



REGULAR ADJOURNED MEETING OF THE  
MONTCLAIR PLANNING COMMISSION  
to be held virtually via the Zoom platform

Monday, January 10, 2022  
7:00 p.m.

Remote Participation Information:  
Zoom Link: <https://zoom.us/j/95858571900>  
Dial Number: 1-(669)-900-6833  
Meeting ID: 980 8312 8248

To make a public comment or speak on an agenda item, including public hearing, please complete the online public comment form at <https://www.cityofmontclair.org/public-comment/>. Written comments (200-word limit per agenda item and 200-word limit for all non-agenda items combined) and requests to speak can also be emailed to [pcclerk@cityofmontclair.org](mailto:pcclerk@cityofmontclair.org) at least one hour before the meeting begins. The chair (or the meeting's Presiding Officer) will call on those who submitted requests to speak at the appropriate time during the meeting. Those participating remotely may request to speak using the "raise hand" function in Zoom (dial \*9 if on the phone, and then \*6 to un-mute when called on to speak).

## AGENDA

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Chair Manny Martinez, Vice Chair Jaso Sanchez, Commissioner Sergio Sahagun, Commissioner Ginger Eaton, and Commissioner Krishna Patel

4. **APPROVAL OF MINUTES**

The minutes from the following meeting dates are presented for approval, to wit:

September 13, 2021  
September 27, 2021  
October 25, 2021

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

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

Any person wishing to address the Planning Commission on an agenda or non-agenda item should complete an online public comment form as described above.

**6. AGENDA ITEMS**

- a. PUBLIC HEARING – CASE NUMBER 2008-7 “B”  
Project Address: 10240 & 10244 Central Avenue  
Project Applicant: Gardner Family Trust  
Project Planner: Silvia Gutierrez  
Request: Time Extension Request for Conditional Use Permit, Precise Plan of Design
  
- b. PUBLIC HEARING – CASE NUMBER 2021-17 “A”  
Project Address: 9631, 9635 & 9655 Monte Vista Avenue  
Project Applicant: Chengdu Holding, LLC  
Project Planner: Christine Sanchez Caldwell  
Request: Tentative Parcel Map (For Condominium Purposes) and Conditional Use Permit

**7. INFORMATION ITEMS**

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

**8. PUBLIC INSPECTION OF MATERIALS**

Reports, backup materials, and additional materials related to this project item can be viewed on our website [www.cityofmontclair.org/agendas](http://www.cityofmontclair.org/agendas) by clicking on the Planning Commission agenda for January 10, 2022.

**9. ADJOURNMENT**

The City of Montclair Planning Commission meeting is adjourned to the regularly scheduled meeting of January 24, 2022 at 7:00 p.m.

**CERTIFICATION OF AGENDA POSTING**

I, Laura Embree, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda has been posted on the bulletin board adjacent to the north door of Montclair City Hall on January 6, 2022.

**Report on Item Number 6.a**

**PUBLIC HEARING – CASE NUMBER 2008-7 “B”**

APPLICATION TYPE(S)	Time Extension Request for Conditional Use Permit and Precise Plan of Design
NAME OF APPLICANT	Gardner Family Trust
LOCATION OF PROPERTY	10240-10244 Central Avenue
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	"C-2" (Restricted)
EXISTING LAND USE	Multi-tenant Commercial Center
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301, Class 1)
PROJECT PLANNER	Silvia Gutiérrez

**Project Description**

Gardner Family Trust, property owner and applicant, is requesting a time extension for the above entitlements approved for the addition of a 1,440-square-foot enclosed patio and associated site improvements to an existing restaurant within an existing multi-tenant commercial building. The Planning Commission approved the project on July 12, 2021.

Due to continuing financial constraints and impacts caused by COVID-19, the applicant has not been able to move forward on implementing the approved project. As a result, the applicant has submitted a time extension request stretching to July 12, 2023.

**Planning Division Comments**

Given the circumstances surrounding the project, staff finds the time extension request to be valid and reasonable. Staff continues to support the project and believes the project layout and design continue to comply with the Municipal Code and the General Plan. The 101 conditions identified in Resolution No. 21-1951 would continue to be valid and in effect for the project.

**Planning Division Recommendation**

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

1. Move to approve a time extension for the Precise Plan of Design and Conditional Use Permit approved under Case No. 2008-7 "B", extending to July 12, 2023, subject to the original 101 conditions of approval found in Resolution No. 21-1951.

A handwritten signature in black ink, appearing to read "Michael Diaz". The signature is fluid and cursive, with a large, prominent "D" at the end.

Michael Diaz  
Director of Community Development

c: Rick Gardner, 10256 Central Avenue, Montclair, CA 91763  
Ricardo Ayala, 10244 Central Avenue, Montclair, CA 91763

## Report on Item Number 6.b

### PUBLIC HEARING - CASE NUMBER 2021-17 "A"

APPLICATION TYPE	Tentative Parcel Map (For Condominium Purposes) and Conditional Use Permit
NAME OF APPLICANT	Chengdu Holding, LLC
LOCATION OF PROPERTY	9631, 9635, & 9655 Monte Vista Avenue
GENERAL PLAN DESIGNATION	Office Professional
ZONING DESIGNATION	Administrative Professional (AP)
EXISTING LAND USE	Medical Office Buildings
ENVIRONMENTAL DETERMINATION	Categorically Exempt: Section 15301(k) (Class 1–Existing Facilities) and Section 15315 (Minor Land Divisions)
PROJECT PLANNER	Christine Sanchez Caldwell Economic Development Consultant

#### **Project Proposal**

The proposal before the Planning Commission is to consider a conditional use permit approving Tentative Parcel Map 20507 to replace Tentative Parcel Map 20375 that was approved by the Planning Commission under Case No. 2021-17 on June 14, 2021.

Under Case No. 2021-17, the Planning Commission approved a conditional use permit for Tentative Parcel Map 20375 (*For Condominium Purposes*) to create a three-unit office condominium project for the properties addressed as 9631, 9635, and 9655 Monte Vista Avenue. The City Council subsequently approved Tentative Parcel Map 20375 on November 15, 2021.

City staff was notified on December 3, 2021, that the County Recorder's Office had rejected Parcel Map 20375 citing it was not the correct map number for the project. It was further noted the legal description associated with Tentative Parcel Map 20375 was not the correct legal description for the subject site. As is customary, the applicant was issued the tentative parcel number from the County Recorder's Office.

Since Tentative Parcel Map 20375 is linked with Case No. 2021-17, the City Attorney has requested the Planning Commission formally replace Tentative Parcel Map 20375 with Tentative Parcel Map 20507 pursuant to approval of a new conditional use permit

approving the new map. Tentative Parcel Map 20507 is attached as Exhibit A, and the June 14, 2021 Planning Commission agenda report approving Tentative Parcel Map 20375 is attached as Exhibit B for the Planning Commission’s reference.

The Planning Commission is also requested to consider approval of Planning Commission Resolution No. 22-1958, a new resolution intended to replace Resolution No. 21-1949. The proposed conditions of approval for the initial tentative tract map remain the same as approved under Case No. 2021-17, with the exception of changes reflecting the new tentative parcel map number.

As the Planning Commission may recall, when the development project was approved on July 8, 2019 to construct and operate the senior assisted living and memory care facility (*Aqua Ridge of Montclair Senior Living*), the applicant was required to merge all four existing parcels into a single lot to ensure orderly development of the project and eliminate existing landlocked parcels. The applicant requested to satisfy this condition through the approval of a condominium map. Tentative Parcel Map 20375, approved by the Planning Commission on June 14, 2021, was intended to allow *Aqua Ridge of Montclair Senior Living* facility operate independently from the two medical buildings on the site and removes existing property lines thereby satisfying conditions of approval of the original approval. The proposed configuration allows the owner to obtain a permanent loan for the newly constructed project exclusive of the remaining two medical buildings.

**Background**

- At the time the project was first reviewed by the Planning Commission in 2019 to consider development of the assisted living and memory care facility, the subject site was comprised of four separate lots each with a freestanding office building. Two of the four medical buildings were to be demolished to accommodate the first phase of the senior assisted living and memory care facility. A third medical building was to be demolished during Phase 2 and replaced with a new two-story building for 50 additional beds. The originally approved project elements under Planning Case No. 2019-07 are summarized as follows:

Approved Senior Assisted Living and Memory Care Facility	
Phase 1	
Demolition	New Construction
9625 & 9645 Monte Vista Avenue. -20,092 SF	Two-story Building - <u>62,023</u> SF
9635 & 9655 Monte Vista Avenue to remain	<ul style="list-style-type: none"> <li>• 15 memory care units (28 beds)</li> <li>• 75 assisted living units (75 beds)</li> </ul> Total: 90 units with 103 beds.
Phase 2	
Demolition	New Construction
9635 Monte Vista Avenue - 9,111 SF	Two-Story Building – 22,000 SF/50 beds
<b>Total</b>	<b>84,023 SF</b>

- As part of Phase 1, the remaining buildings at 9635 and 9655 Monte Vista Avenue were to be repainted to complement the new color scheme of the new senior assisted living and memory care building. Three temporary lots were created prior to the issuance of a building permit. This required additional lot line adjustments to accommodate the new building (the building could not be constructed across property lines) and to satisfy required setback and building exit requirements. This change allowed for the new building to be constructed on a separate lot and henceforth, allowed the developer to obtain a construction loan.
- On December 19, 2019, the owner recorded the lot line adjustment to create three temporary lots.
- The building address for the lot created with the merging of 9625 and 9645 Monte Vista Avenue is now addressed as 9631 Monte Vista Avenue.
- Office condominium developments are permitted in the AP zone subject to the issuance of a conditional use permit pursuant to the provisions of Chapter 11.78 and the approval of a tentative tract or parcel map. Covenants, Conditions and Restrictions and Reservation of Easements (CC&Rs) for Monte Vista Medical Owners Association (newly formed owners association for this project) will be recorded at the time of recordation of Tentative Parcel Map 20507.
- Approval of a condominium map would eliminate all existing property lines and create one singular 3.99-acre site.
- The development project now consists of only one phase; no other new construction will occur on the site.

### **Planning Division Comments**

Planning staff believes the previous findings for the conditional use permit and tentative parcel map remain the same as its initial consideration in June 2021. Staff believes Planning Commission action for this request will formalize replacement of Tentative Parcel Map 20375 with Tentative Parcel Map 20507 under Planning Case No. 2021-17 "A".

Recordation of the condominium map, and the accompanying recorded Covenants, Conditions, Restrictions and Reservations of Easements (CC&Rs), will allow for the orderly operation of the existing and new businesses and provide and maintain uniform on-site improvements. The covenants will ensure professional maintenance and management of the common areas for the entire site.

## Tentative Parcel Map

The tentative parcel map seeks only to provide legal documentation of merging the three existing lots into one parcel and creating three individual condominium buildings. Additionally, the proposed map will eliminate all conflicts with property lines posed by the existing parcels and will create a new single parcel appropriate in size and shape to support the formation of the proposed office condominium subdivision on the property. It will eliminate an existing landlocked parcel and two irregularly-shaped lots.

Staff finds the proposed tentative parcel map to be consistent with the applicable minimum development standards regarding minimum property size and dimensions for new parcels within the AP zoning district in which the site is located. Below is the summary of the proposed lot configuration that demonstrates all development standards are met once the three lots are merged and will be maintained with the approval of this action:

<b>TPM 20375 – Zoning Compliance with AP Zoning Development Standards</b>			
<i>Development Standard</i>	<i>Minimum Lot Size</i>	<i>Minimum Lot Width</i>	<i>Minimum Lot Depth</i>
Required	10,000 square feet	75 feet	100 feet
Provided	173,847 square feet	322.21 feet	539.72 feet

Staff further notes the proposed map is consistent with the City of Montclair’s General Plan and Zoning Ordinance requirements for parcels in the AP zone.

The new map would also allow the office condominium units to be sold and ensure each owner has control and ownership over the common areas and in the airspace related to their building and business.

## **Conditional Use Permit**

MMC’s Chapter 11.88 provides flexibility to employ more innovative and imaginative land use planning concepts subject to a Conditional Use Permit approval. Staff recognizes that office condominium developments are different in many respects from other types and land ownership as it provides variety in the physical development pattern as well as diverse office activities including medical uses. Chapter 11.88.100.C.2.a of the Montclair Municipal Code (MMC) provides regulations in terms of unit size and uses in which the project meets.

### *Unit Size:*

The units are sized in compliance with the minimum size specifications per code. Specifically, each office condominium building would meet the minimum code requirements for all the structures, parking, open space, private unit space, and other appurtenant facilities that are reserved for the exclusive use of each unit as well as a



proportionate share of all common space and facilities. Each building would also have separate water, sewage, and utility connections as required by the MMC. Each utility would be separately billed and have access to its own meters, heaters, air-conditioners with its own electrical panels. Additionally, the owners of the buildings would have equal use of on-site assigned parking, landscaped and walkway areas, shared driveways, outdoor picnic area, and shared expenses related to common area maintenance.

*Allowed Uses:*

The types of office condominium uses allowed in the project are those allowed per the requirements of Chapter 11.24 AP- Administrative Professional zone, unless a particular use is specifically limited by the owner of the property. All of the current uses in the buildings are medical use related, which is allowed per code.

Finally, the uses would be governed by CC&Rs and the site will be regulated by an on-site property management company that will ensure daily maintenance (including landscape), proper assignment of parking spaces, guest management, proper uses of the units, and security of the site. In conclusion, the proposed CC&Rs will create a positive impact to the existing site in that there will be an established set of uniform maintenance requirements and employment of a professional property management company.

### **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 Parcel Map No. 20507 can be made:

- A. The proposed subdivision and the provisions for its design and improvements are consistent with the adopted General Plan and the Montclair Municipal Code in that the Tentative Parcel Map proposal meets minimum lot size and dimension standards of the "AP" zoning district and provides for ample area on which to accommodate existing and future land uses compatible with the underlying zoning district. Moreover, the Tentative Parcel Map eliminates landlocked and irregularly-shaped lots thereby promoting good planning practices and orderly development within the City.
- B. The proposed office condominium subdivision is physically suitable for the types and densities of the existing buildings and on-site improvements, in that the overall combined total of 3.99 acres in area, is of a configuration that has sufficient width and depth to allow for orderly development. The two existing medical buildings and senior assisted living and memory care facility are located adjacent to a fully improved street that connects to Monte Vista Avenue and will provide direct and safe access to the project site. In addition, the site is designed to allow for appropriate internal pedestrian and vehicular circulation around the proposed improvements and managed through recorded CC&Rs.

- C. The proposed office condominium subdivision and existing improvements are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat, in that the site is recently developed and 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 office subdivision design in the Tentative Parcel 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. 2021-17 "A".
- E. The subdivision design and type of existing improvements proposed Tentative Parcel Map will not conflict with any onsite public or private easements for access or use, in that CC&Rs will be recorded on the property addressing reciprocal access, parking, maintenance, etc., on the property.

### **Conditional Use Permit Findings**

Staff believes the necessary findings for granting the CUP for the approval of Tentative Parcel Map 20507 (for condominium purposes) can be made, as follows:

- A. The proposed office condominium development is essential and desirable to the public convenience and public welfare, in that the condominium map and recorded CC&Rs will allow for the continued orderly operation of the businesses and provide a uniform appearance of the site. The covenants will ensure the professional maintenance and management of the common areas for the entire site and allow for the orderly future sale of the existing buildings.
- B. Granting the CUP for Tentative Parcel Map 20507 will not be materially detrimental to the public welfare and to other properties in the vicinity, in that the creation of a single parcel will ensure the orderly property management and future redevelopment of the site by eliminating existing landlocked and unusually-sized parcels.
- C. The existing development located on the site of the proposed office condominium subdivision is well designed and appropriately located in an area where there would be little to no impacts, in that the site is located in the Administrative Professional (AP) zone that allows for office condominium subdivisions. The project site has easy and safe access from developed streets, meets all applicable development standards for condominium subdivisions, and recorded CC&Rs will have a positive impact to the area and surrounding streetscape, in that CC&Rs will ensure proper uses and operations of each building and all the common areas.

- D. The proposed office condominium project for the subject site is not contrary to the objectives of any part of the General Plan, in that the adopted General Plan encourages orderly development with respect to adopted land use plans, and the continual improvement of the City as a place for attractive office and medical uses while eliminating or minimizing potential detrimental impacts on surrounding properties and uses such as landlocked and irregularly-sized parcels.

## **ENVIRONMENTAL ASSESSMENT**

Planning staff finds this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301(k) (Class 1 – Existing Facilities) and Section 15315 (Minor Land Divisions) of the State CEQA Guidelines. The project qualifies because the proposed project is on a developed site, involves no expansion of the existing buildings, and is the formation of an office condominium subdivision consisting of three buildings existing on the site.

## **PUBLIC NOTICE AND COMMENTS**

This item was published as a public hearing in the Inland Valley Daily Bulletin newspaper on December 31, 2021, 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, no inquiries regarding the project were received by staff.

## **Planning Division Recommendation**

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

- 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(k) (Class 1 – Existing Facilities) and Section 15315 (Minor Land Divisions) of the State CEQA Guidelines. The project qualifies because the proposed project is on a developed site, involves no expansion of the existing buildings, and is the formation of a condominium subdivision of three existing medical buildings on the site.
- B. Move to recommend City Council approval of Tentative Parcel Map No. 20507 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. 22-1958.
- C. Move to approve the Conditional Use Permit per the submitted plans and as described in the staff report for the three-unit office condominium project under

Case No. 2021-17 "A", subject to the conditions of approval in attached Resolution No. 22-1958.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Diaz". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "Diaz".

Michael Diaz  
Director of Community Development

MD/csc

Attachments:	Exhibit A:	Tentative Parcel Map No. 20507
	Exhibit B:	June 14, 2021 PC Agenda Report for Case No. 2021-17
	Exhibit C:	Draft Resolution No. 22-1958

c: Chengdu Holding, LLC , 701 S. San Gabriel Blvd. Ste. D, San Gabriel, CA 91776  
Robert Chiang, Clover Estate, Inc. 2361 Fullercreek Road, Chino Hills, CA 91709

**Exhibit A**  
**Tentative Parcel Map 20507**

# TENTATIVE PARCEL MAP 20507

## (FOR CONDOMINIUM PURPOSES) CITY OF MONTCLAIR, STATE OF CALIFORNIA MONTCLAIR SENIOR LIVING

PARCELS 1 THROUGH 3 OF CERTIFICATE APPROVING LOT LINE ADJUSTMENT NO. 2019-5, IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER INSTRUMENT NO. 2020-0004570, DATED JANUARY 06, 2020, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

### ZONING:

ZONING MAP: AP (ADMINISTRATIVE PROFESSIONAL)  
GENERAL PLAN LAND USE: OFFICE PROFESSIONAL

### ASSESSOR PARCEL NUMBERS:

1008-651-45; 46 & 47.

