



**REGULAR MEETING OF THE  
MONTCLAIR PLANNING COMMISSION**

to be held in the Council Chambers  
5111 Benito Street, Montclair, California

Monday, September 08, 2025  
7:00 p.m.

*If you want to provide comments on an agenda item, including public hearing and closed session items, please complete a Speaker Card located in the Council Chambers. The Chair (or the meeting's Presiding Officer) will call on those who submitted requests to speak at the appropriate times during the meeting. Written comments (200-word limit per agenda item, and 200-word limit for all non-agenda items combined) can also be emailed to [pcclerk@cityofmontclair.org](mailto:pcclerk@cityofmontclair.org) at least one hour before the meeting begins.*

**AGENDA**

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. APPROVAL OF MINUTES**

August 11, 2025

**5. BIENNIAL PLANNING COMMISSION REORGANIZATION**

**6. 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 an online public comment form as described above.*

**7. AGENDA ITEMS**

**A. CASE NUMBER**                      **2025-17**

**Location of Property**              **9507 Central Ave**

**Project Applicant**                  **Edward Pelenghian**

**Project Planner**                      **Dinora Ochoa, Assistant Planner**

**Request:**

This item was continued from the August 11, 2025, Planning Commission meeting. A request to continue the item to the next regularly scheduled Planning Commission meeting on September 22, 2025, for a Conditional Use Permit to establish a 400-square-foot outdoor dining patio with up to four

tables and eight seats in conjunction with Tamales Jalisco, an 860-square-foot restaurant located at 9507 Central Avenue, Unit D, within a 15,500-square-foot multi-tenant shopping center.

**CEQA Determination:**

The Planning Division has determined this project to be categorically exempt from the California Environmental Quality Act (CEQA) requirements. The proposed exterior building and site improvements are categorically exempt pursuant to Section 15301 of the State CEQA Guidelines. The project qualifies because it is on a fully developed site and involves minor exterior and interior improvements, and limited site changes will not involve grading. As such, there is no substantial evidence the project will pose a potentially significant impact to the environment.

<b>B. CASE NUMBER</b>	<b>2025-26</b>
<b>Location of Property</b>	<b>5473 San Jose Street</b>
<b>Project Applicant</b>	<b>Andalusia Dev LLC</b>
<b>Project Planner</b>	<b>Dinora Ochoa, Assistant Planner</b>

**Request:**

A request to approve Tentative Parcel Map No. 21020 to allow the subdivision of a 15,000-square-foot property located at 5473 San Jose Street, within the R-1 (Single-Family Residential) zoning district, into two residential parcels. The proposed subdivision would result in two parcels measuring approximately 7,833 and 7,591 SF in size.

**CEQA Determination:**

The Planning Division has determined this project to be categorically exempt from the under Section 15315 of the California Environmental Quality Act (CEQA) Guidelines as a minor land division involving four or fewer parcels. The project meets all required criteria, including that the parcels have access to existing public streets and utilities, and the subdivision is in conformance with the General Plan and applicable zoning regulations. As such, there is no substantial evidence the project will pose a potentially significant impact to the environment.

<b>C. CASE NUMBER</b>	<b>2025-30</b>
<b>Location of Property</b>	<b>5053 and 5065 Mission Boulevard</b>
<b>Project Applicant</b>	<b>WC Homes, LLC</b>
<b>Project Planner</b>	<b>Christine Sanchez Caldwell, Economic Development Consultant</b>

**Request:**

A request for approval of Tentative Tract Map No. 20765 and Precise Plan of Design for a 42-unit three-story residential townhome development on a

vacant 1.64-acre site within the Neighborhood Edge zone of the Corridors Code. The subject site is currently comprised of two separate lots addressed as 5053 and 5065 Mission Boulevard that will be merged into one lot pursuant to approval of the Tentative Tract Map for condominium purposes. The proposed development is a for-sale project.

#### **CEQA Determination:**

The Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines, which covers infill projects in significantly developed areas.

### **8. 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 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.*

### **9. ADJOURNMENT**

*The next regular meeting of the Planning Commission will be held on September 22, 2025, at 7:00 p.m.*

Reports, backup materials, and additional materials related to any item on this Agenda distributed to the Planning Commission after the publication of the agenda packet are available for public inspection on the City's website at [www.cityofmontclair.org/agendas](http://www.cityofmontclair.org/agendas) or at Montclair City Hall in the Community Development Department located at 5111 Benito Street, Montclair, from 7:00 a.m. to 6:00 p.m., Monday through Thursday.

If you need special assistance to participate in this meeting, please call (909) 625-9477 or e-mail [pcclerk@cityofmontclair.org](mailto:pcclerk@cityofmontclair.org). Notification prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)

#### **CERTIFICATION OF AGENDA POSTING**

I, Michael Diaz, Secretary of the Montclair Planning Commission, hereby certify that a copy of this agenda was posted on the bulletin board adjacent to the north door of Montclair City Hall on September 4, 2025.



**MINUTES OF THE REGULAR MEETING OF THE CITY OF  
MONTCLAIR PLANNING COMMISSION HELD ON MONDAY,  
AUGUST 11, 2025, AT 7:00 P.M. IN THE CITY COUNCIL  
CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA**

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**1. CALL TO ORDER**

Chair Martinez called the meeting to order at 7:03 p.m.

**2. PLEDGE OF ALLEGIANCE**

Chair Martinez led meeting participants in the Pledge.

**3. ROLL CALL**

Present: Chair Martinez, Vice Chair Sanchez, Commissioner Sahagun, Commissioner Patel, Commissioner Johnson, Economic Development Consultant Caldwell, Assistant Planner Ochoa, and City Attorney Robbins

Absent: Director of Community Development Diaz and Senior Planner Gutierrez

**4. MINUTES—None**

**5. ORAL AND WRITTEN COMMUNICATIONS — None**

**6. AGENDA ITEMS**

**PUBLIC HEARING**

**A. CASE NUMBER                      2025-26**

**Location of Property              5473 San Jose Street**

**Project Applicant                  Andalusia Dev LLC**

**Project Planner                    Dinora Ochoa, Assistant Planner**

**Request:**

A request to approve Tentative Parcel Map No. 21020 to allow the subdivision of a 15,424 SF property located at 5473 San Jose Street, within the R-1 (Single-Family Residential) zoning district, into two residential parcels. The proposed subdivision would result in two parcels measuring approximately 7,833 SF and 7,591 SF in size.

Chair Martinez requested this public hearing item be considered prior to Items 6.A and 6.B; with no Commissioners objecting, staff was asked to present the agenda item.

Economic Development Consultant Caldwell shared staff's request to continue the item to the September 8, 2025, meeting to provide additional time to address development issues related to the project.

Chair Martinez opened the hearing for public comments.

Mr. John Surprenant, resident, and adjacent neighbor to the subject site, spoke in support of the project and thanked the Commission for their time.

There being no other speakers, Chair Martinez closed the public hearing.

**Recommended Motion:**

Move to continue Case No. 2025-26 to the September 8, 2025, Planning Commission meeting to provide the applicant additional time to address development requirements related to the subdivision request.

**Moved by: Commissioner Patel**

**Seconded by: Commissioner Johnson**

**Ayes: 5**

**Noes: 0**

**Absent: 0**

Item 6c was continued to the September 8, 2025, Planning Commission meeting.

**PUBLIC HEARING**

**B. CASE NUMBER** 2025-06

**Location of Property** Station District (SD) Zone of the *North Montclair Downtown Specific Plan*

**Project Applicant** City of Montclair

**Project Planner** Michael Diaz, Director of Community Development

**Request:**

A request for a specific plan amendment to amend the land use section of the *North Montclair Downtown Specific Plan* (NMDSP), to allow "Medical Services - Doctor/Dentist Office" as a permitted use within the Plan's Station District zone. Currently, the NMDSP does not permit Medical Services in the Station District zone. The requested change would be reflected in Table 5-2, Allowable Land Uses and Permit Requirements, located in Chapter 5 of the document. Further, the request would amend the existing definition of "Medical Services - Doctor Office" (located in the Glossary on p.5:68 of the NMDSP) to "Medical Services - Doctor/Dentist Office."

**CEQA Determination:**

No subsequent environmental review required pursuant to Public Resources Code Section 21166 and CEQA Guidelines Sections 15162.

Economic Development Consultant Caldwell presented the staff report and summarized the salient points of the proposed Specific Plan Amendment along with a PowerPoint presentation.

Chair Martinez opened the hearing for public comments on the subject.

There being no speakers, Chair Martinez closed the public hearing.

The Commissioners discussed at length the ability for physicians to practice in the Station District if the amendment were approved. Commissioner Johnson raised concerns that were further discussed by the Commissioners. When asked by the Commission to clarify the types of doctors included in the proposed definition, Economic Development Consultant Caldwell read, verbatim, the proposed new definition as follows:

***Medical Services – Doctor/Dentist Office:*** A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates ~~no more than four~~ licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, dentists, orthodontists, periodontist etc., other than nursing staff) within an individual office suite. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional/Administrative." Doctor Office uses are defined as those professional offices that allow doctors and dentists to provide professional services.

The Commission was reminded the action tonight by the Planning Commission was a recommendation to the City Council. The City Council would ultimately make the final decision on the Specific Plan Amendment proposal. The discussion continued with the Commissioners reaching a consensus on the matter.

**Recommended Motion:**

- A. Move that, based upon evidence submitted, recommend the City Council determine that no subsequent environmental review is required pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162.
- B. Move to approve Planning Commission Resolution No. 25-2010 to recommend City Council approval of the Specific Plan Amendment for the North Montclair Downtown Specific Plan as set forth above.

**Part A. Moved by: Commissioner Sahagun  
Seconded by: Commissioner Johnson**

**Ayes: 5  
Noes: 0  
Absent: 0**

**Part B. Moved by: Vice Chair Sanchez  
Seconded by Commissioner Patel**

**Ayes: 5  
Noes: 0  
Absent: 0**

The Specific Plan Amendment recommendation to the City Council was passed with a 5-0 vote.

#### **PUBLIC HEARING**

**C. CASE NUMBER** 2025-17  
**Location of Property** 9507 Central Ave  
**Project Applicant** Edward Pelenghian  
**Project Planner** Dinora Ochoa, Assistant Planner

**Request:**

A request for a Conditional Use Permit to allow a 400 SF outdoor dining patio with a maximum of four tables and eight seats in conjunction with the operation of *Tamales Jalisco*, an 860 SF restaurant at 9507 Central Avenue, Unit D, located within a 15,500 SF multi-tenant shopping center.

**CEQA Determination:**

The Planning Division has determined this project to be categorically exempt from the California Environmental Quality Act (CEQA) requirements. The proposed exterior building and site improvements are categorically exempt pursuant to Section 15301 of the State CEQA Guidelines. The project qualifies because it is on a fully developed site and involves minor exterior and interior improvements, and limited site changes will not involve grading. As such, there is no substantial evidence the project will pose a potentially significant impact to the environment.

Assistant Planner Ochoa presented the staff report and summarized the proposed project that included a PowerPoint presentation.

Chair Martinez opened the public hearing for public comments on the subject.

Council Member Xavier Mendez, shared with the Commission concerns and suggestions regarding the project, that included (1) a reminder that grease interceptors generally emit strong unpleasant odors, (2) consideration of the construction of strategically placed bollards to the proposed outdoor seating area, and (3) a recommendation for placement of an outdoor trash receptacle for customers.



There being no other speakers, Chair Martinez closed the public hearing.

The Commissioners considered the items raised by Councilmember Mendez. Commissioner Patel further added he would like to see (1) construction of a solid barrier (wall) separating the proposed outdoor seating area from the adjacent drive-thru lane to the south, (2) the removal of portions of the existing concrete pad and install perimeter landscaping and irrigation in its place, and (3) determine a method to reduce odors emitted from the grease interceptors.

The Commissioners discussed the proposed conditions at length and ultimately were concerned with imposing burdensome conditions on a small business owner. As a result, the majority agreed on considering landscape pots/planters be integrated into the outdoor seating area instead of removing concrete for landscaping/irrigation. In the end, the Commissioners believed more time was needed to work through the issues raised and requested staff work with the applicant to address the specific concerns surfaced during the course of the hearing.

**Recommended Motion:**

- A. Move that, based upon evidence submitted, the project is deemed exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 exemption, of the State CEQA Guidelines. The project is a minor exterior change to a fully developed site and involves very limited site changes.
- B. Approve a Conditional Use Permit Amendment request under Case No. 2025-17 to allow a 400 SF outdoor patio seating at 9507 Central Avenue, Unit D by adopting Resolution No. 25-2008.

Commissioner Sahagun moved to continue this item to the September 8, 2025, Planning Commission meeting, and Commissioner Patel seconded the motion.

