



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

Monday, January 24, 2022  
7:00 p.m.

Remote Participation Information:

Zoom Link: <https://zoom.us/j/95858571900>

Dial Number: 1-(669)-900-6833

Meeting ID: 95858571900

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**

None.

**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 2021-17 "A"  
(continued from the January 10, 2022, Planning Commission meeting)

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)

**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**

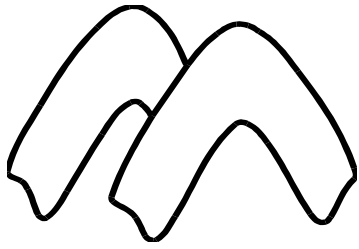
Reports, backup materials, and additional materials related to this project item can be viewed on our website [www.cityofmontclair.org/agendas](http://www.cityofmontclair.org/agendas) by clicking on the Planning Commission agenda for January 24, 2022.

**9. ADJOURNMENT**

The City of Montclair Planning Commission meeting is adjourned to the regularly scheduled meeting of February 14, 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 20, 2022.



CITY OF MONTCLAIR  
**PLANNING COMMISSION**

**MEETING DATE: 1/24/2022**

**AGENDA ITEM 6.a**

**Case No. 2021-17 “A”**

**Application:** A Tentative Parcel Map and Conditional Use Permit for a three-unit commercial condominium project on a 3.9-acre site. The Condominium Plan would apply to the three existing buildings on the site.

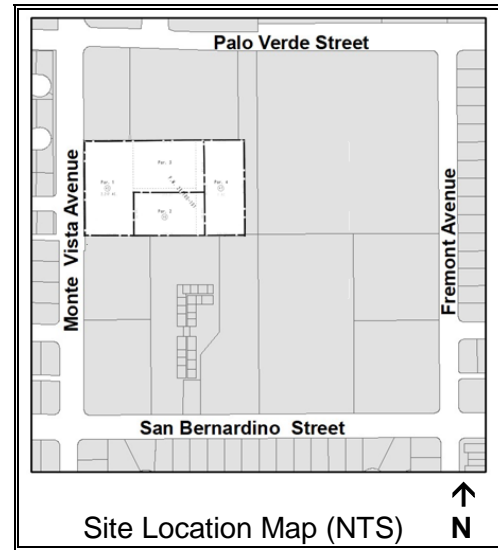
**Project Address:** 9631, 9635 & 9655 Monte Vista Avenue

**Property Owner:** Chengdu Holding, LLC

**General Plan:** Office Professional

**Zoning:** Administrative Professional (AP)

**Assessor Parcel Nos.:** 1008-651-45-0000, 1008-651-46-0000, and 1008-651-47-0000



**ADJACENT LAND USE DESIGNATIONS AND USES**

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	Office Professional	Administrative Professional	Medical Use and Senior Housing
North	Office Professional	Administrative Professional	Professional Offices
South	Office Professional and Senior Housing	Administrative Professional	Medical Use and Senior Housing
East	Multifamily	Multifamily Residential (R3)	Multifamily Apartments
West	Low 3-7 Units/Acre Residential and Planned Development	Single-family (R-1) and Single-family Overlay (R-1 SL)	Single-family Residential And Single-family Small Lot

## Report on Item Number 6.a

### 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

This item was continued from the January 10, 2022, Planning Commission meeting at the request of the City Engineer so that the applicant could correct the legal description on the proposed map exhibits. The legal description on the proposed tentative parcel map exhibit has since been updated.

### **Project Proposal**

The proposal before the Planning Commission is to request approval of a new parcel map number (TPM No. 20507) to replace the previous parcel map number (TPM No. 20375) used with the conditional use permit for commercial condominiums approved on June 14, 2021 under Case No. 2017-17. The assignment of a new parcel map number is necessary because the previous number assigned to this site was deemed incorrect as it had already been issued by the County for another site in another city. Map numbers are not assigned by the City and the error was discovered in December of 2021 when the applicant attempted to record the final map following City Council review and approval on December 3, 2021.

After consultation with the City Attorney, it was determined that the Planning Commission should formally approve the new parcel map number associated with the approved application for a conditional use permit to develop condominiums at the subject site. As such, the Planning Commission is requested to approve Tentative Parcel Map No. 20507

as the corrected and official map designation for the site. If approved, Parcel Map No. 20507 replaces Parcel Map No. 20375 for the project. Tentative Parcel Map No. 20507 is attached as Exhibit A.

The Planning Commission is also requested to consider approval of Planning Commission Resolution No. 22-1958 (Exhibit B), a new resolution affirming the official change in the map number designation for the project and site. All conditions of approval (except for references to the old TPM number), will continue to apply to the project as approved under Case No. 2021-17.

**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 9635 & 9655 Monte Vista Avenue to remain	Two-story Building - <u>62,023</u> SF <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 a condition of approval for the project, the existing four-lot site was required to be merged into a single lot to ensure orderly development of the project and eliminate existing landlocked parcels. To satisfy this requirement, the applicant requested approval of a condominium map. Tentative Parcel Map 20375, approved by the Planning Commission on June 16, 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 would allow the owner to obtain a permanent loan for the newly constructed project exclusive of the remaining two medical buildings.

- 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**

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 a new Resolution officially noting and recording the change. The Planning Commission agenda report approving Tentative Parcel Map 20375 on June 14, 2021, is included for reference as Attachment C.

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. Staff also views this action as a “ministerial tidying up” of the case file.

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.

**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, for the January 10, 2022 Planning Commission meeting, 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.

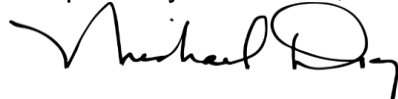
On January 10, 2022, the Planning Commission opened the hearing for public comments on the proposal, with no public comments being made. The item was then continued to the next regularly scheduled meeting date on January 24, 2022. To date, no inquiries regarding the project were received by staff.

### **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 the new parcel map number, Tentative Parcel Map No. 20507 (for Condominiums Purposes), related to approved Case No. 2021-17, and pursuant to attached Resolution No. 22-1958.