### PROJECT ADDRESS:

9631, 9635 AND 9655 MONTE VISTA AVENUE,  
MONTCLAIR, CA 91763

### PROJECT DATA:

#### A. EXISTING CONDITION:

PARCEL #	TYPE OF DEVELOPMENT	LOT AREA (AC)	BUILDING (SF)
A	ASSISTED LIVING AND MEMORY CARE BUILDING	2.217	32255
B	MEDICAL AND PHARMACY RETAILS BUILDING	0.773	9685
C	MEDICAL BUILDING	1.001	13187
TOTAL DEVELOPMENT AREA:		3.991	

#### B. PROPOSED CONDITION:

PARCEL #	TYPE OF DEVELOPMENT	LOT AREA (AC)	BUILDING (SF)
1	ASSISTED LIVING AND MEMORY CARE BUILDING	3.991	32255
	MEDICAL AND PHARMACY RETAILS BUILDING		9685
	MEDICAL BUILDING		13187
TOTAL DEVELOPMENT AREA:		3.991	

#### C. PARKING REQUIREMENT:

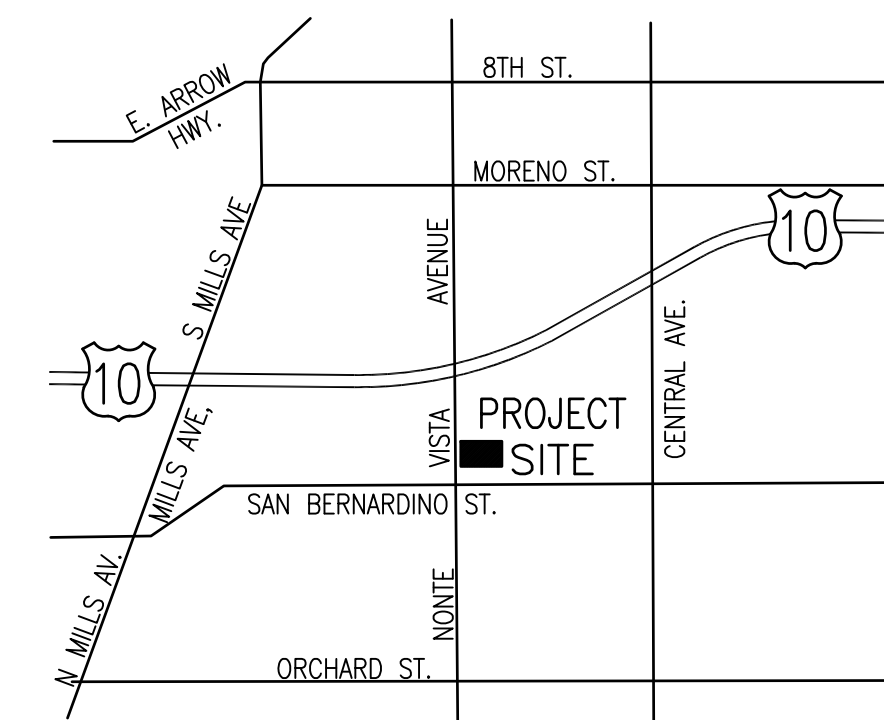
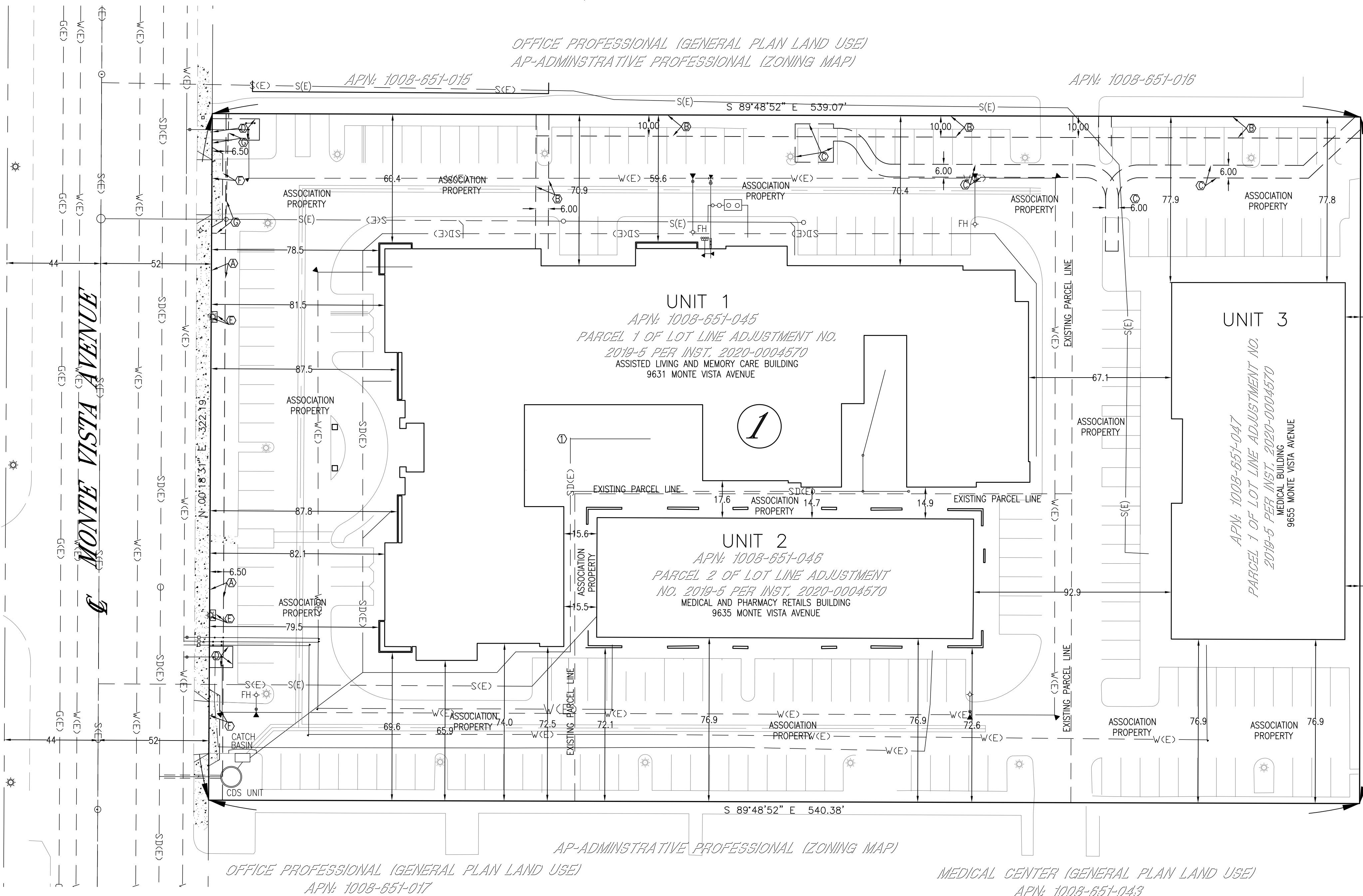
SITE TOTAL REQUIRED: 191  
SITE TOTAL PROVIDED: 196

**NOTE:**  
EXISTING TOPOGRAPHIC AND BOUNDARY INFORMATION ARE PREPARED BY:  
ELKINS SURVEYING  
4391 BANDINI AVE.,  
RIVERSIDE, CA 92506  
(909) 613-9164  
elksurvey@aol.com

IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL EXISTING DATA PRIOR TO ANY CONSTRUCTION.



**NOTE:**  
SECTION 4216/4217 OF THE GOVERNMENT CODE REQUIRES A DIG ALERT IDENTIFICATION NUMBER BE ISSUED BEFORE A PERMIT TO EXCAVATE WILL BE VALID. FOR YOUR DIG ALERT ID NUMBER CALL UNDERGROUND SERVICE ALERT  
TOLL FREE "811"  
TWO WORKING DAYS BEFORE YOU DIG.



VICINITY MAP  
T.G. 641-F5  
NTS

### SHEET INDEX

SHEET 1: TENTATIVE TRACT MAP  
SHEET 2: SITE IMPROVEMENT PLAN

### LEGAL DESCRIPTION

PARCELS 1 THROUGH 3 OF CERTIFICATE APPROVING LOT LINE ADJUSTMENT NO. 2019-5, IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER INSTRUMENT NO. 2020-0004570, DATED JANUARY 06, 2020, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

### BASIS OF BEARINGS

THE BEARING N 00°18'31" E OF THE CENTERLINE OF MONTE VISTA AVENUE AS SHOWN ON PARCEL MAP NO. 3010, FILED IN BOOK 28 OF PARCEL MAPS, PAGES 100 AND 101 OF PARCEL MAPS, IS TAKEN AS THE BASIS OF BEARINGS OF THIS PROJECT.

### BENCH MARK:

CITY OF MONTCLAIR BENCHMARK NO. 188-90:  
SAN BERNARDINO STREET & MONTE VISTA AVE.  
PK & LEAD IN CURB AT SOUTHWEST CORNER, SAN BERNARDINO STREET AND MONTE VISTA AVENUE, 2'+/- WEST OF B.C.R.  
ELEV.=1051.81

### CITY OF MONTCLAIR - UTILITIES NOTIFICATION LIST

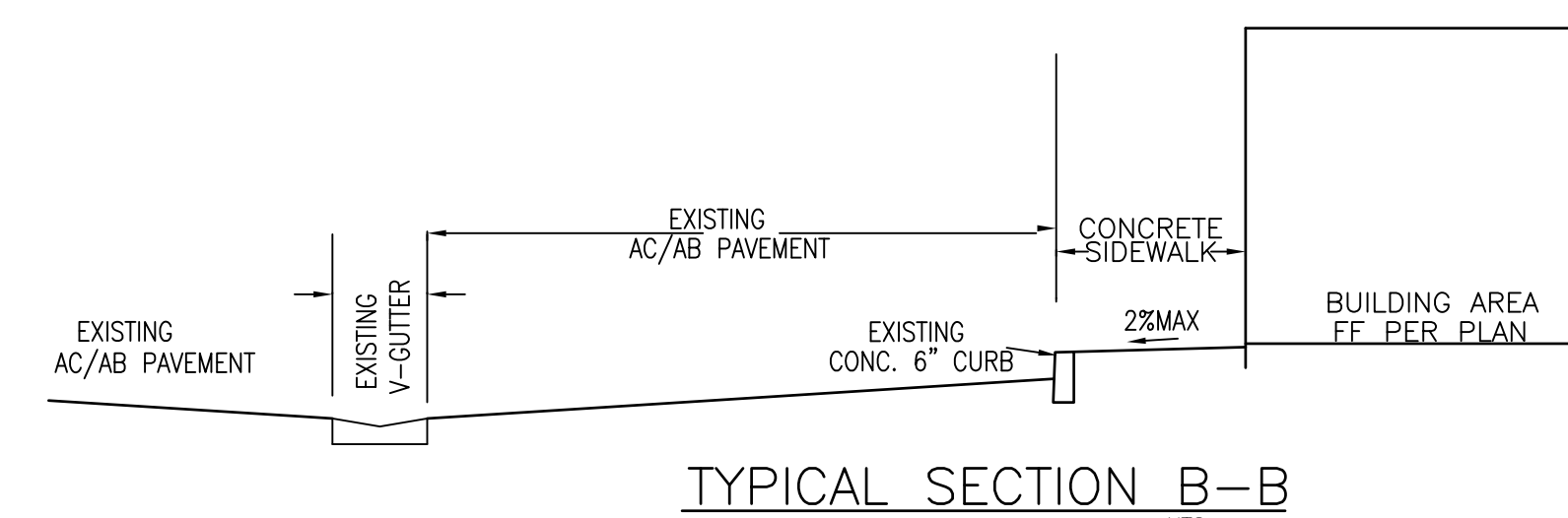
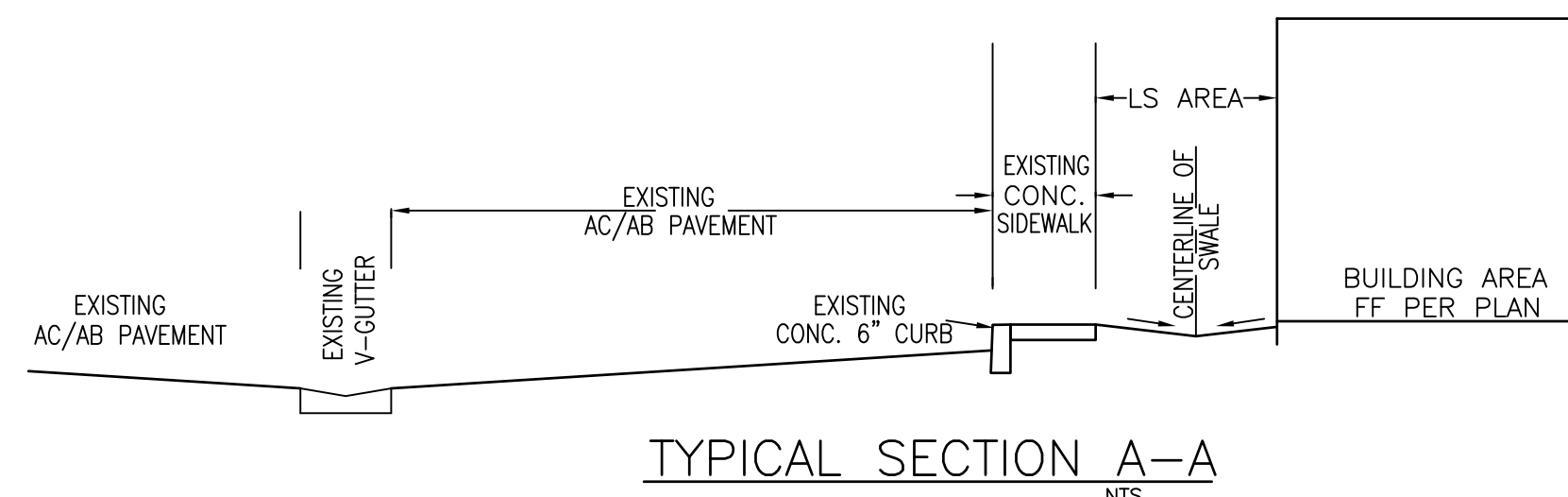
CITY OF MONTCLAIR 5111 BENITO STREET MONTCLAIR, CA 91763 (909) 626-8571	Underground Service Alert (800) 227-2600
MONTE VISTA WATER DISTRICT 10575 CENTRAL AVENUE MONTCLAIR, CA 91763 (909) 624-0035	SOUTHERN CALIFORNIA EDISON 1341 EAST FRANCIS STREET ONTARIO, CA 91761 (909) 930-8591
VERIZON 1400 EAST PHILIPS BOULEVARD POMONA, CA 91766 (909) 469-6334	SOUTHERN CALIFORNIA GAS 13525 12TH STREET CHINO, CA 91710 (909) 613-1537
TIME WARNER CABLE 3430 E. MIRALOMA AVENUE ANAHEIM, CA 92806 (888-TW-CABLE)	BURRTEC WASTE INDUSTRIES, INC. 9890 CHERRY AVENUE FONTANA, CA 92335 (909) 628-4282

### NOTE:

SEE SHEET 2 OF 2 FOR SITE GRADING.

### LIST OF EASEMENTS WITH NOTES:

ID	ESMT HOLDER	PURPOSE	ACTION
A	CITY OF MONTCLAIR	6.5' PUBLIC UTILITY EASEMENT	REMAIN IN PLACE
B	GENERAL TELEPHONE	PUBLIC UTILITY EASEMENT	REMAIN IN PLACE
C	SOUTHERN CALIFORNIA EDISON	PUBLIC UTILITY EASEMENT	REMAIN IN PLACE
D	MONTE VISTA WATER DISTRICT	PUBLIC UTILITY EASEMENT	REMAIN IN PLACE
E	CITY OF MONTCLAIR	STREET LIGHT EASEMENT	REMAIN IN PLACE
F	CITY OF MONTCLAIR	PUBLIC PEDESTRIAN EASEMENT	REMAIN IN PLACE
G	SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY	PUBLIC ACCESS EASEMENT	REMAIN IN PLACE
1	GENERAL TELEPHONE	PUBLIC UTILITY EASEMENT	TO BE QUIT CLAIMED
2	SOUTHERN CALIFORNIA EDISON	PUBLIC UTILITY EASEMENT	TO BE QUIT CLAIMED



OWNER:  
CHENGDU HOLDING, LLC  
  
701 S. SAN GABRIEL BLVD., SUITE D  
SAN GABRIEL, CA 91776  
  
E-MAIL: jasminelbucho@gmail.com

PROJECT MANAGER:  
CLOVER ESTATE INC.  
  