**Ayes: 5**  
**Noes: 0**  
**Absent: 0**

Item 6c was continued to the September 8, 2025, Planning Commission meeting.

**7. INFORMATION ITEMS**

Economic Development Consultant Caldwell announced the reappointment of Chair Manny Martinez and Commissioner Krishna Patel to another four-year term on the Planning Commission. She advised at the next regularly scheduled Planning Commission meeting, a reorganization vote for

Chairperson and Vice Chair would be conducted.

**8. ADJOURNMENT**

Chair Martinez adjourned the Planning Commission meeting at 8:30 p.m.

Submitted for City of Montclair Planning  
Commission approval,

A handwritten signature in black ink, appearing to read "Michael Diaz", is written above a horizontal line.

Michael Diaz, Secretary

## Report on Item Number 6.a

### PUBLIC HEARING - CASE NUMBER 2025-17

APPLICATION TYPE	Conditional Use Permit
NAME OF APPLICANT	Edward Pelenghian
LOCATION OF PROPERTY	9507 Central Avenue
GENERAL PLAN DESIGNATION	Mixed-Use Neighborhood
ZONING DESIGNATION	Neighborhood Edge
EXISTING LAND USE	Commercial
ENVIRONMENTAL DETERMINATION	Categorically Exempt – Section 15301
PROJECT PLANNER	Dinora Ochoa, Assistant Planner

#### **Project Description**

Staff is requesting this item be continued to the Planning Commission's regularly scheduled meeting on September 22, 2025, in order to provide the applicant additional time to address the comments proposed at the regularly scheduled meeting on August 11, 2025.

Respectfully Submitted,



Michael Diaz  
Director of Community Development

MD:do





# CITY OF MONTCLAIR PLANNING COMMISSION

**MEETING DATE: 09/08/2025**

**AGENDA ITEM 6.b**

## Case No. 2025-26

**Application:** A request to approve Tentative Parcel Map No. 21020 to allow the subdivision of a 15,424-square-foot property located at 5473 San Jose Street, within the R-1 (Single-Family Residential) zoning district, into two residential parcels. The proposed subdivision would result in two parcels measuring approximately 7,833 and 7,591 SF in size.

**Applicant/Property Owner:** Andalusia Dev LLC

**Project Location:** 5473 San Jose Street

**Assessor Parcel Number:** 1008-374-11-000-0

**General Plan:** Residential

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



Site Location Map (not to scale)

## ADJACENT LAND USE DESIGNATIONS AND LAND USES

	<b><i>General Plan</i></b>	<b><i>Zoning</i></b>	<b><i>Use of Property</i></b>
<b>Site</b>	Residenital (Low)	R-1 Residenital	Single-family residential
<b>North</b>	Residenital (Low)	R-1 Residenital	Single-family residential
<b>West</b>	Residenital (Low)	R-1 Residenital	Single-family residential
<b>South</b>	Residenital (Low)	R-1 Residenital	Single-family redsidenital
<b>East</b>	Residenital (Low)	R-1 Residenital	Single-family residential



## Report on Item Number 6.b

### PUBLIC HEARING - CASE NUMBER 2025-26

APPLICATION TYPE	Parcel Map
NAME OF APPLICANT	Andalusia Development LLC
LOCATION OF PROPERTY	5473 San Jose Street
GENERAL PLAN DESIGNATION	Residential (low)
ZONING DESIGNATION	R-1 (Single-family Residential)
EXISTING LAND USE	Residential
ENVIRONMENTAL DETERMINATION	Categorically Exempt – Section 15315
PROJECT PLANNER	Dinora Ochoa, Assistant Planner

This item was continued from the Planning Commission hearing originally scheduled for August 11, 2025, to provide more time to refine the proposed project.

#### **Project Description**

Andalusia Development LLC, the applicant, is requesting Planning Commission approval of Tentative Parcel Map No. 21020 to divide an existing 0.36-acre, “through lot” with street frontage on both San Jose Street and La Deney Street. The property is presently developed with a 1,606 SF single-family dwelling fronting San Jose Street.

The parcel map proposes to subdivide the property into two parcels as indicated in the table below:

<i><b>Tentative Parcel Map No. 21020</b></i>			
<i><b>Parcel</b></i>	<i><b>Size</b></i>	<i><b>Depth</b></i>	<i><b>Width</b></i>
1	7,833 SF	105’	75’
2	7,591 SF	100.5’	75’

Both proposed parcels are rectangular in shape and will have a lot width of 75 feet and similar lot depth dimensions. However, the street frontage of Parcel 2 at La Deney Street features an angled east property line and a curved frontage due the existing cul-de-sac street design on La Deney Street. No driveway access exists for Parcel 2 at La Deney Street.

Each lot will function independently with separate access and no shared driveways or utilities. Future development on Parcel 2 will be required to comply with all applicable

zoning, building, and design standards in effect at the time of development. No development on Parcel 2 has been proposed with this application.

Copies of the subdivision map showing existing improvements and photos of the site are included in the Commission packets for reference.

### **Background**

- A “through lot” is a parcel of land that has street frontage on two sides, with the two streets being opposite and parallel or nearly parallel to each other. Unlike a corner lot, which has a 90-degree angle at its street intersections, a through lot is typically an interior lot that is situated between two parallel or near-parallel streets.
- On November 1, 1985, a Temporary Use Permit was approved to allow a portion of the detach garage, located in the rear, to be partially converted into living quarters to allow care for a family member.
- On June 2, 2022 a structure fire occurred at the rear of the parcel, which resulted in the loss of the converted detached garage.
- In early 2025, ownership of the property changed and the new owners decided to subdivide the property into two legal residential parcels.
- The property is currently developed with an existing single-family dwelling, built in 1953, and a gravel driveway east of the dwelling provide access to the rear.

### **Planning Division Comments**

Staff supports the proposed subdivision as it is consistent with the City’s General Plan and Zoning Code requirements. The tentative parcel map appropriately reflects the lot configuration as being consistent with general lot pattern of the surrounding area. Both proposed parcels will meet the minimum lot development standards of the R-1 (Single-Family Residential) zone, which require a minimum lot area of 7,200 square feet, a minimum lot width of 70 feet, and a minimum depth of 100 feet pursuant to Section 11.18.040 of the Montclair Municipal Code.

Parcel 1 is currently developed with an existing single-family residence and will retain access from San Jose Street. However, the existing home does not comply with the City’s off-street parking requirements, which mandate two enclosed garage spaces per Section 11.66.010 of the Montclair Municipal Code. To address this, the property owner will be required to apply for an administrative adjustment to allow the construction of an attached garage that will encroach approximately two feet into the front setback. A condition of approval has been included requiring that Parcel 1 be brought into compliance with the City’s off-street parking standards prior to recordation of the final map.

Parcel 2, currently vacant, is also of adequate size and shape to support future residential development consistent with R-1 zone standards. Although, Parcel 2 does not currently have direct on-site access (i.e. driveway) from La Deney Street, future development of the site will require a driveway when approval of a project for site is granted by the City.



### **Tentative Tract Map Findings**

Pursuant to California Government Code Section 66410, *et seq.*, the following findings for recommending approval to the City Council of Tentative Tract Map No. 21020 can be made:

- A. The proposed subdivision and provisions for its design and improvements are consistent with the City's General Plan and the Montclair Municipal Code. Both proposed parcels meet the minimum lot area, width, and depth standards of the R-1 (Single-Family Residential) zone pursuant to Section 11.18.040. of the Municipal Code. The resulting parcel configuration is consistent with the established neighborhood pattern and supports orderly residential development.
- B. The proposed two-parcel subdivision is physically suitable for residential use and density in that both parcels are of adequate size and shape, with sufficient width and depth to accommodate development consistent with the R-1 zone. Parcel 1 will retain frontage and access from San Jose Street, while Parcel 2 will have frontage and access from the La Deney Street cul-de-sac. The lot layout allows for safe and appropriate vehicular and pedestrian circulation.
- C. The Proposed subdivision and associated improvements are not likely to cause substantial environmental damage no substantially injure fish, wildlife, or their habitat. The property is located within a fully urbanized area, surrounded by residential development and existing streets, contains no water features, and has no evidence of sensitive habitat or protected species.
- D. The subdivision design is not likely to cause serious health problems. All future development will be required to comply with applicable zoning, building, and safety codes. Parcel 1 will be continued to provide two enclosed off-street parking spaces in compliance with Section 11.66.010 of the Municipal Code through construction of an attached garage, subject to an administrative adjustment to allow a minor front setback encroachment. Parcel 2 will be subject to all applicable codes and standards at the time of development.
- E. The proposed subdivisions designs and improvements will not conflict with any existing public or private easements for access or use. Each parcel will function independently with separate street frontage and access, and the subdivision is designed to integrate appropriately with the surroundings neighborhood pattern while minimizing potential impacts on adjacent properties.

### **Public Notice**

Notices to adjoining property owners pertaining to this subdivision have been sent as well as publication of this notice in the Inland Valley Daily Bulletin in accordance with State requirements. No inquiries have been received as of the time this report was prepared.

### **Environmental Assessment**

The Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15315 of the State CEQA Guidelines, which covers minor land division involving four or

fewer parcels, in an urbanized area with access to existing utilities and public streets, and requiring no variances or exception

**Planning Division Recommendation**

Staff finds that the proposed two-lot subdivision of the existing residential property is consistent with the Montclair Municipal Code, the adopted General Plan, and the State Subdivision Map Act. Therefore, staff recommends approval of Case No. 2025-26 by taking the following actions:

- A. Move that, based on the evidence presented, the proposed project qualifies for a Categorical Exemption under Section 15315 of the California Environmental Quality Act (CEQA) Guidelines as a minor land division involving four or fewer parcels. The project meets all required criteria, including that the parcels have access to existing public streets and utilities, no variances or exceptions are required, and the subdivision is in conformance with the General Plan and applicable zoning regulations.
- B. Move to recommend Planning Commission approval of Tentative Parcel Map No. 21020 under Case No. 2025-26, as shown on the submitted plans and described in the staff report, subject to the conditions of approval contained in Resolution No. 25-2009.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Diaz", written over a light blue horizontal line.

Michael Diaz  
Community Development

Attachments: Draft Resolution of Approval for Resolution No. 25-2009

## RESOLUTION NO. 25-2009

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING TENTATIVE PARCEL MAP NO. 21020 UNDER CASE NO. 2025-26 TO SUBDIVIDE A 0.36-ACRE PROPERTY LOCATED AT 5473 SAN JOSE STREET INTO TWO PARCELS, IN THE R-1 (SINGLE-FAMILY RESIDENTIAL) ZONE. (APN 1008-374-11-000-0)**

**A. Recitals.**

**WHEREAS**, on June 24, 2025, the property owner of 5473 San Jose Street submitted an application (Case No. 2025-26) requesting approval of Tentative Parcel Map No. 21020 to subdivide an existing 0.36-acre parcel located in the R-1 (Single-Family Residential) Zone into two legal residential parcels; and

**WHEREAS**, the existing parcel is described as a “through lot” with street frontage on San Jose Street and on La Deney Street; and

**WHEREAS**, the subject property is currently developed with an existing single-family residence constructed in 1953, and the remainder of the lot is vacant; and

**WHEREAS**, the proposed subdivision will result in two parcels measuring 7,833 square feet and 7,591 square feet in size, each meeting or exceeding the minimum lot size, width, and depth requirements of the R-1 zone; and

**WHEREAS**, Parcel 1 will retain access from San Jose Street, while Parcel 2 will take access from the existing cul-de-sac on La Deney Street; and

**WHEREAS**, the R-1 zone is intended for the development of single-family residential residences consistent with the General Plan’s Low Density Residential (3-7 dwelling units per acre) land use designation; and

**WHEREAS**, the Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15315 of the State CEQA Guidelines, which covers minor land division involving four or fewer parcels, in an urbanized area with access to existing utilities and public streets, and requiring no variances or exception; and

**WHEREAS**, notices of public hearing were mailed to all property owners within 300 feet of the subject property and published in the Inland Valley Daily Bulletin in accordance with State and local requirements; and

**WHEREAS**, on August 11, 2025, at a duly noticed public meeting, the Planning Commission received a staff report recommending continuation of Tentative Tract Map No. 21020 to allow the applicant additional time to address parking requirements for Parcel 1, and during the meeting the abutting property owner to the east spoke in support of the project and the proposed site improvements.

**WHEREAS**, on September 8, 2025, at a duly noticed public meeting, the Planning Commission considered all written and oral testimony presented regarding the proposed project.

B. Resolution.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Montclair does hereby find and determine as follows:

**SECTION 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.

**SECTION 2.** The Planning Commission finds that Tentative Parcel Map No. 21020 under Case No. 2025-26 is consistent with the Montclair General Plan and the R-1 zoning district and is in conformance with the State Subdivision Map Act.

