



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

REGULAR ADJOURNED MEETING
Monday, November 22, 2010
7:00 p.m.

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

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Chairman Luis Flores, Vice Chairman Sergio Sahagun, Commissioner Tenice Johnson, Commissioner Maynard Lenhert, and Commissioner Don Vodvarka

4. APPROVAL OF MINUTES

The minutes of the November 8, 2010 Planning Commission meeting are presented for consideration.

5. ORAL AND WRITTEN COMMUNICATIONS ON NON-AGENDA ITEMS

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

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

6. AGENDA ITEMS

- a. PUBLIC HEARING - CASE NUMBER 2010-18
Project Address: 9059 Central Avenue
Project Applicant: John Pedicini
Project Planner: Michael Diaz, City Planner
Request: Precise Plan of Design

- b. PUBLIC HEARING - CASE NUMBER 2010-21
Project Address: 4974 Arrow Highway
Project Applicant: Arrow Highway Investments LLC
Project Planner: Michael Diaz, City Planner
Request: Tentative Tract Map and Precise Plan of Design

7. INFORMATION ITEMS

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

8. PUBLIC INSPECTION OF MATERIALS

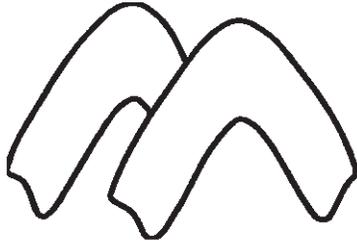
Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Planning Division counter during normal business hours.

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of December 13, 2010 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California

CERTIFICATION OF AGENDA POSTING

I, Laura Berke, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda was posted on the bulletin board adjacent to the south door of Montclair City Hall on November 18, 2010.



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 11/22/10

AGENDA ITEM 6.a

Case No.: 2010-18

Application: Precise Plan of Design (PPD) for exterior improvements related to the establishment of a new buffet restaurant use in a multi-tenant commercial center

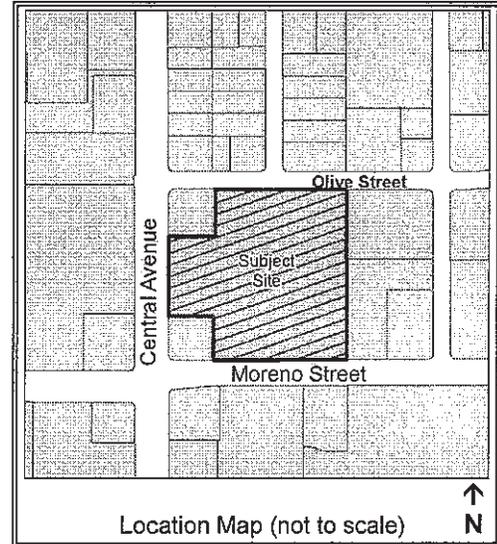
Project Address: 9059 Central Avenue

Property Owner: John Pedicini

General Plan: Regional Commercial

Zoning: C-3 (General Commercial)

Assessor Parcel No.: 1008-033-11



EXISTING SITE FEATURES/CONDITIONS

Structures: Multi-tenant commercial building

Parking: 419 parking spaces (including disabled-accessible spaces)

City/Public Utility Easements: None

Trees/Significant Vegetation: Parking lot landscaping

ADJACENT LAND USE DESIGNATIONS AND USES

	<i>General Plan</i>	<i>Zoning</i>	<i>Use of Property</i>
Site	Regional Commercial	C-3 (General Commercial)	Multi-tenant commercial center (Montclair Promenade)
North	General Commercial	C-3 (General Commercial)	Strip commercial uses
East	Regional Commercial	C-3 (General Commercial)	Multi-tenant commercial and self-storage facility
South	Regional Commercial	C-2 (Restricted Commercial) and C-3 (General Commercial)	Montclair East commercial center
West	Planned Development	C-2 (Restricted Commercial)	Target and Best Buy stores

Report on Item Number 6.a

CASE NUMBER 2010-18

APPLICATION TYPE(S)	Precise Plan of Design
NAME OF APPLICANT	John Pedicini
LOCATION OF PROPERTY	9059 Central Avenue
GENERAL PLAN DESIGNATION	Regional Commercial
ZONING DESIGNATION	C-3 (General Commercial)
EXISTING LAND USE	Multi-tenant commercial center (Montclair Promenade)
ENVIRONMENTAL DETERMINATION	Categorically Exempt (Section 15301)
PROJECT PLANNER	Michael Diaz

Project Description

The applicant is requesting design approval for exterior improvements related to the establishment of a new buffet restaurant use in an existing tenant space on the east side of Central Avenue north of Moreno Street within the Montclair Promenade shopping center. The subject lease space was formerly the home of CompUSA, which closed in 2007. As a buffet restaurant, diners serve themselves instead of relying on table service, and pay a flat rate for admission. The sale of alcoholic beverages is not proposed. The name of the new restaurant would be Paradise Buffet. Business hours are proposed to be 11:00 a.m. to 9:00 p.m. seven days a week.

The subject lease space is located at the south end of the main building and is approximately 14,566 square feet in size. The main public entry into the space will be from the Central Avenue (west) side of the building. New interior tenant improvements for the restaurant use are depicted on floor plans provided in the Commission packets. Food preparation, storage, and serving area are generally concentrated at the back of the lease space while the dining area is concentrated at the front.

In addition to new interior tenant improvements, a new exterior appearance is proposed. The proposed changes to the building will be based largely on the existing building configuration and include the following enhancements:

- Widened and enhanced look for the existing columns across the front (Central Avenue) and side (Moreno Street) frontages of the corner lease space. The modified columns feature new crown molding, a faux stone (Veneto fieldstone) shaft, and brick veneer at the base;
- New grouping of fixed windows added to allow view and light into interior dining area;

- Crown molding along the top of walls;
- A running bond brick veneer (3'-6") at the base of the exterior wall to match the base of the column;
- New horizontal metal reveals to break up larger stucco wall planes;
- New decorative light fixtures mounted on front of modified columns; and
- New color scheme – tan stucco, white trim work, and brown tones for faux stone and bricks.
- No signage has been proposed at this time, but is conceptually shown.

Background

- A buffet is a self-service form of dining in which the customer pays a fixed price and is entitled to select as much food as he or she wishes. The wait staff in a buffet restaurant may still refill beverages and remove plates, but there is no menu as such. Cooks in a buffet prepare food in bulk, and runners replenish the buffet as necessary.
- Based on city records, the main building in the center was originally built around 1963-64 and was home to the former Ole's Hardware store. Since then the main building was expanded, subdivided, and remodeled during the 1980s. In its present configuration, the center has a total building area of approximately 109,839 square feet in three (3) separate buildings.
- The overall appearance of the center is dated but it is in generally sound condition. Parking lot lighting and landscaping exists but is not consistent with present day standards.
- The existing satellite buildings on the corners of the center are located on separate parcels and were developed in the 1980s.
- In 1986, the main building was remodeled to accommodate a Marshall's retail outlet.
- In 2007, CompUSA closed its doors and was the last business to occupy the subject lease space.

Planning Division Comments

Staff is supportive of the proposed façade improvements as described above and finds them to be appropriate, more up to date architecturally, and in keeping with the proposed new use. Staff has worked with the applicant to arrive at a building design that is consistent with the quality of recent development within the City. Staff finds the

new exterior materials to be appropriate and durable, particularly the stone and brick veneer. The proposed neutral colors, finishes, and materials fit the proposed architecture.

Although the new changes will be significantly different than the remainder of the building, staff sees the improvements to be a positive step to re-establishing the existing center as a desired property location for retail or service uses. Moreover, it is the hope of the applicant that this improvement will set the architectural standard for what can be done to the remainder of the center at a later date.

Staff has calculated that the subject use will require a minimum of 82 parking spaces. The site has approximately 419 on-site parking spaces, which is ample to support the subject use as well as the other uses in the center. Moreover, parking is adequately distributed around the site to serve the center. However, based on a review of actual field conditions staff has noted that the parking spaces need to be re-striped to improve visibility, especially during evening hours. At a minimum, the parking in proximity to the subject lease space must be re-striped. A condition of approval addressing this issue has been added.

A second area of concern is with regard to the need of a trash enclosure to accommodate the large amount of solid waste that would be generated by the restaurant. There are no adequately sized trash enclosures to serve the uses on the south side of the site. As a condition of approval, a trash enclosure meeting City standards will be required. The ideal location would be at the rear (east side) of the building in close proximity to the proposed restaurant.

A related concern is how the restaurant will store and remove used fry oil from the premises. Instead of relying on outdoor barrel storage within a trash enclosure, staff strongly recommends that the applicant install a waste fry oil collection system that utilizes inside tanks to hold the oil safely until it can be removed via collection through a simple wall connection to the outside of the building. This method eliminates the need to build very large trash enclosures, the need to lug oil outdoors and risk the chance of a spill and the potential cost for repairing environmental damage. Given that this is a new restaurant, it would be reasonably easy to incorporate a fry oil collection system with the anticipated tenant improvements.

Finally, the applicant will submit a separate application for new signs to identify the new business. This element of the project will be handled by staff and will be subject to the provisions of the existing sign program for the center.

Public Notice

None required.

Environmental Assessment

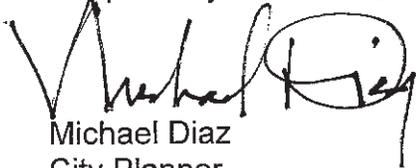
The proposed project is on a developed site and only involves interior tenant improvements and limited site changes not involving grading. As such, staff has determined that this project is categorically exempt (Class 1 – Existing Facilities) from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the CEQA Guidelines. A DeMinimis finding of no impact on fish and wildlife will be prepared.

Planning Division Recommendation

Staff recommends that 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). Further, the project qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301, which exempts projects involving limited site changes not involving grading. As such, a DeMinimis finding of no impact on fish and wildlife will be prepared.
- B. Move to approve Precise Plan of Design Case No. 2010-18 for exterior building and interior tenant improvements related to the establishment of a new restaurant business per the submitted plans, as described in the staff report, and subject to the conditions of approval in attached Resolution 10-1733.

Respectfully Submitted,



Michael Diaz
City Planner

MD/lb

Z:\COMMDEV\MD\CASES\2010-18 PARADISE BUFFET\2010-18PCRPT

RESOLUTION NUMBER 10-1733

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR APPROVING CASE NUMBER 2010-18, A PRECISE PLAN OF DESIGN FOR EXTERIOR BUILDING AND INTERIOR TENANT IMPROVEMENTS AT 9059 CENTRAL AVENUE IN THE C-3 (GENERAL COMMERCIAL) ZONING DISTRICT (APN 1008-033-11).

A. Recitals.

WHEREAS, on October 21, 2010, an application for a Precise Plan of Design (PPD) was submitted by John Pedicini, property owner, for exterior and interior improvements associated with a proposed new restaurant business at the subject location; and,

WHEREAS, the application applies to property located at 9059 Central Avenue; and,

WHEREAS, the proposed restaurant is consistent with the use and development standards of the underlying C-3 zoning district and the intent and requirements of the Municipal Code; and,

WHEREAS, said restaurant use does not include a request to sell or serve alcoholic beverages; and,

WHEREAS, the Planning Commission has reviewed the Planning Division's determination that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15301 of the State CEQA Guidelines, and based on its own independent judgment, concurs with staff's determination of said exemption and finding of no significant effect on the environment. As such, a DeMinimis finding of no impact on fish and wildlife will be prepared; and,

WHEREAS, on November 22, 2010, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a meeting at which time all persons wishing to testify in connection with said project were heard and said proposal was fully studied.

B. Resolution.

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

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

2. Based upon the substantial evidence presented to this Commission during the above-referenced hearing on November 22, 2010, including written and oral staff reports, together with public testimony, this Commission hereby finds the proposal to be consistent with the overall objectives of the City of Montclair General Plan, Montclair Municipal Code, and good planning principles, and approves the application subject to each and every condition set forth below.

Planning

1. This Precise Plan of Design (PPD) approval is for the exterior improvements associated with establishment of a restaurant use (without the on-premises sale of alcohol beverages) at 9059 Central Avenue as depicted on approved plans on file with the Planning Division and as described in this report.
2. Within five days of approval, the applicant shall submit a check in the amount of \$50 to cover the County administrative fee for filing a Notice of Exemption as required the California Environmental Act (CEQA). The check shall be made payable to the Clerk of the Board of Supervisors.
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 is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
4. Approval of this PPD shall not waive compliance with any applicable regulations as forth by the California Building Code and/or City Ordinances, the San Bernardino County Health Department, or the State of California.
5. 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.
6. The sale of alcoholic beverages from this location shall not be allowed unless expressly permitted by an approved Conditional Use Permit.
7. Business hours for the restaurant shall be from 11:00 a.m. to 9:00 p.m., daily. Any changes in the approved hours shall be subject to the review and approval of the City Planner upon written request.
8. A minimum of 82 parking spaces shall be maintained on the subject property at all times for the subject use.