2361 FULLERCREEK ROAD  
CHINO HILLS, CA 91709  
TEL: (909) 973-6999  
FAX: (909) 539-0395  
E-MAIL: www.cloverestate.com

PROJECT ARCHITECT  
IRWIN PARTNERS ARCHITECTS  
  
245 FISCHER AVE., SUITE B-2  
COSTA MESA, CA 92626  
TEL: (714) 557-2448  
FAX: (714) 486-3994  
E-MAIL: www.ipaac.com

CIVIL ENGINEER:  
FOCUS ENGINEERING, INC.  
CIVIL ENGINEERS LAND SURVEYORS  
  
25 MAUCHLY, SUITE 317  
IRVINE, CA 92618  
TEL: (949) 450-0590  
FAX: (949) 450-0592  
E-MAIL: focusengr@sbcglobal.net



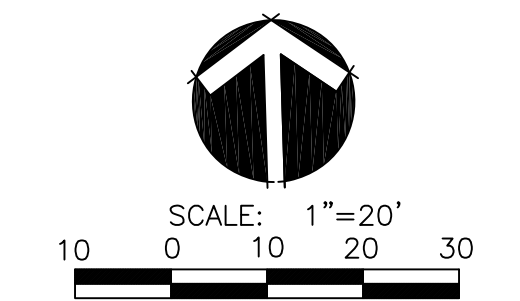
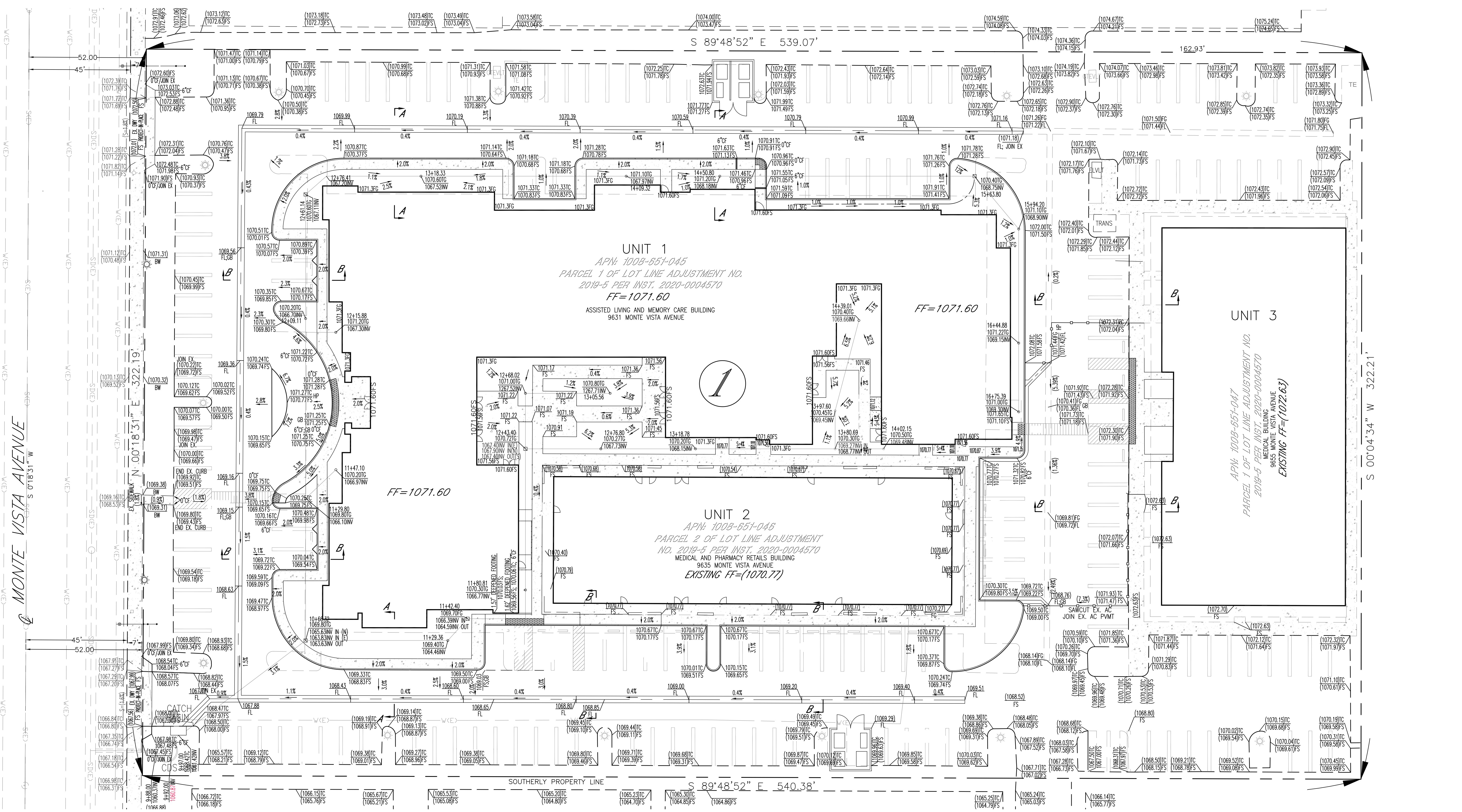
PRINT: 2021-12-10

### REVISIONS

NO.	DATE	DESCRIPTION
1	12/2021	REVISED PARCEL MAP NUMBER

CITY OF MONTCLAIR  
TENTATIVE PARCEL MAP 20507  
(FOR CONDOMINIUM PURPOSES)  
MONTCLAIR SENIOR LIVING  
9631, 9635 & 9655 MONTE VISTA AVENUE  
TITLE SHEET

SHEET  
1 OF 2



**OWNER:**  
CHENGDU HOLDING, LLC

701 S. SAN GABRIEL BLVD., SUITE D  
SAN GABRIEL, CA 91776

E-MAIL: jasminelbuchta@gmail.com

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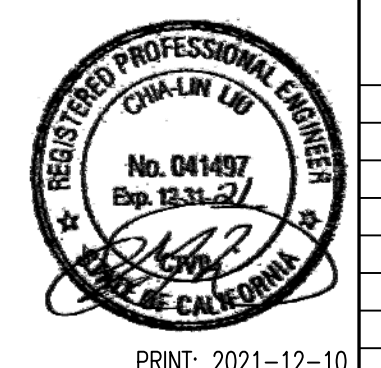
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**REVISIONS**

NO.	DATE	DESCRIPTION
1	12/2021	REVISED PARCEL MAP NUMBER

**CITY OF MONTCLAIR**

TENTATIVE PARCEL MAP 20507  
(FOR CONDOMINIUM PURPOSES)  
MONTCLAIR SENIOR LIVING  
9631, 9635 & 9655 MONTE VISTA AVENUE  
SITE IMPROVEMENT PLAN

SHEET  
2 OF 2

**Exhibit B**

**June 14, 2021**

**Planning Commission Agenda Report  
Approving Tentative Parcel Map 20375  
Case No. 2021-17**



## Report on Item Number 6.b

### CASE NUMBER 2021-17

APPLICATION TYPE	Tentative Parcel Map (For Condominium Purposes) and Conditional Use Permit
NAME OF APPLICANT	Chengdu Holding, LLC
LOCATION OF PROPERTY	9631, 9635 & 9655 Monte Vista Avenue
GENERAL PLAN DESIGNATION	Office Professional
ZONING DESIGNATION	Administrative Professional (AP)
EXISTING LAND USE	Medical Office Buildings
ENVIRONMENTAL DETERMINATION	Categorically Exempt: Section 15301(k) (Class 1–Existing Facilities) and Section 15315 (Minor Land Divisions)
PROJECT PLANNER	Christine Sanchez Caldwell Economic Development Consultant

### **Project Proposal**

9

The applicant is requesting consideration of a Conditional Use Permit approving Tentative Parcel Map 20375 (For Condominium Purposes) to create a three-unit office condominium project for the properties addressed as 9631, 9635, and 9655 Monte Vista Avenue. The proposed condominium plan would remove all existing property lines and create one singular 3.99-acre parcel.

On July 8, 2019, the Planning Commission approved Case No. 2019-07, a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) to allow the development and operation of a two-phased, 84,023 sq. ft., senior assisted living and memory care facility at the above-referenced site, subject to conditions of approval contained in Resolution No. 19-1932 (Exhibit A attached). Phase 1 construction of the 62,023 sq. ft. main building commenced in February 2020 and is nearing completion. As a condition of approval, the Planning Commission required all four existing parcels be merged into a single parcel pursuant to a lot merger to ensure orderly development of the project and eliminate existing landlocked parcels.

Conditions 1.m and 1.n of Resolution No. 19-1932, specifically requires the original four-parcel site be merged into a single unified parcel, which the applicant is now requesting

to satisfy through the approval of a condominium map. The proposed condominium map (Tentative Parcel Map 20375 – attached as Exhibit B) will allow the senior assisted living and memory care facility to operate independently from the two medical buildings on the site and removes existing property lines, thereby satisfying Conditions 1.m and 1.n of the original approval. The proposed configuration would allow the owner to obtain a permanent loan for the newly developed project exclusive of the remaining two medical buildings. Moreover, the development project now consists of only one phase; no other new construction will occur on the site.

Conditions of approval No. 1.m and No. 1.n read as follows:

Condition No. 1.m:

*A parcel merger shall be required. Developer shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code.*

Condition No. 1.n:

*Prior to the issuance of a building permit for construction of the new 62,023 sq. ft. building (Phase 1), the applicant shall complete the appropriate lot merger and lot line adjustments to create new Parcels 1-3 so that no building is constructed over a property line. Upon the completion of the new building in Phase 1 and prior to the issuance of a Certificate of Occupancy for said building, Parcels 1-3 shall be combined into a single parcel pursuant to a recorded lot merger for the entire 3.98-acre site. A new reciprocal access agreement granting parking and vehicular and pedestrian access shall be required as an interim measure until all three new parcels are merged and recorded.*

**Background**

- At the time the project was reviewed by the Planning Commission, the subject site was comprised of four separate lots each with a freestanding office building. Two of the four medical buildings were to be demolished to accommodate the first phase of the senior assisted living and memory care facility. A third medical building was to be demolished during Phase 2 and replaced with a new two-story building for 50 additional beds. The originally approved project elements under Planning Case No. 2019-07 are summarized as follows:

Approved Senior Assisted Living and Memory Care Facility	
Phase 1	
Demolition	New Construction
9625 & 9645 Monte Vista Avenue. - 20,092 SF	Two-story Building - <u>62,023</u> SF
9635 & 9655 Monte Vista Avenue to remain	<ul style="list-style-type: none"> <li>• 15 memory care units (28 beds)</li> <li>• 75 assisted living units (75 beds)</li> </ul> Total: 90 units with 103 beds.
Phase 2	
Demolition	New Construction
9635 Monte Vista Avenue - 9,111 SF	Two-Story Building – 22,000 SF/50 beds
<b>Total</b>	<b>84,023 SF</b>

- As part of Phase 1, the remaining buildings at 9635 and 9655 Monte Vista Avenue were to be repainted to complement the new color scheme of the new senior assisted living and memory care building. The rear building, 9655 Monte Vista Avenue, would not be demolished in either phase and was intended to retain its medical offices/uses throughout the life of the project.
- Phase 2 construction was planned to begin shortly after the completion of Phase 1 construction. Except for general clean-up of the existing 9635 Monte Vista Avenue medical building and the requirement for new paint, no additional requirements were called for because the medical building was intended to be demolished in a short time span.
- Three temporary lots were created prior to the issuance of a building permit. This required additional lot line adjustments to accommodate the new building (the building could not be constructed across property lines) and to satisfy required setback and building exit requirements. This change allowed for the new building to be constructed on a separate lot and henceforth, allowed the developer to obtain a construction loan.
- On December 19, 2019, the owner recorded the lot line adjustment to create three temporary lots.
- The building address for the lot created with the merging of 9625 and 9645 Monte Vista Avenue is now addressed as 9631 Monte Vista Avenue.
- No Certificate of Occupancy for the assisted living facility would be issued until the final lot merger creating one parcel for the entire 3.99-acre site was completed.

- Office condominium developments are permitted in the AP zone subject to the issuance of a conditional use permit pursuant to the provisions of Chapter 11.78 and the approval of a tentative tract or parcel map.
- Approval of a condominium map would eliminate all existing property lines and create one singular 3.99-acre site.
- The senior assisted living and memory care facility is now named *Aqua Ridge of Montclair Senior Living Community*.

### **Planning Division Comments**

In September 2020, the owner expressed “a financial hardship caused by tightened lending practices” with the requirement to merge the two remaining lots with the newly developed temporary lot that accommodates the under-construction senior assisted living facility. Through a lengthy series of discussions between Planning staff and the owner’s representatives, a condominium map was determined to best satisfy Condition No. 1.n for creating a single parcel, while still providing the developer the opportunity to secure a permanent loan for the assisted senior living and memory care facility. Since there will no longer be a Phase 2 construction project, the two remaining medical buildings are to remain as they currently exist. Recordation of the condominium map, which will now include recorded Covenants, Conditions, Restrictions and Reservations of Easements (CC&Rs), will allow for the orderly operation of the existing and new businesses and provide and maintain uniform on-site improvements. The covenants will ensure professional maintenance and management of the common areas for the entire site.

The CC&Rs for this project remain under draft form and require additional modifications to better address the overall future needs of the project. The proposed CC&Rs will be in final form at the time the Tentative Parcel Map is presented to the City Council.

### **Tentative Parcel Map**

The tentative parcel map seeks only to provide legal documentation of merging the three existing lots into one parcel and creating three individual condominium buildings. Additionally, the proposed map will eliminate all conflicts with property lines posed by the existing parcels and will create a new single parcel appropriate in size and shape to support the formation of the proposed office condominium subdivision on the property. It will eliminate an existing landlocked parcel and two irregularly-shaped lots.

Staff finds the proposed tentative parcel map to be consistent with the applicable minimum development standards regarding minimum property size and dimensions for new parcels within the AP zoning district in which the site is located. Below is the summary of the proposed lot configuration that demonstrates all development standards are met once the three lots are merged and will be maintained with the approval of this action:

<b>TPM 20375 – Zoning Compliance with AP Zoning Development Standards</b>			
<i>Development Standard</i>	<i>Minimum Lot Size</i>	<i>Minimum Lot Width</i>	<i>Minimum Lot Depth</i>
Required	10,000 square feet	75 feet	100 feet
Provided	173,847 square feet	322.21 feet	539.72 feet

Staff further notes the proposed map is consistent with the City of Montclair’s General Plan and Zoning Ordinance requirements for parcels in the AP zone.

The new map would also allow the office condominium units to be sold and ensure each owner has control and ownership over the common areas and in the airspace related to their building and business.

**Conditional Use Permit**

MMC’s Chapter 11.88 provides flexibility to employ more innovative and imaginative land use planning concepts subject to a Conditional Use Permit approval. Staff recognizes that office condominium developments are different in many respects from other types and land ownership as it provides variety in the physical development pattern as well as diverse office activities including medical uses. Chapter 11.88.100.C.2.a of the Montclair Municipal Code (MMC) provides regulations in terms of unit size and uses in which the project meets.

*Unit Size:*

The units are sized in compliance with the minimum size specifications per code. Specifically, each office condominium building would meet the minimum code requirements for all the structures, parking, open space, private unit space, and other appurtenant facilities that are reserved for the exclusive use of each unit as well as a proportionate share of all common space and facilities. Each building would also have separate water, sewage, and utility connections as required by the MMC. Each utility would be separately billed and have access to its own meters, heaters, air-conditioners with its own electrical panels. Additionally, the owners of the buildings would have equal use of on-site assigned parking, landscaped and walkway areas, shared driveways, outdoor picnic area, and shared expenses related to common area maintenance.

*Allowed Uses:*

The types of office condominium uses allowed in the project are those allowed per the requirements of Chapter 11.24 AP- Administrative Professional zone, unless a particular use is specifically limited by the owner of the property. All of the current uses in the buildings are medical use related, which is allowed per code.

Finally, the uses would be governed by CC&Rs and the site will be regulated by an on-site property management company that will ensure daily maintenance (including

landscape), proper assignment of parking spaces, guest management, proper uses of the units, and security of the site.

In conclusion, the proposed CC&Rs will create a positive impact to the existing site in that there will be an established set of uniform maintenance requirements and employment of a professional property management company.

### **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 Parcel Map No. 20375 can be made:

- A. The proposed subdivision and the provisions for its design and improvements are consistent with the adopted General Plan and the Montclair Municipal Code in that the Tentative Parcel Map proposal meets minimum lot size and dimension standards of the "AP" zoning district and provides for ample area on which to accommodate existing and future land uses compatible with the underlying zoning district. Moreover, the Tentative Parcel Map eliminates landlocked and irregularly-shaped lots thereby promoting good planning practices and orderly development within the City.
- B. The proposed office condominium subdivision is physically suitable for the types and densities of the existing buildings and on-site improvements, in that the overall combined total of 3.99 acres in area, is of a configuration that has sufficient width and depth to allow for orderly development. The two existing medical buildings and senior assisted living and memory care facility (currently in the final stages of construction) are located adjacent to a fully improved street that connects to Monte Vista Avenue and will provide direct and safe access to the project site. In addition, the site is designed to allow for appropriate internal pedestrian and vehicular circulation around the proposed improvements and managed through recorded CC&Rs.
- C. The proposed office condominium subdivision and existing improvements are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat, in that the site is recently developed and 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 office subdivision design in the Tentative Parcel 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. 2019-07.

- E. The subdivision design and type of existing improvements proposed Tentative Parcel Map will not conflict with any onsite public or private easements for access or use, in that CC&Rs will be recorded on the property addressing reciprocal access, parking, maintenance, etc., on the property.

### **Conditional Use Permit Findings**

Staff believes the necessary findings for granting the CUP for the approval of Tentative Parcel Map 20375 (for condominium purposes) can be made, as follows:

- A. The proposed office condominium development is essential and desirable to the public convenience and public welfare, in that the condominium map and recorded CC&Rs will allow for the continued orderly operation of the businesses and provide a uniform appearance of the site. The covenants will ensure the professional maintenance and management of the common areas for the entire site and allow for the orderly future sale of the existing buildings.
- B. Granting the CUP for Tentative Parcel Map 20375 will not be materially detrimental to the public welfare and to other properties in the vicinity, in that the creation of a single parcel will ensure the orderly property management and future redevelopment of the site by eliminating existing landlocked and unusually-sized parcels.
- C. The existing development located on the site of the proposed office condominium subdivision is well designed and appropriately located in an area where there would be little to no impacts, in that the site is located in the Administrative Professional (AP) zone that allows for office condominium subdivisions. The project site has easy and safe access from developed streets, meets all applicable development standards for condominium subdivisions, and recorded CC&Rs will have a positive impact to the area and surrounding streetscape, in that CC&Rs will ensure proper uses and operations of each building and all the common areas.
- D. The proposed office condominium project for the subject site is not contrary to the objectives of any part of the General Plan, in that the adopted General Plan encourages orderly development with respect to adopted land use plans, and the continual improvement of the City as a place for attractive office and medical uses while eliminating or minimizing potential detrimental impacts on surrounding properties and uses such as landlocked and irregularly-sized parcels.

### **ENVIRONMENTAL ASSESSMENT**

Planning staff finds this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301(k) (Class 1 – Existing Facilities) and Section 15315 (Minor Land Divisions) of the State CEQA Guidelines. The project qualifies because the proposed project is on a developed site, involves no expansion of the existing buildings, and is the formation of an office condominium subdivision consisting of three buildings existing on the site.