**Tentative Tract Map Findings**

Pursuant to California Government Code Section 66410, *et seq.*, the following findings for recommending approval to the City Council of Tentative Tract Map No. 21020 can be made:

- A. The proposed subdivision and provisions for its design and improvements are consistent with the City's General Plan and the Montclair Municipal Code. Both proposed parcels meet the minimum lot area, width, and depth standards of the R-1 (Single-Family Residential) zone pursuant to Section 11.18.040. of the Municipal Code. The resulting parcel configuration is consistent with the established neighborhood pattern and supports orderly residential development.
- B. The proposed two-parcel subdivision is physically suitable for residential use and density in that both parcels are of adequate size and shape, with sufficient width and depth to accommodate development consistent with the R-1 zone. Parcel 1 will retain frontage and access from San Jose Street, while Parcel 2 will have frontage and access from the La Deney Street cul-de-sac. The lot layout allows for safe and appropriate vehicular and pedestrian circulation.
- C. The Proposed subdivision and associated improvements are not likely to cause substantial environmental damage no substantially injure fish, wildlife, or their habitat. The property is located within a fully urbanized area, surrounded by residential development and existing streets, contains no water features, and has no evidence of sensitive habitat or protected species.
- D. The subdivision design is not likely to cause serious health problems. All future development will be required to comply with applicable zoning, building, and safety codes. Parcel 1 will be continued to provide two enclosed off-street parking spaces in compliance with Section 11.66.010 of the Municipal Code through construction of an attached garage, subject to an administrative adjustment to allow a minor front setback encroachment. Parcel 2 will be subject to all applicable codes and standards at the time of development.

- E. The proposed subdivisions designs and improvements will not conflict with any existing public or private easements for access or use. Each parcel will function independently with separate street frontage and access, and the subdivision is designed to integrate appropriately with the surroundings neighborhood pattern while minimizing potential impacts on adjacent properties.

**SECTION 4.** The Planning Commission finds that the project qualifies for a Categorical Exemption pursuant to CEQA Guidelines Section 15315 (Minor Land Divisions), and further makes a De Minimis finding of no impact to fish and wildlife..

**SECTION 5.** The Planning Commission hereby approves Tentative Parcel Map No. 21020, subject to the conditions of approval attached as Exhibit "A" and incorporated herein by this reference.

**SECTION 6.** The documents and other materials that constitute the record of proceedings upon which this decision is based are located at the City of Montclair Planning Division, 5111 Benito Street, Montclair, California 91763. The Community Development Director is the custodian of the record.

C. Conditions of Approval.

Based upon the findings and conclusions set forth in the paragraphs above, this Commission hereby approves the application subject to each and every condition set forth below.

Planning

1. This approval is for Tentative Parcel Map No. 21020 to create two parcels from an 0.36 acre site in the R-1 zoning district, commonly known as 5473 San Jose Street, per the submitted map and summarized on the table below:

<i><b>Tentative Parcel Map No. 21020</b></i>			
<i><b>Parcel</b></i>	<i><b>Size</b></i>	<i><b>Depth</b></i>	<i><b>Width</b></i>
1	7,833 SF	105'	75'
2	7,591 SF	100.5'	75'

2. The tentative parcel map shall expire three years from the date of the Planning Commission resolution unless extended under Government Code §66452.6. The final parcel map shall be filed with the City Engineer and shall comply with the Subdivision Map Act of the State of California and all applicable ordinances, requirements, and resolutions of the City of Montclair.
3. Prior to filing the final map with the City Engineer, the applicant shall demonstrate to the Director of Community Development that Parcel 1 complies with the off-street parking requirements (i.e., 2-car garage) set forth in Montclair Municipal Code Section 11.66.010. Specifically, the lot shall provide two off-

street parking spaces within a private garage, with interior dimensions of not less than 9 feet in width by 20 feet in length for each vehicle. Moreover, each vehicle shall be independently accessible from an approved driveway.

To achieve compliance, the property owner shall apply for and obtain an Administrative Adjustment to allow the proposed attached garage to encroach approximately two feet into the required front setback. Final plans for the garage shall be submitted for City review and approval, and compliance with all applicable development standards and design requirements shall be verified by the Planning Division prior to recordation of the final map.

4. No develop for Parcel 2 is approved as part of this Tentative Parcel Map approval. Future development of Parcel 2 shall require the submittal and approval of a separate Precise Plan of Design (PPD). All proposed improvements shall comply with the applicable zoning regulations, development standards, and design guidelines of the Montclair Municipal Code, as well as all provisions of the California Building Code as adopted by the City.
5. All existing and proposed on-site utility service lines, including electrical, telephone, and other similar connections, shall be installed underground.
6. All new fences, walls, and hedges constructed on both parcels shall comply with the requirements set forth in Montclair Municipal Code Section 11.38.050. This includes obtaining a building permit from the Building and Safety Division prior to installation, submitting a scaled plot plan showing property lines, proposed location and height, setbacks, and distances from structures and easements. Masonry walls measuring 24-inches or more in height shall require construction plans and may require structural calculations prepared by a licensed engineer. Fences, walls, and hedges shall not exceed six feet in height within required rear and side yards on interior lots. Any portion of a fence or wall proposed within the public right-of-way shall require an Encroachment Permit from the Public Works Engineering Division. All fences and walls shall be constructed of materials and designed in a manner consistent with the residential character of the neighborhood and in compliance with all applicable zoning and building standards.
7. Any new fences or walls within front yard or street setbacks shall not exceed 48-inches in height. Chain link fences are strictly prohibited.
8. This decision or any aspect of this decision may be appealed to the City Council within 15 days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
9. 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 fee for filing a Notice of Exemption (NOE) for the project as required by the California Environmental Quality Act (CEQA).

- b. A check in the amount of \$601.35, made payable to "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.
10. 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.

Engineering

11. Applicant/developer shall comply with all requirements of the Subdivision Map Act and Montclair Municipal Code.
12. All public and private streets shall have sidewalks conforming to Americans with Disabilities Act (ADA). Coordinate with Senior Inspector during permit process for new driveway approach and sidewalk along La Deney Street and San Jose Street.
13. Replace all existing lifted or cracked curb gutter, damaged utility pull box lids, and the sidewalk adjacent to the property along San Jose Street and La Deney Street. Additionally, remove and replace all sidewalk that show signs of ponding or is pitting, scaling or spalling, as determined by the Public Works Senior Inspector.
14. Replace existing driveway on San Jose Street to meet ADA requirements. New driveways proposed on La Deney Street must also meet ADA standards.
15. The owner/applicant shall process right-of-way dedications, easements or grant deeds required for the development.
16. All pavement damaged by excavation for utility cuts will be replaced with permanent pavement per City Standard for Paving and Trench Repair No. 301.
17. All driveways, existing or proposed, shall comply with the Americans with Disabilities Act and shall conform to City Standard Plan No. 102. Construction and acceptance of street improvements shall be required to obtain a release for a Certificate of Occupancy from the Building Division.
18. All parcels shall be served by utilities, allowing each parcel/lot to function separately from one another.

19. All utilities in the public right of way adjacent to the site shall be placed underground. This requirement applies to electrical services (facilities operated at nominal voltages in excess of 20,000 volts not included), transformers and switches, and where technology exists, telephone and cable television facilities as well. Alternatively, the applicant may pay in-lieu-fees in the amount of \$24,000 for undergrounding.
20. Sewer plans shall be submitted to the City Engineer's office for approval. An advance plan check fee, the amount to be determined by the City Engineer shall be required at the time plans are submitted.
21. The developer shall make payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by the Inland Empire Utilities Agency.
22. Prepare and submit to the satisfaction of the City Engineer a comprehensive grading and drainage plan prepared by a Registered Civil Engineer in conformance with Chapter 70 of the Uniform Building Code. Prior to commencement of any demolition, clearing and grubbing, and/or grading, a grading permit shall be obtained from the Building Division. Plan approval is required prior to issuance of a grading permit by the Building Division.
23. A grading plan shall be prepared subject to the approval of the City Engineer. The applicant shall submit two (2) copies of a soils and geotechnical report. An erosion control plan is to 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.
24. 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.
25. Prepare and submit to the satisfaction of the City Engineer plans for erosion control and storm water pollution prevention. A general construction storm water permit may be required. Contact Samantha Contreras at 909-625-9447 for details. The erosion control plan shall be an integral part of the grading plans. Plan approval is required prior to the issuance of a grading permit by the Building Division.
26. A Public Works construction permit shall be obtained from the Engineering Division prior to any removals or construction of improvements in the public right-of-way.



APPROVED AND ADOPTED THIS 8<sup>th</sup> DAY OF SEPTEMBER, 2025.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: \_\_\_\_\_  
Manny Martinez, Chair

ATTEST: \_\_\_\_\_  
Michael Diaz, Secretary

I, Michael Diaz, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 8th day of September, by the following vote, to-wit:

AYES:

NOES:

ABSENT:





# CITY OF MONTCLAIR PLANNING COMMISSION

**MEETING DATE: 09/08/2025**

**AGENDA ITEM 6.c**

## Case No. 2025-30

**Application:** A request to approve Tentative Tract Map No. 20765 and Precise Plan of Design for a 42-unit residential condominium development on a vacant 1.64-acre site. The subject site is currently comprised of two separate lots currently addressed as 5053 and 5065 Mission Boulevard that will be merged into one lot pursuant to approval of the Tentative Tract Map for condominium purposes. The proposed development is a for-sale project.

**Applicant/Property Owner:** WC Homes, LLC

**Project Location:** 5053 and 5065 Mission Blvd

**Assessor Parcel Number:** 1011-321-16-0000 and  
1011-321-28-0000

**General Plan:** Mixed-Use Neighborhood

**Zoning:** Neighborhood Edge—Corridors Code

### ADJACENT LAND USE DESIGNATIONS AND LAND USES

	<b><i>General Plan</i></b>	<b><i>Zoning</i></b>	<b><i>Use of Property</i></b>
<b>Site</b>	Mixed-Use Neighborhood	Neighborhood Edge	Vacant
<b>North</b>	Commerce	Commerce Industrial	Industrial
<b>West</b>	Neighborhood	Neighborhood Edge	Single-family residential
<b>South</b>	Residenital (Medium)	R-1 Residenital	Single-family redsidenital
<b>East</b>	Neighborhood	Neighborhood Edge	Vacant/Housing Opprounity Site





## Report on Item Number 6.c

### CASE NUMBER 2025-30

APPLICATION TYPE	Tentative Tract Map No. 20756 Precise Plan of Design
NAME OF APPLICANT	WC Homes, LLC
LOCATION OF PROPERTY	5053 and 5065 Mission Boulevard
GENERAL PLAN DESIGNATION	Mixed Use Neighborhood
ZONING DESIGNATION	Neighborhood Edge— <i>Corridors Code</i>
EXISTING LAND USE	Vacant Land
ENVIRONMENTAL DETERMINATION	The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines, which covers infill projects in significantly developed areas
PROJECT PLANNER	Christine Sanchez Caldwell Economic Development Consultant

### **Project Proposal**

The applicant is requesting approval of Tentative Tract Map No. 20765 and Precise Plan of Design for a 42-unit residential condominium development on a vacant 1.64-acre site. The subject site is currently comprised of two separate lots currently addressed as 5053 and 5065 Mission Boulevard that will be merged into one lot pursuant to approval of the Tentative Tract Map for condominium purposes. The proposed development is a for-sale project.

The project will consist of six, three-story buildings, with seven units each. Buildings are placed on the east of the property with access on the west. Each building will contain a combination of two-bedroom, three-bedroom, and four-bedroom units with floor plans ranging from 1,259 SF to 1,764 SF, all in a three-story form. Each unit has an attached two-car garage.

The northernmost building would face onto Mission Boulevard with the balance of the buildings tucked behind in rows as depicted on the proposed site plan. Landscaping is proposed for each unit along the fronts of each building. A covered community trash enclosure is situated near the center of the site along the west property line.

Access to the development is from a singular entrance off of Mission Boulevard. The project's drive lanes have been designed to meet minimum street width and length dimensions to accommodate access by the Fire Department and Burrtec, the City's trash

hauler. A row of parallel parking stalls is adjacent to the west property line. The handicap parking stall is located at the rear of the site adjacent to the path of travel. Other site improvements included new 6-foot high block walls on the east, south, and west property lines. All existing on-site utility poles and overhead wiring will be removed and placed underground.

The proposed design for the buildings can be described as Spanish/Mediterranean style that incorporates lightweight low profile “S” concrete tile roofing with a combination of earth-toned stucco exteriors, wood trim around the windows, arched entryways, shutters, and wrought iron elements. The developer is proposing two color schemes. The first is a light stucco body color with dark accent bands and bright turquoise blue entry doors and shutters. The second scheme is a darker moodier collection of colors with a medium/dark beige stucco and dark brown accent doors and shutters. Balcony wrought iron elements are included in both color schemes. New block walls will be constructed around the perimeter of the proposed development.