Respectfully Submitted,



Michael Diaz  
Director of Community Development

MD/csc

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

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

BEING A SUBDIVISION OF PARCEL MAP NO. 3010, AS SHOWN ON A MAP RECORDED IN BOOK 28, PAGES 100 AND 101 OF PARCEL MAPS, 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	

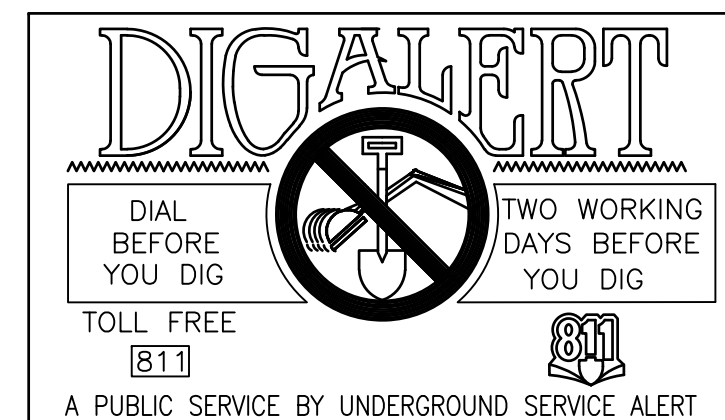
**C. PARKING REQUIREMENT:**

SITE TOTAL REQUIRED: 191  
SITE TOTAL PROVIDED: 196

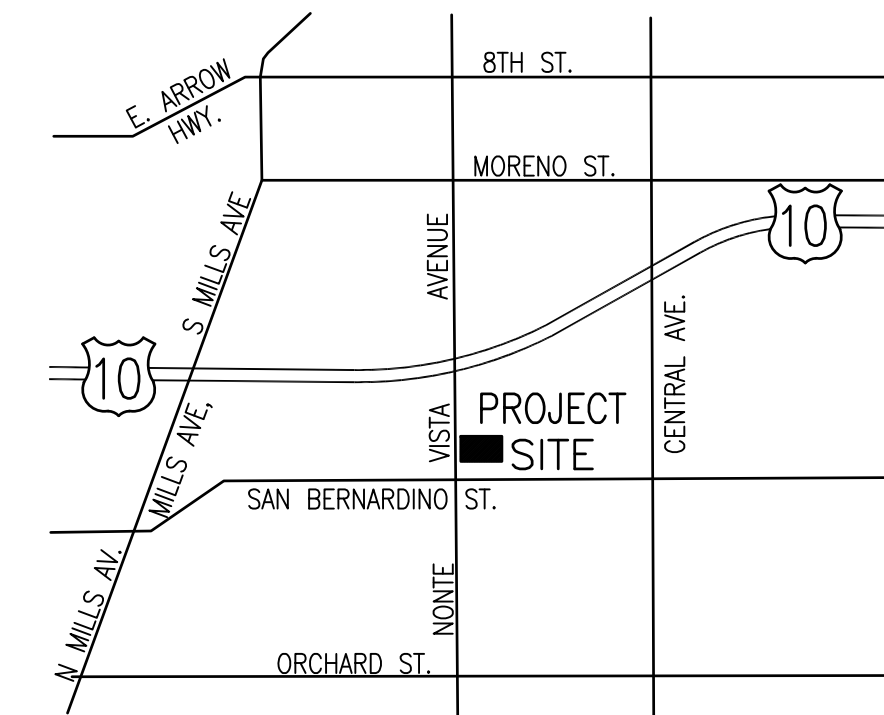
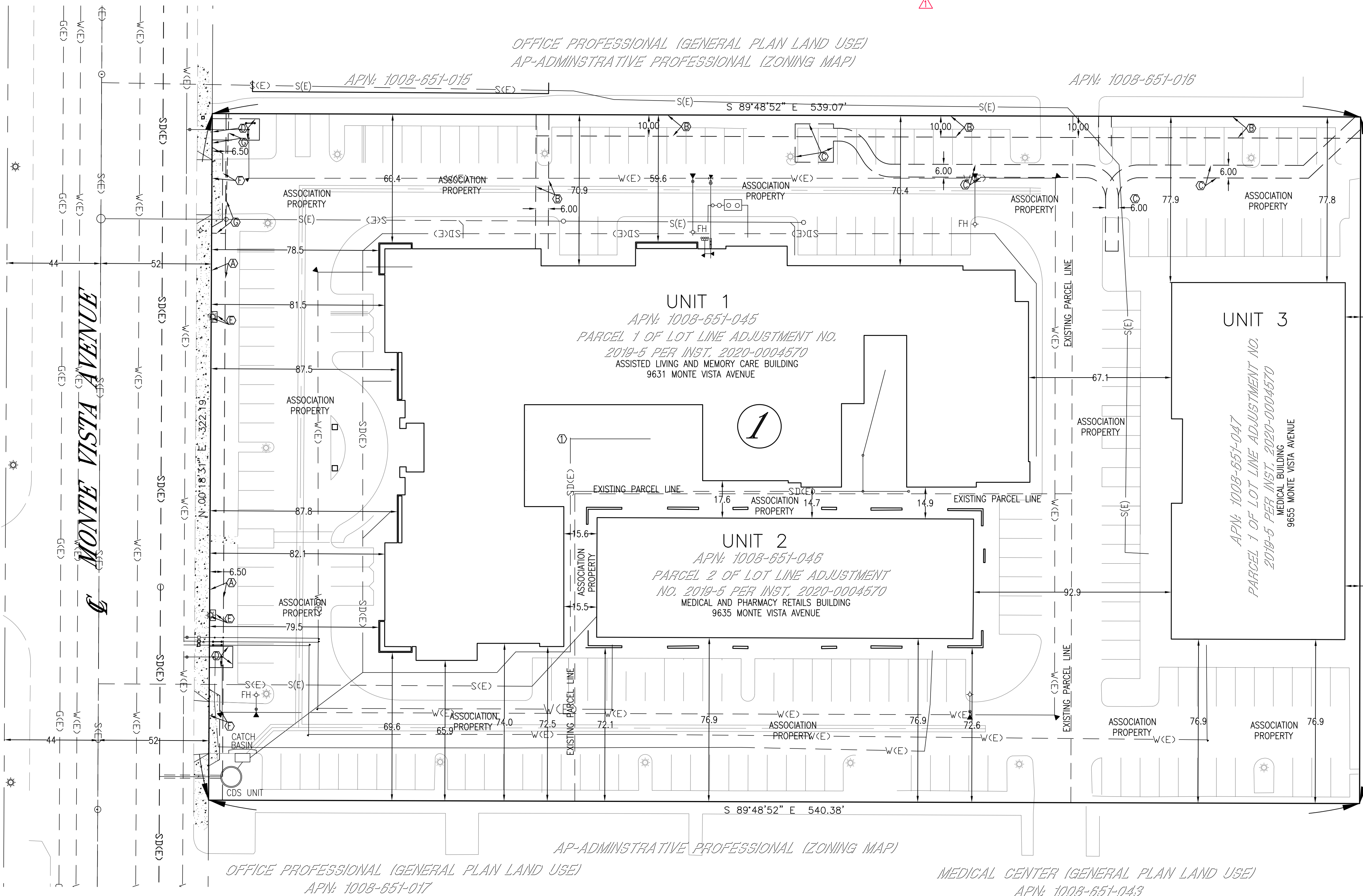
**NOTE:**  
EXISTING TOPOGRAPHIC AND BOUNDARY INFORMATION ARE PREPARED BY:

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 AND 3 OF PARCEL MAP NO. 3010, TOGETHER WITH A PORTION OF PARCEL 2 AND 4, AS SHOWN IN BOOK 28, PAGES 100 THROUGH 101, INCLUSIVE OF PARCEL MAPS IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, 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**

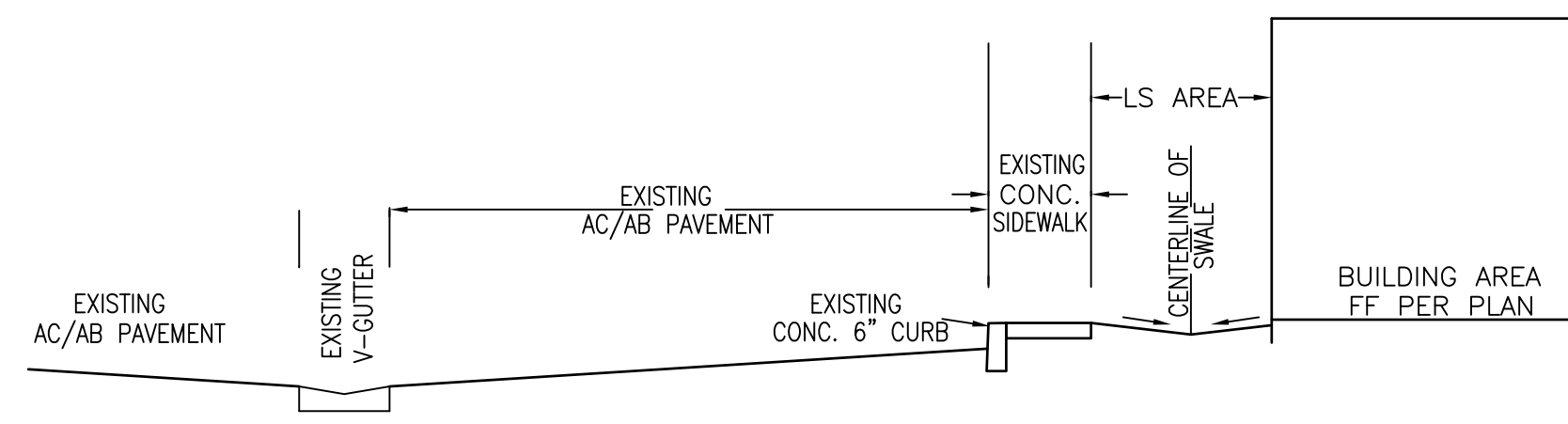
CITY OF MONTCLAIR 5111 BENITO STREET MONTCLAIR, CA 91763 (909) 626-8571	Underground Service Alert (800) 227-2600
MONTE VISTA WATER DISTRICT 10575 CENTRAL AVENUE MONTCLAIR, CA 91763 (909) 624-0035	SOUTHERN CALIFORNIA EDISON 1341 EAST FRANCIS STREET ONTARIO, CA 91761 (909) 930-8591
VERIZON 1400 EAST PHILIPS 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:**

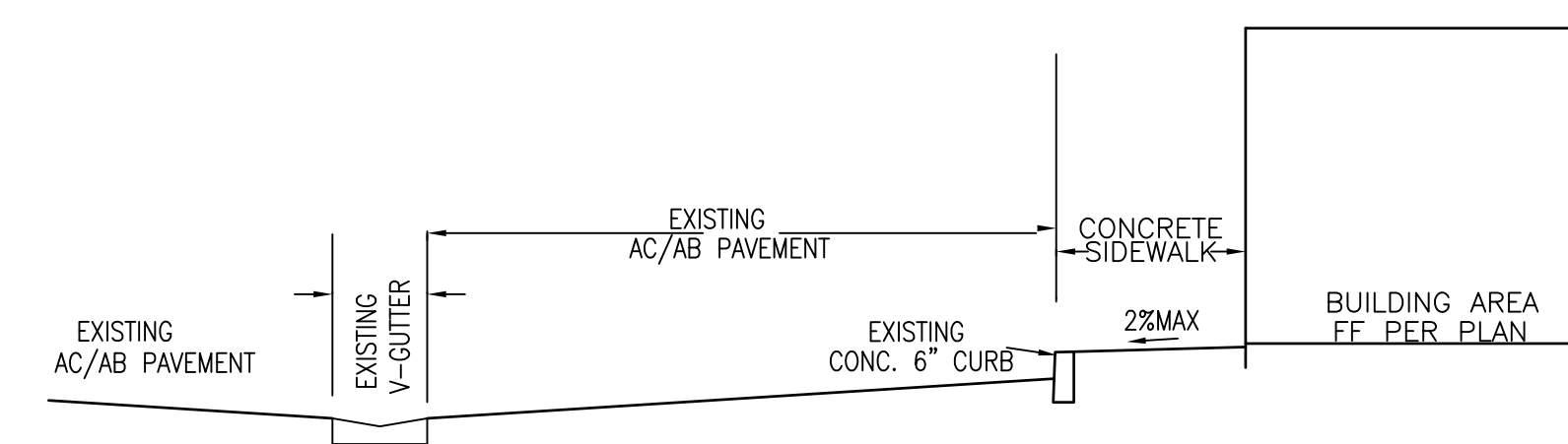
SEE SHEET 2 OF 2 FOR SITE GRADING.