## **PUBLIC NOTICE AND COMMENTS**

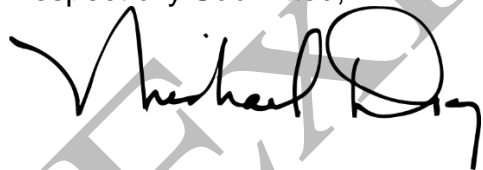
This item was published as a public hearing in the Inland Valley Daily Bulletin newspaper on June 4, 2021, as prescribed by law for this discretionary land use entitlement. Public hearing notices were mailed to all property owners within 300 feet from the boundaries of the subject property. As of the date of the writing of this report, no inquiries regarding the project were received by staff.

### **Planning Division Recommendation**

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

- 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(k) (Class 1 – Existing Facilities) and Section 15315 (Minor Land Divisions) of the State CEQA Guidelines. The project qualifies because the proposed project is on a developed site, involves no expansion of the existing buildings, and is the formation of a condominium subdivision of three existing medical buildings on the site.
- B. Move to recommend City Council approval of Tentative Parcel Map No. 20375 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. 21-1949.
- C. Move to approve the Conditional Use Permit per the submitted plans and as described in the staff report for the three-unit office condominium project under Case No. 2021-17, subject to the conditions of approval in attached Resolution No. 21-1949.

Respectfully Submitted,



Michael Diaz  
Director of Community Development

MD/csc

Attachments:           Exhibit A – Resolution No.19-1932  
                                  Exhibit B – TPM 20375  
                                  Exhibit C:– Draft Resolution No. 21-1949

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c: Chengdu Holding, LLC, 701 S. San Gabriel Blvd. Ste. D, San Gabriel, CA 91776  
Robert Chiang, Clover Estate, Inc., 2361 Fullercreek Road, Chino Hills, CA 91709

Exhibit "B"

**Exhibit C**  
**Draft Resolution No. 22-1958**

**RESOLUTION NO. 22-1958**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2021-17 “A” APPROVING TENTATIVE PARCEL MAP NO. 20507 (FOR CONDOMINIUM PURPOSES) PERTAINING TO THE PROPERTIES LOCATED AT 9631, 9635, AND 9655 MONTE VISTA AVENUE (ASSESSOR PARCEL NUMBERS 1008-651-45-0000, 1008-651-46-0000, AND 1008-651-47-0000)**

A. Recitals.

**WHEREAS**, on May 18, 2021, Chengdu Holdings, LLC, property owner, filed an application for a Conditional Use Permit (CUP) and Tentative Parcel Map No. 20375 (for condominium purposes) identified as Case No. 2021-17, to allow for the recordation of an office condominium subdivision encompassing the properties located at 9631, 9635, and 9655 Monte Vista Avenue; and

**WHEREAS**, the subject site is approximately 3.99 acres in size and is presently comprised of three separate legal parcels; and

**WHEREAS**, the two-story senior assisted living and memory care facility (*Aqua Ridge of Montclair Senior Living*) is situated on the 9631 Monte Vista Avenue parcel; and

**WHEREAS**, the 9635 and 9655 Monte Vista Avenue parcels each contain a freestanding single-story medical office building; and

**WHEREAS**, on July 8, 2019, the Planning Commission approved Planning Case No. 2019-07, a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) to allow the development and operation of a two-phased, 84,023 sq. ft. senior assisted living and memory care facility at the subject site; and

**WHEREAS**, as a condition of approval, the Planning Commission required all existing parcels be merged into a single parcel pursuant to a lot merger to ensure orderly development of the project and eliminate existing landlocked parcels, and

**WHEREAS**, the proposed condominium map (Tentative Parcel Map 20375—For Condominium Purposes) was intended to allow the senior assisted living and memory care facility to operate independently from the two medical buildings on the site and would remove existing property lines, thereby satisfying a condition of approval requiring the original existing four parcels be merged into one; and

**WHEREAS**, three temporary lots were created prior to issuance of a building permit pursuant to the original July 8, 2019, Planning Commission approval. This required additional lot line adjustments to accommodate the new building (buildings cannot be constructed across property lines) and to satisfy required setback and building exit requirements. This change allowed for the new building to be constructed on a separate lot and henceforth, allowed the developer to obtain a construction loan; and

**WHEREAS**, on December 19, 2019, the owner recorded the lot line adjustment to create three temporary lots; and

**WHEREAS**, on February 26, 2020, building permits were issued for the construction of the senior assisted living and memory care facility at 9631 Monte Vista Avenue; and

**WHEREAS**, the development project now consists of only one phase; no other construction will occur on the site; and

**WHEREAS**, the subject site is in the Administrative Professional (AP) zone designation; and

**WHEREAS**, office condominium developments are permitted in the AP zone subject to the issuance of a conditional use permit pursuant to the provisions of Chapter 11.88 and the approval of a tentative tract or parcel map; and

**WHEREAS**, approval of Tentative Parcel Map 20375 (For Condominium Purposes) would eliminate all existing property lines and create one singular 3.99-acre site; and

**WHEREAS**, staff found the project to be in compliance with the guidelines and applicable development standards of the AP (Administrative Professional) zone; and

**WHEREAS**, on June 14, 2021, the Planning Commission approved a conditional use permit approving Tentative Parcel Map 20375 (For Condominium Purposes); and

**WHEREAS**, the City Council on November 15, 2021, approved Tentative Parcel Map 20375 (For Condominium Purposes); and

**WHEREAS**, on December 3, 2021, the San Bernardino County Assessor-Recorder's Office rejected the recording of Tentative Parcel Map 20375 (For Condominium Purposes) citing it an incorrect tentative map number for the project; and

**WHEREAS**, the San Bernardino County Assessor-Recorder's Office also noted the legal description associated with Tentative Parcel Map 20375 (For Condominium Purposes) is not the correct legal description for the subject site; and

**WHEREAS**, as is customary, the applicant was issued the tentative parcel number from the San Bernardino County Assessor-Recorder Office; and

**WHEREAS**, on December 9, 2021, city staff received Receipt No. 21-457526 from the San Bernardino County Assessor-Recorder Office for Tentative Parcel Map 20507 (For Condominium Purposes); and

**WHEREAS**, it was determined the Planning Commission needed to reconsider a new tentative parcel map to replace previously approved Tentative Parcel Map 20375 (For Condominium Purposes); and

**WHEREAS**, the Planning Commission is asked to approve Tentative Parcel Map 20507 (For Condominium Purposes) to replace Tentative Parcel Map 20375 (For Condominium Purposes) for the properties addressed as 9631, 9635, and 9655 Monte Vista Avenue; and

**WHEREAS**, the Montclair Planning Division case number for Tentative Parcel Map 20507 (For Condominium Purposes) is referenced as Case No. 2021-17 "A"; and

**WHEREAS**, any changes, modifications, and or expansions to any of the buildings referenced in Tentative Parcel Map 20507 (For Condominium Purposes) would require prior City approvals; and

**WHEREAS**, the condominium plan subdivision will be referenced as Monte Vista Medical Owners Association; and

**WHEREAS**, Covenants, Conditions, Restrictions and Reservations of Easements (CC&Rs) will be recorded on the property for Monte Vista Medical Owners Association as a condition of approval; and

**WHEREAS**, the City of Montclair will be made a party to the CC&Rs in that the City will have power to enforce the provisions of the CC&Rs; and

**WHEREAS**, the Planning Commission finds this project to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301(k) (Class 1 – Existing Facilities) and Section 15315 (Minor Land Divisions) of the State CEQA Guidelines. The project qualifies because the proposed project is on a developed site, involves no expansion of the existing buildings, and consists of the formation of an office condominium subdivision consisting of three buildings existing on the site; and

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

**WHEREAS**, on January 10, 2022, commencing at 7:00 p.m., the Planning Commission conducted a public hearing via a Zoom platform, at which time all persons

wishing to testify in connection with said application were heard, and said application was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Based on substantial evidence presented to this Commission during the above-referenced public hearing on January 10, 2022, including written and oral staff reports, together with public testimony, this Commission hereby finds with respect to Tentative Parcel Map No. 20507 and Conditional Use Permit under Case No. 2021-17 "A", request as follows:

**Tentative Parcel Map Findings**

Pursuant to California Government Code Section 66410, *et seq.*, the following findings for recommending approval to the City Council of Tentative Parcel Map 20507 (For Condominium Purposes) can be made:

A. The proposed subdivision and the provisions for its design and improvements are consistent with the adopted General Plan and the Montclair Municipal Code in that the Tentative Parcel Map proposal meets minimum lot size and dimension standards of the "AP" zoning district and provides for ample area on which to accommodate future land uses compatible with the underlying zoning district. Moreover, the Tentative Parcel Map eliminates landlocked and irregularly-shaped lots thereby promoting good planning practices and orderly development within the City.

B. The proposed office condominium subdivision is physically suitable for the types and densities of the existing buildings and on-site improvements, in that the overall combined total of 3.99 acres in area, is of a configuration that has sufficient width and depth to allow for orderly development. The two existing medical buildings and senior assisted living and memory care facility (currently in the final stages of construction) are located adjacent to a fully improved street that connects to Monte Vista Avenue and will provide direct and safe access to the project site. In addition, the site is designed to allow for appropriate internal pedestrian and vehicular circulation around the proposed improvements and managed through recorded CC&Rs.

C. The proposed office condominium subdivision and existing improvements are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat, in that the site is recently developed and 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 office subdivision design in the Tentative Parcel 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. 2019-07 and Resolution No. 19-1932.

E. The condominium subdivision design and type of existing improvements relative to Tentative Parcel Map 20507 (For Condominium Purposes) will not conflict with any onsite public or private easements for access or use, in that CC&Rs will be recorded on the property addressing reciprocal access, parking, maintenance, etc., on the property.

### **Conditional Use Permit Findings**

The Planning Commission finds with respect to approval of a Conditional Use Permit for Tentative Parcel Map 20507 (For Condominium Purposes) can be made, as follows:

A. The proposed office condominium development is essential and desirable to the public convenience and public welfare, in that the condominium map and recorded CC&Rs will allow for the continued orderly operation of the businesses and provide a uniform appearance of the site. The covenants will ensure the professional maintenance and management of the common areas for the entire site and allow for the orderly future sale of the existing buildings.

B. Granting the CUP for Tentative Parcel Map 20507 (For Condominium Purposes) will not be materially detrimental to the public welfare and to other properties in the vicinity, in that creation of a single parcel will ensure the orderly property management and future redevelopment of the site by eliminating existing landlocked and unusually-sized parcels.

C. The existing development located on the site of the proposed office condominium subdivision is well designed and appropriately located in an area where there would be little to no impacts, in that the site is located in the Administrative Professional (AP) zone that allows for office condominium subdivisions. The project site has easy and safe access from developed streets, meets all applicable development standards for condominium subdivisions, and recorded CC&Rs will have a positive impact to the area and surrounding streetscape, in that CC&Rs will ensure proper uses and operations of each building and all the common areas.

D. The proposed office condominium project for the subject site is not contrary to the objectives of any part of the General Plan, in that the adopted General Plan encourages orderly development with respect to adopted land use plans, and the

continual improvement of the City as a place for attractive office and medical uses while eliminating or minimizing potential detrimental impacts on surrounding properties and uses such as landlocked and irregularly-sized parcels.

### **Conditions of Approval**

Based upon the findings and conclusions set forth in the paragraphs above, this Commission hereby approves the application subject to all conditions set forth below:

#### **Planning Division**

1. This approval is hereby granted to allow the following entitlements at 9631, 9635, and 9655 Monte Vista Avenue:

- a. Tentative Parcel Map No. 20507, to merge Assessor Parcel Nos. 1008-651-45-0000, 1008-651-46-0000 and 1008-651-47-0000 into a single lot with a combined area of approximately 173,847 square feet (3.99 acres), and to allow the creation of a three-unit office condominium subdivision as referenced in attached Exhibit A; and
- b. A Conditional Use Permit (CUP) to create a three-unit office condominium subdivision pursuant to the development standards contained in Chapters 11.32 and 11.88 as it pertains to the allowable uses and required unit sizes, and other development requirements; and
- c. Tentative Parcel Map 20507 (For Condominium Purposes) hereby replaces Tentative Parcel Map 20375 (For Condominium Purposes) for the properties addressed as 9631, 9635, and 9655 Monte Vista Avenue (APN 1008-651-45-0000, 1008-651-46-0000, & 1008-651-47-0000).

2. Notice to Applicant/Subdivider: The conditions of approval for this project include certain fees, dedication requirements (if applicable), reservation requirements, and/or other exactions more specifically described in the conditions of approval herein. The subdivider/applicant is hereby notified that the 90-day protest period to challenge such items has begun as of the date of the project approval. For purposes of this notice, "project approval" shall mean the date that the Planning Commission approves the Conditional Use Permit for the Tentative Parcel Map for the project and recommends City Council approval of Tentative Parcel Map 20507. All impact fees shall be due and payable at the time stated in the adopted ordinance, resolution or policy adopting and imposing such fees. If the applicant fails to file a protest regarding any of the fees, dedications, reservations or other exaction requirements as specified in Government Code Section 66020, the subdivider/applicant shall be legally barred from later challenges.



3. The subdivider/applicant shall reimburse the City for the legal costs associated with the preparation/review of any agreements and covenants required by these conditions.

4. 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.

5. 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 for the project as required by the California Environmental Quality Act (CEQA).
- b. A check in the amount of \$487.28 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.

6. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 15 days of receipt of the Planning Commission Resolution.

7. All Conditions of Approval pursuant to Resolution No. 19-1932 approved by the Montclair Planning Commission on July 8, 2019, for Planning Case No. 2019-07, for this site, shall remain in effect and are hereby attached as Exhibit B of this resolution.

8. Any modification, intensification, or expansion of the use beyond that which is specifically approved by the above-noted entitlements and that is not reflected in the map, plans, and drawings approved with this action shall require review and approval by staff, the Planning Commission, or the City Council as appropriate.

9. In the event that exhibits and written conditions are inconsistent, the written conditions shall prevail.

10. No Certificate of Occupancy shall be provided for the senior assisted living and memory care facility at 9631 Monte Vista Avenue until Tentative Parcel Map 20375 is recorded.

11. This CUP approval shall be valid for a period of six months (180 calendar days) from the date of Planning Commission approval and shall automatically expire on the sixth month anniversary date of Planning Commission action, unless the applicant is diligently pursuing recordation of a Final Map for Condominium Purposes at this site. The applicant and/or property owner shall be responsible to apply for a time extension at least

30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date.

12. In establishing and conducting the subject use, the applicant shall at all times comply with any and all laws, ordinances, and regulations of the City of Montclair, the County of San Bernardino, and the State of California. Approval of Tentative Parcel Map 20507 (for Condominium Purposes) and CUP shall not waive compliance with any such requirements.

13. The Declaration of Covenants, Conditions, Restrictions, and Reservation of Easements (CC&Rs) for *Monte Vista Medical Owners Association* shall be recorded prior to, or concurrently, with the recording of the Final Map. Upon transfer, sale or re-assignment of the property to another individual or entity, the applicant shall make full disclosure of the CUP requirements and restrictions to future buyers, transferees, or assignees.

Building Division

14. The Mylar plans shall be approved and stamped by the Civil Engineer who drew the plans, and the City Engineer for the City of Montclair. The completed plans shall be filed with the San Bernardino County Assessor-Recorder's Office by the owner at owner's expense.

15. Provide new and accurate parcel numbers and addresses on the Final Map.

Water Quality Management

16. Applicant shall prepare and submit to the City a Water Quality Management Plan and Storm Water BMP Transfer, Access and Maintenance Agreement identifying the property address and assigned San Bernardino Tax Assessor Parcel Number that reflects the condominium subdivision (Tentative Parcel Map 20507—For Condominium Purposes). Following the approval by the City, the agreement shall be recorded by the owner in the Office of the Recorder of San Bernardino County, California, at the expense of the owner.

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

APPROVED AND ADOPTED THIS 10TH DAY OF JANUARY, 2022

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 10th day of January 2022, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\CSCALDWELL\CASES 2021-17"A"\22-1958\PC RESOLUTION

ATTACHMENTS:      EXHIBIT A— TENTATIVE PARCEL MAP 20375 (FOR CONDOMINIUM PURPOSES)  
                                 EXHIBIT B— PLANNING COMMISSION RESOLUTION NO. 19-1932

**Exhibit A**  
**to**  
**Resolution No. 22-1958**  
**Tentative Parcel Map 20507**

# TENTATIVE PARCEL MAP 20507

## (FOR CONDOMINIUM PURPOSES) CITY OF MONTCLAIR, STATE OF CALIFORNIA MONTCLAIR SENIOR LIVING

PARCELS 1 THROUGH 3 OF CERTIFICATE APPROVING LOT LINE ADJUSTMENT NO. 2019-5, IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER INSTRUMENT NO. 2020-0004570, DATED JANUARY 06, 2020, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

### ZONING:

ZONING MAP: AP (ADMINISTRATIVE PROFESSIONAL)  
GENERAL PLAN LAND USE: OFFICE PROFESSIONAL

### ASSESSOR PARCEL NUMBERS:

1008-651-45; 46 & 47.