The project includes landscaped areas throughout the site, emphasizing drought-tolerant planting, efficient irrigation, and water conservation. Depressed planters (set 1-2 inches below curb/pavement) are incorporated to capture minor runoff. While landscaping provides some infiltration benefit, its role is primarily aesthetic and water-conserving, with the primary stormwater treatment handled underground. The WQMP includes landscaping with drought-tolerant plants, efficient irrigation, and re-vegetation to support stormwater quality and site aesthetics. However, the project does not include bioswales or vegetated swales. All stormwater treatment is routed through underground BMPs (CDS unit, CMP infiltration, detention systems).

A Homeowners Association (HOA) for the proposed development will be formed and recorded on the property with Conditions, Covenants, and Restrictions (CC&Rs) to maintain the property.

Included in the Commissioner’s packets for review and reference are copies of the tentative tract map, site plan, floor plans, elevations, and conceptual landscape plans.

### **Background**

- The subject site is currently comprised of two parcels both of which once contained structures, including a since demolished restaurant and a former used auto dealership, with a scattering of structures that have also since been demolished.
- The subject site is currently identified as two of six parcels in **Opportunity Area No. 23** in the City’s *2021-2029 Housing Element* adopted by the City Council in December 2024. **Opportunity Area No. 23** is comprised of six parcels totaling 3.75 acres, and during the site analysis for the Housing Element update, it was determined it could realistically accommodate 84 housing units.
- The vacant properties are in dilapidated condition with constant overgrown weeds and vegetation, broken concrete and asphalt, and unattractive perimeter fencing surrounding the properties.

- The subject site is adjacent to existing residences off Fremont Avenue, Whitewater Avenue, and Rodeo Street.

### **Planning Division Comments**

Staff believes the proposed project to be appropriate and in keeping with the applicable provisions of the Montclair General Plan and Corridors Code. Moreover, the project continues the trend of residential development along the south side of Mission Boulevard. When completed the project will result in a major improvement to the Mission Boulevard streetscape.

### **Tentative Tract Map**

Staff supports the applicant's request for the Tentative Tract Map No. 20756 to accommodate the development of the site as proposed. When the two existing parcels are combined into a single parcel, the site will be adequate in size and shape to accommodate the proposed development. As such, the tract map will enable the development of the site in a manner that is in character with residential uses present on the south side of Mission Boulevard. Moreover, staff finds the proposed tentative tract map to be consistent with the applicable minimum development standards regarding property size and dimensions for new parcels within the Neighborhood Edge zoning district (Corridors Code). The row of parallel parking stalls adjacent to the west property line will serve as guest parking for the project. The handicap parking stall meets minimum requirements and is located at the rear of the site adjacent to the path of travel.

Access to the site will be from a fully developed major east-west arterial roadway and nearby intersections. The City Engineer and the Fire Prevention Bureau have reviewed the proposed tract map and subsequent development of the site and found the project to be appropriately designed. Finally, the site will be connected to the existing sanitary sewer system in Mission Boulevard and existing utility poles and overhead wires on the site and street frontage will be removed and/or placed underground. As is typical with this type of infill project, the developer will be required to complete the construction of various public improvements, including asphalt paving, curbs, gutters, sidewalks, and streetlights along Mission Boulevard. Furthermore, the developer will be required to complete the undergrounding of utilities along the Mission Boulevard frontage of the project site as well as all utilities on the properties.

In addition, access was reviewed and approved by Burrtec, the City's trash hauler, to ensure access and relative ease of serving the project. Since the subject site is narrow, staff and the developer were challenged to develop a plan that adequately tackled the challenges of trash pick-up on the site. In concurrence with Burrtec, it was agreed the project would implement the services of "scout truck" assistance for trash pick-up. On regularly-scheduled pick up days, a Burrtec scout truck would arrive at the project, move the trash bins closer to the street in a designated staging area, and after completion of the trash pick-up, scout truck personnel would return to the site and roll the trash bins back to the trash enclosure. This type of trash pick-up occurs frequently in newer multifamily developments, since they typically have more narrow private drive lanes than public streets. All drive aisles in the proposed development will be privately owned. The

HOA for the proposed development, will be recorded on the property and will address this proposed method of trash pick-up.

As noted on the plans, new walls will be constructed along the east, west, and south boundaries of the site and are considered essential improvements. However, as with most infill development, the challenge is in working with field conditions created by existing adjacent development. The residential development to the west of the proposed site has an existing block wall that was constructed at the time of the development. It appears this wall may not have to be replaced; however, a wall needs to be constructed north from the existing wall, extending approximately 180 feet to Mission Boulevard to complete the project. If the proposal is approved, and as a condition for the project, final wall construction details will be addressed during the Planning, Building, and Engineering plan check process.

Lastly, the developer/owner will be required to establish a Community Facilities District (CFD) as a condition of approval for maintenance and operation costs associated with any common landscaping, lighting, easements, and other public improvements located within or about the project, including a public safety component. The developer/owner will be required to consent to the CFD prior to the recordation of the final map for the project.

#### Precise Plan of Design

Staff has worked with the applicant to refine the design for the proposed project, including site plan and grading details, and believes the efforts will result in a well-designed residential project for the area. The proposed size and townhome-style design of the residential units will be complementary to the surrounding neighborhood homes. The garage doors of the units in Building 1 will not be viewed from Mission Boulevard, with the front elevations being the focal point of the development from the street.

The two proposed color combinations are attractive and complement the architectural features of the buildings. In light of the orientation of the buildings on the site, staff recommends that Color Scheme No. 1 be the row of units that directly face Mission Boulevard. Staff would then recommend the next two buildings be Color Scheme No. 2, and then alternate the next grouping of buildings with Color Scheme No. 1, with the southernmost building as Color Scheme No. 2. The mix of modestly sloped gable and hip roof forms for each building appears balanced and sufficient to create visual interest and variety. The articulation of exterior balconies adds unique details to the building facades. The selection and integration of quality materials and the selection of attractive color combinations enriches the development. Because the applicant is offering a mix of colors and materials for the townhomes, staff is convinced the project will appeal to prospective buyers, enhance the adjacent neighborhoods, and set the bar for design of the remaining development in Opportunity Area 23.

The developer has meticulously created an attractive site design with the use of landscape planting materials and proposed hardscape improvements. The landscape plans are preliminary and staff will continue to work with the developer and landscape architect on the final placement and selection of plant materials and tree types. This will include compliance with a mandatory water budget in accordance with the City's Water-Efficient Landscaping and Conservation Ordinance.



In the areas between those buildings (Buildings 2-5) where the front doors of units face each other, the plan incorporates a “paseo-like” feature that includes seating areas and landscaping. The areas are designed as a community amenity and will be furnished with Adirondack-styled chairs atop decorative pervious pavers.

### **Housing Opportunity Site**

As indicated above, the subject site is identified as two of six parcels in Opportunity Area No. 23 in the City’s *2021-2029 Housing Element* adopted by the City Council in December 2024. Opportunity Area No. 23 is comprised of six parcels totaling 3.75 acres, and during the site analysis for the Housing Element update, it was determined it could realistically accommodate 84 housing units. Opportunity Area sites were carefully selected and analyzed based on sustainability and potential to create housing opportunities in the City. Consequently, the Opportunity Area sites are reserved for future residential development that meets density requirements as described and analyzed in the *2021-2029 Housing Element*. Generally, the sites are recognized as having potential to assist in meeting the City’s Regional Housing Needs Allocation (RHNA) for new residential development within the eight-year time frame of the housing element planning period.

The maximum density assigned to Opportunity Area No. 23 is 50 dwelling units per acre. The two parcel subject site is 1.64 acres. Having a proposed 42-unit project, the subject site yields the anticipated density assigned to the subject two lots, thus satisfying half of the anticipated units for Opportunity Area No. 23, and is therefore deemed compliant with the *2021-2029 Housing Element*.

Staff finds the map layout and project to be well done and complementary to the existing residential areas that surround the site. If approved, the proposed project would be the first residential development on two of the six parcels identified in Opportunity Area 23, thereby setting a high standard for future development expectations.

### **Tentative Tract Map Findings**

Pursuant to California Government Code Section 66410, *et seq.*, the following findings for recommending approval to the City Council of Tentative Tract Map No. 20756 can be made:

- A. The proposed condominium subdivision and the provisions for its design and improvements are consistent with the adopted General Plan and the *Corridors Code* in that the Tentative Tract Map proposal meets minimum lot size and dimension standards of the Neighborhood Edge zoning district. The resulting layout and incorporation within the existing development pattern is appropriate and contributes to a well planned community, thereby promoting good planning practices and orderly development within the City.
- B. The proposed 42-unit townhome-style condominium subdivision is physically suitable for the type and density of the proposed buildings and on-site improvements, in that the overall combined total of 1.64 acres in area, is of a configuration that has sufficient width and depth to allow for orderly development

that incorporates direct and safe access to the project site.

- C. The proposed 42-unit residential subdivision and proposed improvements are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat, in that the site is surrounded by urban development and streets; does not contain any bodies of water; is not linked to any wildlife corridors; and does not contain any evidence of known habitats of significance including rare or endangered species of plant, animal, or insect life.
- D. The proposed residential townhome-style condominium subdivision design in the Tentative Tract Map is not likely to cause serious public health problems because all development and public improvements will have been constructed per the requirements of all applicable standards and codes including the zoning and building codes, and subject to all Planning Commission Conditions of Approval associated with Case No. 2025-30.
- E. The subdivision design and type of improvements proposed with the Tentative Tract Map will not conflict with any onsite public or private easements for access or use. The proposed subdivision design builds on existing development that surrounds it in a way that minimizes impact to adjacent properties to the greatest extent possible.
- F. The discharge of waste into the existing sanitary sewer system from the development associated with the Tentative Tract Map will not cause a violation of existing requirements prescribed by the Regional Water Quality Control Board. The entire project will be required to connect to a sanitary sewage system pursuant to California Plumbing Code and Municipal Code requirements. A sewer main exists and is available on Mission Boulevard.

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

- A. The proposed 42-unit development project of three-story attached residential units would be consistent with the current "Neighborhood Edge" zoning designation for the subject site in compliance with the provisions of the Corridors Code.
- B. The proposed 42-unit townhome-style condominium development project would contribute to a significant improvement to the appearance of the area by allowing efficient use of the site through high quality site design and architectural design features; the intended use is compatible with adjacent existing and future residential uses; and the proposed development implements the objectives and applicable development standards of the Neighborhood Edge zoning designation in compliance with the *Corridors Code*.
- C. The proposed residential design features high quality exterior materials/finishes, interesting exterior architectural features, and water efficient landscape plantings intentionally designed to create a sense of community in a once dilapidated area.

## **ENVIRONMENTAL ASSESSMENT**

The Planning Division has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines, which covers infill projects in significantly developed areas. The proposed 42-lot infill residential development is consistent with the applicable policies of the General Plan, the City's zoning requirements, is less than five acres in area, has utilities present in the area to serve the development, and contains no rare or endangered plants or species. As such, there is no substantial evidence the project will pose a potential significant impact to the environment.

## **PUBLIC NOTICE AND COMMENTS**

This item was published as a public hearing in the *Inland Valley Daily Bulletin* newspaper on August 29, 2025, as prescribed by law for this discretionary land use entitlement. Public hearing notices were mailed to all property owners within 300 feet from the boundaries of the subject property. As of the date of the writing of this report, staff received one written comment letter regarding the project.

## **Planning Division Recommendation**

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

- A. Move that, based upon evidence submitted, this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines, which covers infill projects in significantly developed areas. The proposed 42-infill residential townhome development is consistent with the applicable policies of the General Plan, the City's zoning requirements, is less than five acres in area, has utilities present in the area to serve the development, and contains no rare or endangered plants or species. As such, there is no substantial evidence the project will pose a potential significant impact to the environment.
- B. Move to recommend City Council approval of Tentative Tract Map No. 20756 to allow the design and improvement of land subdivision in compliance with the Subdivision Map Act of the State, including the conditions of approval in attached Resolution No. 25-2011.
- C. Move to approve the Precise Plan of Design request under Case No. 2025-30 for the site plan, floor plans, elevations, colors and materials associated with the proposed 42-unit residential townhome-style condominium subdivision and associated on- and off-site improvements per the submitted plans and as described in the staff report, subject to the conditions of approval contained in Resolution No. 25-2011.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Diaz". The signature is fluid and cursive, with the first name "Michael" and last name "Diaz" clearly distinguishable.