9. No outdoor display areas for merchandise are authorized as part of this approval.
10. No outdoor patio/seating areas shall be allowed with this approval. Outdoor seating shall require approval of a CUP and the provision of the appropriate number of additional required parking spaces by the tenant for the identified area.
11. All decorative exterior building mounted lighting shall incorporate illumination sources of an appropriate wattage so as to not create any nuisance glare to the adjacent parking areas, private roadways, public rights-of-way, or neighboring properties. The use of wall packs, barnlighters, or other similar unshielded luminaires on the property shall be prohibited.
12. All satellite dish antennas, microwave receivers and transmitters, and other forms of communication equipment shall be located in a manner in accordance with the provisions of Chapter 11.46 of the Montclair Municipal Code.
13. Mechanical equipment including, but not limited to, utility meters, air conditioners, kitchen vents or hoods, repair equipment, etc., shall be located within the building or screened in a manner that is compatible with the architectural design of the building to the satisfaction of the Planning Division. Wooden lattice or fence-like screens/covers are not appropriate with the context of a commercial or industrial development and therefore are not allowed.
14. No surface mounted exposed conduit or electrical lines shall be allowed. Electrical switchgear, meters, etc. must be screened or housed in an enclosure, to the extent allowed by the utilities.
15. Trash enclosure(s) shall be constructed of masonry consistent with the primary type and color of that used on the building. The construction of such trash enclosure(s) shall conform to the City's standard drawing, including a roof cover and fire sprinklers if required by the Montclair Fire Department.
16. No public telephones, vending machines, children's rides or other coin-operated machines shall be located on the exterior of any building within the center.
17. The finish quality of exterior design elements including, but not limited to, building façade shall be subject to approval of the City Planner prior to issuance of Certificate of Occupancy.
18. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code, including but not limited to, the following:

- a. Temporary banners for the purpose of announcing the grand opening or advertising promotions shall require banner permits from the Planning Division prior to installation.
 - b. Promotional window signs shall not occupy more than 25 percent of the aggregate window area.
- a. At no time shall pennants, inflatable signs, "human" signs, other similar advertising devices be utilized on the property or off-site.
19. Prior to occupancy and the installation of any signs, the applicant shall submit a and application for a Sign Permit to the Planning Division for review and approval, subject to the following:
 - a. All signs shall comply with the approved sign program for the center and the City of Montclair Sign Regulations (Section 11.72).
 - b. Wall signs shall use individual channel letters.
20. All signs shall be maintained at all times in a safe and secure manner. Exposed surfaces shall be cleaned and painted as necessary. Broken and defective parts shall be repaired or replaced
21. The property owner/applicant shall keep the premises clean at all times, and maintain in good repair all building exteriors, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas.
22. No permanent building-mounted, wall-mounted or monument signs are approved as part of this entitlement. Should the applicant desire to install any business identification signs, plans shall be submitted to the Planning and Building Divisions for review and approval prior to installation of any sign(s).
23. All graffiti and other forms of vandalism and damage to the subject improvements shall be removed and/or repaired within 72 hours of notice by the City.
24. The applicant shall agree to defend, at its sole expense, any action brought against the City, its agents, officers, or employees because of the issuance of this approval; or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees for any court costs and attorney fees that the City, its agents, officers, or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of its obligations under this condition.

Building

25. Submit four complete sets of plans including the following:
 - a. Site/Plot Plan;
 - b. Floor Plan;
 - c. Reflected Ceiling Plan
 - d. Electrical Plans, including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
 - e. Plumbing plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning.
 - f. Provide an existing plan of the building including all walls to be demolished.
26. Submit two sets of structural calculations, if required and two sets energy conservation calculations.
27. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
28. The applicant shall comply with the latest adopted California Building Code, and other applicable codes, ordinances and regulations in effect at the time of permit application. These applicable codes shall be indicated on the first page of submitted plans.
29. Provide and clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
30. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
31. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number.
32. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.

33. Construction drawings submitted to the building division for plan review shall comply with the Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
- a. Install a numerical address on the west building elevation. Address numerals shall be in Helvetica font, a minimum of ten inches in height, a minimum of 1 ½ inches in depth, and be in contrasting color which adequately contrast to the background to which they are attached.
 - b. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn everyday.
 - c. Install an approved emergency lighting to provide adequate illumination automatically in the event of an interruption of electrical service.
34. Prior to the issuance of a Certificate of Occupancy, the applicant shall:
- a. Submit to the Building Division electronic images of all plans and records which were submitted for the purpose of obtaining a building permit. Electronic images shall comply with the City's Electronic Imaging Policy.
 - b. Complete all on- and off-site improvements.
 - c. Install all disabled-accessible parking stalls and install/replace parking lot signage as necessary.
 - d. Re-stripe all parking stalls within the parking field west and south of the subject tenant space.
35. A Certificate of Occupancy is required prior to the occupancy of the building. Issuance of the Certificate of Occupancy shall be contingent upon the Fire Department inspection and the final approvals from other departments and/or agencies.

Fire

36. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
37. Commercial occupancies with cooking areas require an approved, fixed fire extinguishing system for protection of the hood and duct system and overall cooking areas. This system shall be equipped with an automatic fuel shutoff to all equipment protected by this system. Three (3) complete sets of drawings of this system shall be submitted to the Fire Marshal's office prior to issuance of a permit.

38. In the event that the structure is to be used for the purpose of public assembly, the developer/architect shall contact the Fire Marshal's Office for requirements prior to submission of building plans.
39. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of normal lighting.
40. Fire extinguisher location(s) to be determined by the Montclair Fire Department.
41. Three (3) sets of plans shall be submitted to the Montclair Fire Department for approval prior to the relocation or addition of sprinklers for tenant's improvements.
42. Three (3) sets of plans shall be submitted to the Montclair Fire Department for approval prior to the upgrade of a fire alarm system for a tenant improvement.
43. All Montclair Fire Department fees are due prior to any permit issuance.

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

APPROVED AND ADOPTED THIS 22ND DAY OF NOVEMBER, 2010.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Luis Flores, Chair

ATTEST: _____
Steve Lustro, Secretary

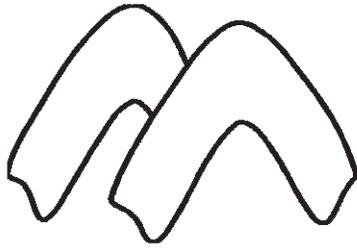
I, Steve Lustro, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 22nd day of November, 2010, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MDIAZ\CASES\2010-18 PARADISE BUFFET\2010-18 PC RESO



CITY OF MONTCLAIR
PLANNING COMMISSION

MEETING DATE: 11/22/10

AGENDA ITEM 6.b

Case No.: 2010-21

Application:

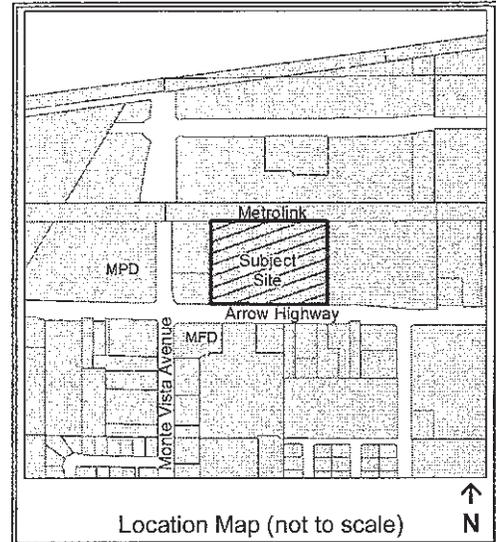
Tentative Tract Map and Precise Plan of Design

Applicant/Property Owner:

Arrow Highway Investments LLC for
 Hutton Development Co.

General Plan: Planned Development

Zoning: "Corridor Residential" per
 North Montclair Downtown Specific Plan (NMDSP)



Project Address:

4974 Arrow Highway (approximately 213 feet east of Monte Vista Avenue)

APN(s): 1007-701-02

Adjacent Land Use Designations and Existing Uses			
	<i>General Plan</i>	<i>Zoning</i>	<i>Existing Use of Property</i>
Site	Planned Development	"Corridor Residential" per NMDSP	Concrete Batch Plant
North	Planned Development	"Corridor Residential" per NMDSP	Montclair Transcenter
East	Planned Development	"Town Center" per NMDSP	Metal industrial building and parking presently used by the Inland Pacific Ballet
South	Planned Development	"Corridor Residential" per NMDSP	- Montclair Fire Station No. 1 - Monte Vista Water District Tank - Vacant land - Non-conforming industrial uses
West	Public/Quasi-Public	"Corridor Residential" per NMDSP	SCE substation

Report on Item Number 6.b

PUBLIC HEARING - CASE NUMBER 2010-21

APPLICATION TYPE(S)	Tentative Tract Map and Precise Plan of Design
NAME OF APPLICANT	Arrow Highway Investments LLC for Hutton Development Co.
LOCATION OF PROPERTY	4974 Arrow Highway
GENERAL PLAN DESIGNATION	Planned Development
ZONING DESIGNATION	Corridor Residential (CR) Zone North Montclair Downtown Specific Plan (NMDSP)
EXISTING LAND USE	Concrete Batch Plant
ENVIRONMENTAL DETERMINATION	Project is Consistent with Adopted EIR for NMDSP. No subsequent or supplemental EIR or Negative Declaration required Pursuant to CEQA Guidelines Sections 15162 and 15182.
PROJECT COORDINATOR	Michael Diaz

Project Proposal

Hutton Development Company is proposing a residential development for a 6.94-acre site on the north side of Arrow Highway (approximately 213 feet east of Monte Vista Avenue) within the boundaries of North Montclair Downtown Specific Plan (NMDSP). The project would be called Arrow Station and requires the approval of a Tentative Tract Map and a Precise Plan of Design. Should the project be approved, the developer would complete the purchase of the property from the applicant and develop and manage the project. The Planning Commission is requested to review the project and forward its recommendations to the City Council for its consideration and final determination. Copies of the tentative tract map and project plans are included in the Commission packets. Color boards will be presented during the meeting.

Tentative Tract Map No. 18803

As part of the Arrow Station project, approval of a Tentative Tract Map to create separate lots for the purposes of creating 129 total dwelling units and community center on the subject site would be required. Tentative Tract Map No. 18803 is proposed to create the following subdivision of the property:

Tentative Tract Map No. 18803		
<i>Lots*</i>	<i>Description</i>	<i>No. of Units</i>
1 (1.96 acres)	For Condominium Purposes	63
2 (1.26 acres)	For Condominium Purposes	36
3 (.33 acre)	Community Center & Pool	---
4 – 33 (.047 to .073 acre)	Small Lot - Single Family Detached	30
Total Number of Dwelling Units		129
* Lettered Lots A-C shown on map indicate area for private streets to serve the dwelling units		

Lots 1 and 2 would be developed with 99 residential units built to condominium standards and quality but would initially be offered as an apartment community operated and managed by the developer with an on-site manager to oversee all management, leasing, and maintenance functions for the apartment community. By preparing a map for condominium purposes at this time, the developer will have the option of converting the units into condominiums and selling them at a later date. A final condominium map for the conversion of the rental units into condominiums would be required at such time.

A community center building and pool are proposed on Lot 3 to serve the multifamily units. The community center parcel will also include a spa and barbecue area. Within the community center building, the developer intends to operate a leasing and/or sales office, business management office, community room, theater, exercise room, and a library/conference room. Final plans and exterior design of the project have not yet been completed and are not included in the plans.

Access to the site will be provided by two (2) new public streets. New Street "A" will provide north-south access to and from Arrow Highway. At its northerly terminus, Street "A" would intersect with Street "B," which would run east-west and eventually connect with the adjacent property to the east when it is developed. Street parking would be allowed only along the western end of Street "B". Private streets (lettered Lots A-C) would provide internal access to and between the new buildings.