**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



TYPICAL SECTION A-A  
NTS



TYPICAL SECTION B-B  
NTS

**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: 2022-01-19

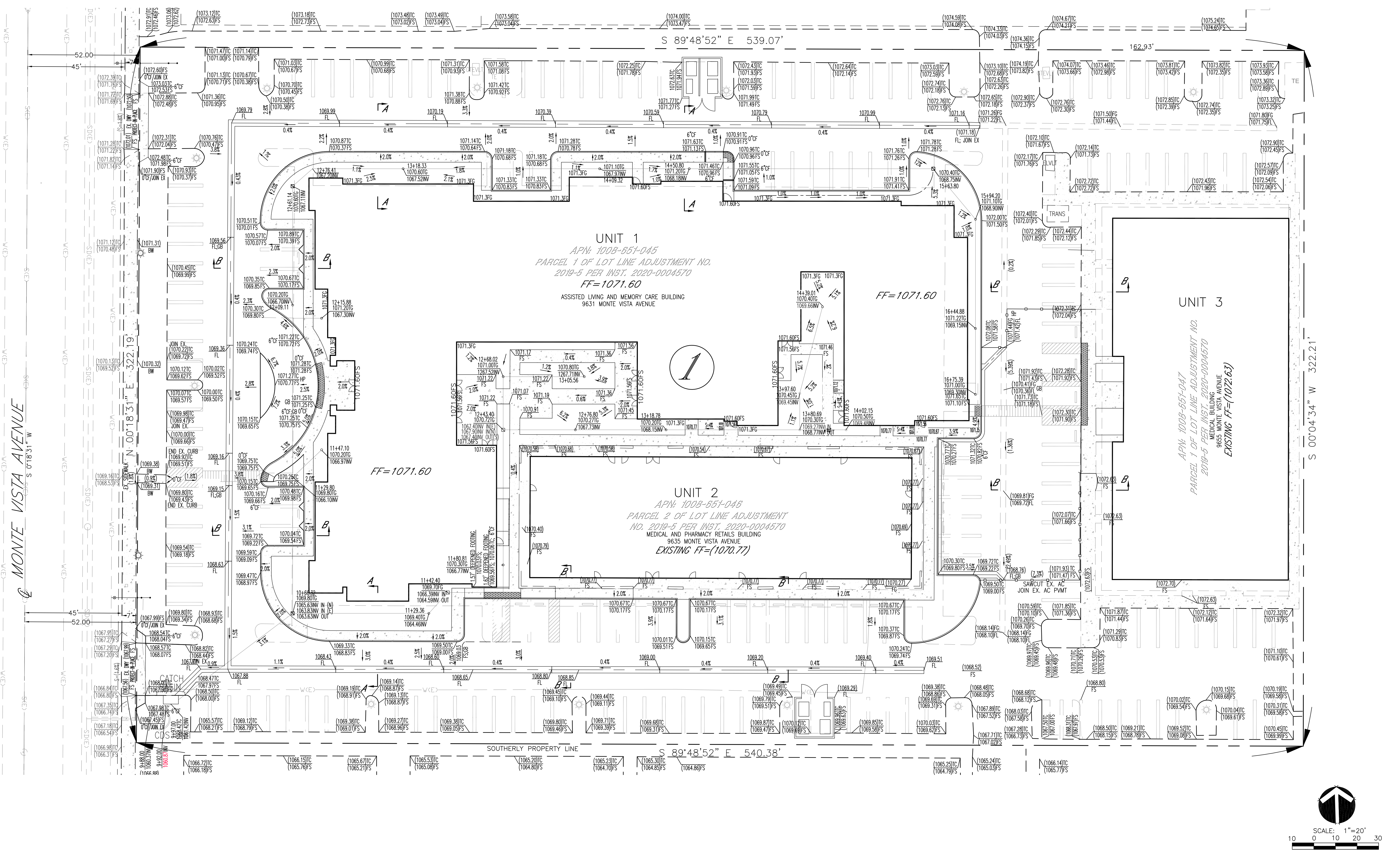
**REVISIONS**

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

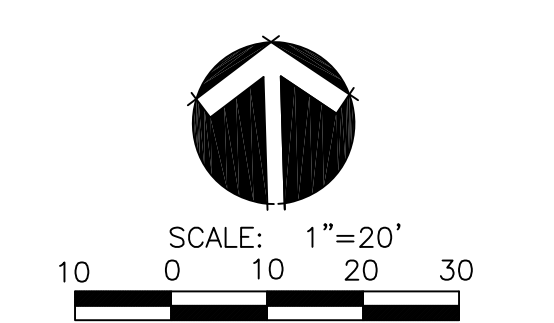
**CITY OF MONTCLAIR**

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



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



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

**RESOLUTION NO. 22-1958**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING CITY COUNCIL APPROVAL OF A NEW TENTATIVE PARCEL MAP, PARCEL MAP NO. 20507, AND CORRECTED LEGAL DESCRIPTION, RELATED TO AN APPROVED CONDITIONAL USE PERMIT AND CONDOMINIUM MAP UNDER CASE NO. 2021-17 "A" 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; and

**WHEREAS**, the application applied to properties located at 9631, 9635, and 9655 Monte Vista Avenue, totaling approximately 3.99 acres in size, in the Administrative Professional (AP) zone designation; and

**WHEREAS**, the subject site is presently comprised of three separate legal parcels, each developed with an existing building; and

**WHEREAS**, the 9631 Monte Vista Avenue parcel is developed with a recently completed (August 5, 2021) two-story senior assisted living and memory care facility (*Aqua Ridge of Montclair Senior Living*); and