Michael Diaz  
Director of Community Development

MD:csc

Attachments: Draft Resolution No. 25-2011

c: Jonathan Cook, WC Homes, LLC, 1773 San Bernardino Road, Ste. B-42, West Covina CA 91790  
Kevin Crook Architect, Inc., 1360 Reynolds Avenue, Suite 110, Irvine CA 92614  
Kimley-Horn & Associates, Inc. 660 S. Figueroa St. Suite 2050, Los Angeles, CA 90017

## RESOLUTION NO. 25-2011

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING CASE NO. 2025-30 FOR THE FOLLOWING ENTITLEMENTS: TENTATIVE TRACT MAP NO. 20756, A 42-UNIT RESIDENTIAL TOWNHOME-STYLE CONDOMINIUM DEVELOPMENT PROJECT FOR THE PROPERTY LOCATED AT 5053 AND 5065 MISSION BOULEVARD; AND PRECISE PLAN OF DESIGN FOR SITE PLAN, FLOOR PLANS, ELEVATIONS, COLORS, MATERIALS, AND CONCEPTUAL LANDSCAPE PLAN (APN NOS. 1011-321-16-0000 AND 1011-321-28-0000)**

**WHEREAS**, on July 14, 2025, WC Homes, LLC, property owner, filed an application for a Tentative Tract Map (TTM) and a Precise Plan of Design (PPD) identified as Case No. 2025-30, to develop an in-fill for-sale 42-unit residential townhome-style condominium development at the properties located at 5053 and 5065 Mission Boulevard; and

**WHEREAS**, the Precise Plan of Design pertains to the site plan, floor plans, elevations, colors, materials, and conceptual landscape plan associated with the proposed development and redevelopment of the site; and

**WHEREAS**, the subject property is approximately 1.64 acres in size and currently comprised of two vacant parcels; and

**WHEREAS**, the subject site is located in the “Neighborhood Edge” zone of the *Corridors Code* adopted by the City Council in December 2024, and the project is in compliance with the guidelines and applicable development standards of the Corridors Plan; and

**WHEREAS**, the subject site is identified as two of six parcels in Opportunity Area No. 23 as found in the City’s *2021-2029 Housing Element* adopted by the City Council in December 2024; and

**WHEREAS**, Opportunity Area No. 23 is comprised of six parcels totaling 3.75 acres, and during the site analysis for the Housing Element update, it was determined it could realistically accommodate 84 housing units; and .

**WHEREAS**, Opportunity Area sites were carefully selected and analyzed based on sustainability and potential to create housing opportunities in the City. Consequently, the Opportunity Area sites are reserved for future residential development that meet density requirements as described and analyzed in the *2021-2029 Housing Element*. Generally, the sites are recognized as having potential to assist in meeting the City’s Regional Housing Needs Allocation (RHNA) for new residential development within the eight-year time frame of the housing element planning period; and

**WHEREAS**, the maximum density assigned to Opportunity Area No. 23 is 50 dwelling units per acre; and

**WHEREAS**, the two-parcel subject site is 1.64 acres. Having a proposed 42-unit project, the subject site yields the anticipated density assigned to the subject two lots, thus satisfying half of the anticipated units for Opportunity Area No. 23, and is therefore deemed compliant with the *2021-2029 Housing Element*; and

**WHEREAS**, staff has determined this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines, which covers infill projects in significantly developed areas. The proposed 22-lot infill single-family residential development is consistent with the applicable policies of the General Plan, the City's zoning requirements, is less than five acres in area, has utilities present in the area to serve the development, and contains no rare or endangered plants or species. As such, there is no substantial evidence the project will pose a potential significant impact to the environment.

**WHEREAS**, on August 29, 2025, a notice of public hearing was published in the *Inland Valley Daily Bulletin* and mailed to properties within a 300-foot radius of the site as prescribed by law; and

**WHEREAS**, on September 8, 2025, commencing at 7:00 p.m. in the Council Chambers at Montclair City Hall, the Planning Commission conducted a public hearing at which time all persons wishing to testify in connection with the 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:

**SECTION 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.

**SECTION 2.** Based upon substantial evidence presented to this Commission during the above-referenced public hearing on September 8, 2025, including written and oral staff reports, together with public testimony, this Commission hereby makes the following findings to develop a 42-unit residential townhome condominium development at the vacant property located at 5053 and 5065 Mission Boulevard as follows:

**Tentative Tract Map Findings**

Pursuant to California Government Code Section 66410, et seq., the following findings for recommending approval to the City Council of Tentative Tract Map No. 20756 can be made:

- A. The proposed condominium subdivision and the provisions for its design and improvements are consistent with the adopted General Plan and the *Corridors*

*Code* in that the Tentative Tract Map proposal meets minimum lot size and dimension standards of the Neighborhood Edge zoning district. The resulting layout and incorporation within the existing development pattern is appropriate and contributes to a well planned community, thereby promoting good planning practices and orderly development within the City.

- B. The proposed 42-unit townhome-style condominium subdivision is physically suitable for the type and density of the proposed buildings and on-site improvements, in that the overall combined total of 1.64 acres in area, is of a configuration that has sufficient width and depth to allow for orderly development that incorporates direct and safe access to the project site.
- C. The proposed 42-unit residential subdivision and proposed improvements are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat, in that the site is surrounded by urban development and streets; does not contain any bodies of water; is not linked to any wildlife corridors; and does not contain any evidence of known habitats of significance including rare or endangered species of plant, animal, or insect life.
- D. The proposed residential townhome-style condominium subdivision design in the Tentative Tract Map is not likely to cause serious public health problems because all development and public improvements will have been constructed per the requirements of all applicable standards and codes including the zoning and building codes, and subject to all Planning Commission Conditions of Approval associated with Case No. 2025-30.
- E. The subdivision design and type of improvements proposed with the Tentative Tract Map will not conflict with any onsite public or private easements for access or use. The proposed subdivision design builds on existing development that surrounds it in a way that minimizes impact to adjacent properties to the greatest extent possible.
- F. The discharge of waste into the existing sanitary sewer system from the development associated with the Tentative Tract Map will not cause a violation of existing requirements prescribed by the Regional Water Quality Control Board. The entire project will be required to connect to a sanitary sewage system pursuant to California Plumbing Code and Municipal Code requirements. A sewer main exists and is available on Mission Boulevard.

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

- A. The proposed 42-unit development project of three-story attached residential units would be consistent with the current "Neighborhood Edge" zoning designation for the subject site in compliance with the provisions of the Corridors Code.
- B. The proposed 42-unit townhome-style condominium development project would contribute to a significant improvement to the appearance of the area by allowing efficient use of the site through high quality site design and architectural design features; the intended use is compatible with adjacent existing and future

residential uses; and the proposed development implements the objectives and applicable development standards of the Neighborhood Edge zoning designation in compliance with the *Corridors Code*.

- C. The proposed residential design features high quality exterior materials/finishes, interesting exterior architectural features, and water efficient landscape plantings intentionally designed to create a sense of community in a once dilapidated area.

**SECTION 3.** Based upon the entire record before the Planning Commission during the above- referenced hearing on July 8, 2019, including written and oral staff reports together with public testimony, this Planning 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 approval is for the following:
  - a. A Tentative Tract Map for the development of a 42-unit townhome-style condominium development.
  - b. A Precise Plan of Design (PPD) for the site plan, floor plans, elevations, colors and materials, and conceptual landscape plan associated with the construction of 42 townhome-style condominium dwelling units described in the staff report and depicted on approved plans on file with the Planning Division.
  - c. This entitlement is granted based upon the submitted architectural plans on file. The map, plans, and elevations are approved as submitted and modified or conditioned herein and shall not be further modified, amended, or altered.
2. The applicant shall at all times comply with any and all laws, ordinances and regulations of the City of Montclair, the County of San Bernardino and the State of California, including but not limited to Title 11 of the Montclair Municipal Code. Approval of this PDD shall not waive compliance with any such requirements.
3. Precise Plan of Design (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.
4. In the event that exhibits and written conditions are inconsistent, the written conditions shall prevail.



5. No changes to the approved set of plans for the new residential units, including the exterior design and materials/finishes, shall be permitted without prior City review and written approval. Any modification, intensification, or expansion of the use and design plan beyond that which is specifically approved with this PPD shall require review and approval by the Planning Commission.
6. Within five (5) days of approval by the Planning Commission, the applicant shall submit the following payments to the Planning Division:
  - a. A check in the amount of **\$50**, 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 **\$537.14**, payable to the “**City of Montclair**,” to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.
7. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 10 days of receipt of the Planning Commission Resolution.
8. The applicant and/or property owner shall ensure that a copy of this Resolution is 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.
9. The use of foam trim for architectural details shall not be used below eight feet in height of each side of each residence/building, and in any areas susceptible to damage such as exterior doors or windows.
10. Exposed gutters and downspouts shall be located in appropriate locations and shall not interrupt architectural design features. Any exposed gutters and downspouts shall be constructed of high-quality, commercial grade metal and finished to match the balance color of the residential dwellings.
11. Prior to issuance of building permits, the applicant shall provide the following information or exhibit on plans submitted for plan check for Planning Division review and approval:
  - a. A final landscape and irrigation plan for the project. The landscape plan shall take into account State and local requirements for water conservation which includes the following items:
    - i. Landscape Concept Plan;
    - ii. Water Budget;
    - iii. Landscape Construction Drawings (including an irrigation plan, and planting plan);

A Landscape Documentation Package shall be approved when the Community Development Director verifies that the proposed Landscape Concept Plan for the project complies with the provisions of State law Chapter 11.60 of the MMC, other applicable provisions, and when any applicable land use permit or other entitlement requirements have been fulfilled. A copy of the approved plan will be kept on file in order to use at a later date to ensure that the plan was implemented as permitted and maintained as required;

- b. Masonry walls shall be a colored split-face decorative block or stucco finish (i.e., no unfinished gray precision block), with a cap piece, and designed to complement the architecture of the new buildings.
  - i. Any new decorative fences and/or walls within the interior of the site and in front of the units shall not exceed 42 inches in height.
  - ii. Complete west boundary wall to front setback line at Mission Boulevard, a distance of approximately 180 feet.
  - iii. The use of chain-link fencing anywhere on the project site is expressly prohibited.
- c. Proposed location for neighborhood mailboxes to serve the project. Before submission to the City for review and approval, the applicant shall first obtain approval of the design style and siting from the United States Postal Service. Placement within the public right of way is not recommended and may require the approval of Encroachment Permit from the City Engineer.
- d. Parking stalls shall be a minimum of 9'-0" in width and a minimum of 20'-0" in length, per the provisions of Chapter 11.66 of the Montclair Municipal Code.
- e. Submit an exterior lighting and photometric plan for the entire site. The plans shall indicate the location of all exterior light and the overall illumination levels across the site. All proposed exterior lighting shall comply with the following standards:
  - i. Provide a minimum maintained illumination level of one (1) foot-candle across the site.
  - ii. All parking lot and other freestanding 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 surrounding the subject site.
  - iii. The use of roof-mounted light fixtures wall packs, barnlighters, or other similar unshielded luminaires on the property shall be prohibited.

- iv. Maximum total height for freestanding light fixtures shall be limited to 20 feet, inclusive of the height for concrete bases.
  - v. Above-grade concrete bases for lights, shall be finished with colored stucco matching the primary color and finish of stucco on the buildings.
  - vi. All exterior wall-mounted lighting fixtures shall be vandal-resistant and of a design that complements the architecture of the building.
- f. Submit details for trash enclosure(s).
- i. Each trash enclosure shall have a solid roof cover and be secured from unauthorized access and dumping. The exterior design of the trash enclosure shall complement the overall architecture of the residential buildings.
  - ii. Contact Burrtec Waste Industries to determine the number of required bins and pick up schedules.
  - iii. Provide black concrete used for the floor and adjacent apron of the proposed trash enclosure.
12. Maintenance of all landscape areas for the project site shall be the responsibility of the developer or HOA at all times.
13. The applicant shall incorporate sufficient sound attenuation measures (i.e. dual-paned glazing, upgraded insulation, etc.) in each residence to meet maximum interior noise level of 45 dBA.
14. All rooftop or roof-mounted equipment shall be fully screened from view in a manner that is compatible with the architectural design of the building(s) to the satisfaction of the Director of Community Development.
15. All satellite dish antennas, microwave receivers and transmitters, and other forms of communication equipment shall be located in a manner in accordance with the provisions of Chapter 11.46 of the Montclair Municipal Code, and subject to the approval of the Director of Community Development.
16. 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.
17. The applicant shall be required to have a Recorded Overflight Notification appearing on the Property Deed and Title incorporating the following language:

## NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

18. Prior to issuance of a Certificate of Occupancy for each residential building, the developer shall complete the installation of landscaping materials and and operational irrigation system per approved plans and subject to the satisfaction of the Director of Community Development. The following standards shall apply:
  - a. All shrubs shall be minimum five-gallon container size.
  - b. All trees, including street trees, shall be minimum 24-inch box size and double-staked per City standards. At the end of the first year after the planting of trees, and they have been successfully established, stakes shall be removed.
  - c. A minimum of three inches (3") of bark mulch (shredded or chips) shall be provided in all planted areas.
  - d. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
  - e. Prior to issuance of a Certificate of Occupancy, the applicant shall provide written Certification of Landscape Completion form, to document that landscaping and irrigation have been installed in accordance with the approved plan and in compliance with State requirements for water conservation. The Certification of Landscape Completion form shall be prepared and signed by the landscape architect of record.
19. Any plant material that does not survive or which is removed or destroyed shall be replaced upon its demise or removal with plant material of like type and size as that which was originally approved and installed.
  - a. Plant material shall not be severely pruned such that the natural growth pattern or characteristic form is significantly altered. Trees shall be pruned to ISA (International Society of Arboriculture) standards and only as necessary to promote healthy growth and for aesthetic purposes (i.e., to enhance the natural form of the tree). Improperly or severely pruned trees, including topping as defined by the Water Conservation Ordinance, which results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with trees of similar size and maturity as that which was removed or, as required by the Community Development Director.