The necessary grading for the site would require that a retaining wall be constructed along the north boundary of the site adjacent to the Metrolink right-of-way. The retaining portion of the wall ranges from approximately 6-10 feet in height. Atop the retaining wall will be a decorative metal fence approximately 5-6 feet tall and intermittently broken up by 24-inch wide masonry pilasters integrated into the wall design. Only the fence and top of the pilasters will be visible to the railroad side of the wall/fence.

Precise Plan of Design

The Arrow Station project is comprised of two basic housing types. The westerly portion of the site (Lots 1-3) is proposed to be developed with multifamily attached units ("Urban Courtyard" homes) and community center, and the easterly portion would be small-lot, single-family detached residential units ("Urban Side Yard" homes). A summary of the two residential housing types is provided in the following tables:

Arrow Station – Summary of Urban Courtyard Homes (Apartments/Condominiums)				
<i>Unit Type</i>	<i>Unit Size*</i>	<i>Stories</i>	<i>Number of Units</i>	<i>Number of Attached Parking Spaces**</i>
1	1 bedroom 1,376 square feet	3	33	1 (33 spaces)
2	2 bedrooms 1,767 square feet	3	10	2 – tandem (20 spaces)
3	2 bedrooms 1,974 square feet	3	23	2 – tandem (46 spaces)
4	2 bedrooms 1,884 square feet	3	33	2 – tandem (99 spaces)
Totals			99	(198 spaces)
* Includes square footage for attached garage parking space(s)				
** NMDSP requires one (1) garage parking space for each residential unit (Section 5.2.030.C.3).				

The 99 units within the Urban Courtyard portion of the project would be distributed in 14 separate buildings comprised of 6, 9, and 12 unit combinations.

Arrow Station – Summary of Urban Side Yard Homes Small-Lot Single-Family Residences				
<i>Plan</i>	<i>Size*</i>	<i>Stories</i>	<i>Number of Units</i>	<i>Number of Attached Parking Spaces**</i>
A-1	3 Bedrooms 2,106 square feet	2	11	2 covered spaces (22)
A-2	3 Bedrooms 2,106 square feet	2	4	2 covered spaces (8)
A-3	3 Bedrooms 2,124 square feet	2	5	2 covered spaces (10)
B-1	4 Bedrooms 2,447 square feet	2	5	2 covered spaces (10)
B-2	4 Bedrooms 2,223 square feet	2	5	2 covered spaces (10)
Totals			30	(60 spaces)
* Includes square footage for attached garage parking space(s)				
** NMDSP requires one (1) garage parking space for each residential unit (Section 5.2.030.C.3).				

Each of the detached single-family lots would have small private side yards. These yards would serve as open space area for these homes and would be secured by fences and/or walls (not yet specified).

Architecture

The proposed aesthetic style of the Arrow Station project is intended to draw upon historical references related to designs typically associated with trains or train stations. Building massing, material application, and usage of color are derived from nostalgic architectural styles and their application varies based on building type. For example, the Urban Courtyard homes would utilize elements that express verticality, which helps break up its larger, horizontal mass into smaller parts. This, in turn, would create entry elements that delineate each home's individual front door.

Each building will feature a mix of modestly sloped gable and hip roof forms to create visual interest and variety. Doors and windows feature divided light and double hung

designs appropriate to the style. All garage doors would be roll-up sectionals of varied designs. All buildings in the project, including the detached garage buildings, would have some or all of the proposed architectural elements/details applied to all their respective sides. Concrete tile is proposed for the roofs of the single-family homes while composite asphalt shingle roofs are proposed for the Urban Courtyard units. Colors are a mixture of neutrals that would serve as the backdrop for the accent brick veneer, wood trim, and awning details.

The use of brick on both the Urban Side Yard and Urban Courtyard homes helps unify the project, but the application serves different purposes based on each product type. On the Urban Side Yard homes, brick is proposed as a more traditional base and is tied into a stoop element that connects to the sidewalk. In some instances, the brick would also be applied to pillars, decks, and balconies for the purpose of emphasizing a point of entry. For the Urban Courtyard homes, brick would be used in conjunction with vertical elements to break up a horizontal face, as well as for emphasizing areas of greater significance on the site.

Horizontal siding represents another historical reference and would be used to break down the overall scale of the Urban Courtyard homes, as well as adding diversity of texture. Color changes and the use of smooth stucco are proposed in both housing types to create visual breaks in each building's overall massing. Finally, the smooth surface of the stucco would provide visual relief as a counterpoint to the detail of the brick and horizontal siding.

Parking

All units in the Urban Courtyard portion of the project have at least one attached garage space (with direct access) meeting the minimum requirement NMDSP of one (1) space per unit. Except for Unit Type 1 in the Urban Courtyard portion of the project, all other units in the development have 2 spaces per unit either as tandem spaces or as independently accessible spaces. The following table summarizes the parking required and provided for each portion of the project:

Arrow Station – Summary of Parking		
Urban Courtyard (Multifamily) - 99 Units		
<i>Parking Type</i>	<i>Number Required*</i>	<i>Number Provided</i>
Attached Parking	99	165 spaces
Detached Garages	---	12 spaces (3 buildings with 4 spaces each)
Guest Parking	25	25 spaces
Surface Spaces	---	23 spaces
Totals	124 spaces	225 spaces (+101)
Urban Side Yard (Single-Family) - 30 Units		
<i>Parking Type</i>	<i>Number Required*</i>	<i>Number Provided</i>
Attached Parking	30	60 spaces
Guest Parking	8	10 spaces
Totals	38 spaces	70 spaces (+32)
* NMDSP requires one (1) garage parking space for each residential unit (Section 5.2.030.C.3)		

Three detached garage buildings (4 cars each) are proposed along with surface parking against the west property line adjacent to the SCE substation. Each garage space would provide minimum interior dimensions of 10 feet wide by 20 feet deep and have automatic roll-up garage doors. These garage spaces would be assigned to specific units including some Type 1 units in the Urban Courtyard portion of the project.

Landscaping Concept

The applicant has submitted conceptual landscape plans for the project site. Between the multifamily buildings and at the northwest corner of Arrow Hwy and Street A would be courtyards/ plazas with landscape and hardscape amenities such as trees and enhanced paving materials. Portions of these areas would do double duty as bio-filtration areas as required by the Water Quality Management Plan for the project. The plans are conceptual only and will require further refinement and staff approval before building permits can be issued.

The plan depicts an appropriate distribution of plant materials across the site, and the identified plant species appear to be suitable to the local climate. The proposed tree and shrub palettes feature a wide variety of plant materials, the majority of which are drought tolerant. On the proposed tree list are Eucalyptus, Camphor, California Pepper, Chitalpa, Cercidium (Blue Palo Verde) trees and Mexican Fan Palms.

Background

- Hutton Development Company is an Orange County-based real estate developer with experience in developing a portfolio of mixed-use, government, multi-family residential, office, retail and light industrial projects in the greater Southern California region, including two recent residential projects in the City of Upland. According to the company's website, its affiliates have owned, developed, and managed a portfolio of more than 3.8 million square feet of commercial real estate and 2,400 multifamily residential units in Southern California.
- The subject property is located within the planning area of North Montclair Downtown Specific Plan (NMDSP), adopted in 2006. The NMDSP is a form-based code, with the objective of creating a "downtown" environment with urban style residential living, walkable neighborhoods, local retail and service businesses, and convenient access to rail transit. Virtually the entire plan area accommodates and encourages medium-to-high density residential development.
- The property is also located in a Redevelopment Project Area III.
- On September 7, 2010, the applicant made a presentation to the City Council at its regular study session to introduce and describe the project. All Council members were present.

Planning Division Comments

Overall, staff finds the project to be well designed and consistent with the intent and design goals of the North Montclair Downtown Specific Plan. The project has been developed in accordance with the provisions of the Specific Plan and complies with the development standards and guidelines set forth in the Specific Plan with respect to land use, subdivision and urban standards, and architectural and frontage types and styles.

Tract Map

Staff finds the proposed tract map to be laid out in a logical and appropriate manner that is generally consistent with the State Subdivision Map Act, the City's Subdivision Ordinance, and the objectives of the NMDSP. The proposed development of the site provides good access to and from Arrow Highway and the internal network of private streets and drives allow for good vehicular and pedestrian access/circulation to and around the buildings. In addition, the proposed street layout makes provision for connection to future development on the adjacent property to the east.

Open space for the multifamily portion of the project site is provided in courtyard areas between the buildings on Lots 1 and 2 and on Lot 3 where the community building and pool are proposed. Open space for the single-family lots is provided in private yards adjacent to each unit. Moreover, the site is in close proximity to multiple shopping, banking, and dining opportunities to the east and south at Montclair Plaza on Moreno Street and Monte Vista Avenue.

Site Plan

Staff believes that the project is substantially in compliance with the various elements and goals of the NMDSP, including the requirements for building placement, parking, and building design/profiles. As envisioned by the NMDSP, the project proposes a variety of housing types (e.g., townhouses, side yard and courtyard housing, live/work, etc.), that is in keeping with the spirit of a transit "village." In addition, parking for the project is consistent with the NMDSP. At 295 total proposed on-site spaces, parking for the project is 82 percent more than the 162 spaces required.

The plan is also consistent with the intent of the "Corridor Residential" land use designation of the site. The design intent for this district states in part, that, "The...zone is intended to establish a denser fabric of residential buildings, appropriate for locations on arterial roads. It is therefore the portion of the plan where the more intense residential development is expected." The proposal has units facing Arrow Highway, which are designed to create an attractive and continuous streetscape along this roadway. The development is not intended to be gated and the entry points will be enhanced. Staff believes that in time as additional street improvements occur on Arrow Highway, the attractiveness of the development to passersby will be further enhanced.

Finally, the proposed residential development is designed to provide access to various local and regional public transportation systems in the area in addition to being within a

convenient driving distance of the 10 and 210 Freeways. Eventually, the site will have easy and direct access to Metrolink and bus transportation at the Montclair Transcenter. This project would further pedestrian connectivity to the Transcenter.

Pedestrian Access to Metrolink and Future Gold Line Platforms

Staff has been working with the applicant to develop a workable strategy for implementing a direct pedestrian access link to the existing Metrolink platform. Staff recognizes that there are significant issues to work through regarding the pedestrian link, such as change of grade between the subject site and the existing south platform and a lack of known plans for improvements to the platforms in anticipation of the arrival of the Metro Gold Line extension. Nevertheless, staff is requesting that the applicant designate a point of access along its northerly boundary and to continue working with the City and the Southern California Regional Rail Authority (SCRRA) to determine if an eventual pedestrian connection to the Transcenter platforms is feasible in the near future. In addition, the precise location of the public plaza access to the Transcenter pedestrian tunnel that is identified in the NMDSP would eventually be built on a separate property not owned or controlled by the applicant or the City, so it is not known when it will be built. Without some point of access to the existing Transcenter from the south, a major goal of the Specific Plan is not being met. A condition of approval regarding this issue has been added to the resolution prepared for the project.

Residential Development and Property Management

As mentioned above, the project consists of two product types. The multifamily portion of the project will be held and managed by the developer. The developer owns projects nearby in Upland which appear to be well managed and operated. An on-site manager would be present to handle the day-to-day activities of the development. If, in the future, the project is converted to condominiums, the new residential community would then be governed by a Declaration of Covenants, Conditions and Restrictions (CC&Rs), which must be recorded at the time the condominium community is created. The CC&Rs would be the governing document that dictates how the homeowners association operates and by what rules the owners - and their tenants and guests - must abide. The document is recorded against each lot and, therefore, the owner of each lot is subject to the terms and conditions set forth. The CC&Rs establish the community "standards" for maintaining the homes and surrounding landscaping in addition to prohibited uses or activities.

The single-family portion of the project would also be subject to the requirement to establish a separate set of CC&Rs. The CC&Rs would govern the operation and maintenance of the single-family residential community and private streets which provide access to them.

Finally, City staff is currently working with a consultant to establish a Community Facilities District (CFD), of which this project will be a part. The establishment of the CFD, which has been anticipated since the NMDSP was adopted, would provide the means for collecting funds to maintain public improvements such as curb, gutter and

sidewalk, paving, streetlights, street sweeping, signage, street furniture, landscaping in the public right-of-way, and the maintenance of proposed public parks in the Specific Plan planning area. Completion and City approval of the CFD will be a condition of approval before any grading and/or building permits are issued on the project.

Architecture

Staff finds the proposed architecture for the project to be visually attractive and a welcome addition to the City. The design themes for the multifamily and single-family portions of the Arrow Station project are complementary and well done. Door and window designs are appropriate and garage doors would consist of a variety of decorative roll-up sectionals that will visually enhance the "rear side" of the multifamily buildings. Architectural design and details are extended to all sides of the buildings. Staff believes that the design's reliance on simple massing configurations and use of appropriate architectural details and durable materials will stand the test of time.