### PROJECT ADDRESS:

9631, 9635 AND 9655 MONTE VISTA AVENUE,  
MONTCLAIR, CA 91763

### PROJECT DATA:

#### A. EXISTING CONDITION:

PARCEL #	TYPE OF DEVELOPMENT	LOT AREA (AC)	BUILDING (SF)
A	ASSISTED LIVING AND MEMORY CARE BUILDING	2.217	32255
B	MEDICAL AND PHARMACY RETAILS BUILDING	0.773	9685
C	MEDICAL BUILDING	1.001	13187
TOTAL DEVELOPMENT AREA:		3.991	

#### B. PROPOSED CONDITION:

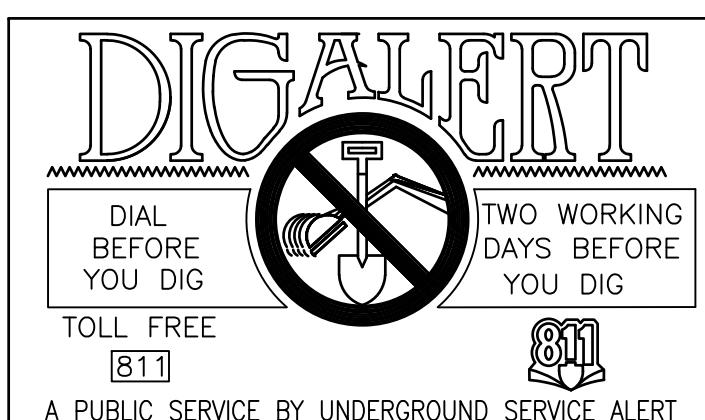
PARCEL #	TYPE OF DEVELOPMENT	LOT AREA (AC)	BUILDING (SF)
1	ASSISTED LIVING AND MEMORY CARE BUILDING	3.991	32255
	MEDICAL AND PHARMACY RETAILS BUILDING		9685
	MEDICAL BUILDING		13187
TOTAL DEVELOPMENT AREA:		3.991	

#### C. PARKING REQUIREMENT:

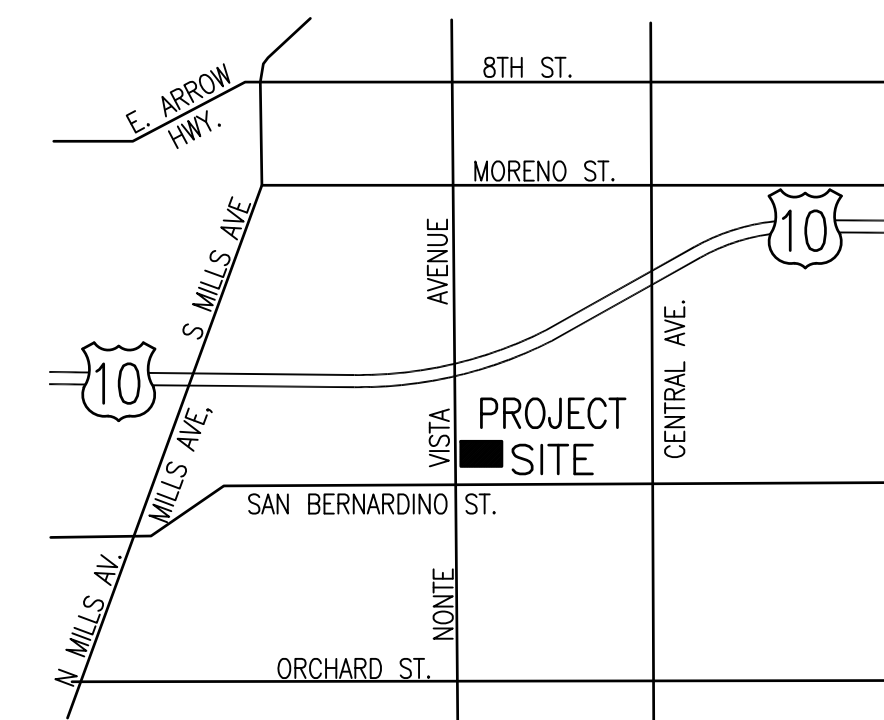
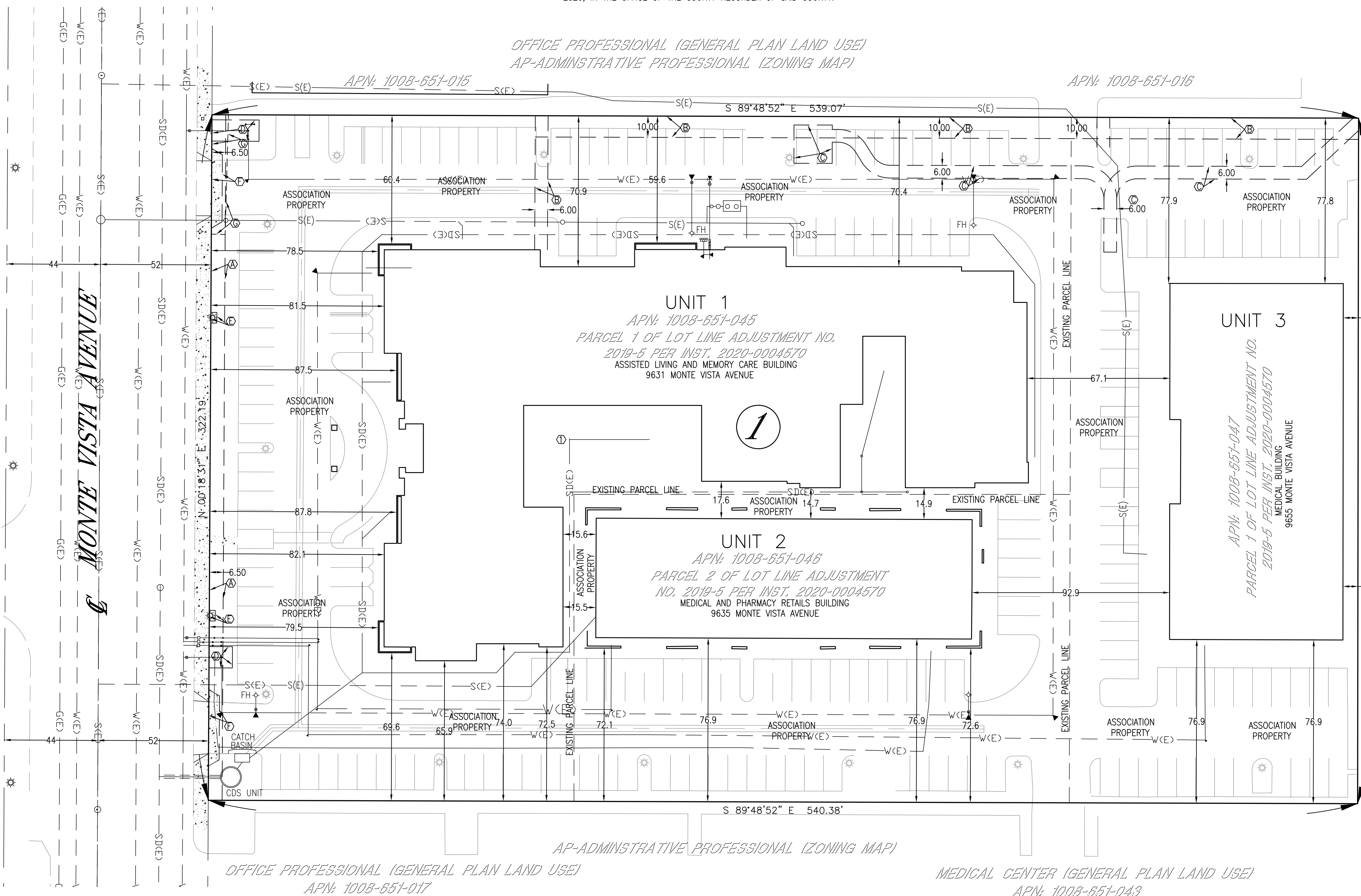
SITE TOTAL REQUIRED: 191  
SITE TOTAL PROVIDED: 196

**NOTE:**  
EXISTING TOPOGRAPHIC AND BOUNDARY INFORMATION ARE PREPARED BY:  
ELKINS SURVEYING  
4391 BANDINI AVE.,  
RIVERSIDE, CA 92506  
(909) 613-9164  
elksurvey@aol.com

IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL EXISTING DATA PRIOR TO ANY CONSTRUCTION.



**NOTE:**  
SECTION 4216/4217 OF THE GOVERNMENT CODE REQUIRES A DIG ALERT IDENTIFICATION NUMBER BE ISSUED BEFORE A PERMIT TO EXCAVATE WILL BE VALID. FOR YOUR DIG ALERT ID NUMBER CALL UNDERGROUND SERVICE ALERT  
TOLL FREE "811"  
TWO WORKING DAYS BEFORE YOU DIG.



VICINITY MAP  
T.G. 641-F5  
NTS

### SHEET INDEX

SHEET 1: TENTATIVE TRACT MAP  
SHEET 2: SITE IMPROVEMENT PLAN

### LEGAL DESCRIPTION

PARCELS 1 THROUGH 3 OF CERTIFICATE APPROVING LOT LINE ADJUSTMENT NO. 2019-5, IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER INSTRUMENT NO. 2020-0004570, DATED JANUARY 06, 2020, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

### BASIS OF BEARINGS

THE BEARING N 00°18'31" E OF THE CENTERLINE OF MONTE VISTA AVENUE AS SHOWN ON PARCEL MAP NO. 3010, FILED IN BOOK 28 OF PARCEL MAPS, PAGES 100 AND 101 OF PARCEL MAPS, IS TAKEN AS THE BASIS OF BEARINGS OF THIS PROJECT.

### BENCH MARK:

CITY OF MONTCLAIR BENCHMARK NO. 188-90:  
SAN BERNARDINO STREET & MONTE VISTA AVE.  
PK & LEAD IN CURB AT SOUTHWEST CORNER, SAN BERNARDINO STREET AND MONTE VISTA AVENUE, 2'+/- WEST OF B.C.R.  
ELEV.=1051.81

### CITY OF MONTCLAIR - UTILITIES NOTIFICATION LIST

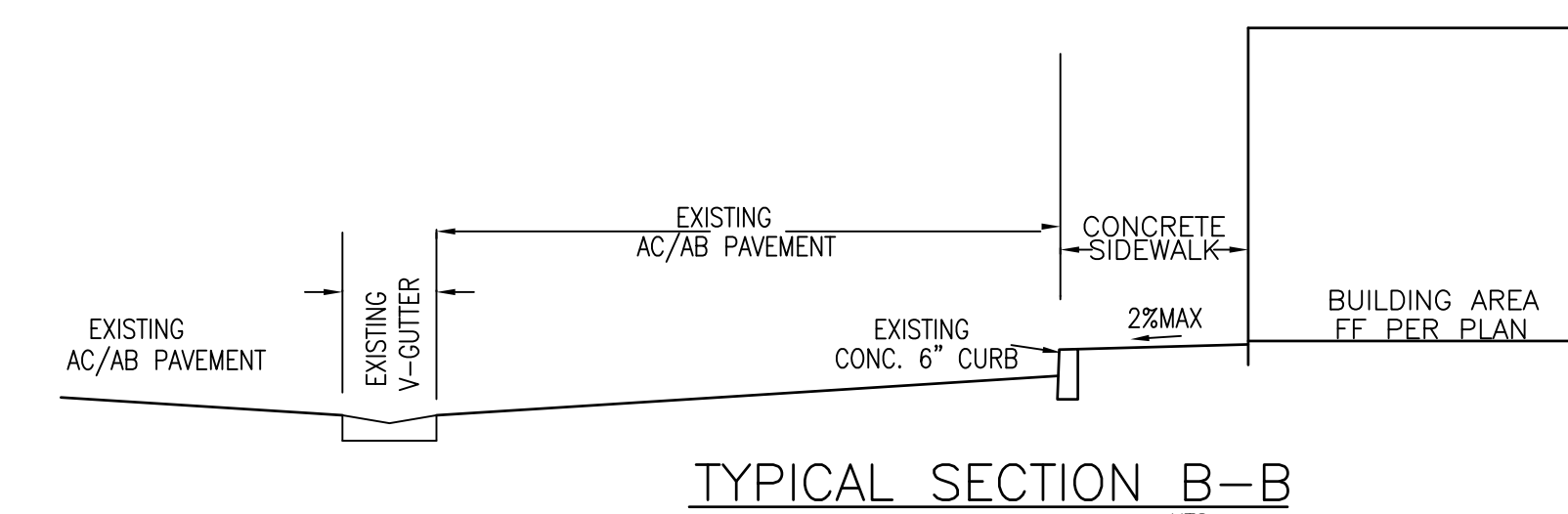
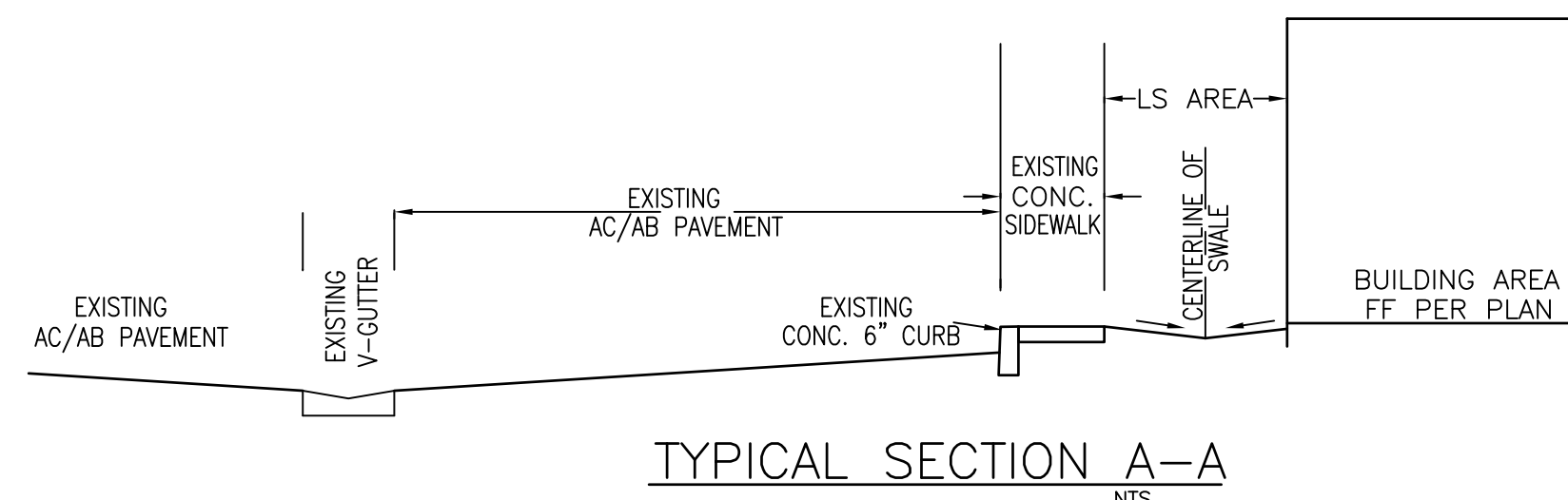
CITY OF MONTCLAIR 5111 BENITO STREET MONTCLAIR, CA 91763 (909) 626-8571	Underground Service Alert (800) 227-2600
MONTE VISTA WATER DISTRICT 10575 CENTRAL AVENUE MONTCLAIR, CA 91763 (909) 624-0035	SOUTHERN CALIFORNIA EDISON 1341 EAST FRANCIS STREET ONTARIO, CA 91761 (909) 930-8591
VERIZON 1400 EAST PHILIPS BOULEVARD POMONA, CA 91766 (909) 469-6334	SOUTHERN CALIFORNIA GAS 13525 12TH STREET CHINO, CA 91710 (909) 613-1537
TIME WARNER CABLE 3430 E. MIRALOMA AVENUE ANAHEIM, CA 92806 (888-TW-CABLE)	BURRTEC WASTE INDUSTRIES, INC. 9890 CHERRY AVENUE FONTANA, CA 92335 (909) 628-4282

### NOTE:

SEE SHEET 2 OF 2 FOR SITE GRADING.

### LIST OF EASEMENTS WITH NOTES:

ID	ESMT HOLDER	PURPOSE	ACTION
A	CITY OF MONTCLAIR	6.5' PUBLIC UTILITY EASEMENT	REMAIN IN PLACE
B	GENERAL TELEPHONE	PUBLIC UTILITY EASEMENT	REMAIN IN PLACE
C	SOUTHERN CALIFORNIA EDISON	PUBLIC UTILITY EASEMENT	REMAIN IN PLACE
D	MONTE VISTA WATER DISTRICT	PUBLIC UTILITY EASEMENT	REMAIN IN PLACE
E	CITY OF MONTCLAIR	STREET LIGHT EASEMENT	REMAIN IN PLACE
F	CITY OF MONTCLAIR	PUBLIC PEDESTRIAN EASEMENT	REMAIN IN PLACE
G	SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY	PUBLIC ACCESS EASEMENT	REMAIN IN PLACE
1	GENERAL TELEPHONE	PUBLIC UTILITY EASEMENT	TO BE QUIT CLAIMED
2	SOUTHERN CALIFORNIA EDISON	PUBLIC UTILITY EASEMENT	TO BE QUIT CLAIMED



OWNER:  
CHENGDU HOLDING, LLC

701 S. SAN GABRIEL BLVD., SUITE D  
SAN GABRIEL, CA 91776

E-MAIL: jasminelbucho@gmail.com

PROJECT MANAGER:  
CLOVER ESTATE INC.

2361 FULLERCREEK ROAD  
CHINO HILLS, CA 91709  
TEL: (909) 973-6999  
FAX: (909) 539-0395  
E-MAIL: www.cloverestate.com

PROJECT ARCHITECT  
IRWIN PARTNERS ARCHITECTS

245 FISCHER AVE., SUITE B-2  
COSTA MESA, CA 92626  
TEL: (714) 557-2448  
FAX: (714) 486-3994  
E-MAIL: www.ipaac.com

CIVIL ENGINEER:  
FOCUS ENGINEERING, INC.