- b. Modifications to and/or removal of existing landscaping shall require prior approval by the Planning Division.
- 20. All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency.
- 21. All mechanical equipment including, but not limited to, utility meters, air conditioners, vents, etc., 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 Director of Community Development.
- 22. Surface-mounted exposed conduit or electrical lines shall not be allowed. Electrical switchgear, meters, etc., shall be screened or housed in an enclosure to the extent allowed by the utilities.
- 23. No exterior surface-mounted exposed ducts, conduit or electrical lines shall be allowed on walls, awnings, or other exterior faces of the building. In addition, all electrical switchgear, meters, etc., shall be screened or housed in an enclosure to the extent allowed by the utilities.
- 24. Ground-mounted mechanical equipment shall be fully screened from view from streets or surrounding residential or commercial uses by a combination of decorative walls and an evergreen hedge equal to or exceeding the height of the equipment.
- 25. The finish quality of all exterior design elements and materials for the project, including but not limited to, building façade colors and finishes, the quality or condition of materials, the application of wood or metal decorative trim, and landscaping shall be subject to approval of the Director of Community Development prior to issuance of Certificate of Occupancy for each building.
- 26. To ensure compliance with the conditions of approval, a final inspection is required from the Planning Division upon completion of construction and all improvements for each residence. The applicant shall contact the City to schedule an appointment for such inspections.
- 27. The applicant shall agree to defend, at his 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 his obligations under this condition.
- 28. Applicant shall comply with the City of Montclair's Inclusionary Housing Ordinance No. 05-866.

## **Building**

29. Submit (1) Architectural Physical Set and (1) complete sets of plans on a USB Flash 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. T24 Energy Reports
  - g. Structural plans, structural calculations and details.
  - h. Waste recycling plan, recycling 65% of all construction debris
30. 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.
31. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357.
32. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval, a digital signature is acceptable.
33. Provide a Soils analysis done by a registered design professional.
34. Trash enclosure shall be provided. Trash enclosure shall be located along an accessible path of travel and be accessible.
35. Pay all required school fees directly to the Ontario-Montclair School District and Chaffey Joint Union High School District prior to building permit issuance.
36. Once a parcel map has been approved by City Council, signed and sealed by the City Engineer and recorded with the County of San Bernardino, street address numbers will assigned to each building by the Building Official.
37. Each unit shall have individual and independent one-hour separation walls enveloping each assigned airspace or unit and independent utility meters, sewer and water connections and fire protection systems, subject to the review and approval of the Public Works, Community Development and Fire Departments.
38. The propose units shall comply with CBC Chapter 11A for accessibility.
  - a. Ten percent of multi-story dwelling units (3 minimum) shall be located on an accessible route and be adaptable. Identify the required adaptable units on the plans. CBC sec. 1102A.3.1

- b. The primary entry to the dwelling unit shall be on an accessible route unless exempted by site impracticality tests per section 1119A.
  - c. At least one powder room or bathroom shall be located on the primary entry level served by an accessible route and shall comply with the provisions of sec. 1109A.
  - d. All rooms or spaces located on the primary entry level shall be served by an accessible route and shall comply with the provisions of chapter 11A.
  - e. Rooms or spaces located on the primary entry level and subject to chapter 11A may include but are not limited to kitchens, powder rooms, bathrooms, living rooms, bedrooms, or hallways.
39. Provide the minimum number of disabled accessible parking spaces for as follows:
- a. 2% of total number of units for residents (CBC Section 1109A.3)
  - b. 5% of total number of visitor parking spaces provided. (Identify on the site plan the number of visitor parking spaces to be provided & accessible parking spaces for visitors). (CBC Section 1109.A.5)
  - c. Indicate van accessible parking. (Ratio of 1 van accessible space for each 8 accessible parking spaces). (CBC Section 1109.A.8.6)
  - d. Accessible parking spaces shall be dispersed throughout the site and located near the accessible building entrances. CBC Section 1109A.7.
40. Provide exterior parking for visitors.
41. Accessible parking spaces shall conform to the following:
- a. 9'-0" x 18'-0" space with a striped 5'-0" wide loading and unloading area on the passenger side (double accessible spaces may utilize the same 5'-0" space. Not less than one van accessible space shall be provided with an 8' access aisle located on the passenger side.
  - b. Ramps shall not encroach into any accessible parking space or the adjacent access aisle.
  - c. The parking space and unloading area shall not exceed 2% slope in any direction.
  - d. All spaces shall be identified with the International Symbol of Accessibility on a reflectorized sign (70 sq. in. minimum) posted at +60" minimum above the finished floor or ground surface measured to the bottom of the sign.
  - e. At each street entrance to the parking area post a sign (17" x 22" minimum) stating that unauthorized vehicles parking in designated accessible spaces may be towed away.
  - f. Surface of parking spaces shall have outline of the International Symbol of Accessibility that is 36" x 36" minimum in dimension.
  - g. Provide the Words "NO PARKING" (12" high letters) in the loading/ unloading space.
  - h. Provide the minimum number of required accessible parking spaces and van accessible parking spaces per CBC Section 11B-208.2. Provide calculations on the plans.
  - i. Provide dimensioned details on the plans and reference details to the site plan or applicable plan sheet. CBC Section 1109A.

42. Please comply with California Green Building Standards Code Section 4.106.4.2 for required and future readily available EV Charging Stations. Also see Section 4.106.4. A dedicated circuit for the purpose of a future EV Charger must be installed with accordance 4.106.4.1 of the 2022 Green Building Standards Code. Plus 10 Percent of guest parking is required to have EV Chargers.

Note there have been a lot of changes in the 2022 CA Codes with EV Charging Stations.

43. Clearly identify the EV Charging Parking Spaces. The provided symbol of accessibility and EV charging symbol shall be centered and at the entrance to the provided parking space. Please also note the number of accessible EV Charging Stations.
44. Newly constructed low-rise multifamily buildings without a solar PV system shall comply with [Section 110.10\(b\)-\(d\)](#) Mandatory Requirements for Solar Readiness.
45. A Certificate of Occupancy is required prior to occupancy of the subject building. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
46. All utility services to the project shall be installed underground.
47. Separate permits are required for fencing and/or walls. Submit details of construction on the plans. Double wall conditions which have been created by an adjacent property line wall not be allowed.
48. Temporary construction and storage trailers placed on the property shall first obtain approval from the Planning and Building Divisions. If any trailers will include uses for public access, handicap accessibility requirements shall apply. Before any trailer is set in its location, obtain all permits from the building division. Plans and structural calculations will be required for the tie-down devices. Trailers used for public use (and not used for construction only) are required to be handicapped accessible. The trailer will requires access to the facility by way of ramps which comply with the California Building Code (CBC) 2022 edition, Chapter 11B, in addition to access to each feature of the trailer.
49. All construction work carried out under the review of the Building Division shall be of good quality. The Building Official shall have the authority to enforce the installation of work that is straight, level, plumb, square, etc., as the situation requires. All work shall be well fit and of a durable nature. Paint and stucco in all cases shall not be below standard for the use applied.

#### Engineering

50. Subdivider/Owner shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code. The owner/applicant shall process any right-of-way dedications, easements or grant deeds required for the development. The final map shall be recorded prior to the issuance of any permits. The developer shall provide duplicate mylar of the final map for recordation so an original will be



returned to the City for our records. The developer shall also provide a digital copy of the final map.

51. The tentative map shall expire three years from the date of City Council approval unless extended under Government Code Section 66452.6. The final map shall be filed with the City Engineer and shall comply with the Subdivision Map Act of the State of California and all applicable Ordinances, requirements, and Resolutions of the City of Montclair.
52. The final tract map may be submitted for plan checking prior to, in conjunction with, or after the submittal of the public improvement plans. Tract map submittals shall include a preliminary title report, reference deeds, closure calculations, reference maps, and other reference material as may be necessary to check the map. An advance plan check fee, the amount to be determined by the City Engineer, shall be required at the time map is submitted. Prior to approval of the final map, a subdivision agreement will be required. The agreement shall contain provisions for performance and payment bonds for all work within the public rights-of-way, and a monumentation bond for corner monuments in accordance with the Subdivision Map Act.
53. Payment of transportation-related development impact fees is required. Fees shall be assessed at the rate in effect at the time the fees are paid.
54. Street improvement plan is required for all public and private streets including Mission Boulevard. Construction drawings shall be 24" by 36" with City standard title block and should include both plan and profile views.
55. All streets public and private shall have sidewalks conforming to Americans with Disabilities Act. Widths and scoring patterns shall conform to City STD No. 114, unless otherwise directed by the City Engineer.
56. All pavement damaged by excavation will be replaced with permanent pavement per the City Standard for paving and trench repair STD No. 301.
57. All driveways, existing or proposed, shall comply with the Americans with Disabilities Act and shall conform to City Standard Plan No. 102. Construction and acceptance of street improvements shall be required to obtain a release for a Certificate of Occupancy from the Building Division.
58. All utilities within development boundaries shall be placed underground. This requirement applies to electrical services, transformers and switches, telephone, communications, and cable television facilities as well.
59. All Utilities in the public right of way adjacent to the site shall be placed underground and poles removed. This requirement applies to electrical services (facilities operated at nominal voltages in excess of 20,000 volts not included), transformers and switches, and where technology exists, telephone and cable television facilities along Mission Blvd. and also along the east side of the proposed development.

60. All utility companies (for non-City owned utilities) shall be contacted to establish appropriate easements to provide services.
61. The developer shall make payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.
62. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
63. Street, sewer, and storm drain plans shall be submitted to the City Engineer's office for approval. An advance plan check fee, the amount to be determined by the City Engineer shall be required at the time plans are submitted. Construction and acceptance of street, storm drain, and sewer improvements, as per the approved plans, shall be required to obtain a release for a Certificate of Occupancy from the Building Division.
64. Full standard street improvements are required for Mission Boulevard including removal of existing driveway cuts and construction of new curb and gutter, driveways, ADA compliant sidewalk, new timer controlled irrigation and drought tolerant landscaping improvements.
65. Owner/Developer shall form a maintenance Community Facilities District (CFD) for the maintenance of improvements on Mission Boulevard, or acceptable maintenance agreement to provide for the perpetual maintenance of this area adjacent to the Tract.
66. 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 Environmental Compliance Inspector Samantha Contreras at 909-625-9447. Requirements of the WQMP may require significant modifications to the approved tentative map. If significant modifications are required, a resubmittal to the Planning Commission and City Council may be required.
67. Comply with all requirements of the approved Water Quality Management Plan (WQMP) for this project.
68. The developer/property owner/property manager shall be responsible to contract with a qualified firm to inspect and maintain any and all stormwater treatment devices specified by the approved WQMP that are the responsibility of the homeowner's association, following all recommendations in the WQMP. It shall also be the responsibility of the developer/property owner/property manager 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 because of the lack of sufficient maintenance and/or inspection or some other unforeseen circumstance, it shall be the responsibility of the developer/property owner/property manager to correct the deficiency and restore the stormwater treatment device(s) to its original working condition.