However, with regard to the multifamily (Urban Courtyards) portion of the project, staff is concerned about the proposed use of asphalt shingle roofing. The applicant and architect believe the material is appropriate to the architectural design and that from most vantage points it will not be readily visible on a 3-story building. Staff believes that a lightweight concrete tile should be used for the Urban Courtyards, as is proposed for the single-family homes. Both architectural styles are similar and, thus, if it is appropriate for one, it is appropriate for the other. A second concern would be that of setting a precedent for future developers who could be encouraged to propose less desirable building materials, particularly for a key building element such as the roof.

With respect to the community center building, since no building plans were submitted, plans will be required before building permits can be issued for the project. Staff expects the appearance of this building to incorporate many of the design elements found in the design of the residential buildings and be a key focal point of reference for the project given its prominent location. Staff recommends that the Commission allow the applicant to work directly with staff to arrive at a final design for the building.

Staff also requests that a wall/fence/gate plan be developed for the project to ensure that these elements are consistent, properly located, and durable. Staff recommends the use of decorative masonry walls wherever possible for durability and ease of maintenance, particularly around the single-family units.

Staff has also included a condition of approval requiring the developer to prepare a set of architectural criteria for inclusion with the CC&Rs for the Urban Side Yard homes portion of the project to ensure that there is some design consistency for future improvements in the "front" and side yards such as arbor/patio covers, patio furniture visible to the streets (private and public), and for the type and scale of other potential structures.

Landscaping

The conceptual landscaping plan appears to be appropriate as is the overall selection of plant materials. However, further refinement of the plan is needed to ensure that proper placement of plant materials is carefully considered, and further detail is provided regarding hardscape elements of the plans including the courtyard plaza areas. For example, staff has a concern with the proposed use of the California Pepper (*Schinus molle*) tree within the narrow planter areas along the west boundary and on Street "B." Although California Peppers are beautiful and evergreen, they will produce copious amounts of leaf litter, have invasive surface roots, and become brittle as they age. The placement of these trees in parking areas and along street frontages will require constant maintenance, so it would be better to limit their use to areas where they have room to spread. In addition, the final landscape plan will need to reflect the use of *Quercus ilex* (Holly Oak) street trees for Arrow Highway and each of the future public rights-of-way within the project.

Before building permits can be issued for the project, the applicant and/or developer will need to submit a complete Landscape Package for City review and approval as required by Chapter 11.60 of the Montclair Municipal Code. The recently adopted Landscape Water Conservation Ordinance also requires the preparation of a water budget for the project, soil analysis, and the incorporation of specific planting techniques. Moreover, the final landscape plan needs to be coordinated with the approved Water Quality Management Plan (WQMP) for the project to ensure there is consistency between the two documents. Conditions regarding these items have been added to the draft resolution.

Public Comment from Adjoining Property Owners

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on November 12, 2010. Public hearing notices were mailed out to all property owners within 300 feet from the boundaries of the subject property. At the time this report was prepared, no comments or inquiries had been received by staff regarding this proposal.

Environmental Assessment

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the City certified an Environmental Impact Report (EIR) on May 15, 2006 in connection with the City's approval of the North Montclair Downtown Specific Plan and anticipated improvements. Pursuant to CEQA Guidelines Sections 15162 and 15182, no subsequent or supplemental EIR or Negative Declaration is required in connection with subsequent discretionary approvals of the same project unless: (i) substantial changes are proposed to the project that indicate new or more severe impacts on the environment; (ii) substantial changes have occurred in the circumstances under which the project was previously reviewed that indicates new or more severe environmental impacts; or (iii) new important information shows the project will have new or more severe impacts than previously considered; or (iv) additional mitigation measures are

now feasible to reduce impacts or different mitigation measures can be imposed to substantially reduce impacts.

Staff finds the application for the proposed 129-unit Arrow Station residential community to be substantially consistent with the anticipated impacts evaluated in the previously certified EIR for the North Montclair Downtown Specific Plan and its anticipated improvements. Staff further believes the project will not have one or more significant effects not discussed in the previously certified EIR, not have more severe effects than previously analyzed, and that additional or different mitigation measures are not required to reduce the impacts of the project to a level of less than significant. As such, none of the conditions listed in Section 15162 of the CEQA Guidelines requiring the preparation of a subsequent or supplemental EIR are present and the project qualifies for the exemption for residential projects described in Section 15182 of the state CEQA Guidelines.

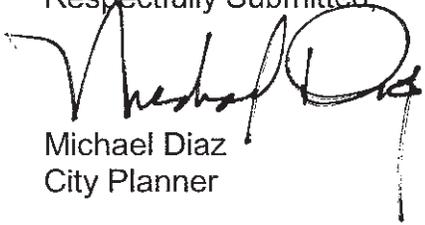
Planning Division Recommendation

Staff recommends that the Planning Commission find the proposal to construct a 129-unit residential community at 4974 Arrow Highway to be consistent with the General Plan and the goals and development standards of North Montclair Downtown Specific Plan. Accordingly, staff recommends that the Commission take the following actions:

- A. Move that, based upon evidence submitted, the Planning Commission finds the application for the proposed 129-unit Arrow Station residential development to be substantially consistent with the anticipated impacts evaluated in the previously certified EIR for the North Montclair Downtown Specific Plan and its anticipated improvements. The Commission further finds that the project will not have one or more significant effects not discussed in the previously certified EIR, not have more severe effects than previously analyzed, and that additional or different mitigation measures are not required to reduce the impacts of the project to a level of less than significant. Further, the Commission directs staff to prepare a DeMinimis finding of no impact on fish and wildlife.
- B. Recommend the City Council approve Tentative Tract Map No. 18803, subdividing a 6.94-acre site at 4974 Arrow Highway into three (3) numbered lots for condominium purposes and a community center, 30 additional numbered lots (ranging in size from .047 to .073 acre) for single-family development, and three (3) lettered lots (A-C) for public and private streets within the development, finding that the map is consistent with the Montclair Municipal Code and the State Subdivision Map Act.
- C. Recommend the City Council approve a Precise Plan of Design request under Case No. 2010-21 for the site plan, floor plans, elevations, colors, materials, and conceptual landscape plan associated with the proposed 129-unit Arrow Station residential development at 4974 Arrow Highway, and associated on- and off-site

improvements per the submitted plans and as described in the staff report,
subject to the conditions in Planning Commission Resolution No. 10-1734.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Michael Diaz", written over the typed name below.

Michael Diaz
City Planner

MD/lb

Attachments: Draft Resolution of Approval for Case No. 2010-21

c: Savoy Bellavia, Hutton Development Company
Rick Aiken, AIA, William Hezmalhalch Architects
David Buxbaum

Z:\COMMDEV\MD\CASES\2010-21 ARROW STATION\2010 PCRPT

RESOLUTION NO. 10-1734

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING APPROVAL OF A TENTATIVE TRACT MAP AND PRECISE PLAN OF DESIGN UNDER CASE NUMBER 2010-21 FOR THE SITE PLAN, FLOOR PLANS, ELEVATIONS, COLORS, MATERIALS, AND CONCEPTUAL LANDSCAPE PLAN FOR A PROPOSED 129-UNIT RESIDENTIAL DEVELOPMENT AT 4974 ARROW HIGHWAY (APN 1007-701-02).

WHEREAS, on October 25, 2010, Arrow Highway Investments LLC, owner of property at 4974 Arrow Highway, filed applications for a Tentative Tract Map and Precise Plan of Design (PPD) under Case No. 2010-21, on behalf of the Hutton Development Company, to construct a proposed 129-unit residential development on the subject site; and

WHEREAS, the subject property is 6.94 acres in size and located within the planning area of North Montclair Downtown Specific Plan (NMDSP), adopted in 2006. The objectives of the NMDSP are to introduce urban style residential projects to the area and begin the process of creating a "downtown" environment with walkable neighborhoods, local retail and service businesses, with convenient access to rail transit; and

WHEREAS, the subject site is located within the "Corridor Residential" land use district of the NMDSP; and

WHEREAS, Tentative Tract Map No. 18803 would subdivide the existing 6.94-acre site into 3 numbered lots for condominium purposes and a community center, 30 additional numbered lots (ranging in size from .047 to .073 acre) for single-family development, and three (3) lettered lots (A-C) for public and private streets within the development; and

WHEREAS, the Precise Plan of Design pertains to the overall site plan, floor plans, elevations, colors, materials, and conceptual landscape plan associated with the 129-unit residential development; and

WHEREAS, the applicant presented an overview of the proposed project to the City Council on September 7, 2010, at its regularly scheduled study session; and

WHEREAS, staff has found that the subject proposal complies with the guidelines and development standards outlined in the NMDSP; and

WHEREAS, the NMDSP requires City Council review and approval of all entitlements for projects within the boundary of the NMDSP; 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:

- a. Pursuant to the California Environmental Quality Act (CEQA), the City certified an Environmental Impact Report (EIR) on May 15, 2006, in connection with the City's approval of the North Montclair Downtown Specific Plan and its anticipated improvements. Pursuant to CEQA Guidelines Sections 15162 and 15182, no subsequent or supplemental EIR or Negative Declaration is required in connection with subsequent discretionary approvals of the same project unless: (i) substantial changes are proposed to the project that indicate new or more severe impacts on the environment; (ii) substantial changes have occurred in the circumstances under which the project was previously reviewed that indicates new or more severe environmental impacts; or (iii) new important information shows the project will have new or more severe impacts than previously considered; or (iv) additional mitigation measures are now feasible to reduce impacts or different mitigation measures can be imposed to substantially reduce impacts.
- b. The Planning Commission finds, in connection with the proposed Arrow Station project (Case No. 2010-21), that substantial changes to the project or the circumstances surrounding the proposed project have not changed which would create new or more severe impacts than those evaluated in the previously certified EIR. The Arrow Station project conforms to the requirements of the NMDSP and is consistent with land use designations and density standards for the subject site. Staff further finds that the project will not have one or more significant effects not discussed in the previously certified EIR, not have more severe effects than previously analyzed, and that additional or different mitigation measures are not required to reduce the impacts of the project to a level of less than significant.
- c. The Planning Commission finds there is no substantial evidence the project may have a significant effect on the environment, and directs staff to prepare a Notice of Exemption and a DeMinimis finding of no effect on fish and wildlife.
- d. Based on these findings and all evidence in the record, the Planning Commission concurs with staff's determination that no additional environmental review is required pursuant to CEQA in connection with the City's consideration of Case No. 2010-21 for the Arrow Station residential development; and

WHEREAS, public notice of this item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on November 12, 2010. Public hearing notices were mailed out to property owners within a 300-foot radius of the project site

boundaries in accordance with State law for consideration of this discretionary zoning entitlement; and

WHEREAS, on November 22, 2010, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a public hearing at which time all persons wishing to testify in connection with said application were heard, and said application was fully studied.

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

SECTION 1. Based on the entire record before the Planning Commission, all written and oral evidence presented to the Planning Commission, and the findings set forth in this Resolution, the Planning Commission recommends approval of Tentative Tract Map No. 18803 and a Precise Plan of Design under Case No. 2010-21 and subject to the conditions of approval attached hereto in Exhibit "A".

SECTION 2. Pursuant to California Government Code Section 66410, *et seq.*, based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows with respect to the recommended approval of the Tentative Map No. 18803:

- A. The proposed subdivision is designed, to the extent feasible, to provide for passive or natural heating or cooling opportunities. Proposed buildings on the site are generally oriented, spaced, and designed to allow for access to adequate light and air. Each unit will have operable windows to allow for passive cooling provided by seasonal winds. In addition, the project will provide a community center and pool for use by the condominium tenants while private side yards attached to the single-family lots will provide adequate open space areas where trees and vegetation can provide shade, air filtering, and other environmental benefits.
- B. The proposed subdivision and the provisions for its design and improvement are consistent with the General Plan for the City of Montclair ("General Plan") and the applicable specific plan, otherwise known as the North Montclair Downtown Specific Plan ("Specific Plan"):
 1. The Tentative Tract Map provides for land uses compatible with the "Specific Plan" land use classification for the subject site in the General Plan. The overall goal of the General Plan is to promote good planning practices and orderly development within the City and to recognize the potential of specific areas for special treatment. Thus, the "Specific Plan" land use classification of the General Plan for the site and surrounding area is in recognition of its proximity to the existing transit center and its potential for development into a viable and thriving transit-oriented community.