25 MAUCHLY, SUITE 317  
IRVINE, CA 92618  
TEL: (949) 450-0590  
FAX: (949) 450-0592  
E-MAIL: focusengr@sbcglobal.net



PRINT: 2021-12-10

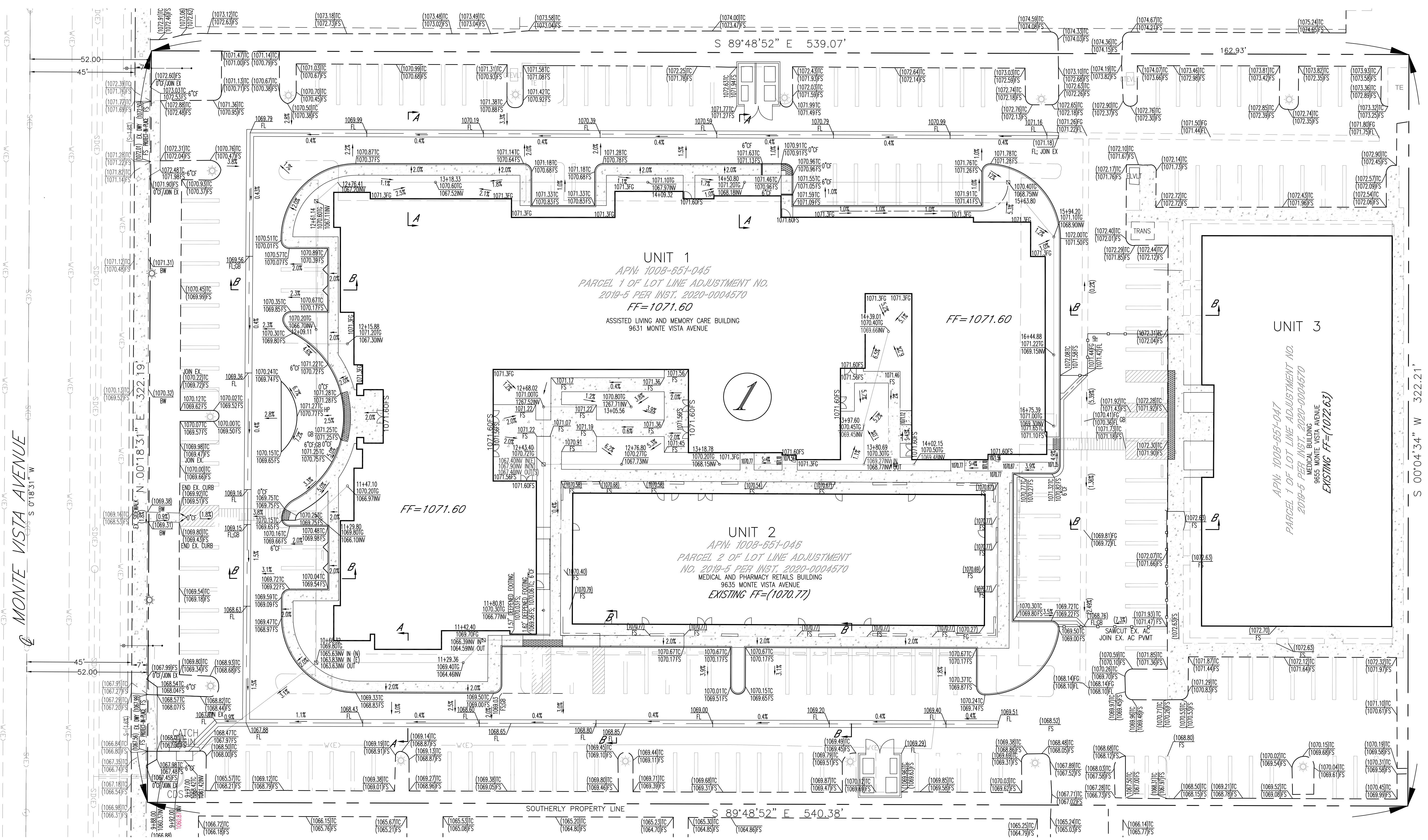
### REVISIONS

NO.	DATE	DESCRIPTION
1	12/2021	REVISED PARCEL MAP NUMBER

### CITY OF MONTCLAIR

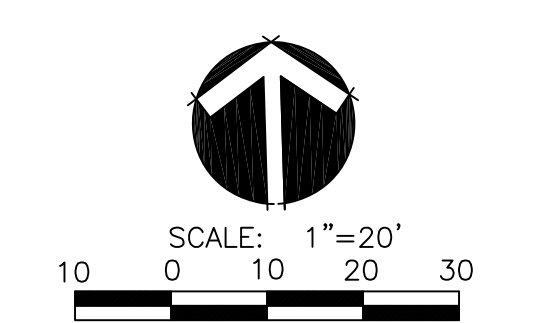
TENTATIVE PARCEL MAP 20507  
(FOR CONDOMINIUM PURPOSES)  
MONTCLAIR SENIOR LIVING  
9631, 9635 & 9655 MONTE VISTA AVENUE  
TITLE SHEET

SHEET  
1 OF 2



MONTE VISTA AVENUE  
S 0°18'31" W

S 0°04'34" W 322.21'



**OWNER:**  
CHENGDU HOLDING, LLC  
  
701 S. SAN GABRIEL BLVD., SUITE D  
SAN GABRIEL, CA 91776  
  
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FAX: (949) 450-0592  
E-MAIL: focusengr@sbcglobal.net



**REVISIONS**

NO.	DATE	DESCRIPTION
1	12/2021	REVISED PARCEL MAP NUMBER

**CITY OF MONTCLAIR**  
TENTATIVE PARCEL MAP 20507  
(FOR CONDOMINIUM PURPOSES)  
MONTCLAIR SENIOR LIVING  
9631, 9635 & 9655 MONTE VISTA AVENUE  
SITE IMPROVEMENT PLAN

SHEET  
2 OF 2

**Exhibit B**

**to**

**Resolution No. 22-1958**

**Planning Commission Resolution No. 19-1932**

**RESOLUTION NO. 19-1932**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITONAL USE PERMIT UNDER CASE NO. 2019-07 FOR DEVELOPMENT OF A SENIOR ASSISTED LIVING AND MEMORY CARE FACILITY AT 9625, 9635, 9645 AND 9655 MONTE VISTA AVENUE AND PRECISE PLAN OF DESIGN APPROVAL OF THE SITE PLAN, FLOOR PLANS, ELEVATIONS, COLORS, MATERIALS, AND CONCEPTUAL LANDSCAPE PLAN FOR CONSTRUCITION OF THE 62,023 SQUARE-FOOT BUILDING AND REMODEL OF THE REMAINING BUILDINGS (ASSESSOR PARCEL NUMBERS 1008-651-09-0000, 1008-651-10-0000, 1008-651-11-0000, AND 1008-651-12-0000)**

**WHEREAS**, on September 17, 2018, Chendu Holdings, LLC, property owner, filed an application for a Conditional Use Permit (CUP) and Precise Plan of Design (PPD) identified as Case No. 2019-07, to allow the development of a two-phased senior assisted living and memory care facility at 9625, 9635, 9645, and 9655 Monte Vista Avenue; and

**WHEREAS**, the subject property is approximately 3.98 acres in size and is comprised of four separate legal parcels with four freestanding office buildings, two of which will be demolished to accommodate the first phase of the project; and

**WHEREAS**, the four existing properties will be merged into a single parcel pursuant to a lot merger and allow the development of the proposed project per approved plans; and

**WHEREAS**, the Phase 1 includes the demolition of two buildings, 9625 and 9645 Monte Vista Avenue, to all the construction of a new two-story 60,023 square foot assisted living and memory care facility; and

**WHEREAS**, the subject site is located in the AP (Administrative Professional) zone; and

**WHEREAS**, an assisted living and memory care facility is allowed in the AP zone pursuant to the approval of a Conditional Use Permit; 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 Precise Plan of Design details the site plan, building placements, landscaping, and parking fields for both construction phases of the project; and

**WHEREAS**, the application only includes design plans for the two-story 62,023 SF building to be built during Phase 1 of the project; and

**WHEREAS**, the building design plans for Phase 2 shall require prior City review approval for Precise Plan of Design prior to construction of the Phase 2 improvements that will include building elevations, colors, materials, etc.; and

**WHEREAS**, staff finds the project to be in compliance with the guidelines and applicable development standards of the AP (Administrative Professional) zone; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), the City prepared an Initial Study for the project and released it for a 20-day public review and comment beginning on June 7, 2019, and ending on June 26, 2019; and

**WHEREAS**, notice of the availability of the Initial Study and Planning Commission review of this item was mailed out to property owners within a 300-foot radius of the project site boundaries; and

**WHEREAS**, one comment was received by staff on June 24, 2019, from the Inland Pulmonary Medical Group, 9655 Monte Vista Avenue, regarding the number and type of rooms, the amount of landscaping for the project, and whether the zoning for the project was appropriate; and

**WHEREAS**, based on the findings of the Initial Study, staff has determined that the project could have a potential significant adverse environmental impact unless reduced to a level of less than significance by the implementation of eleven proposed mitigation and standard measures. Areas identified as subject to potential environmental impacts requiring mitigation were Biological Resources, Cultural Resources (short term during site preparation), Geology and Soils, Hazards and Hazardous Materials, and Tribal Cultural Resources (short term during site preparation). Eleven (11) mitigation measures and standard conditions have been proposed and included as conditions of approval for the project. Therefore, a Mitigated Negative Declaration is proposed for the project; and

**WHEREAS**, based upon the facts and information contained in the application, together with all written and oral reports included for the environmental assessment for the application, the Planning Commission finds that no subsequent or supplemental environmental document is required pursuant to the California Environmental Quality Act (CEQA) in connection with the review and approval of this application based upon the following findings and determinations; and

**WHEREAS**, the Planning Commission finds there is no substantial evidence the project may have a significant effect on the environment with the implementation of

mitigation measures and directs staff to prepare a Notice of Determination for the Mitigated Negative Declaration and a De Minimis finding of no effect on fish and wildlife; and

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

**WHEREAS**, on July 8, 2019, 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 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 July 8, 2019, including written and oral staff reports, together with public testimony, this Commission hereby makes the following findings to approve the Conditional Use Permit for the senior assisted living and memory care facility at 9625, 9635, and 9645 Monte Vista Avenue as follows:

- A. The proposed senior assisted living and memory care facility would be beneficial to the public convenience and public welfare, in that the project would provide a safe and healthy alternate living option to a primarily senior-aged population. Personal care is provided for residents who cannot care for themselves and all residents would benefit from nutritional well-balanced meals and will be provided transportation to medical appointments, errands, and other areas of interest.
- B. Granting the CUP to allow the establishment of a senior assisted living and memory care facility will not be materially detrimental to the public welfare and to other property in the vicinity in that proposed project will generate relatively less peak-hour or total traffic counts on the site compared to the existing medical office uses. The majority of the residents will not drive cars and will rely primarily on the shuttle service provided by the operator. In addition, a senior assisted living and memory care facility is complementary to the surrounding healthcare-focused land uses.
- C. The proposed senior assisted living and memory care facility at the subject location conforms to good zoning practice, in that the Montclair Municipal Code allows for assisted living/memory care facilities in the Administrative Professional (AP) zone, subject to CUP approval. The CUP allows the City to place reasonable conditions

to govern the overall operation of the senior assisted living and memory care facility.

- D. The subject use in the proposed location is not contrary to the objective of any part of the adopted General Plan, in that the General Plan encourages a wide range of healthcare and medical service uses complementary to the local community hospital.

**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 as follows with respect to the recommendation of approval of Precise Plan of Design under 2019-07, subject to the conditions of approval contained in this resolution. Staff believes the findings for approving the PPD for a senior assisted living and memory care facility can be made, as follows:

- A. The proposed development of a 62,023 square-foot assisted living and memory care facility and associated on-site improvements is consistent with the current zoning designation and applicable development standards of the AP (Administrative Professional) zone. Phase 2 construction of a future 22,000 square foot building (memory care center) will require prior Planning Commission Precise Plan of Design approval. The design of the building will be generally consistent and/or complement the overall design, colors, and materials used on Building 1.
- B. The proposed assisted living and memory care development project would result in a substantial and significant improvement to the appearance of the site by replacing underutilized and dilapidated and neglected buildings and landscape planters with a new contemporary development that incorporates the efficient use of the site, high quality site design, and architectural design features.
- C. The proposed building design features high quality exterior materials/finishes, water efficient landscaping plantings that are intentionally designed to soften views of the plain, wall elements of the building, and provide appropriate lighting and hardscape improvements that would result in an enhanced visual appearance for the site.

**SECTION 4.** 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 Conditional Use Permit, and Precise Plan of Design approval is for development of an assisted living and memory care facility as depicted on approved plans dated April 16, 2019 and as described in the staff report. The approved CUP and PPD shall comply with the following requirements:
  - a. This Precise Plan of Design (PPD) approval is only for Phase 1 – the construction of a new 62,023 square-foot assisted living and memory care facility and associated site and building improvements including parking and landscaping for the properties located at 9625, 9635, 9645, and 9655 Monte Vista Avenue, as described in the staff report and depicted on approved plans.
  - b. Phase 2 – the construction of the 22,000 square foot secondary building shall require prior Planning Commission consideration for Precise Plan of Design approval prior to issuance of a building permit.
  - c. The maximum number of beds for the assisted living and memory care facility is as follows:
    - Phase 1: 15 memory care units (28 beds)  
75 assisted living units (75 beds)
    - Phase 2: 50 memory care/assisted living units (50 beds)
  - d. Buildings at 9635 and 9655 Monte Vista Avenue shall be repaired and repainted as depicted on approved plans and as described in the staff report. Replacement of all deteriorated exterior materials and finishes shall be repaired and/or replaced in good quality condition to the satisfaction of the Community Development Director and/or City Planner/Planning Manager.
  - e. Colors and materials as shown on the plans dated April 16, 2019, cannot be modified and/or replaced without prior approval of the Director of Community Development and/or City Planner/Planning Manager. Approved materials and colors are as follows:
    - i. SW 7041 Van Dyke Brown (Accent Stucco and Trim)
    - ii. SW 6385 Dover White (Base Stucco)
    - iii. DEC 760 Desert Gray (Accent Stucco)

- iv. DEC 761 Cochise (Accent Stucco)
- v. Coronado Stone "Special Used Brick"—Eagle Bluff; proposed color may change pursuant to the Director of Community Development and/or City Planner determination.
- f. The applicant will continue to work with Planning staff to fine-tune the selection of brick veneer color (Eagle Bluff) for the Phase 1 building. A true sample of the material (color) shall be submitted to Planning staff during the plan check process.
- g. Windows shall be dark bronze or black in color. No specifications were provided to Planning Division at time of submittal of application; therefore, a catalogue-cut out of the window style, brand, and specifications shall be submitted to Planning staff during the Building Plan Check process for final approval.
- h. All windows shall provide a minimum 2" depth inset from the wall plane.
- i. No decorative foam trim shall be installed around door entries, windows, and/or trim elements (e.g., belt courses) utilized within eight feet (8') from finished adjacent ground or floor elevations.
- j. All interior window treatments (blinds, roller shades, etc.) shall be uniform in color and style and shall be a neutral color. The Director of Community Development and/or City Planner/Planning Manager shall approve final selections.
- k. Roof materials on the porte-cochere shall be approved by the Director of Community Development and/or City Planner/Planning Manager.
- l. The applicant shall continue to work with the Planning staff for final development of the landscape plans—particularly with the placement of trees and shrubs in order to ensure the landscape fully complements the buildings and the full site.
- m. A parcel merger shall be required. Developer shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code.
- n. Prior to the issuance of a building permit for construction of the new 62,023 sq. ft. building (Phase 1), the applicant shall complete the appropriate lot merger and lot line adjustments to create new Parcels 1-3 so that no building is constructed over a property line.

Upon the completion of the new building in Phase 1 and prior to the issuance of a Certificate of Occupancy for said building, Parcels 1-3 shall be combined into a single parcel pursuant to a recorded lot merger for the entire 3.98-acre site. A new reciprocal access agreement granting parking and vehicular and pedestrian access shall be required as an interim measure until all three new parcels are merged and recorded.

- o. There shall be no exposed individual air conditioner units located on/within any of the exterior wall elevations or located in the front landscape planter areas. Ground-placed air conditioner units/compressors must be completely screened from Monte Vista Avenue.
  - p. The applicant shall provide Planning staff a catalogue cut of the proposed decorative wall lighting for final approval by the Director of Community Development and/or City Planner/Planning Manager.
  - q. The applicant shall provide Planning staff a catalogue cut of the proposed metal awnings/canopies for final approval by the Director of Community Development and/or City Planner/Planning Manager.
2. The CUP approval shall be valid for six (6) months and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check toward obtaining building permits and completing the approved project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's CUP expiration date.
3. 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 has submitted plans for, and is diligently pursuing, building plan check and building permits to allow eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
4. No changes to the approved set of plans, including the exterior design and materials/finishes, shall be permitted without prior City review and 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.

5. In establishing and conducting the subject use, the applicant shall at all times comply with any and all laws, ordinances and regulations of the City of Montclair, the County of San Bernardino, and the State of California, including but not limited to Chapter 11.78.030 of the Montclair Municipal Code. Approval of this CUP and PPD shall not waive compliance with any such requirements.
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 \$2,354.75 payable to "Clerk of the Board of Supervisors," to cover the California Department of Fish and Wildlife (CDFW) fee for filing a Notice of Determination (NOD) for the proposed Mitigated Negative Declaration as required by the California Environmental Quality Act (CEQA).
  - b. A check for \$627.56, the actual cost of publication, payable to the "City of Montclair," to cover the 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 30 days of receipt of the Planning Commission Resolution.
8. The applicant and/or property owner shall ensure that a copy of the Planning Commission Resolution, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
9. Any future business(es) occupying the completed building shall be required to obtain and maintain valid business licenses and comply with all applicable City regulations at all times. As part of the routine review process for each new business license application, the property and subject lease spaces will be inspected to ensure compliance with all applicable codes, including the provision of adequate on-site parking.
10. The operator of the assisted living and memory care shall be responsible for obtaining and maintaining all appropriate licenses and certifications required to operate proposed subject facility.
11. No outdoor pay phones, loudspeakers, or vending machines shall be installed or placed on the property.
12. All automobile parking spaces shall be clearly delineated with double-line (e.g. "hairpin") striping.

13. There shall be not outdoor storage of personal or other items (including motor vehicles).
14. No temporary or permanent living quarters shall be established on the premises within any building or motorhome/recreational vehicle. Indications that the property is being used as temporary or permanent living quarters including action such as spending a significant time at the location on more than one day, sleeping at the location,
15. Future business operations on the site shall be subject to the applicable noise requirements of Chapter 6.12 of the Montclair Municipal Code.
16. All proposed exterior lighting shall comply with the following standards:
  - a. Provide a minimum maintained illumination level of one (1) foot-candle across the site.
  - b. All lighting fixtures shall be vandal-resistant and of a design that complements the architecture of the building.
  - c. All parking lot and other freestanding light fixtures shall incorporate 90-degree cut-off style luminaires and flat lenses to direct illumination downward to the surface to be illuminated and away from public rights-of-way surrounding the subject site.
  - d. Freestanding light fixtures and poles shall not exceed a maximum height of 25'-0" as measured from adjacent grade to top of luminaires.
  - e. Above-grade concrete support pedestals for all proposed freestanding light poles throughout the project site shall be clad in a color coordinated stucco finish to complement the main building.
  - f. Wall mounted fixtures shall be shielded. The use of unshielded wall packs, barn lighters, other similar unshielded luminaires, and/or decorative lighting installed solely for the purpose of illuminating the roof shall be permitted.
  - g. "Wall-washers" or decorative landscape lighting shall be subject to review and approval by the Planning Division.
17. The trash enclosure(s) shall have a solid roof cover and be designed to complement the overall architecture of the main building. Contact Burrtec Waste Industries to determine the number of required bins to support the most likely end user(s) of the building.



18. Prior to issuance of a Certificate of Occupancy, the applicant shall install approved landscaping materials on the entire site, subject to the satisfaction of the Director of Community Development and/or City Planner/Planning Manager. The following minimum standards shall apply:
  - a. All shrubs shall be minimum five-gallon container size (except herbaceous perennials and woody spreading shrubs on slopes).
  - b. All trees (except required street trees) shall be minimum 24-inch box size and double-staked.
  - c. A minimum of 3 inches of bark mulch (shredded or chips) shall be provided on all planted areas or an alternative material approved in advance by the Director of Community Development and/or City Planner/Planning Manager.
  - d. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
19. All landscaping and irrigation systems shall be maintained in accordance with an approved site and/or landscape plan to ensure water use efficiency.
20. Any plant material that does not survive, is removed, or destroyed shall be replaced upon its demise or removal with plant material of a like type and size as that originally approved and installed.
21. Plant material shall not be severely pruned such that it stunts or deforms its natural growth pattern or characteristic feature(s). 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, that results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with a tree of similar size and maturity as that which was removed or, as required by the Community Development Director and/or City Planner/Planning Manager.
22. Signage on the building shall be limited to the name of the business only and numerical address. A monument sign may be installed subject to prior City review and approval. A separate Sign Permit Application shall be submitted by the property owner (or licensed sign contractor) for the abovementioned sign(s) to the Planning and Building Divisions for review, approval, and issuance of all necessary permits prior to installation of any sign(s).

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. All roof-mounted mechanical equipment (e.g., vents, meters, HVAC units, ducts, conduit, satellite dishes, photovoltaic systems, etc.), enclosures or equipment screen walls shall not, under any circumstances, project above the roof parapet.
25. Screening of roof-mounted equipment shall be accomplished with mechanical roof wells recessed below the roof line or by solid and permanent roof-mounted screens. Screening shall be compatible with the architectural style, materials, and color of the building upon which the equipment is located, subject to the approval of the Director of Community Development and/or City Planner/Planning Manager.
26. 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.
27. Access to the roof of the building shall be from within the structure and not be means of roof access ladders mounted to the exterior of the building.
28. All on-site ground-mounted mechanical equipment, including, but not limited to, utility meters, air conditioners, condenser units, and repair equipment shall be located within the building or on the exterior of the building only when necessary and screened in a manner that is compatible with the architectural design of the building subject to the satisfaction of the Director of Community Development and/or City Planner/Planning Manager.
29. Freestanding electrical transformers and Fire Department double check detector assembly (DCDA) equipment shall be screened with masonry walls compatible with the building architecture and/or landscaping to the satisfaction of the Director of Community Development and/or City Planner/Planning Manager and Fire Marshal. Efforts shall be made to place these elements in locations that are as visually unobtrusive as possible.
30. The property owner shall be responsible for maintaining all buildings, yards, structures, signs, parking areas and other improvements in such a manner that does not detract from the appearance of the surrounding area. Parking lots shall be maintained in an attractive and suitable fashion with any potholes, significantly cracked or uneven paving, and any other significant damage repaired in a timely fashion throughout the life of the project.

31. Graffiti or etching of glass areas on the building or on other site improvements shall be removed/replaced immediately by the applicant/property owner upon notification by the City.
32. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code. Temporary banners for the purpose of announcing a grand opening or promotional event shall require a banner permit from the Planning Division prior to installation.
33. No portable flags, pennants, spinners, painted-on signs, off-premise signs, trailer-mounted electronic sign/message boards or other similar types of portable signs shall be allowed.
34. 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.
35. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

#### **Environmental Mitigation Measures**

36. *Biological Resources (Mitigation Measure BIO-1)* – If project activities are planned during the bird nesting season (February 1 to August 31), a nesting bird survey shall be conducted within three days (72 hours) prior to any ground disturbing activities, including but not limited to demolition, clearing, grubbing, and/or rough grading, to ensure birds protected under the Migratory Bird Treaty Act (MBAT) are not disturbed by onsite activities. Any such survey(s) shall be conducted by a qualified biologist. If no active nests are found, no additional actions related to this measure are required. If active nests are found, the nest locations shall be mapped by the biologist. The nesting bird species shall be documented and, to the degree feasible, the nesting stage (e.g., incubation of eggs, feeding of young, near fledging) determined. Based on the species present and surrounding habitat, a no-disturbance buffer shall be established around each active nest. The buffer shall be identified by a qualified biologist and confirmed by the City; non-raptor bird species nests shall be buffered at least 280 feet, while raptor nests shall be buffered at 820 feet. No construction or ground disturbance

activities shall be conducted within the buffer until the biologist has determined the nest is no longer active and has informed the City and construction supervisor that activities may resume. This measure shall be implemented to the satisfaction of the Community Development Director of designee.

37. *Cultural Resources (Mitigation Measure CUL-1)* – Prior to issuance of grading permits, the City shall verify that the following note is included on the grading plans:

“If any suspected cultural resources are discovered during ground-disturbing activities, the construction supervisor is obligated to halt work within a 60-foot radius around the find and call the project archaeologist to the site to assess the significance of the find. The project archaeologist, the project proponent, and the City Community Development Department shall confer regarding the disposition of the discovered resource(s). The project archaeologist shall prepare a treatment plan and/or preservation plan to be reviewed by the project proponent and the City Community Development Department and implemented by the project archaeologist; the project archaeologist shall monitor remaining earthmoving activities at the project site to protect the identified cultural resource(s) from damage and destruction in accordance with the treatment plan and/or preservation plan. A final report containing the significance and treatment findings shall be prepared by the project archaeologist and submitted to the City Community Development Department and the South Central Coastal Information Center at California State University, Fullerton. Any cultural material, excluding sacred, ceremonial, grave goods, and human remains, collected during construction and from any previous archaeological studies or excavations on the project site shall be curated, as determined by the treatment plan, according to current professional repository standards.”

This measure shall be implemented to the satisfaction of the City Community Development Director or designee.

38. *Geology and Soils (Standard Condition GEO-1)* - Prior to the approval of grading and/or building permits, the project proponent shall provide evidence to the City for review and approval that proposed on-site structures, features, and facilities have been designed and will be constructed in conformance with applicable provisions of the 2016 California Building Code and the recommendations cited in Section 5.1 (Grading), Section 5.2 (Shallow Foundation Design), Section 5.3 (Foundation Construction), Section 5.4 (Concrete Slab), Section 5.5 (Retaining Wall), Section 5.6 (Temporary Excavation and Backfill), Section 6.0 (Seismic Design), Section 8.0 (Corrosion Potential), Section 9.0 (Inspection), Section 10.0 (Double Ring Infiltration Test), Section 11.0 (Drainage), and Section 12.0 (Asphalt Pavement) of the project-specific Geotechnical Engineering Investigation.

39. *Geology and Soils (Mitigation Measure GEO 1)* – Prior to issuance of grading permits, the City shall verify that the following note is included on the grading plans:

“If paleontological resources are encountered during the course of ground disturbance, work in the immediate area of the find shall be redirected and a paleontologist shall be contacted to assess the find for scientific significance. If determined to be significant, the fossil(s) shall be collected from the field. The paleontologist may also make recommendations regarding additional mitigation measures, such as paleontological monitoring. Scientifically significant resources shall be prepared to the point of identification, identified to the lowest taxonomic level possible, cataloged, and curated into the permanent collections of a museum repository. If scientifically significant paleontological resources are collected, a report of findings shall be prepared to document the collection.”

This measure shall be implemented to the satisfaction of the City Community Development Director or designee.

40. *Hazards and Hazardous Materials -- (Mitigation Measure HAZ-1)*: If asbestos-containing materials (ACM) are identified during demolition activities, demolition shall be halted, and all ACM shall be abated from the demolition site. An Asbestos Notification shall be prepared and submitted to the South Coast Air Quality Management District (SCAQMD) for approval before any asbestos abatement may commence. The contractor shall provide an asbestos report and a construction and demolition plan with disposal tickets from an SCAQMD-approved disposal facility and air clearances to the City prior to final inspection and approval for the resumption of demolition. This measure shall be implemented to the satisfaction of the City of Montclair Community Development Director or designee, and/or Building and Safety Division, or designee.
41. *Hazards and Hazardous Materials - (Mitigation Measure HAZ-2)*: If lead-based materials (LBM) are identified during demolition activities, demolition shall be halted, and all LBM shall be abated from the demolition site. The contractor shall provide a lead report and a construction and demolition plan with disposal tickets from an SCAQMD-approved disposal facility and air clearances to the City prior to final inspection approval for the resumption of demolition. This measure shall be implemented to the satisfaction of the City of Montclair Community Development Director or designee, and/or Building and Safety Division, or designee.
42. *Hydrology and Water Quality – (Standard Condition HYD-1)*: Prior to the issuance of a grading permit, the project applicant shall file and obtain a Notice of Intent (NOI) with the Regional Water Quality Control Board

(RWQCB) in order to be in compliance with the State National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit for discharge of surface runoff associated with construction activities. Evidence that this has been obtained (i.e., a copy of the Waste Discharger's Identification Number) shall be submitted to the City of Montclair for coverage under the NPDES General Construction Permit. The NOI shall address the potential for an extended and discontinuous construction period based on funding availability. This measure shall be implemented to the satisfaction of the Director of the City Engineering Division of the Public Works Department or designee.

43. *Hydrology and Water Quality – (Standard Condition HYD-2):* Prior to the issuance of a demolition and/or grading permit, the project applicant shall submit to the City of Montclair a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall include a surface water control plan and erosion control plan citing specific measures to control on-site and off-site erosion during the entire demolition, grading, and construction period. In addition, the SWPPP shall emphasize structural and nonstructural Best Management Practices (BMPs) to control sediment and non-visible discharges from the site. The SWPPP shall include inspection forms for routine monitoring of the site during both the demolition and construction phases to ensure National Pollutant Discharge Elimination System (NPDES) compliance and that additional BMPs and erosion control measures will be documented in the SWPPP and utilized if necessary. The SWPPP shall address the potential for an extended and discontinuous construction period based on funding availability. The SWPPP shall be kept on site for the entire duration of project construction and shall be available to the local RWQCB for inspection at any time. BMPs to be implemented may include the following:

- Sediment discharges from the site may be controlled by the following: sandbags, silt fences, straw wattles and temporary basins (if deemed necessary), and other discharge control devices. The construction and condition of the BMPs shall be periodically inspected during construction, and repairs shall be made when necessary as required by the SWPPP.
- Materials that have the potential to contribute to non-visible pollutants to storm water must not be placed in drainage ways and must be contained, elevated, and placed in temporary storage containment areas.
- All loose piles of soil, silt, clay, sand, debris, and other earthen material shall be protected in a reasonable manner to eliminate any discharge from the site. Stockpiles shall be surrounded by silt fences and covered with plastic tarps.

- In addition, the construction contractor shall be responsible for performing and documenting the application of BMPs identified in the SWPPP. Weekly inspections shall be performed on sandbag barriers and other sediment control measures called for in the SWPPP. Monthly reports and inspection logs shall be maintained by the contractor and reviewed by the City of Montclair and the representatives of the State Water Resources Control Board. In the event that it is not feasible to implement specific BMPs, the City of Montclair can make a determination that other BMPs will provide equivalent or superior treatment either on or off site.

This measure shall be implemented to the satisfaction of the Director of the City Engineering Division of the Public Works Department or designee.

44. *Hydrology and Water Quality – (Standard Condition HYD-3):* Prior to issuance of a grading permit, the project proponent shall submit evidence to the City that the Low Impact Development (LID) Best Management Practices (BMPs) specified in the Final Water Quality Management Plan (Final WQMP) approved by the City of Montclair on February 21, 2019 shall be written into the grading and development plans submitted to the City for review and approval to manage water quality and hydrologic effects of the proposed project. Final WQMP BMPs shall include conveyance of storm water runoff to the off-site Chino Basin Water Conservation District Montclair Basin #4 - Wilderness Park, located 1,500 feet to the west and 40 feet down gradient of the project site for natural infiltration in accordance with the San Bernardino County Watershed Action Plan and the Technical Guidance Document for Water Quality Management Plans prepared for the County of San Bernardino Area wide Stormwater Program, National Pollutant Discharge Elimination System Permit Number CAS618036, Order Number R8-2010-0036. Specifically, the low impact development BMPs shall be implemented to ensure the project meets or exceeds the minimum design capture volume of the site and ensure all storm water runoff from the site be free of debris pursuant to City and Chino Basin Water Conservation District requirements and standards prior to conveyance off-site to the Chino Basin Water Conservation District Montclair Basin #4 - Wilderness Park.

Periodic maintenance of LID BMPs during project occupancy and operation shall be in accordance with the schedule outlined in the Final WQMP. This measure shall be implemented to the satisfaction of the Director of the City Engineering Division of the Public Works Department or designee.

45. *Tribal Cultural Resources – (Mitigation Measure TCR-1):* Prior to issuance of any grading permit for the proposed project, the City of Montclair (City) shall ensure that the project applicant retains the services of a Tribal monitor approved by the Gabrieleno Band of Mission Indians-Kizh Nation for Native

American monitoring during ground-disturbing activities. This provision shall be included on proposed project plans and specifications.

Ground-disturbing activities are defined by the Gabrieleno Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching within the project area. The project site shall be made accessible to the monitor(s) provided adequate notice is given to the construction contractor and that a construction safety hazard does not occur. The monitor(s) shall be approved by the Gabrieleno Band of Mission Indians-Kizh Nation and shall be present on site during the construction phases that involve any ground-disturbing activities.

The monitor(s) shall possess Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. In addition, the monitor(s) shall be required to provide insurance certificates, including liability insurance, for any tribal cultural resources and/or archeological resource(s) encountered during grading and excavation activities pertinent to the provisions outlined in the California Environmental Quality Act (CEQA), California Public Resources Code (PRC) Division 13, Section 21083.2 (a) thorough (k).

Construction activity shall not be contingent on the presence or availability of monitor, and construction may proceed regardless of whether or not a monitor is present on site. The monitor shall complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed or when the monitor has indicated that the site has a low potential for tribal cultural resources and/or archeological resources.

46. *Tribal Cultural Resources – (Mitigation Measure TCR-2):* All tribal cultural resources and/or archeological resources unearthed by proposed project construction activities shall be evaluated by the qualified archeologist and Native American monitor approved by the Gabrieleno Band of Mission Indians-Kizh Nation. Upon discovery of any archeological resources, construction activities shall cease in the immediate vicinity of the find until the find can be assessed. Construction work shall be permitted to continue on other parts of the project site while evaluation and, if necessary, additional evaluation and/or preservation measure takes place (*CEQA Guidelines* Section 15064.5[f]).

If the resources are Native American in origin, the Gabrieleno Band of Mission Indians-Kizh Nation tribe shall coordinate with the landowner regarding treatment and curation of these resources. If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource," time allotment and funding



sufficient to allow for implementation of avoidance measures shall be made available through coordination between the Gabrieleno Band of Mission Indians-Kizh Nation and the project applicant. The treatment plan established for the resources shall be in accordance with *CEQA Guidelines* Section 15064.5 (f) for historical resources and Public Resources (PRC) Sections 21083.2(b) for unique archeological resources. Preservation in place (i.e., avoidance) shall be the preferred manner of treatment.

If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with the subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated by a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.

#### **Water Quality Management Plan**

47. The property owner shall be responsible to contract with a qualified firm to inspect and maintain any stormwater treatment devices specified by the approved WQMP, following all WQMP recommendations. It shall also be the responsibility of the property owner to maintain inspection reports and have them readily available for review by City staff upon request. In the event that any stormwater treatment device fails due to lack of, or insufficient maintenance and/or inspection, or some other unforeseen circumstance, it shall be the responsibility of the property owner to correct the deficiency and restore the stormwater treatment device(s) to its original working condition.
48. 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. Contact Joe Rosales, NPDES Coordinator, at (909) 625-9470.
49. Prior to receiving a City Grading permit a State Construction General permit must be obtained and proof must be shown (WDID number) to the Building Division.
50. At the time of Grading permit issuance; Post-Construction BMP inspection permit fees associated with the approved WQMP shall be paid. Contact Joe Rosales, NPDES Coordinator, at (909) 625-9470 for further information regarding permit and fees.

51. Prior to issuance of a Certificate of Occupancy, the applicant shall:
  - a. Submit to the Engineering Division an electronic copy of the approved WQMP in PDF format.
  - b. Submit to the Engineering Division as built drawings as it relates to the WQMP.
  - c. The WQMP Maintenance Agreement must be signed by the property owner and recorded with the County of San Bernardino and provide evidence of said recording to the Engineering Division.
  
52. Prior to release of the certificate of occupancy for the building, the person or corporation responsible for the preparation of the WQMP shall certify in writing to the NPDES Coordinator that all conditions and requirements of the WQMP have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the NPDES Coordinator that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the WQMP.
  
53. The applicant shall ensure that all requirements of the approved WQMP for the project are incorporated and consistent with the approved landscape and irrigation plans for the project. All required Best Management Practices (BMPs) shall be duly noted and shown on the landscape plans per the approved WQMP.

#### **Building Division**

Prior to issuance of building permits, the applicant shall complete the following Building Division requirements:

54. Submit four complete sets of plans including the following:
  - a. Site/Plot Plan.
  - b. Floor Plan.
  - c. Reflected Ceiling Plan.
  - d. Electrical Plans including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams.

- e. Plumbing plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning.
  - f. Provide an existing plan of the building including all walls to be demolished.
  - g. Waste recycling plan, recycling 65% of all construction debris.
55. 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.
  56. A building, structure, sewage system, utility line, eave or projection of a structure, or similar shall not cross over a property line so as to encroach on another property. All property, if separated by property line, shall be merged into a single property by way of lot merger before the beginning of improvements to the site.
  57. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
  58. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
  59. Submit separate detailed plans for all walls, fencing and accessory structures such as trash enclosures associated with the project.
  60. Clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way from the affected area of new construction or renovation. All required disabled-accessible parking lot signs, sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
  61. Pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District.
  62. Exposed raceways shall be prohibited on all building-mounted and freestanding signs. An architectural sign backing/raceway may be allowed on the commercial building subject to review and approval by the City Planner.
  63. 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.

64. Decorative foam trim shall not be used in areas subject to damage such as entry doors, garage doors, etc. Use of decorative foam shall not be allowed to be used below the second story.
65. 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.
66. If security gates are to be utilized on any portion of the property they shall be equipped with Medeco locks or other acceptable devices to allow access by emergency personnel and utility providers at all times.
67. All roof-mounted equipment, satellite dish antennas, mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, vents, transformers and other similar apparatus shall be screened from public view in a manner incorporated into the architectural design of the building to the satisfaction of the Planning Division. A mockup of the unit shall be placed in the intended location before the deck inspection of the roof will be performed to ensure the units on the roof will be sufficiently screened from view from any adjacent street or property.
68. Fire sprinkler risers and roof access ladders shall be located entirely within the enclosed buildings. Double-detector check facility shall be adequately screened by landscaping or an architectural screen wall.
69. All trash enclosures shall be constructed of a material consistent with the primary type and color of that used on the building. The construction of such trash enclosure(s) shall conform to City standards and shall have a solid roof complementary to the main building. Black-colored concrete shall be used for the trash enclosure floor and its apron.
70. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
71. The numerical address of the building shall be displayed in a maximum of two locations on the East-facing elevation as follows:
72. Numerals shall be in a font acceptable to the Planning Division, minimum 10 inches in height, minimum 1½ inches in depth, and in a color that adequately contrasts with the background to which they are attached.

73. The facility shall be provided with a minimum maintained illumination level of one (1) foot-candle from dusk until termination of business every business day. During all other hours of darkness, a minimum of one-quarter (.25) foot-candles of illumination shall be maintained at grade.
74. No soil shall be imported or exported to or from the project site from an adjacent building site or from other sources for construction purposes without first obtaining approval from the City Engineer. A plan satisfactory to the City Engineer shall be prepared showing the proposed haul route within the City. Subject plan shall include provisions for street sweeping and cleanup. Applicant/contractor shall comply with all NPDES requirements.
75. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
76. 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.
77. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.
78. 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.
79. Prior to issuance of a Certificate of Occupancy, the person or corporation responsible for the preparation of the Water Quality Management Plan shall certify, in writing, to the Building Official that all conditions and requirements of the Water Quality Management Plan have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the Building Official that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the Water Quality Management Plan.
80. Prior to the issuance of the Certificate of Occupancy a Final Grade Certificate shall be provided to the Building Official issued from the Registered Civil Engineer of Record that all on-site improvements have been constructed in accordance with all City Standards, Specifications, Conditions of Approval and approved plans.
81. 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) 2016 edition, Chapter 11B, in addition to access to each feature of the trailer.

### **Engineering**

82. Developer shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code.
83. Construction permit shall contain provisions for performance and payment bonds for all work within the public rights of way, and a monumentation bond for tract monuments in accordance with the Subdivision Map Act.
84. A park land fee is not applicable for this site.
85. Payment of transportation-related development impact fees. Fees shall be assessed at the rate in effect at the time the fees are paid.
86. Any street improvements shall be shown on street improvement plans, they may also be included in the grading plans.
87. All pavement damaged by excavation shall be replaced with permanent pavement per the City Standard for paving and trench repair STD No. 121.
88. All existing lifted or cracked curb gutter and sidewalk adjacent to the property shall be replaced. All sidewalk that shows signs of ponding or is pitting, scaling or spalling shall be replaced.
89. ADA accessible sidewalk around the two driveway approaches shall be provided; additional ROW will be dedicated if needed.
90. Project shall add at least two lights along property frontage. Streetlights will be owned and maintained by Southern CLIFORNIA Edison. The minimum lighting level for all streets shall be to the satisfaction of the City Engineer.
91. Developer shall pay Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.
92. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
93. Approval of the WQMP is required prior to the preparation of grading and/or other improvement plans. Requirements for the WQMP may be obtained

from the City NPDES Coordinator Joseph Rosales at 909-625-9470. 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.

94. A grading plan shall be prepared subject to the approval of the City Engineer. 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.
95. All drainage facilities shall comply with requirements of the approved WQMP.
96. 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.
97. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at 800-422-4133.

### **Environmental**

98. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
99. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA). Contact Nicole deMoet for fee information.
100. An individual Wastewater Discharge Survey must be completed for each of the following uses: Kitchen (Restaurant Survey), Bistro (Restaurant Survey), and remaining Montclair Senior Housing support services (NSIU Survey) and submitted to the Environmental Manager prior to plan review by the Environmental Manager. Please contact Nicole deMoet, Environmental Manager at (909) 625-9446 for any questions regarding the Surveys. The Environmental Manager, upon receipt and review of the surveys, will make a determination on the potential requirement of a gravity Grease Interceptor. The capacity of the grease interceptor shall be determined by the Environmental Manager without exception.
101. All non-Domestic waste (non-restroom waste) fixtures must connect to the grease waste line that flows through the Grease Interceptor (capacity to be determined by the Environmental Manager).

102. All trash enclosures must be designed in accordance with the provisions of AB 341 Mandatory Commercial Recycling and AB 1826 Mandatory Commercial Organics Recycling (MORe) 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. Documentation from Burrtec Waste Industries, Inc. (The City's Franchise Waste Hauler) must be provided to the City verifying that Burrtec has reviewed plans for the facility and established all required account services for the facility. For additional information, contact Mr. Gary Koontz with Burrtec for review of site plans and to establish the correct services on the refuse account. gkoontz@burrtec.com.
103. Verify if facility will have a Water Softener. If the facility is installing a Water Softener, it must use Recharge Canisters that are removed regularly for off-site brine disposal using an approved service provider. No brine disposal is permitted onsite. All Brine-Self-Regenerative Water Softeners are prohibited. Must show Water Softener Specs on plan showing softener does not discharge brine to sewer and brine canisters serviced off-site.
104. The applicant shall contact Nicole deMoet, Environmental Manager at (909) 625-9446 and provide 72 hours' notice in advance to schedule all inspections. The Environmental Manager shall be given access to complete inspections for the interior and exterior rough plumbing for the sample wye installation, prior to the issuance of a Certificate of Occupancy.
105. Additional comments may follow.

## **Fire**

106. This is a general plan review only and is to determine if this project should be allowed to move forward to the City Development Review and/or the Fire Prevention Bureau plan check phase. Additional requirements may be necessary to comply with all applicable codes and will be determined during the Fire Department plan check process. The Fire Prevention Bureau requires three sets of plans be submitted with an application and all fees pre-paid.
107. Permits are required for the plan review and inspection of fire detection, fire sprinkler, hood and duct, and occupancy plan reviews. Fees shall be collected by the Fire Prevention Bureau at the time an application for permit is filed (CFC 2016 105.3.8).
108. When submitting plans provide three (3) complete architectural, structural, Fire Alarm and Fire Sprinkler plans, including all specifications, shall be submitted to the fire department for review prior to the issuance of any



building permits. These plans and specifications shall include, but are not limited to, construction type, exits, fire protection equipment, building protection, and interior finish. The developer is responsible for, and shall apply for and receive, all Fire Prevention Bureau permits, paying all necessary fees prior to beginning construction. (2016 CFC 105.4.1)

109. Construction documents and calculations for all fire protection systems and permits are required for the installation, rehabilitation or modification of any fire protection system. Construction documents for fire protection systems shall be submitted for review and approval prior to system installation. (2016 CFC 105.4.2.1 and Chapter 9)
110. Each page shall bear the contractor's license number, including expiration date, wet stamp and signature of the contractor licensee on each plan (California Business & Professions Code Sec. 7031.5).
111. Provide an accurate description of the scope of work for the project on the title page.
112. Show all exterior and interior building dimensions on the plans.
113. The plan check application can be found on the City of Montclair web site: <http://www.cityofmontclair.org> and clicking on following Departments, Fire, Fire Prevention, Plan check and permit process.
114. This project is required to comply with the 2016 California Fire Code as amended in the Montclair Municipal Code, and Montclair Fire Prevention Bureau development standards.
115. All fees are required to be paid in full prior to any permit issuance.
116. Fire apparatus access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility (2016 CFC 503.1.1). Exception: Dimension may be increased if the building is equipped throughout with an approved automatic sprinkler system installed in accordance with 2016 CFC Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
117. Fire apparatus roads shall have an unobstructed width of not less than 20 feet. (D103.6.1) and vertical clearance of not less than 13 feet 6 inches. Show all dimensions on the plans. (2016 CFC 503.2.1)
118. Provide a site plan using a 20-30-40- scale to show the turn radius for all corners, using a minimum 32 feet inside & 45 feet outside. (CFC 2016 503.2.4)

119. Provide fire apparatus turn-around dimensions (hammerhead, boot, or cul-de-sac) where fire apparatus access roads and driveways exceed 150 feet (2016 CFC 503.2.5)
120. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. (2016 CFC 503.2.3)
121. Traffic calming devices shall be prohibited unless approved by the fire code official. (2016 CFC 503.4.1)
122. Fire apparatus access roads shall not exceed 10 percent in grade. Exception: Grades steeper than 10 percent with mitigating protection measures as approved by the fire code official. (CFC 2016 503.2.7)
123. The angles of approach and departure for any means of access shall not exceed the design limitations of the fire apparatus of the fire department, subject to the approval of the Fire Code Official. (CFC 2016 503.2.8)
124. A Knox Box is required and shall be of an approved type and shall contain Master keys to allow the fire department to gain necessary access (2016 CFC 506.1).
125. Exterior doors and openings shall be maintained readily accessible for emergency access by firefighters. An approved ramped access walkway leading from the fire apparatus road to exterior openings is required (2016 CFC 504.1).
126. Install parapet ladders and emblems. Locations to be determined by the Fire Prevention Bureau during plan check.
127. Commercial Address numbers must be 8-10" tall and automatically illuminated and facing the street. Contact Planning Division for further information (CFC 2016 505.1)
128. Exact number, location, and type of fire extinguishers shall be determined by Fire Prevention Bureau.
129. Public Water Systems must meet all Monte Vista Water District standards. Contact the Monte Vista Water District at 909-624-0035
130. Exact number, location, and design of fire hydrants shall be determined by Fire Department and the Monte Vista Water District.

131. Private Water Systems must comply with the NFPA 24 standard and the 2016 California Fire Code. Must install a Fire Department Connection (FDC) located at the Double Detector Check Assembly (DCDA) / Outside Screw and Yoke valve (OS&Y) to act as a Fire Department Boost. The combination FDC shall be equipped with two 2 ½ -inch NST female swivel inlets and one 7-inch NST female swivel and the riser to this FDC must be at least 6 inches in diameter.
132. An approved water supply capable of providing the required fire flow for fire protection shall be provided (2016 CFC 508.1).
133. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in 2016 CFC Appendix B, Table B105.1 Exception: A reduction in required fire flow of up to 50 percent, as approved, is allowed when the building is provided with an automatic sprinkler system installed in accordance with 2013 CFC Section 903.3.1.1, 903.3.1.2 or 903.3.1.3. The resulting fire flow shall not be less than 1,500 gallons per minute for the prescribed duration as specified in Table B105.1
134. Private fire service mains and appurtenances shall be installed in accordance with NFPA 24 (508.2.1). Submit plans to the fire department showing the fire water system detail.
135. Fire Department Connections (FDC) and Post Indicator Valves (PIV) locations to be determined by the fire department during plan check. Every sprinkler system shall have at least (1) fire department connection located within 50 feet of a fire hydrant. (MMC 10.28.060K(1)).

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136. The installation of check valves is required between fire hydrants and Fire Department Connections (FDC).
137. Show pipe size of the fire water system on the plans.
138. Provide a site plan showing on-site fire hydrants and mains shall be provided when the exterior of a facility or building is more than 300 feet from a fire hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building. (CFC 2016 508.5.1)
139. Provide a site plan showing all fire hydrants and distances to nearest fire hydrants in all directions along fire apparatus access roads.
140. Minimum underground fire service supply pipe shall be 6 inches in diameter. (MMC 10.28.060K(5))
141. Double Check Detector Assembly shall be painted Rustoleum Hunt Club Green, satin acrylic finish stock #7944502.

142. An approved automatic fire sprinkler system shall be provided throughout, as defined by the most current edition of NFPA 13, in all newly constructed buildings of any occupancy group. (CFC 2016 903.2). Three (3) sets of plans shall be submitted to the Montclair Fire Prevention Bureau for review and approval prior to starting work.
143. Trash enclosures shall be fully enclosed and 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 5 feet of combustible construction. (MMC 10.28.060) Three (3) sets of plans shall be submitted to the Montclair Fire Prevention Bureau for review and approval prior to starting work.
144. Any Outdoor detached facilities greater than 200 square feet is required to install an approved fire sprinkler system. (MMC 10.28.060 J(3)).
145. Fire sprinkler system plans are required to be a separate plan submittal with a completed application and all fees pre-paid.
146. Commercial cooking equipment that produces grease laden vapors shall be provided with a Type 1 hood, in accordance with the California Mechanical Code. An automatic fire-extinguishing system that is listed and labeled for its intended use is also required. (2016 CFC 904.12)
147. The application, installation, performance and maintenance of fire alarm systems and their components in new and existing buildings and structures shall be in compliance with 2016 CFC Chapter 9 (2016 CFC 907.1). Fire alarm and detections system plans are required to be a separate plan submittal with a completed application and all fees pre-paid.
148. Fire Sprinkler riser assemblies shall be weather protected in an enclosure large enough to accommodate repair or replacement of components. The enclosure shall have a door or hatch large enough to accommodate the removal of the largest component of the riser assembly which it contains.
149. When automatic fire sprinkler systems or fire alarm systems are installed in buildings constructed for multiple tenants and these systems protect multiple tenant spaces, the main controls and control appurtenances, such as risers, fire alarm control panels, and valves for such systems, shall be located in an attached or included room or an approved weather resistant enclosure with at least one exterior access door of not less than 3'-0" by 6'-8".

150. 2016 CFC Chapter 33 conditions shall apply to this project during construction and demolition (2016 CFC 3301.1).
151. Develop and maintain an approved pre-fire plan in cooperation with the fire department (2016 CFC 3308.2).
152. An approved water supply for fire protection, either temporary or permanent, shall be made available prior to combustible materials arriving on-site. The water supply, including mains and hydrants, shall be acceptably tested, painted, and approved by the Monte Vista Water District and Fire Prevention Bureau prior to the issuance of permits (2016 CFC 3312.1).
153. Fire Apparatus access road and water supply must be inspected and approved by the Montclair Fire Department prior to lumber being dropped at the project site. The Fire Apparatus access road shall be 2" thick, 20' wide (minimum) paved asphalt road through-out the project. (CFC 2016 503.2.3)
154. Approved vehicle access firefighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections. Vehicle access shall be provided by temporary or permanent roads, capable of supporting imposed loads of fire apparatus under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available (2016 CFC 3310.1).
155. Fire apparatus roads shall not be obstructed in any manner, including the parking of vehicles (CFC 2016 503.4).
156. Buildings and structures under construction shall post temporary 8-10" inch address signs meeting fire department standards and at locations determined by the Fire Code Official (CFC 2016 505.1.2).
157. Welding, cutting, open torches and other hot work operations and equipment shall comply with 2016 CFC Section 2601.1.
158. Provide a readily accessible telephone on-site for emergency use. The street address of the construction site. The emergency telephone number of the fire department dispatch center at 911 for emergencies and (909) 884-7248 for non-emergencies, shall be posted adjacent to the telephone (2016 CFC 3309.1).
159. Structures under construction, alterations or demolition shall be provided with not less than one approved portable fire extinguisher (2016 CFC 3315.1).

160. KNOX boxes are required and shall be of an approved type and shall contain keys to gain necessary access as required by the Fire Code Official (2016 CFC 1410.2 & 506).

### **Police**

161. In conjunction with the ongoing operation of the business, the premises shall comply with all applicable local, State, and Federal requirements placed upon them by any regulatory or governing entity.
162. The activity level of the business shall be monitored by the Police Department to establish the level of police services used for the business. Should the level of police services demonstrate that the applicant has not controlled excessive, or unnecessary activity resulting in high use of police services then this Conditional Use Permit shall be reviewed for consideration of further conditions, modifications or revocation.
163. There shall be no special promotional events held on the property, unless a written request for such is received and approved by the Community Development Director and the Police Chief or their designee.
164. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot.
165. The premises shall install and maintain a closed circuit video surveillance (CCVS) system. The system shall at minimum be capable of monitoring all entrances/exits to the premises and be positioned as to allow for identification of patron facial features and physical characteristics. A minimum of one camera shall be placed in a position to monitor the parking lot of the premises, positioned in a manner, which allows for the widest view from the entrance, without significant lens distortion, and one camera per entrance/exit door. Typical acceptable camera angles range from 50-130 degrees. Cameras shall be capable of no less a resolution than 1920×1080 pixels, otherwise known as 1080p. Cameras shall be capable of no less a resolution than 1920×1080 pixels, otherwise known as 1080p. All cameras shall have IR or low light capability.
166. Audio recording is desirable, but not a requirement. Camera footage shall be retained for a period no less than 90 days. To conserve storage space, cameras may reduce frame-rate when no motion is detected, however must record at no less than 30 frames per second when motion is detected. Motion sensors shall be configured to activate properly in all areas covered including the parking area, if applicable. Motion sensors may be configured to prevent incidental activation from hanging or moving displays.

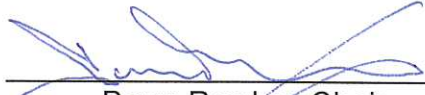
Depending on the nature of the premises, additional cameras may be required.

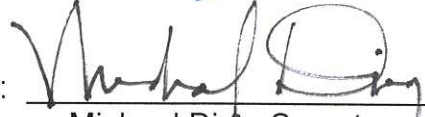
- 167. It is the responsibility of the project owner/property manager to obtain a security plan which meets the above requirements.
- 168. Alarm systems are encouraged to compliment the C CVS system. Current responsible party information shall be on file with the Police Department for appropriate response and notifications.
- 169. Management shall not allow any consumption of alcoholic beverages on any publicly accessible areas of the property, including but not limited to: park areas, street and off-street parking areas. Private, resident only accessible areas (IE clubhouses, patios, access restricted gated areas, etc.) are exempt.

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

APPROVED AND ADOPTED THIS 8TH DAY OF JULY, 2019

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By:   
Barry Rowley, Chair

ATTEST:   
Michael Diaz, Secretary

I, Michael Diaz, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 8th day of July 2019, by the following vote, to-wit:

AYES: Chair Rowley, Vice Chair Martinez, Commissioner Eaton, Commissioner Sahagun and Commissioner Sanchez

NOES: None

ABSENT: None