69. 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.
70. Prepare and submit to the satisfaction of the City Engineer a comprehensive grading and drainage plan prepared by a Registered Civil Engineer in conformance with Chapter 70 of the Uniform Building Code. Prior to commencement of any demolition, clearing and grubbing, and/or grading, a grading permit shall be obtained from the Building Division. Plan approval is required prior to issuance of a grading permit by the Building Division.
71. A grading plan shall be prepared subject to the approval of the City Engineer. The applicant shall submit two (2) copies of a soils and geotechnical report. An erosion control plan is to 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.
72. 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.
73. A hydrology and geotechnical studies are required by the Public Works Director/City Engineer shall be prepared and submitted to the Public Works Director/City Engineer for approval.
74. All drainage facilities shall comply with requirements of the approved WQMP.
75. The developer shall conform to the requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities, NPDES General Permit No. CAS618036 (Order No. R8-2010-0036), and the Waste Discharge Requirements for the County of San Bernardino and the Regional Water Quality Control Board for the Santa Ana Region. The Contractor shall confirm that all of the Best Management Practices (BMP's) have been adequately detailed and addresses his or her anticipated construction operations and meets the intent of the NPDES requirements.

The Developer/Contractor shall utilize Best Management Practices (BMP's) during construction to ensure that sediment from storm runoff and construction activities does not enter storm drains. Some of the primary Water Pollution Control measures anticipated for this project include, but are not limited to, covering all storm drains inlets in the project vicinity with water permeable fabric and gravel bags prior to performing any AC grinding, removal or paving operations; properly fueling and cleaning all equipment/vehicles; maintaining an ample supply of gravel/sand bags on-hand when excavating new PCC sidewalk/ramp/curb/gutter improvements in the event of rain; properly containing all PCC treatment materials such as the coloring agents, exposed aggregate etching chemicals and surface treatment

chemicals required to install the detectable warning mats; properly covering all incoming material trucks and all out going debris hauling vehicles; providing restroom facilities for workers; posting the site-specific WDID number in a location viewable to the public, and regular street sweeping of the work area and haul routes to the satisfaction of the City of Montclair. The requirements of all of the following agencies shall be met and maintained and where there is a conflict between requirements, the most stringent requirement shall govern.

- A. Regional Water Quality Control Board Santa Ana Region
- B. County of San Bernardino
- C. City of Montclair & NPDES General Permit Requirements (No. CAS618036 and Order No. R8-2010-0036) including BMP's

The Developer/Contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP) and shall be implemented by the Contractor. The developer shall apply for a permit and submit a Notice of Intent (NOI), Notice of Termination (NOT), any compliance and monitoring data, and annual reports when required using the Stormwater Multiple Application and Report Tracking System (SMARTS).

The SWPPP shall remain on the construction site while the site is under construction, during working hours, commencing with the initial construction activity, and ending with Notice of Termination. The Developer shall submit for City acceptance, a SWPPP addressing the Contractor's plan for managing run-on and runoff during all phases of construction. The SWPPP shall contain describe installation, operation, inspection, maintenance, and monitoring activities that will be implemented for compliance with the requirements listed above, and must also address any wastewater or storm water runoff from the project site including, but not limited to the following:

- a) No placement of construction materials where they could enter storm drain system, which includes gutters that lead to catch basins.
- b) Checking construction vehicles for leaking fluids.
- c) Providing a controlled area for cleaning or rinse-down activities.
- d) Monitoring construction and demolition activities.
- e) Minimizing usage of water when saw-cutting and vacuum the residue.
- f) Providing measures to capture or vacuum-up water contaminated with construction debris.
- g) Removing any construction related debris on a daily basis.
- h) Protecting work areas from erosion.
- i) Monitoring and controlling of any dewatering discharges.

The Developer/Contractor's SWPPP preparer shall be a certified QSD in good standing and shall have been trained to prepare SWPPPs and shall have previous experience with preparing SWPPPs on a previous project similar in scope and magnitude.

The Developer/Contractor shall designate a Qualified SWPPP Practitioner, hereafter referred to in this section as the "QSP," that shall have been trained to implement the SWPPP. Contractor's QSP shall:

- I. Fulfill all the responsibilities of the QSP as outlined in the 2022 CGP. The QSP shall not delegate the conduct of inspections as required by the 2022 CGP.
- II. Be responsible for all water pollution control work.
- III. Be the Engineer's primary contact for all water pollution control work.
- IV. Have the authority to mobilize resources (crews, supplies, equipment, etc.) to make immediate repairs of water pollution control measures or to supplement water pollution control measures to maintain compliance with all federal, state, and local laws, ordinances, and regulations related to the protection of water quality, including the Municipal Permit.
- V. Be responsible for inspecting water pollution control practices identified in the SWPPP.
- VI. Be responsible for the inspections and reports for all monitoring required in the 2022 CGP.
- VII. Be responsible for sampling and analysis, as required by the 2022 CGP.
- VIII. Be responsible for the preparation and submittal of all SWPPP documentation, including inspection reports, weather monitoring reports, NAL exceedance reports, SWPPP Annual Reports, Notice of Termination, and other information as required by the 2022 CGP.
- IX. Coordinate with Contractor's QSD as needed to comply with requirements of the 2022 CGP.

The SWPPP will be reviewed and accepted by the City Engineer prior to any work. The City of Montclair will monitor the adjacent storm drains and streets for compliance. Failure of the Contractor to follow BMP implementation and monitoring plans will result in immediate cleanup by City and back-charging the Developer for all costs plus 15 percent.

If, during construction operations, field conditions change in a manner which, in the opinion of the Engineer, significantly deviates from how the SWPPP, as approved by the Agency, addressed the current construction operation, the Engineer may direct the Developer to revise the current construction operation and/or the SWPPP. Such directions will be made in writing and will specify the items of work for which the SWPPP is inadequate. No further work on these items will be permitted until the Contractor revises the construction operations to the satisfaction of the Engineer and/or until the Contractor submits a revised SWPPP and receives Agency acceptance. The Engineer will notify the Contractor of the acceptance or rejection of the revised SWPPP within 10 (10) working days from the date of submittal.

In accordance with the CA State General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities shall be obtained prior to construction. Contact Samantha Contreras, NPDES Environmental Compliance Inspector, at (909) 625-9447.

76. Prior to issuance of a Certificate of Occupancy, the applicant shall:

Submit to the Engineering Division a hard copy with all appropriate signatures and an electronic copy of the approved WQMP in PDF format.

Record the WQMP Maintenance Agreement(s) with the County of San Bernardino for all lots/properties and show proof of said recording to the NPDES Coordinator.

Provide a letter from the Engineer of Record confirming that all BMPs required by the approved WQMP are constructed and functional per City standards. Before the Certificate of Occupancy is issued, the WQMP preparer must certify in writing to the NPDES Coordinator that all WQMP conditions and requirements have been met. For projects intended to be leased or sold, the developer must also provide evidence that the lessee or purchaser has been informed in writing of their ongoing WQMP maintenance responsibilities.

77. Prior to release of occupancy for any of the dwelling units in the subdivision, the person, company, 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, development, intended to be sold, developer shall also submit evidence to the Building Official that the purchaser has been advised in writing of the purchaser's ongoing maintenance responsibilities with respect to the requirements of the WQMP.
78. All off site and on site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
79. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at 800-422-4133.
80. Prepare and submit to the satisfaction of the City Engineer a letter of non-interference from any utility company that may have rights or easement within the property boundaries.
81. Where street construction, surfacing, or resurfacing is required, all utility work within the site development shall be completed prior to the street being capped.
82. A Public Works construction permit shall be obtained from the Engineering Division prior to any removals or construction of improvements in the public right-of-way.
83. The Owner/Developer is responsible for compliance with Monte Vista Water District (MVWD) requirements for water service. Additionally, the Owner/ Developer shall provide all required fire hydrants to meet fire protection requirements. The developer shall provide documentation that all District fees and requirements have been met to the satisfaction of the District.
84. As-built plans (including street, sewer, and storm drain and grading plans) shall be submitted prior to occupancy release. Additionally, electronic drawing files on flash drives shall be submitted to the City for file in the format acceptable by the City prior to occupancy release.

85. Before the issuance of a permit, a surety shall be posted in a form acceptable to the City. Also accompanying the surety shall be an agreement executed to the satisfaction of the Public Works Director and the City Attorney, guaranteeing completion of the public improvements.
86. Dust Control operations shall be performed by the Contractor at the time, location and in the amount required and as often as necessary to prevent the excavation or fill work, demolition operation, or other activities from producing dust in amounts harmful to people or causing a nuisance to persons living nearby or occupying buildings in the vicinity of the work. The Contractor is responsible for compliance with Fugitive Dust Regulations issued by the Air Quality Management District (AQMD).
87. Control of dust shall be by sprinkling of water, use of approved dust preventatives, modifications of operations or any other means acceptable to the City Engineer, the Regional Water Quality Control Board (RWQCB), the AQMD, and any Health or Environmental Control Agency having jurisdiction over the facility. The City Engineer shall have the authority to suspend all construction operations if, in their opinion, the Contractor fails to adequately provide for dust control.
88. At the time of Grading permit issuance; Post-Construction BMP inspection permit fees associated with the approved WQMP shall be paid. Contact Samantha Contreras, NPDES Environmental Compliance Inspector, at (909) 625-9447 for further information regarding permit and fees
89. The Landscape Architect must complete a City Certification of Landscape Completion form and submit it to both the Planning Division and Engineering Division. Failure to provide said document will prevent the issuance of Certificate of Occupancy

#### **Fire**

90. The project shall comply with all requirements set forth by the California Code of Regulations, Title 24, Parts 1-12 respectively.
91. The adopted edition of the California Code of Regulations, Title 24, Parts 1-12, and the Montclair Municipal Code shall apply at the time the architectural plans are submitted for construction permits.
92. 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.
93. Planter areas in the center of drives and adjacent to entrances should be of low profile type, not to exceed eight feet in height when mature.
94. 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.

95. The proposed residential structures shall require an approved automatic fire sprinkler system and shall be designed and installed in accordance with NFPA 13R. 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.
96. Prior to the issuance of grading permits, evidence of sufficient fire flow of 1,000 gpm for 1 hour shall be provided to the City of Montclair. The City of Montclair Water Availability/Fire Flow Form shall be utilized.
97. All required fire hydrants shall be installed and operational prior to building construction. All fire hydrants shall remain operational during construction.
98. 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.
99. 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 feet of combustible construction.
100. Fire extinguishers will be required; locations to be determined by the Montclair Fire Department.
101. Prior to construction, a temporary address sign shall be posted and clearly visible from the street. The permanent building address shall be provided and either internally or externally illuminated during hours of darkness. The address shall be clearly visible from the street fronting the property and comply with California Fire Code Section 505.1 for size and color.

### **Economic Development**

102. The owner/applicant shall comply with the City of Montclair's Inclusionary Housing Ordinance No. 05-866. ). The owner/applicant shall provide 15 percent required housing for low- to moderate-income households. As currently interpreted by California case law, the Ordinance applies to new for-sale/rental residential developments or ownership conversions.
103. The owner/applicant shall pay a Park Land Fee to the City or a dedication of park land suitable to the City shall be made. The fee is payable prior to issuance of any Certificate of Occupancy. If the owner/applicant elects to dedicate park land the owner/applicant shall enter into a Park Land Development agreement with the City.
104. The owner/applicant shall enter into a deposit/reimbursement agreement with the City to be used to pay for fees and expenses related to City consultants, City Attorney, special legal counsel or other professional services rendered as part of the project.



105. The Homeowners Association (HOA) shall maintain the trash enclosure in a clean and orderly manner at all times to prevent the accumulation of onsite rubbish, trash, or debris in a manner that degrades the appearance of the site and adjacent street frontage.
- a. All refuse collection facilities shall be designed in accordance with the provisions of AB 341 Mandatory Commercial Recycling and AB 1826 Mandatory Commercial Organics Recycling (MOR) as established by California Department of Resources Recycling and Recovery (CalRecycle). Sufficient facilities must be provided and maintained for the mandatory recycling of all recyclable materials and food waste/organics.
  - b. No barrels (or other containers) for waste fats, oils, or grease (FOG) generated by any business shall be stored in refuse collection facilities.
  - c. The trash enclosure shall be power washed a minimum of three times per year (or more frequently if needed), by property management staff or by means of a hired company qualified to power wash or steam clean all refuse collection facilities and/or equipment. Such activity shall be performed with proper equipment containing a water recovery system or self-contained unit to recycle the wash (waste) water, as approved by the City's NPDES Coordinator or Environmental Inspector. Inspections of refuse collection facilities shall be subject to routine inspection by the City of Montclair.
  - d. Spills and leaks shall be cleaned up immediately using a spill kit and/or appropriate Best Management Practices (BMP) that utilize absorbents or equivalent "dry" methods.
106. The owner/applicant shall agree to the formation of a new Community Facilities District (CFD) pursuant to the terms of Government Code Section 53311, et seq., the territory of which shall include the Project, for the purposes of the payment of maintenance and operation costs associated with the common landscaping, lighting, public park and easements, and other public improvements located within the Project, including a public safety component. The applicant shall consent to the formation of the CFD prior to the recordation of the final map for the Project. The applicant further expressly agrees that failure to form such CFD will result in disapproval of the Project.

