 177 seats in the sanctuary portion of the tenant space which is below the 180-seat threshold allowed by the associated number of parking spaces. With 80 remaining spaces in the parking lot, there would be ample available parking to allow a modest increase in seating capacity under the current configuration and additional growth in the future based on a revised interior seating layout as approved by the City. Moreover, parking for the church use is not expected to be a major concern since the main use of the church occurs during off-peak hours when most of the other businesses are closed. Staff's field observations of parking patterns at the center during weekday mornings and afternoons and evenings after 6:00 p.m. indicate a large supply of available parking spaces at all times.

The church use will not result in excessive or burdensome use of existing streets, transportation facilities, utilities or schools. Vehicular access to the site is appropriate via existing driveways, which are fully improved and directly connected to improved public roadways. Omnitrans Route 61 is also available on Holt Boulevard, which would benefit members of the congregation who rely on public transit. Therefore, the impacts of the proposed religious use, in relation to parking requirements, effects on the roadway infrastructure and potential operational conflicts, are not significant.

Finally, staff finds the proposed church use to be in keeping with the General Plan, which promotes a balance of land uses to meet the needs of the residents, which includes churches, synagogues, temples or other houses of worship in appropriate locations throughout the community.

### **Conditional Use Permit Findings**

- A. The proposed use is essential or desirable to the public convenience and public welfare, in that the church use would provide its adherents a place to worship within in an appropriately located and properly developed site.
- B. Granting this permit will not be materially detrimental to the public welfare and other property in the vicinity. Religious services at the site would be conducted

entirely within the building and occur generally during off-peak hours so as not to have a significant impact on other businesses or activities of the center.

- C. The proposed use conforms to good zoning practices and development standards and is consistent with the Montclair Municipal Code. The church would be located in an existing multi-tenant commercial center that is adequate in size, shape, and configuration to accommodate the proposed use and its parking requirements. The proposed church use would not have a substantial adverse effect on traffic circulation, access, or parking in the center where it would be located nor pose an adverse impact on adjacent development/uses.
- D. The proposed church use at the subject location is not contrary to the objectives of any part of the adopted General Plan, in that the plan promotes the balance of land uses to serve the community and continually improve City services, which includes churches and other houses of worship.

### **Public Notice**

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on November 25, 2013. Public hearing notices were also mailed to existing tenants of the commercial center and property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of this discretionary zoning entitlement. At the time this report was prepared, no comments or inquiries had been received by staff regarding the proposal.

### **Environmental Assessment**

The project qualifies as a Class 1 exemption under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, which exempts projects involving little to no expansion of existing structures or uses. The project does not involve an expansion of the existing structure. Moreover, there will be no impact on fish and wildlife with this project.

### **Planning Division Recommendation**

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

1. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA). Further, the project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301, which exempts projects involving little to no expansion of existing structures or uses.
2. Move to approve a Conditional Use Permit under Case No. 2013-25, subject to making the required findings, and subject to the conditions as described in attached Resolution Number 13-1791.

Respectfully Submitted,



Michael Diaz  
City Planner

MD/lb

Attachments: Draft Resolution of Approval for Case 2013-25

**RESOLUTION NUMBER 13-1791**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2013-25 TO ALLOW A CHURCH USE IN THE "COMMERCIAL" LAND USE DISTRICT OF THE HOLT BOULEVARD SPECIFIC PLAN AT 4701 HOLT BOULEVARD (APN 1012-191-04).**

A. Recitals.

**WHEREAS**, Montclair Business Park, LLC, filed an application on October 29, 2013, for a Conditional Use Permit (CUP) to allow a church use, hereinafter referred to as "the application"; and

**WHEREAS**, the subject site is located in the "Commercial" land use district of the Holt Boulevard Specific Plan, which allows church uses subject to the approval of a CUP upon review of applicable development standards and the review of land use compatibility with surrounding properties; and

**WHEREAS**, the application applies to the lease space that encompasses approximately 7,500 square feet at 4701 Holt Boulevard, which is part of a 25,500 square-foot, multiple-tenant building; and

**WHEREAS**, staff has determined that the application meets the intent and requirements of the Holt Boulevard Specific Plan for the proposed use and the applicable development standards of the "Commercial" land use district; and

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

**WHEREAS**, on November 25, 2013, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a public hearing at which time all persons wishing to testify in connection with said application were heard, and said application was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based upon the substantial evidence presented to this Commission during the above-referenced public hearing on November 25, 2013, including

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

- a. The proposed use is essential or desirable to the public convenience and public welfare, in that the church use would provide its adherents a place to worship within in an appropriately located and properly developed site.
  - b. Granting this permit will not be materially detrimental to the public welfare and other property in the vicinity. Religious services at the site would be conducted entirely within the building and occur generally during off-peak hours so as not to have a significant impact on other businesses or activities of the center.
  - c. The proposed use conforms to good zoning practices and development standards and is consistent with the Montclair Municipal Code. The church would be located in an existing multi-tenant commercial center that is adequate in size, shape, and configuration to accommodate the proposed use and its parking requirements. The proposed church use would not have a substantial adverse effect on traffic circulation, access, or parking in the existing center where it will be located nor pose an adverse impact on adjacent development/uses.
  - d. The proposed use at the subject location is not contrary to the objectives of any part of the adopted General Plan, in that the plan promotes a balance of land uses to serve the community and continually improve the City amenities and services, which includes churches and other house of worship.
3. Planning Division staff has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies as a Class 1 exemption under State CEQA Guidelines, Section 15301, which exempts projects involving little to no expansion of existing structures or uses. The project does not involve an expansion of the existing structure or a fundamental change in the type of uses permitted by the zoning code. In addition, there is no substantial evidence that the project may have a significant effect on the environment.
  4. Based upon the findings and conclusions set forth in paragraphs 1, 2 and 3 above, this Commission hereby approves the application subject to each and every condition set forth below.

## Planning

1. This CUP approval is to allow the operation of a church use and associated religious education and administrative uses at 4701 Holt Boulevard, as described in the staff report and depicted on approved plans. Said approval shall be limited to one (1) lease space of approximately 7,500 square feet in area. A day care facility or private school use is not a part of this approval.
2. This CUP approval shall be valid for six months (180 calendar days) from the date of Planning Commission action. Failure to initiate the approved use and/or improvements prior to the end of the six-month period shall result in the termination of and automatically void the CUP approval.
3. 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 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 \$467.00, 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.
4. No modification, intensification, or expansion of the use, including an increase in the floor area or occupancy load beyond that which is specifically approved with this CUP, shall be allowed without prior review and approval by the Planning Commission.
5. A copy of the signed Resolution of Approval with all conditions of approval shall be maintained on the premises at all times, and shall be made available upon request for viewing to any law enforcement officer, fire, building, or code enforcement inspector in the course of conducting an official inspection on said premises.
6. Primary church services shall be limited to Sundays and weekday evenings (Monday through Saturday) after 6:00 p.m. The building may be used by the church for non-worship activities during regular daytime hours for church offices/administration and or committee meetings.

7. Seating capacity in the sanctuary shall not exceed a maximum of 180 persons or a lesser capacity as required by the property owner. Seating of 180 persons shall require a minimum of 30 parking spaces within the center available for use at all times.
8. Prior to the occupancy of the subject lease space, the property owner shall complete the following items subject to the satisfaction of the City Planner:
  - a. Repaint and patch wall façade above the lease space entry to eliminate chipping/spaulding paint and to remove any "ghost" patterns and holes from previous sign installations.
  - b. Submit a revised parking lot plan showing the incorporation of a proportionally sized pedestrian "plaza" directly in front of the church lease space at the western end of the center.
9. No temporary or permanent residential living quarters, including homeless shelter, shall be established on the premises.
10. No outdoor amplified sound systems shall be installed or used on the property.
11. No pay telephones, vending machines, or merchandise collection boxes shall be located on the exterior of the building or on the subject property.
12. All mechanical equipment, devices and their component parts (e.g., wiring, conduit, meters, etc.) for such items as air conditioners, evaporative coolers, exhaust fans, vents, transformers, utility meters, or similar equipment, whether located on the ground, building walls, or on the roof of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building to the satisfaction of the City Planner.
13. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner incorporated into the architectural design of the building to the satisfaction of the Planning Division.
14. Prior to the installation of any signs on the property, the applicant shall submit plans prepared by a licensed sign contractor for review and approval by the Planning and Building Divisions. Signs shall conform to the provisions of the Montclair Sign Code and any specific sign program approved for the site.

15. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including, but not limited to, the following:
  - a. Temporary banners for the purpose of announcing the grand opening or advertising promotions shall require banner permits from the Planning Division prior to installation.
  - b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
  - c. Portable flags, pennants, spinners, painted-on signs or the like shall be prohibited.
  - d. No trailer-mounted electronic sign/message boards or other similar types of portable signs shall be permitted on the property at any time.
16. The property owner and applicant shall routinely inspect and maintain the property (e.g., structures, equipment, landscaping, hardscape, and pavement) in good condition and in a clean and presentable manner at all times. All trash, debris, weeds (in landscape areas and in asphalt parking areas), graffiti, etc. shall be promptly and/or continually removed.
17. 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 contact the Planning Division to schedule an appointment for such an inspection.
18. Upon notification, this CUP approval may be revoked or modified by the Planning Commission or City Council at such time as any of the following conditions are found to exist:
  - a. Conditions of Approval have not been fulfilled.
  - b. The use has resulted in a substantial adverse impact on the health and/or general welfare of users of adjacent or proximate properties.
  - c. The use has resulted in a substantial adverse impact on public facilities or services.
19. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any 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

result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

Building

20. Submit four complete sets of plans including the applicable elements of 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. An existing plan of the building, including all walls to be demolished;
  - g. Waste recycling plan, demonstrating the recycling of 50% of all construction debris.
21. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
22. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
23. The applicant shall comply with the latest adopted California Building Codes, and other applicable codes, ordinances and regulations in effect at the time of permit application. These applicable codes shall be indicated on the first page of submitted plans.
24. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
25. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number.

26. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
27. 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 durable nature. Paint and stucco in all cases shall be below the standard for the use applied.
28. Clearly indicate on submitted plans existing 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%).
29. 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 at the top of the main storefront entrance or directly above it. Address numerals shall be in Helvetica font, a minimum of four inches in height, 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 everyday.
  - c. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.
30. 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.
31. Prior to the issuance of a Certificate of Occupancy, the applicant shall:
  - a. Submit to the Building Division electronic images of all plans and records which were submitted for the purpose of obtaining a building permit. Electronic images shall comply with the City's Electronic Imaging Policy.

- b. Install all required disabled-accessible parking stalls, pedestrian path-of-travel, and parking lot signage.
- c. Complete items listed in Planning Condition No. 8.

Fire Department

- 32. 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.
- 33. Since the lease space is to be used for the purpose of public assembly, the architect shall contact the Fire Marshal's Office at (909) 447-3552, for requirements prior to submission of building plans.
- 34. 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.
- 35. Commercial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of normal lighting.
- 36. Fire extinguisher location(s) to be determined by the Montclair Fire Department.
- 37. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.

Environmental

- 38. No food preparation shall be permitted on-site with the exception of staff/employee meals prepared in a break room. Preparation of meals/food on-site in addition to aforementioned meals for staff may require the installation of a grease interceptor or other pretreatment device to the satisfaction of the Environmental Manager. Contact Nicole Greene at (909) 625-9446 for more information.

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

APPROVED AND ADOPTED THIS 25TH DAY OF NOVEMBER, 2013.

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 held on the 25th day of November, 2013, by the following vote-to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SG\CASES\2013-25 RESO13-1791



# MEMORANDUM

MONTCLAIR

**To:** Montclair Planning Commission  
**From:** Silvia Gutiérrez, Associate Planner   
**Date:** November 25, 2013  
**Subject:** Request for time extension for Case No. 2013-11, 5119 Bandera Street

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## Applicant's Request

Foremost Healthcare Properties, Inc. is requesting a one-year time extension of the Conditional Permit (CUP) and Precise Plan of Design (PPD) approved for a 1,050 square-foot building addition at its facility located at 5119 Bandera Street. The project was approved by the Planning Commission on June 10, 2013, with a 6-month expiration date for the CUP approval that would end on December 10, 2013. If the one-year time extension request is approved, the new expiration date for the CUP and PPD would be November 25, 2014.

The reason for the request is due to an unexpected drop in patient utilization of the skilled nursing facility, which has reduced the ability to accumulate the necessary private funds anticipated to pay for the approved project. The property owner is working to increase patient levels at the facility and plans to pursue the improvements in the next six months.

## Planning Division Comments

Given the circumstances surrounding this project, staff believes the time extension request to be reasonable. Staff continues to support the project and believes that the project layout and design continue to be in compliance with the Municipal Code and the General Plan. The 27 conditions identified in Resolution No. 13-1781 would continue to be valid and in effect for the project.

## Planning Division Recommendation

Staff recommends approval of the requested time extension by taking the following action:

Move to approve a one-year time extension until November 25, 2014 for a Conditional Use Permit and Precise Plan of Design approval under Case No. 2013-11 for the site plan, floor plans, elevations, colors, materials associated with the minor addition to an existing skilled nursing facility known as Montclair Manor Care Center, located at 5119 Bandera Street, subject to the original 27 conditions of approval in Resolution No. 13-1781.