2. The Tentative Tract Map provides for land uses compatible with the "Corridor Residential" land use classification for the subject site in the Specific Plan. As envisioned by the Specific Plan, the project will provide a mix of housing types (e.g., townhouses, side yard and courtyard housing, live/work, etc.), at a density that is consistent with the "Corridor Residential" land use designation for the site. Moreover, the design for the project is of a high quality and consistent with the high expectations for improvements for projects within the Specific Plan planning area.
- C. The subject site is physically suitable for the type and density of development proposed in the Tentative Tract given the overall size of the property. The site is 6.94 acres in overall area and is of a configuration that has sufficient width and depth to allow for orderly development as proposed with the project. The project site is also located adjacent to fully improved streets that will provide good access and allow for the development of appropriate internal pedestrian and vehicular circulation. The proposed public streets within the project boundaries will be fully improved and serve to implement the eventual goal of a linked street system that promotes walkability and connectivity to adjacent properties and uses, including to the existing transit center.
 - D. The subdivision design and improvements proposed in the Tentative Tract Map are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat. The site is surrounded by urban development, streets, and the Metrolink commuter rail corridor; does not contain any bodies of water; and is not linked to any wildlife corridors. The site does not contain any evidence of known habitats of significance including rare or endangered species of plant, animal, or insect life.
 - E. The subdivision design and type of improvements proposed in the Tentative Tract Map are not likely to cause serious public health problems because all development and public improvements will be performed per the requirements of all applicable standards and codes including the zoning and building codes. As a condition of approval, the applicant is required to submit an acoustical analysis demonstrating that interior noise standards of each unit will comply with Municipal Code requirements.
 - F. The subdivision design and type of improvements proposed in the Tentative Tract Map will not conflict with easements acquired by the public at large for access through or use of the subject site because no such easements exist on the subject site.
 - G. The discharge of waste into the existing sanitary sewer system from the development proposed in the Tentative Tract Map will not cause a violation of existing requirements prescribed by the Regional Water Quality Control

Board. The entire project will be required to connect to a sanitary sewage system pursuant to California Plumbing Code and Municipal Code requirements. A sewer main exists in the Arrow Highway right-of-way which is in close proximity to the site to facilitate ease of connection.

SECTION 3. Based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows with respect to the recommendation of approval of a Precise Plan of Design under Case No. 2010-21:

- A. The property is of a size and shape to support the proposed project. At 6.94 acres in area, the site is of sufficient size and shape to accommodate the proposed development as designed. The property is appropriately connected to existing developed roadways to allow for ease of access and vehicular circulation.
- B. The proposed project will not have an adverse impact on or substantially depreciate property values in the vicinity; or unreasonably interfere with use and enjoyment of property in the vicinity; or endanger the public peace, health, safety, or general welfare. The residential development proposed for the site is consistent with the allowable uses of the residential zoning designation for the site.
- C. The project is well designed and promotes orderly development. Overall, the project is well designed and consistent with the design standards of the Specific Plan. Architectural details and materials are of a high quality and appropriate to the proposed architectural style of the project. Proposed landscaping is complementary to the architecture, well distributed around the site, and designed to conserve water. Finally, the proposed site plan is generally consistent with the development pattern suggested by the Specific Plan; does not overcrowd the site; and, when completed, will contribute to the positive improvement of the area in accordance with goals and objectives of the Specific Plan.

SECTION 4. Pursuant to Section 66412.3 of the Government Code, based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission finds the subdivision and improvements proposed help the City of Montclair to meet its regional housing needs because the project proposes construction of a variety of housing types for various income levels. In addition, construction or conversion of any for-sale units (condominium or single-family) within the Project requires the applicants to comply with the City's Inclusionary Housing Ordinance. Compliance with the Ordinance will require the applicant to deed-restrict 15 percent of the units for occupancy by low- and/or moderate-income households. The availability of these units will also assist the City in meeting its regional housing goals and low- and moderate-income production goals within this Redevelopment Project Area.

SECTION 5. Based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission finds the nature and extent of the dedications, reservations, impact fees, and other exactions are reasonably related to public needs and roughly proportional to the impacts created by the subdivision and improvements proposed in the Tentative Tract Map.

SECTION 6. 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 CEQA in connection with the review and approval of this application based upon the following findings and determinations:

- A. Pursuant to CEQA, the City certified an Environmental Impact Report (EIR) on May 15, 2006, in connection with the City's approval of the North Montclair Downtown Specific Plan and its anticipated improvements. Pursuant to CEQA Guidelines Sections 15162 and 15182, no subsequent or supplemental EIR or Negative Declaration is required in connection with subsequent discretionary approvals of the same project unless: (1) substantial changes are proposed to the project that indicate new or more severe impacts on the environment; (2) substantial changes have occurred in the circumstances under which the project was previously reviewed that indicates new or more severe environmental impacts; (3) new important information shows the project will have new or more severe impacts than previously considered; or (4) additional mitigation measures are now feasible to reduce impacts or different mitigation measures can be imposed to substantially reduce impacts.
- B. The Planning Commission finds, in connection with the proposed Arrow Station project (Case No. 2010-21), that substantial changes to the project or the circumstances surrounding the proposed project have not changed, which would create new or more severe impacts than those evaluated in the previously certified EIR. The Arrow Station project conforms to the requirements of the NMDSP and is consistent with land use designations and density standards for the subject site. Staff further finds that the project will not have one or more significant effects not discussed in the previously certified EIR, will not have more severe effects than previously analyzed, and that additional or different mitigation measures are not required to reduce the impacts of the project to a level of less than significant.
- C. The Planning Commission finds there is no substantial evidence the project may have a significant effect on the environment and directs staff to prepare a Notice of Exemption and a DeMinimis finding of no effect on fish and wildlife.

- D. Based on these findings and all evidence in the record, the Planning Commission concurs with staff's determination that no additional environmental review is required pursuant to CEQA in connection with the City's consideration of Case No. 2010-21 for the Arrow Station residential development.

SECTION 7. The location and custodian of the documents and any other material that constitute the record of proceedings upon which the Planning Commission based its decision is as follows: City Planner, Planning Division, Community Development Department, City of Montclair, 5111 Benito Street, Montclair, California 91763, or by telephone at (909) 625-9477.

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

APPROVED AND ADOPTED THIS 22ND DAY OF NOVEMBER, 2010.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Luis Flores, Chair

ATTEST: _____
Steve Lustro, Secretary

I, Steve Lustro, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 22nd day of November, 2010, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\MDIAZ\CASES\2010-21\ARROW STATION\PCRESO

EXHIBIT A
Conditions of Approval
Case No. 2010-21

1. This approval is for the following:
 - a. Tentative Tract Map No. 18803, subdividing an existing 6.94-acre site into three (3) numbered lots for condominium purposes and a community center, 30 additional numbered lots (ranging in size from .047 to .073 acres) for single-family development, and three (3) lettered lots (A-C) for public and private streets within the development, and associated on- and off-site public improvements; and
 - b. A Precise Plan of Design (PPD) for the site plan, floor plans, elevations, colors and materials, and conceptual landscape plan associated with the construction of the 129 dwelling units as described in the staff report and depicted on approved plans on file with the Planning Division.

These entitlements are granted based upon the submitted Tentative Tract Map dated September 1, 2010, and the architectural plans dated October 18, 2010. The maps, plans, and elevations are approved as submitted and modified or conditioned herein and shall not be further modified, amended, or altered. Approval of the entitlements shall not relieve the subdivider and/or applicant from complying with all federal and state laws, as well as all requirements of the Montclair Municipal Code.

2. 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 by the City Council shall require review and approval by the City Council.
3. In the event that exhibits and written conditions are inconsistent, the written conditions shall prevail.
4. Within five days of City Council approval, the applicant shall submit a check in the amount of \$50 to cover the County administrative fee for filing a Notice of Exemption as required by the California Environmental Act (CEQA). The check shall be made payable to the Clerk of the Board of Supervisors.
5. The applicant shall defend, indemnify, and hold harmless, the City of Montclair, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul any approval of the City, whether by its City Council, Planning Commission, or other authorized board or officer of this subdivision. Pursuant to California Government Code Section 66474.9, the subdivider and applicant also agrees to defend, indemnify, and hold harmless, the City of Montclair, its agents, officers, and employees from any claim, action, or proceeding against the City or its

agents, officers, or employees to attack, set aside, void, or annul any map approval of the City, whether by its City Council, Planning Commission, or other authorized board or officer of this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. The City shall promptly notify the subdivider and applicant of any such claim, action, or proceeding; and the City shall cooperate fully in the defense.

6. Notice to Applicant/Subdivider: The conditions of approval for this project include certain fees, dedication requirements, reservation requirements, inclusionary housing 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 City Council approves the Tentative Tract Map and Precise Plan of Design for the project. 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, inclusionary housing requirements or other exaction requirements as specified in Government Code §66020, the subdivider/applicant shall be legally barred from later challenges.
7. 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.

Tentative Map (Condominium Conditions)

Planning

8. The applicant and/or property owner shall ensure that a copy of this Resolution is reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the Project.
9. A single final map for the project shall be filed for recordation, unless the City approves the filing of multiple final maps and a phasing plan in accordance with California Government Code Section 66456.1.
10. Prior to recordation of a final map, the subdivider and applicant shall pay any outstanding fees and charges related to the reimbursement agreement entered into with the City of Montclair for the processing of these entitlements.
11. The tentative map shall expire three years from the date of City Council approval unless extended under Government Code Section 66452.6. The final map shall be filed with the City Engineer and shall comply with the Subdivision Map Act of the State of California and all applicable Ordinances, requirements, and Resolutions of the City of Montclair.

12. The subdivider and/or applicant shall agree to annex to Community Facilities District 2010-1 ("CFD") pursuant to the terms of Government Code Section 53311, *et seq.*, the territory of which shall include the boundaries of the Project (the "Property") for the purposes of the payment of maintenance and operation costs associated with certain facilities within the Project, including, but not limited to, common landscaping, street lighting within the public rights-of-way in and adjacent to the Property, parks, storm water management facilities, and other improvements located within the boundaries of the CFD, fire protection and suppression services and public safety services for the Project ("CFD Improvements"). The CFD shall be formed and the special tax recorded prior to recordation of a final map for the Project or the issuance of the first building permit, whichever occurs first. The subdivider and applicant further expressly agree that failure to annex to said CFD will result in disapproval of any building permits for the Project.

The subdivider and/or applicant also agree that additional areas may be annexed into the CFD, provided, however, that after giving effect to such annexation, the owner, subdivider and applicant is subject only to its fair share of the obligations and costs incurred as a result of the annexation. The subdivider and/or applicant agree to cooperate fully in any such annexation proceedings. Such agreement not to protest the annexation of additional areas is applicable only to the extent that the CFD obligations paid by the Property owners do not exceed their current assessments.

If, for any reason whatsoever, the Property or portion thereof does not become part of a CFD or if any such CFD that is formed does not provide for the maintenance of the entirety of the CFD Improvements within the Property, or any portion thereof, then such CFD Improvements shall be maintained by a private property owners association, or an adequate alternative reasonably acceptable to the City, to undertake such work. The homeowners association covenants, conditions and restrictions (CC&Rs) shall include a requirement that the homeowners association pay the assessment and that the assessment provisions contained in the CC&Rs can only be amended with the approval of the City. Failure to provide for the creation of such an owners association, CC&Rs and/or an adequate alternative reasonably acceptable to the City shall result in the disapproval of subsequent permits with respect to the Property, or any portion thereof.

13. Prior to approval of any final map for condominium purposes on Lots 1 and 2 of Tract Map No. 18803, the applicant shall, at the applicant's expense, prepare and submit covenants, conditions and restrictions (CC&Rs) for a condominium project to the Director of Community Development, in a form and content satisfactory to the Director of Community Development and City Attorney, prior to the sale of any unit in the "Urban Courtyard" portion of the project for condominium purposes. The CC&Rs shall be reviewed by the Director of Community Development and City Attorney, at the applicant's expense, and

shall, upon approval of the City, be recorded in the Office of the County Recorder of the County of San Bernardino prior to the sale of any condominium unit. The applicant has represented to the City that it intends to lease or rent units within buildings in the "Urban Courtyard" portion of the Project until a date uncertain in the future when the applicant reserves the option to convert the project, or portions of the project into condominiums and/or sell individual lots for the purpose of converting such lot(s) into condominiums. In the event the applicant or any successor(s) desire to operate a mixed condominium-rental development, the CC&Rs shall make provisions for operation of the project as a mixed project with the applicable owners participating in the proposed homeowners association to be formed. As such, prior to the conversion of the Project to condominiums or the conversion of any single unit within a building to condominiums, the applicant shall submit a Condominium Plan to the City for review and approval by the Planning Division and City Attorney prior to the sale of any condominium unit.

The CC&Rs shall also state that prior to the sale of the first condominium unit, the applicant or its successor(s) or assign(s), if any, will comply with all applicable conditions of approval and California Government Code Section 66459, obtain a Final Subdivision Public Report from the California Department of Real Estate (DRE), form a condominium homeowners association, file Articles of Incorporation for the condominium homeowners association (or other appropriate organizational document) with the California Secretary of State, adopt bylaws, and comply with the Davis-Sterling Common Interest Development Act, the Subdivided Lands Act, and any successor or other statutes that may apply.

The CC&Rs to be submitted to the City and recorded against the property shall state that the condominium homeowners association shall be responsible for ongoing maintenance of all buildings and grounds within the Project including roadways, retaining walls, drainage facilities, and water and sewer systems as described herein, as well as the management of all aspects of condominium project.

Maintenance Obligations

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

- a. **Street Maintenance.** All private streets within the Condominium Development shall be owned by and the cost of repairing and maintaining them shall be borne by an established condominium homeowners association. Street maintenance shall be addressed in the CC&Rs and shall not be dedicated to the City for maintenance.
- b. **On-site Easements.** The cost of establishing any on-site easements shall be borne by the subdivider or successor(s) and the cost of maintaining any onsite easements shall be borne by an established condominium

homeowners association. All on-site easements shall be addressed in the CC&Rs and shall not be dedicated to the City.

- c. Storm Drain Maintenance. The on-site storm drainage system shall be owned by and the cost of repairing and maintaining it shall be borne by an established condominium homeowners association. Maintenance of the storm drain system shall be addressed in the CC&Rs and shall not be dedicated to the City. The CC&Rs shall provide that the City have a right to make necessary repairs to any drainage facilities that are the responsibility of the condominium homeowners association and create nuisance conditions on property outside of the boundaries of the area owned by or under the control of the condominium homeowners association when the Association has been advised in writing of the need to make repairs and has not done so.
- d. Parking Space Use and Maintenance. All on-site guest parking spaces shall be owned by and the cost of repairing and maintaining them borne by an established condominium homeowners association. Parking spaces, restrictions, and enforcement of the restrictions shall be addressed in the CC&Rs and shall not be dedicated to the City for maintenance. The CC&Rs shall include and provide for the expenses associated with the monitoring and towing of illegally parked vehicles owned by any member. The CC&Rs shall require compliance with the approved Parking Management Plan, approved by the City.
- e. On-site Parking. The CC&Rs shall stipulate that no utility trailers, commercial or construction vehicle of any length, watercraft, or recreational vehicles shall be permitted to be stored or parked overnight on any private street and/or parking areas within the complex. "Recreational vehicle" shall be generally defined as a motor home, travel trailer, truck camper, or camping trailer with or without motive power designed for human habitation for recreational or emergency occupancy.
- f. Lighting Maintenance. The condominium homeowners association shall be responsible for maintenance of exterior onsite lighting and shall promptly replace nonfunctioning lights and broken or damaged lighting devices.
- g. Garage Use. The CC&Rs shall stipulate that garages shall, at all times, be available for the parking of vehicles assigned to the applicable condominium unit and in accordance with the approved Parking Management Plan. Storage within garages shall be allowed only to the extent such storage does not impede access to the parking space(s) within the garage.
- h. Additional Common Areas. In addition to the maintenance of the exterior of buildings and grounds within the Project including roadways, retaining

walls, drainage facilities, and water and sewer systems as described herein, the CC&Rs shall provide for the continuing maintenance by the condominium homeowners association of all additional common areas and facilities including the private streets, auto courts, speed bumps, traffic control signs and devices, common landscaping and irrigation, including perimeter landscaping adjacent to the public streets, and all perimeter walls. All landscaped areas shall be maintained in accordance with the property maintenance standards contained in the Montclair Municipal Code.

Management Obligations

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

- i. Certified Residential Management Company. The HOA shall be required to retain the services of a California Certified Residential Property Management Company. The City shall approve the Management Company selected; however, such approval shall not be unreasonably withheld if the Management Company is certified.
- j. Management Obligations. The Management Company shall maintain a 24-hour presence on-site to ensure that all rules and regulations are being followed and use of the facilities are managed. In addition to the placement and maintenance of security cameras within the project, the Management Company shall contract with a state-licensed security company to provide daily security patrol services or be available for on-call services 24 hours per day.
- k. Registration and Management of Condo Rentals. If Owners of condominium units convert any unit or units to rental occupancies, management of those units shall be registered with the HOA and the Management Company. Further, such rented or leased units shall be managed by the Management Company retained by the HOA and approved by the City. The Management Company shall develop all rules, documents and procedures to assure all rental occupancies of condominium units are professionally managed including but not limited to:
 - ✓ Application(s)
 - ✓ Crime Free Addendum and other required addenda to application
 - ✓ Tenant-screening tools including, but not limited to, (1) credit check including unlawful detainer; and (2) criminal background check
- l. Occupancy of Rented Condo Units and Tenant Screening Requirements. Leases or rental agreements for the occupancy of individual condominium units to persons not listed on the grant deed to the unit shall be prohibited

unless such leases or rental agreements are managed by the Management Company. All non-owner occupants, with the exception of minors, occupying a unit shall be required to complete a rental application and submit it to the Management Company to initiate the tenant screening process. The tenant screening documents and procedures must receive the prior approval of the City. Any changes to the documents and procedures pertaining to the application and tenant screening procedures must receive the prior approval of the City.

- m. Compliance with Rules. Renters occupying units within the Project shall be subject to all rules and regulations developed by the HOA and Management Company. The HOA shall establish a warning and fine system for violation of the rules and regulations. If renters of units violate rules and regulations, the owner of the rental unit shall be responsible for payment of such fines for violation of the rules by their tenant(s). The rules established by the Management Company for rental of units to nonowners shall include provisions for eviction of nonowner tenants for violations of the rules and regulations of the project. The rules shall also include provisions for imposing penalties on Owners who fail to evict such tenants.
- n. Maintenance of Interior of Units. The Management Company shall also develop and implement rules for maintenance and upkeep of the interior of the rental units. The owner of the rental unit shall execute a contract with the Management Company regarding interior maintenance of the units.
- o. Compliance with Parking Management Plan. The HOA shall require compliance with the approved Parking Management Plan. The Management Company shall be responsible for implementation of such Parking Management Plan. The Parking Management Plan shall include a record of the number spaces assigned to individual units and an identification of guest parking spaces.
- p. Limitations on Multiple Ownership of Condo Units in Same Building. The CC&Rs shall state that no owner or entity shall own more than two condominium units within each building.
- q. Joint/Fair Use of Community Center and Common Recreational Facilities by Residents of the Urban Courtyard and Urban Side Yard Homes. The CC&Rs shall clearly delineate that all residents of the Project are permitted to use the Community Center and recreational facilities located on Lot 3 and a joint use agreement or Master CC&Rs shall be developed for review and approval by the Director of Community Development and City Attorney detailing the responsibilities and rights of both homeowners associations regarding maintenance and upkeep. Said joint use agreement or Master CC&Rs shall be recorded with the County of San Bernardino.

The CC&Rs shall contain provisions permitting the City to enforce all maintenance and management obligations of the HOA in the event it fails to carry them out, including the power, after proper notice, to establish a lien against the property of both the association and individual properties for the costs of maintenance and enforcement. The CC&Rs shall include language establishing such a lien or require that a separate agreement be entered into with the City establishing such lien.

14. Prior to approval of any final map covering Lots 4 through 33 of Tract Map No. 18803, the applicant shall, at the applicant's expense, prepare and submit covenants, conditions and restrictions (CC&Rs) for the single-family portion of the Project to the Director of Community Development, in a form and content satisfactory to the Director of Community Development and City Attorney, prior to the sale of any unit in the "Urban Side Yard" portion of the Project. The CC&Rs shall be reviewed by the Director of Community Development and City Attorney, at the applicant's expense, and shall, upon approval of the City, be recorded in the Office of the County Recorder of the County of San Bernardino prior to the sale of any single-family dwelling unit.

The CC&Rs shall also state that prior to the sale of the first single-family dwelling unit, the applicant or its successor(s) or assign(s), if any, will comply with all applicable conditions of approval and California Government Code Section 66459, obtain a Final Subdivision Public Report from the California Department of Real Estate (DRE), form a homeowners association, file Articles of Incorporation for the homeowners association (or other appropriate organizational document) with the California Secretary of State, adopt bylaws, and comply with the Davis-Sterling Common Interest Development Act, the Subdivided Lands Act, and any successor or other statutes that may apply.

The CC&Rs to be submitted to the City and recorded against the property shall state that the homeowners association shall be responsible for ongoing maintenance of all buildings and grounds within the Project including private roadways, retaining walls, drainage facilities, and water and sewer systems as described herein, as well as the management of all aspects of the common areas of the Project.

Maintenance Obligations

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

- a. **Street Maintenance.** All private streets within the single-family detached development shall be owned by and the cost of repairing and maintaining them shall be borne by an established homeowners association. Street maintenance shall be addressed in the CC&Rs and shall not be dedicated to the City for maintenance.

- b. On-site Easements. The cost of establishing any on-site easements shall be borne by the subdivider or successor(s) and the cost of maintaining any on-site easements shall be borne by an established homeowners association. All on-site easements shall be addressed in the CC&Rs and shall not be dedicated to the City.
- c. Storm Drain Maintenance. All portions of the on-site storm drainage system not located within public streets shall be owned by and the cost of repairing and maintaining them shall be borne by an established homeowners association. Maintenance of the storm drain system shall be addressed in the CC&Rs and shall not be dedicated to the City. The CC&Rs shall provide that the City have a right to make necessary repairs to any drainage facilities that are the responsibility of the homeowners association and create nuisance conditions on property outside of the boundaries of the area owned by or under the control of the homeowners association when the Association has been advised in writing of the need to make repairs and has not done so.
- d. Parking Space Use and Maintenance. All on-site guest parking spaces shall be owned by and the cost of repairing and maintaining them borne by an established homeowners association. Parking spaces, restrictions, and enforcement of the restrictions shall be addressed in the CC&Rs and shall not be dedicated to the City for maintenance. The CC&Rs shall include and provide for the expenses associated with the monitoring and towing of illegally parked vehicles owned by any member. The CC&Rs shall require compliance with the approved Parking Management Plan, approved by the City.
- e. On-site Parking. The CC&Rs shall stipulate that no utility trailers, commercial or construction vehicle of any length, watercraft, or recreational vehicles shall be permitted to be stored or parked overnight on any private street and/or parking areas within the complex. "Recreational vehicle" shall be generally defined as a motor home, travel trailer, truck camper, or camping trailer with or without motive power designed for human habitation for recreational or emergency occupancy.
- f. Lighting Maintenance. The homeowners association shall be responsible for maintenance of exterior on-site lighting and shall promptly replace nonfunctioning lights and broken or damaged lighting devices.
- g. Garage Use. The CC&Rs shall stipulate that garages shall, at all times, be available for the parking of vehicles assigned to the applicable single-family dwelling unit and in accordance with the approved Parking Management Plan. Storage within garages shall be allowed only to the extent such storage does not impede access to the parking space(s) within the garage.

- h. Additional Common Areas. In addition to the maintenance of the exterior of buildings and grounds within the Project including roadways, retaining walls, drainage facilities, and water and sewer systems as described herein, the CC&Rs shall provide for the continuing maintenance by the homeowners association of all additional common areas and facilities including the private streets, auto courts, speed bumps, traffic control signs and devices, common landscaping and irrigation, including perimeter landscaping adjacent to the public streets, and all perimeter walls. All landscaped areas shall be maintained in accordance with the property maintenance standards contained in the Montclair Municipal Code.

Management Obligations

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

- i. Certified Residential Management Company. The HOA shall be required to retain the services of a California Certified Residential Property Management Company. The City shall approve the Management Company selected; however, such approval shall not be unreasonably withheld if the Management Company is certified.
- j. Management Obligations. The Management Company shall maintain a 24-hour presence on-site to ensure that all rules and regulations are being followed and use of the facilities are managed. In addition to the placement and maintenance of security cameras within the project, the Management Company shall contract with a state-licensed security company to provide daily security patrol services or be available for on-call services 24 hours per day.
- k. Registration and Management of Rentals. If Owners of single-family dwelling units convert any unit or units to rental occupancies, management of those units shall be registered with the HOA and the Management Company. Further, such rented or leased units shall be managed by the Management Company retained by the HOA and approved by the City. The Management Company shall develop all rules, documents and procedures to assure all rental occupancies of single-family dwelling units are professionally managed including but not limited to:
- ✓ Application(s)
 - ✓ Crime Free Addendum and other required addenda to application
 - ✓ Tenant-screening tools including, but not limited to, (1) credit check including unlawful detainer; and (2) criminal background check

- i. Occupancy of Rented Single-Family Dwelling Units and Tenant Screening Requirements. Leases or rental agreements for the occupancy of individual single-family dwelling units to persons not listed on the grant deed to the unit shall be prohibited unless such leases or rental agreements are managed by the Management Company. All non-owner occupants, with the exception of minors, occupying a unit shall be required to complete a rental application and submit it to the Management Company to initiate the tenant screening process. The tenant screening documents and procedures must receive the prior approval of the City. Any changes to the documents and procedures pertaining to the application and tenant screening procedures must receive the prior approval of the City.
- m. Compliance With Rules. Renters occupying single-family dwelling units within the Project shall be subject to all rules and regulations developed by the HOA and Management Company. The HOA shall establish a warning and fine system for violation of the rules and regulations. If renters of units violate rules and regulations, the owner of the rental unit shall be responsible for payment of such fines for violation of the rules by their tenant(s). The rules established by the Management Company for rental of units to nonowners shall include provisions for eviction of nonowner tenants for violations of the rules and regulations of the project. The rules shall also include provisions for imposing penalties on Owners who fail to evict such tenants.
- n. Maintenance of Interior of Units. The Management Company shall also develop and implement rules for maintenance and upkeep of the interior of the rental units. The owner of the rental unit shall execute a contract with the Management Company regarding interior maintenance of the units.
- o. Compliance with Parking Management Plan. The HOA shall require compliance with the approved Parking Management Plan. The Management Company shall be responsible for implementation of such Parking Management Plan. The Parking Management Plan shall include a record of the number spaces assigned to individual units and an identification of guest parking spaces.
- p. Joint/Fair Use of Community Center and Common Recreational Facilities by Residents of the Urban Courtyard and Urban Side Yard Homes. The CC&Rs shall clearly delineate that all residents of the Project are permitted to use the Community Center and recreational facilities located on Lot 3 and a joint use agreement or Master CC&Rs shall be developed for review and approval by the Director of Community Development and City Attorney detailing the responsibilities and rights of both homeowners associations regarding maintenance and upkeep. Said joint use agreement or Master CC&Rs shall be recorded with the County of San Bernardino.

The CC&Rs shall contain provisions permitting the City to enforce all maintenance and management obligations of the HOA in the event it fails to carry them out, including the power, after proper notice, to establish a lien against the property of both the association and individual properties for the costs of maintenance and enforcement. The CC&Rs shall include language establishing such a lien or require that a separate agreement be entered into with the City establishing such lien.

15. The subdivider shall comply with the City's adopted inclusionary housing ordinance (Ordinance No. 05-866). The subdivider shall provide 15 percent required housing for low- to moderate-income households. As currently interpreted by California case law, the Ordinance applies to new for-sale residential development or ownership conversions located within redevelopment project area boundaries, but does not apply to the rental of such units prior to their sale as individual condominiums. Since the subject property lies within City of Montclair Redevelopment Agency Redevelopment Project Area No. III, the project shall be subject to the provisions of Ordinance No. 05-866, as such Ordinance may be interpreted by California law. The project and its conditions of approval have been evaluated and approved by the City, and accepted by the applicant, based on the interpretation of current California case law prohibiting the City's application of inclusionary housing requirements to the rental of Project units prior to their sale as individual condominiums. Applicant or its successor(s) or assign(s) shall obtain a vested right to rent all Project units pending their sale as individual condominiums upon the earlier of the following: (1) issuance of a Final Subdivision Public Report ("White Report") by the California Department of Real Estate (DRE) for the conversion of rental units to condominiums; or (2) initiation of construction pursuant to the first building permit issued for the Project. The developer shall agree to satisfy the requirements of Ordinance No. 05-866 through a separate and subsequent agreement approved and adopted by the City Council consistent with the terms of this Condition prior to the approval of a final map. Subject to the provisions of Condition No. 6 herein, the developer shall agree that approval by the City of the requested entitlements shall constitute in its entirety the City's compliance with the density bonus provision of Government Code Section 65915.
16. Prior to approval of the final map, a subdivision improvement agreement will be required to be approved by the City. The agreement shall contain provisions for the construction of public improvements and 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.

Precise Plan and Project Construction Conditions

17. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval, unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall

be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.

18. Prior to the issuance of any building permit or recordation of a final map, the applicant, or its successor(s) or assign(s) shall record a covenant and agreement (Operations Agreement) against the entire property providing for the perpetual maintenance of all buildings and improvements, including roadways, retaining walls, drainage facilities, and water and sewer systems. The Operations Agreement shall be effective during the time that the Project is not operated as a condominium project or until such time as a homeowners association is established to take over the maintenance of the Project. The Operations Agreement shall contain affirmative covenants for the maintenance of all such improvements, provisions for the professional management of the project, provisions for on-site security consistent with Condition No. 13.j ("Management Obligations") herein, mechanisms for City enforcement of the covenants and financial security to pay for any remedial actions taken as a result of noncompliance, including, but not limited to, the right to establish a lien against the property, after proper notice, to secure the costs of maintenance and enforcement of the Operations Agreement. The Operations Agreement shall be approved by the City Council and may not be cancelled or amended without City approval. Property shall be maintained in accordance with the property maintenance standards contained in the Montclair Municipal Code.
19. Prior to the issuance of any building permit or recordation of the final map (whichever occurs first), the applicant shall record a covenant and agreement against Lots 1-3 of the Project prohibiting the sale of any individual building within the Project for purposes of rental or lease (non-condominium). The covenant and agreement may be a part of the Operations Agreement required in Condition No. 17 herein and shall be approved by the City Council. It may not be cancelled or amended without City approval.
20. Prior to the issuance of any building permit, the applicant shall:
 - a. Submit for staff review and approval final architectural and building design plans for the Community Center proposed for Lot 3 of the map. The design of the building and exterior improvements shall be architecturally compatible with the designs of both the multifamily units and the single-family residences within the development.
 - b. Identify and designate a location along the northerly property line of the subject property to the satisfaction of the City Planner where access to a future pedestrian ramp to the Metrolink platform shall be provided. The retaining wall and fencing at the approved location shall be designed so that it may be easily modified in the future if necessary approvals for said pedestrian ramp are obtained.

The applicant shall diligently work with the City and the Southern California Regional Rail Authority (SCRRA) to determine if a direct pedestrian connection to the Transcenter platforms can be made from the subject property and is feasible in the near future.

21. In the event the final map is not recorded, the applicant shall comply with Condition No. 12 requiring the formation of a CFD for the CFD Improvements prior to the issuance of any building permit. The applicant shall also submit a Parking Management Plan detailing the parking spaces assigned to each unit and the location of all guest parking spaces.
22. Prior to the issuance of building permits for the project, the applicant shall provide a written report from a qualified acoustical consultant indicating that the project will meet City requirements for exterior and interior noise levels. All sound attenuation measures (i.e. dual-paned glazing, upgraded insulation, etc.) as identified by the approved acoustical report prepared for the project shall be incorporated into construction drawings submitted for plan check. Maximum interior noise level of all units shall be no higher than 45 dBA.
23. Approval of this PPD shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances, the San Bernardino County Health Department, or the State of California.
24. Prior to the installation of any signs, the applicant shall submit an application for a Sign Program for the entire project to the Planning Division for review and approval. Prior to the installation of video surveillance cameras, the applicant shall submit a plan showing their location to the Chief of Police.
25. No changes to the approved set of plans, including the exterior design and materials/finishes, shall be permitted without prior City review and approval.
26. No outdoor pay telephones or vending machines shall be permitted on the project site, except that vending machines may be allowed in the outdoor recreational area adjacent to the Community Center building if installed in an alcove architecturally integrated with a building to the satisfaction of the City Planner.
27. Prior to issuance of the first building permit, the applicant shall submit a wall/fence plan to the Planning Division for review and approval. The wall/fence plan shall address all details for all perimeter walls and fences and internal walls, fences, and gates. Double wall or fence/wall conditions shall not be permitted. The applicant shall be responsible for coordinating with the adjacent property owners to the east and west regarding the replacement of property line walls, if required. Wall, fence, and gate heights, materials, and finishes shall be to the satisfaction of the City Planner.

28. Specify street trees for each public and private street. Required public street trees shall include the following:
- a. Arrow Highway - *Quercus ilex* (Holly Oak) and a deciduous and/or flowering species in a random, alternating pattern.
 - b. Street "A" – *Brachychiton populneus* (Bottle Tree) and *Cercis occidentalis* (Western Redbud) in a random, alternating pattern. *Washingtonia robusta* (Mexican Fan Palm) may be used as an accent if placed outside of the public right-of-way.
 - c. Street "B" – To be determined.
29. All street trees shall be minimum 24-inch box size and double-staked per City standards. If planted in turf areas, trees shall be planted within a 4'-0"-diameter circle in which turf does not encroach. The circle shall be left natural or minimally improved with decomposed granite, a thin layer of wood chips, or similar moisture-retaining material.
30. Streetlights shall be constructed on all public and private streets. Streetlights within and on the perimeter of the subdivision shall be as follows:
- a. Interior streets (public and private) - Ameron "Corsican" pole #20CT12, color – Fillmore 12 (black), exposed finish with Amershield (graffiti coating); King Luminaire K118LAR "Washington" luminaire with standard (#1) finial, color "BK" (black).
 - b. Arrow Highway - Ameron "Corsican" pole #20CT15, color – Fillmore 12 (black), exposed finish with Amershield (graffiti coating); King Luminaire #KA63 "Coshocton" twin arm, standard black full gloss, K118LAR luminaires with standard (#1) finials, color "BK" (black).

Fixtures shall be fitted with reflectors or refractors as necessary to control glare and nuisance light spill to residential units.

31. The spacing of streetlights and minimum lighting level for all streets shall be to the satisfaction of the City Engineer. Streetlights on public streets shall be owned and maintained by Southern California Edison. Streetlights on private streets may be owned and maintained by the property owner/HOA or Southern California Edison.
32. The proposed locations for neighborhood mailboxes within the subdivision shall be subject to City review and approval prior to installation. The applicant shall also ascertain any requirements for such mailboxes from the United States Postal Service (USPS). The City acknowledges that proposed locations for neighborhood mailboxes shall be to the satisfaction of the USPS.

33. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner incorporated into the architectural design of the building to the satisfaction of the Planning Division.
34. All mechanical equipment including, but not limited to, utility meters, air conditioners, vents, and repair equipment shall be located within the building or screened in a manner that is compatible with the architectural design of the building to the satisfaction of the City Planner. Wooden lattice or fence-like screens/covers are not appropriate screening materials and shall not be allowed.
35. Surface-mounted exposed conduit or electrical lines shall not be allowed. Electrical switchgear, meters, etc., shall be screened or housed in an enclosure to the extent allowed by the utilities.
36. Freestanding electrical transformers and Fire Department double detector check assembly equipment shall be screened with masonry walls compatible with the building architecture and/or landscaping to the satisfaction of the City Planner and Fire Marshal. Efforts shall be made to place these elements in locations that are as unobtrusive as possible.
37. Prior to issuance of any grading or building permit for the project, the applicant shall submit a complete Landscape Documentation Package meeting the intent and design criteria of the Montclair Water Efficient Landscaping and Conservation Ordinance (Chapter 11.60 of the Montclair Municipal Code). The Landscape Documentation Package shall include the following items:
 - a. Development Review Application accompanied by the associated fee;
 - b. Landscape Concept Plan;
 - c. Water Budget;
 - d. Landscape Construction Drawings (including a grading plan, irrigation plan, and planting plan).

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

38. Pursuant to Section 11.60.240 of the Montclair Municipal Code, all landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency. A regular maintenance

schedule shall be submitted to the City with the Certificate of Completion and a copy shall be kept by the property owner for reference.

- a. Any plant material that does not survive or which was removed or destroyed, shall be replaced upon its demise or removal, with plant material of like type and size as that which was originally approved and installed.
 - b. Plant material shall not be severely pruned such that the natural growth pattern or characteristic form are significantly altered. Trees shall be pruned to ISA (International Society of Arboriculture) standards and only as necessary to promote healthy growth and for aesthetic purposes (i.e., to enhance the natural form of the tree). Improperly or severely pruned trees, including topping as defined by the Water Conservation Ordinance, which results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with trees of similar size and maturity as that which was removed or, as required by the Community Development Director.
 - c. Modifications to and/or removal of existing landscaping shall require prior approval by the Planning Division.
39. All landscaping on the project site shall be regularly maintained in a healthy and vigorous living condition at all times. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, and the regular watering of all plants. Dead vegetation shall be promptly replaced with healthy, living plants in accordance with standard seasonal planting practices. The property owner shall also be responsible to keep the landscaped areas reasonably free of weeds, trash, and debris.
40. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at the time of escrow closing.
41. To ensure compliance with the conditions of approval, a final inspection is required from the Building and Planning Divisions upon completion of construction and all improvements. The applicant shall contact the City to schedule an appointment for such inspections.

Building

42. 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. Plan of all structures to be demolished.
- 43. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
 - 44. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
 - 45. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number. 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.
 - 46. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
 - 47. Separate permits are required for fencing and/or walls.
 - 48. All utility services to the project shall be installed underground.
 - 49. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
 - 50. Prior to issuance of building permits for a new residential development project or major addition, the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to, Transportation Development Impact fees, permit and plan check fees, school fees, sewer connection fees, and parkland development fees. All required school fees shall be paid directly to the Ontario-Montclair School District and Chaffey Joint Union High School District. Applicant shall provide a copy of the school fees receipt to the Building Division prior to permit issuance.
 - 51. Construct trash enclosure(s) per City Standard (available at the Building Division's public counter) or per a plan approved by all applicable City departments.

52. Provide and clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%).
53. Prior to a final inspection of any building on the project, a final grade certificate shall be provided to the Building Official stamped and signed by the Civil Engineer of Record assuring that the structure was placed in accordance to the approved grading plans.
54. Plans associated with future pedestrian access to the Metrolink platform and all other pedestrian paths-of-travel to public transportation shall meet all accessible Code requirements.
55. Construction drawings submitted to the building division for plan review shall comply with the Montclair Security Ordinance No. 357, including, but not limited to, adherence to the following standards:
 - a. Install a numerical address on the assigned building elevation per the Planning Division. Address numerals shall be in Helvetica font, a minimum of ten inches (10") in height, a minimum of 1½ inches in depth, and be in contrasting color which adequately contrast to the background to which they are attached.
 - b. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn everyday.
 - c. Install an approved emergency lighting system in all commercial occupancies to provide adequate illumination automatically in the event of an interruption of electrical service.
56. A Certificate of Occupancy is required prior to the occupancy of each building. Issuance of the Certificate of Occupancy shall be contingent upon the Fire Department inspection and the final approvals from other departments and/or agencies.
57. Prior to the issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Building Division electronic images of all plans and records that were submitted for the purpose of obtaining a building permit. Electronic images shall comply with the City's Electronic Imaging Policy.
 - b. Complete all on- and off-site improvements.
 - c. Install all disabled-accessible parking stalls and parking lot signage.

Water Quality Management Plan

58. Comply with all requirements of the approved Water Quality Management Plan (WQMP) for this project.
59. Prior to the issuance of any grading or building permit, the applicant shall obtain an approved WQMP from the City of Montclair per the requirements of Federal, State, and local regulations.
60. The applicant/developer/homeowners association shall be responsible to contract with a qualified firm to inspect and maintain any and all manufactured stormwater treatment devices specified by the approved WQMP, following all manufacturers' recommendations. It shall also be the responsibility of the applicant/developer/homeowners association to maintain inspection reports and have them readily available for review by City staff upon request. In the event that any stormwater treatment device fails due to lack of, or insufficient maintenance and/or inspection, or some other unforeseen circumstance, it shall be the responsibility of the applicant/developer/homeowners association to correct the deficiency and restore the stormwater treatment device(s) to its original working condition.
61. Prepare and submit plans for erosion and sediment control. Plans shall include all phases of the construction project, including rough grading, utility and road installation, and vertical construction to the satisfaction of the City Engineer. A State General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities shall be obtained prior to construction. Contact Joe Rosales, Environmental Compliance Inspector, at (909) 625-9470.
62. Prior to issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Engineering Division an electronic copy of the approved WQMP in PDF format.
 - b. Have the WQMP Maintenance Agreement recorded with the County of San Bernardino and provide evidence of recording to the Environmental Compliance Inspector.

63. Prior to release of occupancy for any of the dwelling units in the subdivision, the person or corporation responsible for the preparation of the WQMP shall certify in writing to the Building Official that all conditions and requirements of the WQMP have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the Building Official that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the WQMP.
64. 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.

Engineering

65. Developer shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code.
66. A park land (Quimby Act) fee shall be paid to the City. This fee is payable prior to issuance of any Certificate of Occupancy. Fees shall be assessed at the rate in effect at the time the fees are paid.
67. Payment of transportation development impact fees. Fees shall be assessed at the rate in effect at the time the fees are paid.
68. Public and private streets shall be designed and built in accordance with City standards as outlined in the North Montclair Downtown Specific Plan. No parking shall be permitted in private streets, alleys, or drive aisles.
69. Street improvement plans are required for all public streets. Construction drawings shall be 24" by 36" with City standard title block. Construction drawings for private streets may be included on grading plans, which shall also be 24" by 36".
70. Street names shall be determined in conjunction with the Community Development Director and consistent with any street-naming conventions and policies developed for the North Montclair Downtown Specific Plan boundaries.
71. Sidewalks shall be constructed on both sides of all public streets. Sidewalks are not required on private streets, provided accessibility from each dwelling unit to a public sidewalk can be provided. Sidewalks, intersections, and curb cuts shall comply with Americans with Disabilities Act requirements. Sidewalks through drive approaches with cross slopes exceeding 2% shall not be permitted.

72. Sidewalks on Arrow Highway shall have a minimum width of 6'-6" if curb-adjacent and 5'-0" if separated from the curb by a parkway. If a parkway is proposed along Arrow Highway, it shall have a minimum width of 6'-0".
73. All 5'-0"-wide sidewalks shall be scored lengthwise and widthwise to create 2½-foot "squares." All 6'-6" sidewalks shall be scored lengthwise and width-wise to create 2'-2" "squares."
74. The Engineering Division is willing to consider vacation of a maximum of 5'-0" of the existing 55-foot half right-of-way width for Arrow Highway through the frontage of the subject property, subject to City Council approval. No additional right-of-way dedication is required for Arrow Highway, except for what may be necessary for curb returns at the new north-south street intersection.
75. All existing overhead utilities within project boundaries and within street frontages adjacent to project shall be placed underground, except for the 66KV Southern California Edison transmission lines along Arrow Highway. All new guy wires required to anchor end poles shall be located beyond the project limits. No poles or guy wires shall be permitted to remain with property frontage. All utility easements within the subdivision boundaries that are no longer required by the easement holders shall be quitclaimed or vacated by the easement holders.
76. All utilities serving the tract shall be placed underground. This requirement applies to electrical services, transformers and switches, and where technology exists, telephone and cable television facilities as well.
77. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments, shall be required.
78. Sewers serving the development may be publicly maintained if designed and constructed per Public Works Department standards, and provided sewer easements are dedicated for sewers located within private streets. Sewers not constructed per Public Works Department standards shall be constructed per California Building Code and City of Montclair Building Division requirements and shall be privately maintained. Connections to existing sewers in Arrow Highway shall be made at existing or new manholes. All sewer design shall be subject to the approval of the City Engineer.
79. Sewer improvement plans are required for all sewers, public or private, and shall include both plan and profile views on 24" by 36" construction drawings. Sewers intended to be privately maintained shall not include City standard title block, and shall be labeled "NOT TO BE MAINTAINED BY CITY OF MONTCLAIR."
80. Regional Sewerage Capital Outlay fees are required as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.

81. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
82. A Water Quality Management Plan (WQMP) is required for this project. Approval of the WQMP is required prior to the preparation of grading and/or other improvement plans. Requirements for the WQMP may be obtained from Joseph Rosales, Environmental Compliance Inspector, 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.
83. A grading plan shall be prepared subject to the approval of the City Engineer. An erosion control plan shall be included and considered an integral part of the grading plan. Grading plans shall be designed in accordance with City standards and guidelines, and shall be on 24" by 36" sheets.
84. All drainage facilities shall comply with requirements of the approved WQMP.
85. Storm drains and catch basins within the public north-south street, within the public east-west street, and within Arrow Highway shall be owned and maintained by the City. Storm drains, catch basins, and other drainage devices located in private streets, alleys, and/or private property shall be maintained by owner. All design and construction shall comply with standards and requirements of the San Bernardino County Flood Control District.
86. Future construction of direct access to the Metrolink platform shall be subject to the approval of the Southern California Regional Rail Authority and the City Engineer.
87. No soil may be imported or exported to or from the project site from any adjacent building site or from other sources for construction purposes without first obtaining approval from the City Engineer. A plan acceptable to the City Engineer shall be prepared showing proposed haul routes within the City. The plan shall include provisions for street sweeping and cleanup. Contractor(s) shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements.
88. All on- and off-site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
89. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at 8-1-1.
90. Prior to approval of the final map, a subdivision agreement will be required. The agreement shall contain provisions for performance and payment bonds for all

work within the public rights-of-way and a monumentation bond for tract monuments in accordance with the Subdivision Map Act.

91. Prior to commencing framing for houses or delivery of lumber to any site within the tract limits, all-weather access shall be provided to each lot/building. An all-weather access is defined as base-course A.C. paving with a minimum thickness of 2½", and having a minimum width of 26 feet. This 26-foot width shall be maintained free and clear of all construction equipment, materials, and debris at all times during construction.

Fire

92. A 20-foot wide base asphalt or concrete roadway capable of supporting firefighting apparatus within 150 feet of all structures is required prior to the framing stage of construction. This access is required to be maintained unobstructed throughout construction. Roadway is subject to Fire Department approval prior to construction.
93. The developer/general contractor is to be responsible for reasonable periodic clean up of the construction site to avoid hazardous accumulation of combustible trash and debris.
94. Planter areas in the center of drive aisles and adjacent to entrances should be low profile type, not to exceed eight feet in height when mature.
95. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
96. The inside turning radius for an access road shall be 32 feet or greater. The outside turning radius for an access road shall be 45 feet or greater.
97. All Fire Department access and fire lanes shall be posted as "No Parking, Fire Lane." Signs shall be designed and mounted in accordance with Montclair Fire Department standards.
98. The proposed residential structure(s) shall require an approved automatic fire sprinkler system. The system shall conform to all local and national standards. Three (3) complete sets of the sprinkler system plans shall be submitted directly to the Fire Marshal's Office for approval prior to installation.
99. The proposed commercial structure(s) shall require an approved automatic fire sprinkler system. The system shall conform to all local and national standards. Three (3) complete sets of the sprinkler system plans shall be submitted directly to the Fire Marshal's Office for approval prior to installation of the system in commercial structures. The system shall be so equipped as to provide a signal to a UL-listed monitoring station in the event of water flow or tampering.

100. Fire extinguisher location(s) to be determined by the Montclair Fire Department.
101. A fire hydrant system shall be required to provide the necessary water flow to the proposed structure(s). Exact number, location, and design of hydrants shall be determined by the Fire Marshal's Office when building plans are received. Hydrants shall be active prior to the framing stage of construction.
102. Commercial occupancies with cooking areas require an approved, fixed fire extinguishing system for protection of the hood and duct system and overall cooking areas. This system shall be equipped with an automatic fuel shutoff to all equipment protected by this system. Three (3) complete sets of drawings of this system shall be submitted to the Fire Marshal's Office prior to issuance of a permit.
103. Commercial/industrial occupancies shall install approved emergency lighting to provide illumination in the event of any interruption of normal lighting.
104. Covered trash enclosures shall have fire sprinklers installed should any one of the following conditions exist; the trash enclosure has a combustible roof covering, the trash enclosure contains two or more individual trash containers, or the trash enclosure is under or within five (5) feet of combustible construction.
105. An approved emergency-keyed access system shall be required to facilitate access to buildings or gates by Fire Department personnel in the event of an emergency during non-business hours. Forms are available at the Montclair Fire Department Headquarters for those occupancies requiring such a system. Facilities with gated drive approaches shall contact the Fire Marshal's Office for additional key and strobe requirements.
106. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
107. All Montclair Fire Department fees are due prior to any permit issuance.