**WHEREAS**, the 9635 and 9655 Monte Vista Avenue parcels each contain a freestanding single-story medical office building; 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-Clerk Office rejected the recording of Tentative Parcel Map 20375 (For

Condominium Purposes) citing the tentative map number and legal description were not correct for the subject site; and

**WHEREAS**, the applicant was required to obtain a new tentative parcel map number from the San Bernardino County Assessor-Recorder-Clerk Office and to correct the legal description for the site; and

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

**WHEREAS**, in consultation with the City Attorney, it was determined that the Planning Commission should formally approve the new parcel map number and corrected legal description associated with the previously approved conditional use permit for condominiums at the subject site; and

**WHEREAS**, there are no changes to the scope of the project, findings, or substantive changes to the conditions of approval as contained in previously approved Resolution No. 21-1949; and

**WHEREAS**, the new Tentative Parcel Map No. 20507 (For Condominium Purposes) will replace the previously assigned number (i.e., Tentative Parcel Map 20375) for the project site; 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, said application was continued at the request of the City Engineer to January 24, 2022, meeting, to allow the applicant time to correct the legal description for the project site; and

**WHEREAS**, the public hearing was opened on January 10, 2022, and no public comment was received; and

**WHEREAS**, on January 24, 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 24, 2022, including written and oral staff reports, together with public testimony, this Commission hereby approves the assignment of Tentative Parcel Map No. 20507 as the official designation of the map for condominium purposes associated with approved Conditional Use Permit under Case No. 2021-17.

**Conditions of Approval**

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

1. Tentative Parcel Map 20507 (For Condominium Purposes) shall hereby replace 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) as depicted in Exhibit A.
2. All conditions of approval for Case No. 2021-17 (Conditional Use Permit to create a three-unit office condominium subdivision) pursuant to Resolution No. 21-1949 (Exhibit B) shall continue to apply for the site, with no changes to the scope of the project, findings, or conditions of approval.
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 \$862.52, 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.

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

APPROVED AND ADOPTED THIS 24TH 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 24th 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. 21-1949



**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

BEING A SUBDIVISION OF PARCEL MAP NO. 3010, AS SHOWN ON A MAP RECORDED IN BOOK 28, PAGES 100 AND 101 OF PARCEL MAPS, 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:**

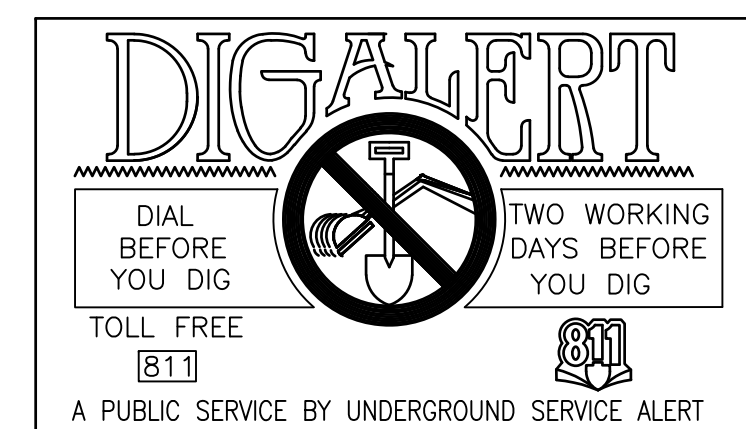
PARCEL #	TYPE OF DEVELOPMENT	LOT AREA (AC)	BUILDING (SF)
1	ASSISTED LIVING AND MEMORY CARE BUILDING	3.991	32255
	MEDICAL AND PHARMACY RETAILS BUILDING		9685
	MEDICAL BUILDING		13187
TOTAL DEVELOPMENT AREA:		3.991	

**C. PARKING REQUIREMENT:**

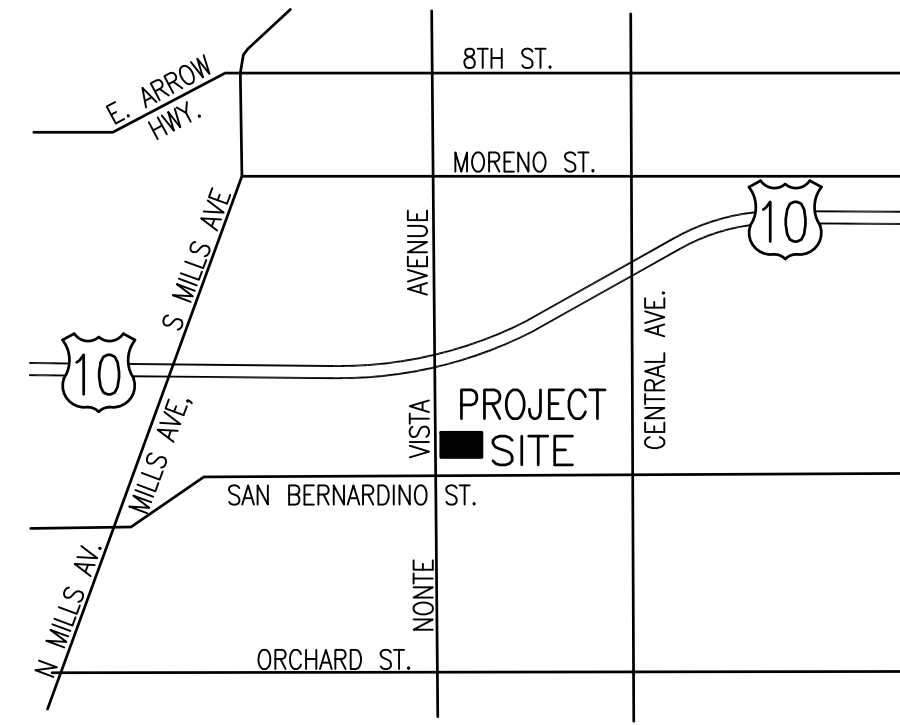
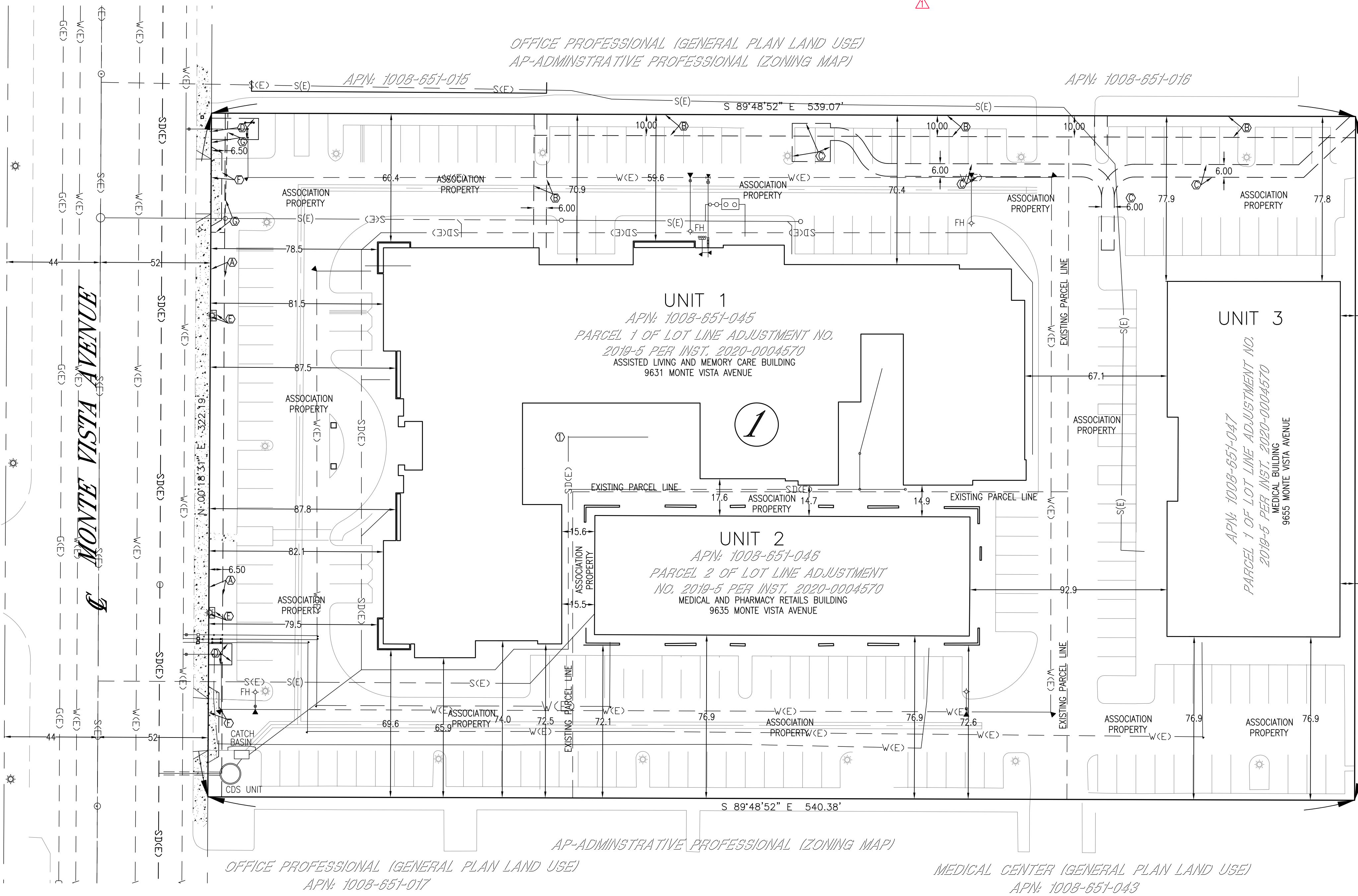
SITE TOTAL REQUIRED: 191  
SITE TOTAL PROVIDED: 196

**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 AND 3 OF PARCEL MAP NO. 3010, TOGETHER WITH A PORTION OF PARCEL 2 AND 4, AS SHOWN IN BOOK 28, PAGES 100 THROUGH 101, INCLUSIVE OF PARCEL MAPS IN THE CITY OF MONTCLAIR, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, 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

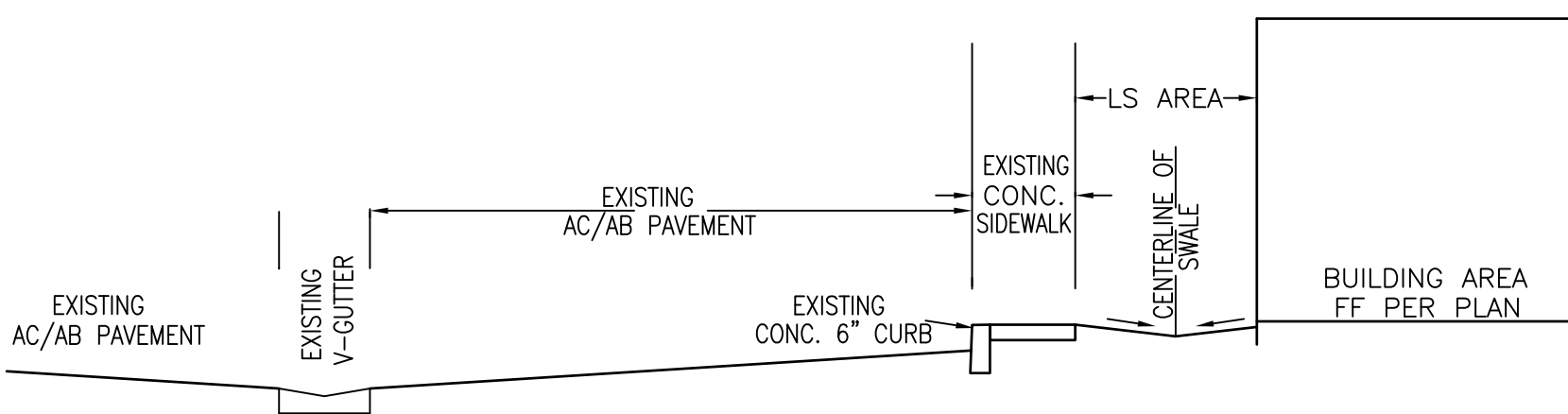
**CITY OF MONTCLAIR - UTILITIES NOTIFICATION LIST**

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

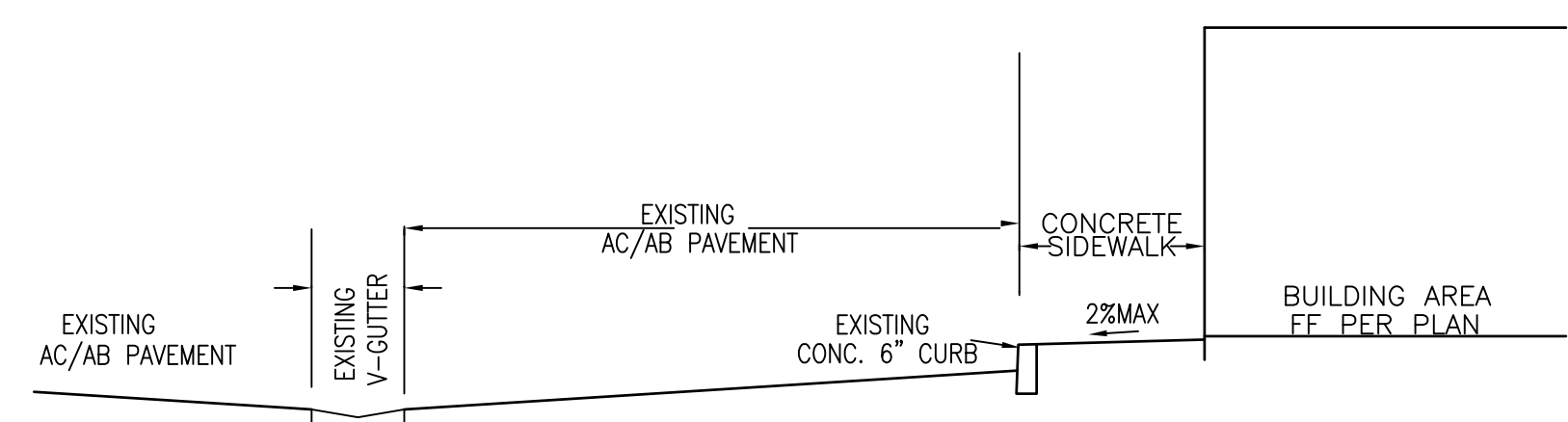
**NOTE:**  
SEE SHEET 2 OF 2 FOR SITE GRADING.

**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

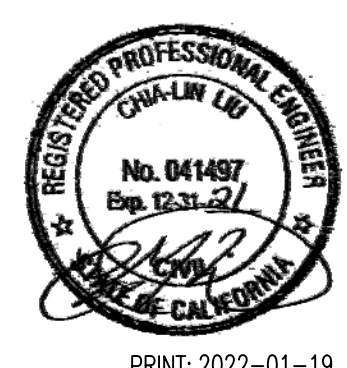


TYPICAL SECTION A-A  
NTS

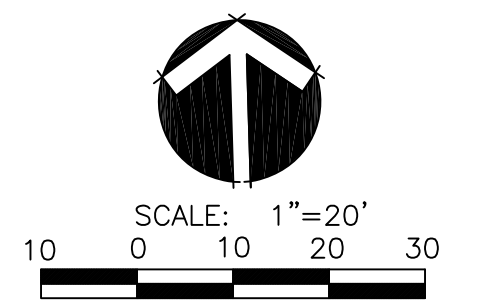
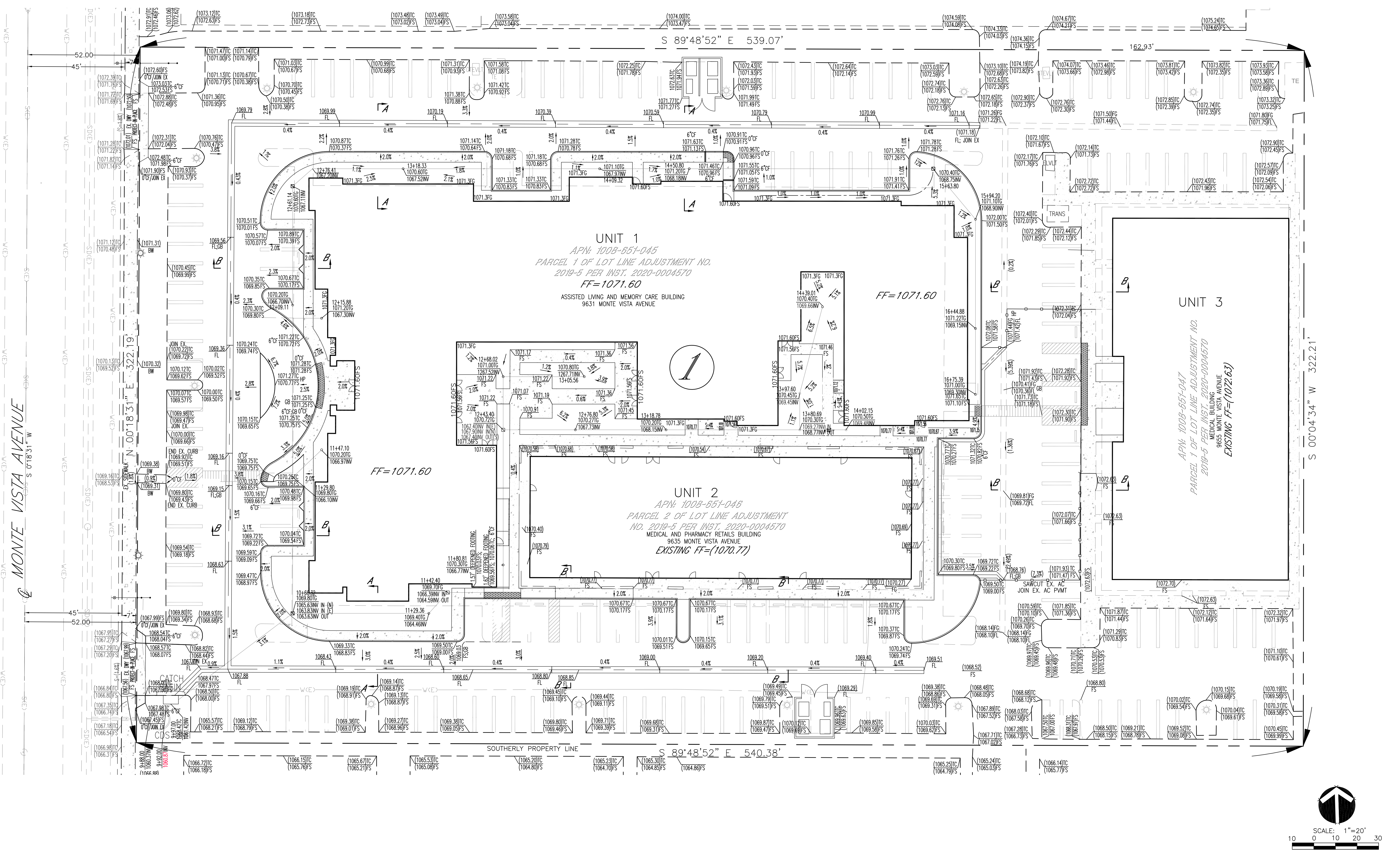


TYPICAL SECTION B-B  
NTS

<b>OWNER:</b> CHENGDU HOLDING, LLC  701 S. SAN GABRIEL BLVD., SUITE D SAN GABRIEL, CA 91776  E-MAIL: jasminelbucho@gmail.com	<b>PROJECT MANAGER:</b> CLOVER ESTATE INC.  2361 FULLERCREEK ROAD CHINO HILLS, CA 91709 TEL: (909) 973-6999 TEL: (909) 539-0395 E-MAIL: www.cloverestate.com	<b>PROJECT ARCHITECT:</b> 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	<b>CIVIL ENGINEER:</b> 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	<b>REVISIONS</b> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>12/2021</td> <td>REVISED PARCEL MAP NUMBER AND LEGAL DESCRIPTION</td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	1	12/2021	REVISED PARCEL MAP NUMBER AND LEGAL DESCRIPTION	<b>CITY OF MONTCLAIR</b> TENTATIVE PARCEL MAP 20507 (FOR CONDOMINIUM PURPOSES) MONTCLAIR SENIOR LIVING 9631, 9635 & 9655 MONTE VISTA AVENUE TITLE SHEET  SHEET 1 OF 2
NO.	DATE	DESCRIPTION									
1	12/2021	REVISED PARCEL MAP NUMBER AND LEGAL DESCRIPTION									



PRINT: 2022-01-19



**OWNER:**  
CHENGDU HOLDING, LLC  
  
701 S. SAN GABRIEL BLVD., SUITE D  
SAN GABRIEL, CA 91776  
  
E-MAIL: jasminelbuchta@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: 2022-01-19

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. 21-1949**

**RESOLUTION NO. 21-1949**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING A CONDITIONAL USE PERMIT UNDER CASE NO. 2021-17 APPROVING TENTATIVE PARCEL MAP NO. 20375 (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 (currently under construction) 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**, *Conditions 1.m and 1.n* of Montclair Planning Commission Resolution No. 19-1932, specifically required the four-parcel site be merged into a single unified parcel; and

**WHEREAS**, pursuant to *Condition No. 1.n* of Montclair Planning Commission Resolution No. 19-1932, 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; and

**WHEREAS**, on December 19, 2019, the owner recorded the lot line adjustment to create three temporary lot; 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 owner was advised that no Certificate of Occupancy for the senior assisted living and memory care facility would be issued until the final lot merger creating one parcel for the entire 3.99-acre site was completed; 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 finds the project to be in compliance with the guidelines and applicable development standards of the AP (Administrative Professional) zone; and

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

**WHEREAS**, any changes, modifications and or expansions to any of the buildings referenced in Tentative Parcel Map 20375 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 June 14, 2021, 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:

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 June 14, 2021, including written and oral staff reports, together with public testimony, this Commission hereby finds with respect to Tentative Parcel Map No. 20375 and Conditional Use Permit under Case No. 2021-17, 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 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 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 3.92 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 20375 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 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.

### **Conditions of Approval**

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

#### **Planning Division**

1. This approval is hereby granted to allow the following entitlements at 9631, 9635, and 9655 Monte Vista Avenue (Assessor Parcel Nos. 1008-651-45-0000, 1008-651-46-0000 and 1008-651-47-0000):

- a. Tentative Parcel Map No. 20375, 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; 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

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 and Precise Plan of Design for the project and recommends City Council approval of the Tentative Tract Map. 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 \$862.52, 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 A 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 this Tentative Parcel Map (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 Department of Records by the owner at owner's expense.

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

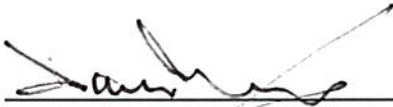
#### Water Quality Management

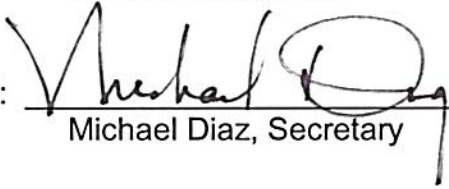
16. Applicant shall prepare and submit to the City a Water Quality Management Plan and Storm Water BMP Transfer, Access and Maintenance Agreement identifying the property address and assigned San Bernardino Tax Assessor Parcel Number that reflects the condominium subdivision (Tentative Parcel Map 20375). 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 14TH DAY OF JUNE, 2021

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 14th day of June 2021, by the following vote, to-wit:

AYES: Chair Rowley, Vice Chair Martinez, Commissioners Sahagun and Sanchez

NOES: None

ABSENT: Commissioner Eaton

Z:\COMMDEV\CSCALDWELL\CASES\21-1949PC RESOLUTION

**Exhibit C**

**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**

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) 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:           Draft Resolution No. 21-1949  
                                  Exhibit A -- Resolution No.19-1932

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