The owner/applicant shall also agree that additional areas may be annexed into the CFD, provided, however, that after giving effect to such annexation, the owner, subdivider and applicant is subject only to its fair share of the obligations and costs incurred as a result of the annexation. The subdivider and applicant agree to cooperate fully in any such annexation proceedings.

If, for any reason whatsoever, the Property or portion thereof does not become part of a CFD or if any such CFD that is formed does not provide for the maintenance of the entirety of the improvements within the Property, or any portion thereof, then such improvements shall be maintained by a private property owner, or an adequate alternative reasonably acceptable to the City, to

undertake such work. Costs to implement the CFD shall be reimbursed to the City pursuant to a Reimbursement Agreement between the applicant and the City.

107. The owner/applicant shall consent, in writing, to record a covenant an Operations & Management Regulatory Agreement (hereafter Regulatory Agreement) against the entire property providing for the perpetual maintenance of all buildings and improvements, including roadways, public easements, retaining walls, drainage facilities, and water and sewer systems. The Regulatory Agreement shall be effective during the lifetime of the Project. Property shall thereafter be maintained in accordance with the property maintenance standards contained in the Montclair Municipal Code.

The Regulatory Agreement shall provide for the perpetual maintenance of all buildings and improvements for the residential project ("the Project") developed in the City. The Regulatory Agreement shall be recorded as a Condition, Covenant, and Restriction (CC&Rs) on the property in perpetuity unless the City Council agrees to the removal of such covenant in the event of a change in land use. The Regulatory Agreement shall address the management, operations, and maintenance of the residential project and shall become a Covenant that will run with the land.

Costs for development of the Regulatory Agreement shall be reimbursed to the City pursuant to a Reimbursement Agreement between the applicant and the City.

The Regulatory Agreement shall contain, at a minimum, the following requirements:

**I. Maintenance Obligations**

The CC&Rs shall make provision for the following maintenance obligations:

- a. Street Maintenance. All private streets within the project shall be owned by and the cost of repairing and maintaining them shall be borne by the applicant/developer/Association and maintained by a professional management company. Private street maintenance shall be addressed in the CC&Rs and shall not be dedicated to the City for maintenance.
- b. On-site Easements. The cost of establishing any on-site easements shall be borne by the subdivider or successor(s) and the cost of maintaining any on-site easements shall be borne by the applicant/developer/ Association and maintained by a professional management company. All on-site easements shall be addressed in the CC&Rs and shall not be dedicated to the City.
- c. Storm Drain Maintenance. The on-site storm drainage system shall be owned by and the cost of repairing and maintaining it shall be borne by the applicant/developer/Association and maintained by a professional management company. Maintenance of the storm drain system shall be addressed in the CC&Rs and shall not be dedicated to the City. The CC&Rs shall provide that the City has a right to make necessary repairs

to any drainage facilities that are the responsibility of the applicant/developer/Association and maintained by a professional management company, but creates nuisance conditions on property outside of the boundaries of the area owned by or under the control of the applicant/developer/Association and maintained by a professional management company when said parties have been advised in writing of the need to make repairs and have not done so.

- d. Parking Space Use and Maintenance. All on-site guest/property owner/tenant parking spaces, other than those on an individual owner's lot, shall be owned by and the cost of repairing and maintaining them borne by the applicant/developer/Association and maintained by a professional management company. Parking spaces, restrictions, and enforcement of the restrictions shall be addressed in the CC&Rs and shall not be dedicated to the City for maintenance. The CC&Rs shall include and provide for the expenses associated with the monitoring and towing of illegally parked vehicles owned by any member. The CC&Rs shall require compliance with the approved Parking Management Plan, approved by the Community Development Director. The Parking Management Plan will identify the parking space(s) for every unit in the Project. With the exception of a garage attached to an identified unit, all parking spaces will be identified as assigned to a specific unit number or shall be identified as a "Visitor" parking space.

The CC&Rs shall stipulate that any garage units or covered parking spaces provided shall, at all times, be assigned to units within the Project pursuant to the Parking Management Plan. Storage within garages shall be allowed only to the extent the unit includes a dedicated storage cabinet or storage area and any storage may not impede access to the parking space(s) within the garage.

- e. On-site Parking. The CC&Rs shall stipulate that no utility trailers, commercial or construction vehicle of any length, watercraft, or recreational vehicles shall be permitted to be stored or parked overnight on any private street and/or parking areas within the complex. A "recreational vehicle" shall be generally defined as a motor home, travel trailer, truck camper, or camping trailer with or without motor power designed for human habitation for recreational or emergency occupancy.
- f. Lighting Maintenance. The applicant/developer/Association through a professional management company shall be responsible for maintenance of exterior on-site lighting and shall promptly replace nonfunctioning lights and broken or damaged lighting devices.
- g. Landscape Maintenance. The applicant/developer/Association shall be responsible for perpetual maintenance of all landscape areas, street trees, and common hardscape areas within the project and street frontage.

- h. Garage Use. The CC&Rs shall stipulate that garages shall, at all times, be available for the parking of vehicles assigned to units within the Project and in accordance with the approved Parking Management Plan. Storage within garages shall be allowed only to the extent such storage does not impede access to the parking space(s) within the garage.
- i. Additional Common Areas. In addition to the maintenance of the exterior of buildings and grounds within the Project including roadways, retaining walls, drainage facilities, and water and sewer systems as described herein, the CC&Rs shall provide for the continuing maintenance by the applicant/developer/Association through a professional management company of all additional common areas and facilities including the private streets, auto courts, speed bumps, traffic control signs and devices, common landscaping and irrigation, including perimeter landscaping adjacent to the public streets, and all perimeter walls. All landscaped areas shall be maintained in accordance with the property maintenance standards contained in the Montclair Municipal Code.
- j. Security Requirements. Developers/Owners shall install/provide and maintain the following security and security monitoring measures during the term of the CC&Rs:
  - Developer/Owners/Association shall develop a "Safety and Security Plan" acceptable to the Police Department which, at a minimum, will include the placement, operation, and maintenance of security cameras throughout the exterior of the Project.
  - At any time during the term of the Agreement, should the calls for Police service or response at the Project exceed a level reasonably considered normal and customary for the size of the Project by the Police Chief, during any consecutive two-month period, the Developers/Owner/Association shall be required to provide a State-licensed security patrol through a company retained by the Owner.
  - The State-licensed security patrol company shall be retained by the Owner, with the prior approval of the Police Chief, for a period of time to be determined by the Police Chief. The approval of such a State-licensed security company shall not be unreasonably withheld.

## **II. Management Obligations**

The CC&Rs shall make provision for the following management obligations:

- a. Certified Residential Management Company. Upon initiation and during the life of the Association, said Association shall be required to retain the services of a professional management company where a

representative of that company is a California Certified Residential Property Manager. Any manager or management company retained to act as an agent of the Association must obtain the prior written approval of the Police Chief, which approval shall not be unreasonably withheld or delayed, provided the person assigned from the management company is a California Certified Property Manager or an employee of a California Certified Property Manager.

In exercising his/her approval rights hereunder, the Police Chief may require proof of ability and qualifications of the manager and/or management company based upon (i) prior experience, (ii) assets, and (iii) other factors determined by the Police Chief as necessary. Furthermore, upon sixty (60) days prior written demand from City with cause, the Association shall remove and replace a property manager and/or property management company. In any agreement with a property manager or property management company ("Management Agreement"), the Association shall expressly reserve the right to terminate such agreement upon written demand of City with cause. That notwithstanding, City agrees that a request for removal of a property manager or management company shall be subject to a thirty (30)-day notice of default and a reasonable opportunity to cure before any such termination is effective.

Subsequent changes in the management company or manager of a condominium project shall obtain the prior written approval of the Police Chief, as so indicated above.

- b. Management Obligations. The Management Company shall maintain an adequate presence on-site as determined by the Association Board of Directors to ensure that all rules and regulations are being followed and use of the facilities are managed. Should the calls for Police service or response, of a serious nature (break-ins, thefts, assaults, etc.), at the Project exceed a level reasonably considered normal and customary for the size of the Project by the Police Chief, during any consecutive two-month period, the Association shall be required to provide a State-licensed security patrol through a company retained by the Association with the prior approval of the Police Chief for a period of time to be determined by the Police Chief. The approval of such a State-licensed security company shall not be unreasonably withheld.
- c. Registration and Management of Rentals. The applicant/developer/Association, with its Management Company, shall develop all rules, documents and procedures to assure all rental occupancies of units are professionally managed including but not limited to:
  - Application(s)
  - Crime Free Addendum and other required addenda to application

- Tenant-screening tools including, but not limited to, (1) credit check including unlawful detainer, and (2) criminal background check
- d. Occupancy of Rented Units and Tenant Screening Requirements. Leases or rental agreements for the occupancy of individual units to persons not listed on the grant deed to the unit shall be prohibited unless such leases or rental agreements are managed by the Management Company. All non-owner occupants, with the exception of minors, occupying a unit shall be required to complete a rental application and submit it to the Management Company to initiate the tenant screening process to allow owner to make an informed decision regarding prospective tenant. The tenant screening documents (forms) and procedures must receive the prior approval of the City. Any changes to the documents and procedures pertaining to the application and tenant screening procedures must receive the prior approval of the City.
  - e. Compliance with Rules. Renters occupying units within the Project shall be subject to all rules and regulations developed by the applicant/developer and Management Company.  
  
The applicant/developer/Association, through its Management Company, shall establish a warning and fine system for violation of the rules and regulations. The rules established by the Management Company for rental of units shall include provisions for eviction of tenants for violations of the rules and regulations of the project.
  - f. Compliance with the Management Plan. The applicant/developer/Association through its Management Company shall develop and require compliance with an approved Parking Management Plan. The Management Company shall be responsible for implementation of such Parking Management Plan. The Parking Management Plan shall include a record of the number spaces assigned to individual units and an identification of guest parking spaces.
  - g. Use of Common Recreational Facilities and Amenities-(If applicable). The CC&Rs shall clearly delineate that all residents of the Project are permitted to use recreational facilities and amenities, if provided as part of the project.

108. The CC&Rs shall be developed for review and approval by the Director of Community Development and City Attorney detailing the responsibilities and rights of the applicant/developer/Association and Management Company regarding maintenance and upkeep. CC&Rs shall be recorded with the County of San Bernardino.
109. The CC&Rs shall contain provisions permitting, but not requiring, the City to enforce all maintenance and management obligations of the applicant/developer and/or Management Company in the event it fails to carry them out, including the

power, after proper notice, to establish a lien against the property of the applicant/developer for the costs of maintenance and enforcement. The CC&Rs shall include language establishing such a lien or require that a separate agreement be entered into with the City establishing such lien.

110. Prior to approval of any final map for condominium purposes the applicant shall, at the applicant's expense, prepare and submit covenants, conditions and restrictions (CC&Rs) for a condominium project to the Director of Community Development, in a form and content satisfactory to the Director of Community Development and City Attorney, prior to the sale of any unit in the project for condominium purposes. The CC&Rs shall be reviewed by the Director of Community Development and City Attorney, at the applicant's expense, and shall, upon approval of the City, be recorded in the Office of the County Recorder of the County of San Bernardino prior to the sale of any condominium unit.
111. The CC&Rs shall also state that prior to the sale of the first condominium unit, the applicant or its successor(s) or assign(s), if any, will comply with all applicable conditions of approval and California Government Code Section 66459, obtain a Final Subdivision Public Report from the California Department of Real Estate (DRE), form a condominium homeowners association, file Articles of Incorporation for the condominium homeowners association (or other appropriate organizational document) with the California Secretary of State, adopt bylaws, and comply with the Davis-Sterling Common Interest Development Act, the Subdivided Lands Act, and any successor or other statutes that may apply.
112. The CC&Rs to be submitted to the City and recorded against the property shall state that the Association shall be responsible for ongoing maintenance of all buildings and grounds within the Project including roadways, retaining walls, drainage facilities, and water and sewer systems as described herein, as well as the management of all aspects of condominium project.
113. In the event the Association fails to act or perform pursuant to the CC&Rs, the City reserves the right, but not the obligation, to enforce CC&Rs at the expense of the Association.
114. Proposed projects will be required to demonstrate the economic feasibility of the project related to Association dues and payments.
115. Depending on specific details of any proposed project, other conditions may be imposed for inclusion in the CC&Rs.

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

APPROVED AND ADOPTED THIS 8TH DAY OF SEPTEMBER, 2025

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: \_\_\_\_\_  
Manny Martinez, Chair

ATTEST: \_\_\_\_\_  
Michael Diaz, Secretary

I, Michael Diaz, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 8th day of September 2025, by the following vote, to-wit:

AYES:

NOES:

ABSENT: