

MONTCLAIR

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

REGULAR ADJOURNED MEETING  
Monday, April 27, 2015  
7:00 p.m.

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

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**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Chair Tenice Johnson, Vice Chair Luis Flores, Commissioner Manny Martinez, Commissioner Sergio Sahagun, and Commissioner Don Vodvarka

**4. APPROVAL OF MINUTES**

The minutes of the April 13, 2015 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. CASE NUMBER 2015-4
  - Project Address: 5060 Montclair Plaza Lane
  - Project Applicant: 5060 Montclair Plaza Lane Owner, LLC
  - Project Planner: Michael Diaz, City Planner
  - Request: Precise Plan of Design for expansion and enhancement of Montclair Plaza
  - CEQA Assessment: Mitigated Negative Declaration

**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 May 11, 2015 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California.

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**CERTIFICATION OF AGENDA POSTING**

I, Laura Embree, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda was posted on the bulletin board adjacent to the north door of Montclair City Hall on April 23, 2015.

## Report on Item Number 6.a

### CASE NUMBER 2015-4

APPLICATION TYPE(S)	Precise Plan of Design
NAME OF APPLICANT	5060 Montclair Plaza Lane Owner, LLC
LOCATION OF PROPERTY	5060 Montclair Plaza Lane
GENERAL PLAN DESIGNATION	Regional Commercial
ZONING DESIGNATION	"General Commercial" (C-3) per North Montclair Specific Plan
EXISTING LAND USE	Montclair Plaza
ENVIRONMENTAL DETERMINATION	Mitigated Negative Declaration (MND)
PROJECT PLANNER	Michael Diaz

#### **Project Description**

The applicants are requesting approval of a Precise Plan of Design (PPD) for the expansion and enhancement of Montclair Plaza, including associated on-site improvements. The majority of the proposed improvements are concentrated along the south side of the mall property generally facing Interstate 10. The intent of the proposed changes at Montclair Plaza is to improve the exterior appearance of the mall and create a new, exciting destination within an urban setting in which new outdoor lifestyle amenities and uses would be introduced to the site.

The Planning Commission is requested to review the proposed plans for the expansion and enhancement of Montclair Plaza with the following considerations in mind:

- The proposed project is consistent with the Regional Commercial land use designations for the site by the City's General Plan and the North Montclair Specific Plan.
- The site is of sufficient shape and size to accommodate the proposed changes to the site.
- The plan would not negatively impact property values in the surrounding area.
- The appropriateness of the proposed exterior architectural design, general arrangement of buildings, massing, height, and exterior materials and finishes.

#### **Major Site Plan Changes**

To facilitate the proposed development, the significant changes to the site include:

- The removal of approximately 256,162 square feet of existing gross leasable area (GLA) associated with the former Broadway/Macy's department store, a portion of

the existing mall, and three (3) freestanding outbuildings (commonly known as 4955 South Plaza Lane, 5001, 5005 and 5065 South Plaza Lane, and 5200-A Montclair Plaza Lane); and

- The addition of approximately 465,057 square feet of new gross leasable area in four (4) new outdoor oriented “shopping districts” and a new multiplex cinema, resulting in an overall net GLA increase of 208,895 square feet; and
- A new main outdoor open space, known as the “Lifestyle Park,” which would be surrounded by the majority of new retail square footage and accommodate outdoor events such as live music, performances, movie screenings, and farmers markets; and
- Construction of four (4) new multi-level parking structures that, along with other reorganized surface parking area improvements, would add approximately 736 new parking spaces to the site. Three of the new parking structures will be arranged along the southern boundary of the site to frame the new outdoor areas and serve as a noise buffer from the freeway; and
- New site improvements to the interior roadway circulation system that includes upgraded vehicular entries into the site; and
- New hardscape improvements, drought tolerant landscaping, and exterior lighting.

#### New Outdoor Open Spaces

The proposed new retail and parking structures are planned to create four (4) new “shopping districts” located around the existing mall building. The location and general use of the proposed districts are briefly noted below:

- The “*Town Square District*” would be located on the north side of the existing mall, adjacent to the west side of Sears. This area would connect the upper level of the existing mall to the upper level of the existing parking structure with new retail space and an identifiable “grand entrance” to the mall, which is currently lacking.
- The “*Lifestyle Park District*” would be located adjacent to the southeast side of the existing mall and would contain the majority of new retail and restaurant spaces, junior anchor stores, a multiplex cinema, and a parking structure.
- The “*Fashion Park District*” would be located adjacent to the Nordstrom and Macy’s stores, in the southwest quadrant of the property. This area would consist of retail and restaurant spaces, one (1) below-grade parking level, and one above-grade parking level.
- The “*Avenue District*” would be a fourth district serving as a connective pedestrian walkway between the “Fashion Park District” and the “Lifestyle Park District,” located adjacent to and south of the JC Penney and Nordstrom stores.

## Internal Street Organization

The proposed plan includes the creation of a streetscape hierarchy that would organize the site and provide a framework for establishing Montclair Plaza as a regional destination. The intent of the streetscape design is to encourage walkability and bicycle circulation wherever feasible. The internal circulation roadways would consist of the following:

- *Perimeter Road* - The perimeter road would create a clearly defined edge that integrates the Plaza property into the surrounding street network of the City along the Central Avenue, Monte Vista Avenue and Moreno Street frontages. Large trees would provide shade for pedestrians as well as create an aesthetic frame for the site. Dedicated bike lanes would encourage bike ridership.
- *Ring Road* - The ring road would primarily be a vehicle-oriented loop to the south of the proposed parking structures along the southerly boundary of the site that is intended to separate vehicular traffic from the major pedestrian areas within the property. This road would be lined with trees and a dedicated bike lane along the northern portion of this road would facilitate internal bike circulation.
- *Secondary Entry Roads* - The secondary entry roads would mark the transition from the perimeter public roadways to the interior core of the site via the existing entry points along Central and Monte Vista Avenues and Moreno Street. Dedicated bike lanes at the north and east would encourage bikes to enter at these nodes to minimize conflicts with vehicles at the major entrances to the Plaza.
- *The Avenue* - The Avenue would be the main pedestrian spine of the site and would link Central Avenue to Monte Vista Avenue. This tree-lined street would have unique paving and site furnishings to distinguish this as the central core. The sidewalk dimensions would vary along the course of the street to provide variety and to provide room for gathering spaces. Dedicated bike lanes would be located at each end of the walkway, but bicyclists would be required to dismount once they arrive in the central retail section of The Avenue to minimize conflict with pedestrians.
- *Woonerf* - "Woonerf" is a Dutch word referring to a "living street" that incorporates traffic calming features within a shared space environment. The objective is to minimize demarcation between vehicle traffic and pedestrians, often by removing features such as curbs, road surface markings and traffic signs and incorporating textured street surfaces, landscaping, and other features designed to promote pedestrian traffic and reduce the dominance of vehicles. As it applies to the Plaza property, a street designated as a "woonerf" would be used primarily for pedestrian activity and programmed events; the design, however, would also allow for emergency vehicle access, maintenance trucks and other minimal vehicular use. Removable bollards would restrict vehicular access during programmed events and during

designated hours of the day. Woonerf areas are planned for the Lifestyle and Fashion Park Districts of the site.

- *Alleyways* - Alleyways would be pedestrian-only corridors between buildings. These areas would have seating and artistic elements.

### Building Elevations

The overall design theme proposed for the project is California Modern with Mid-Century influences. The California Modern/Mid-Century architectural theme combines the smooth, simple geometry of intersecting masses and angular planes typically associated with modern architecture along with architectural elements such as awnings, projecting canopies, recessed entries, "wing walls", decorative screens, etc., that are integrated into the overall composition of the building or a facade. To soften the architectural forms of the buildings/structures, natural and manufactured exterior materials and finishes would be utilized. A sampling of the possible exterior materials the designers can work with include wood, stucco, stone (natural and simulated), brick, formed concrete, tiles, aluminum, glass, and small mosaic tile.

In keeping with the design theme, custom-designed signage could be integrated into the architecture of the new and/or remodeled buildings. While signs are not a part of this review, signs are shown on the illustrative drawings to conceptually demonstrate some of the possibilities. The applicant will prepare a separate detailed sign program for the center which will be submitted at a later date for review and approval by the City.

The locations and general massing of buildings/structures are depicted on the submitted plans. However, due to the need to accommodate the requirements of various future retailers, the architectural plans presented are generic in nature and do not incorporate final architectural details. As final detailed plans are completed they will be submitted for staff review to ensure that the final height, siting, and design details of new structures are consistent with the intent of and applicable codes contained in the Zoning Code and North Montclair Specific Plan.

### Landscaping

A conceptual landscape plan for the project site has been submitted to generally depict how plant materials would be generally arranged around the site and around the new construction. The intent is to have the plant materials complement the new architecture and provide shading to the site. Portions of the landscaped areas would do double duty as bio-filtration areas as required by the Water Quality Management Plan prepared and approved for the project. The plans are conceptual only and will require further refinement and staff review for compliance with Chapter 11.60 of the Montclair Municipal Code before building permits can be issued. All new plant materials will need to be drought tolerant and a water budget for the project will require preparation. Irrigation for landscape areas would be designed with specific hydrozones and smart irrigation systems, thereby minimizing the use of water. All decorative water features would be required to use recycled water for conservation purposes.

Internal streets would be lined with trees to provide shaded pedestrian corridors throughout the site. Seating and other site furnishings would be incorporated along the internal streets. To encourage bicycle circulation, dedicated bike lanes would provide passage for bicyclists on the site. New landscaping would also be installed along Central Avenue, Moreno Street, and Monte Vista Avenue frontages.

### Construction Phasing

The construction of the project is proposed to take place in two phases. The first phase would consist of construction of the Lifestyle Park District, including the cinema; construction of the Town Square District; construction of two new parking structures; construction of the easterly portion of the Avenue District; refurbishments to the east side of the existing mall; and demolition of the designated outbuildings. The second phase would consist of construction of the westerly portion of the Avenue District; construction of the Fashion Park District; and construction of two additional parking structures. Construction activities for the project would consist of site preparation, grading, building construction, paving, and landscaping.

### Background

- Montclair Plaza is an existing 1.2-million square-foot multi-tenant regional retail commercial center, consisting of a two-level main building surrounded by surface parking areas, and several freestanding outbuildings occupied with retail and restaurant uses. The anchor tenants at Montclair Plaza are Nordstrom, Macy's, JC Penney, and Sears. The project site area covered by this application encompasses 61.67 acres.
- Montclair Plaza was built in 1968 as a single-level regional shopping center anchored by The Broadway, May Company, and JC Penney. A second shopping level and a parking structure (north side of the mall) were added in the mid-1980s, along with Sears, which relocated to the Plaza from Pomona, and Nordstrom.
- In 2008, an extensive interior remodeling and refurbishment project was completed by former mall owner General Growth Properties.
- The North Montclair Specific Plan (Specific Plan) was adopted on January 5, 1998 (Resolution No. 2163). The planning area covered by the Specific Plan was originally approximately 640 acres and bounded by the north City boundary, Palo Verde Street on the south, Benson Avenue on the east, and the San Antonio Wash on the west. The Specific Plan area consists primarily of retail commercial and light industrial uses, with Montclair Plaza and related commercial developments serving as the area's primary focus.
- In 2014, CIM Group acquired Montclair Plaza from CW Capital Asset Management. CIM Group is headquartered in Los Angeles, and has active projects throughout California, including Los Angeles, West Hollywood, Pasadena, Santa Monica, Santa Ana, Anaheim, Oakland, San Francisco, and San Diego. One of its well-known

properties is the Dolby Theatre, formerly known as the Kodak Theatre, a live-performance auditorium in the Hollywood and Highland Center located at Hollywood Boulevard and Highland Avenue in Los Angeles.

- The project site is located within the Airport Influence Area of Los Angeles-Ontario International Airport (ONT) and is subject to the ONT Airport Land Use Compatibility Plan (ALUCP). Policy Map 2-2: Safety Zones of the ONT ALUCP identifies the geographic locations of Safety Zones; however, the proposed project is located outside the established Safety Zones and would not result in safety hazards for people residing or working in the project area.

### **Planning Division Comments**

The exterior renovation and addition of a lifestyle component to Montclair Plaza has been a long desired goal for the City. Since CIM Group acquired the property in 2014, staff has worked with the new owner to develop a plan for upgrading and repositioning Montclair Plaza for the future. The proposed improvements associated with this project are ambitious and appropriate and will transform Montclair Plaza from its current status as a long-established suburban type enclosed mall with two levels of shopping anchored by traditional department stores into a distinctive urban development that creates a new "sense of place" for shopping and entertainment. Moreover, the incorporation of "lifestyle" amenities as envisioned by the proposed plan will open up new possibilities to attract retail and specialty uses that are not currently represented in the City.

Staff believes the proposed project with its various site and architectural improvements will create a unique and vital urban place that enhances Montclair Plaza's stature in the area and its identity as a regional shopping, dining and entertainment destination for the next generation.

### **Land Use**

The proposed expansion and enhancement project is consistent with the Regional Commercial land use designation of the City's General Plan Land Use Map, and the C-3 ("General Commercial") designation of the North Montclair Specific Plan. The intent of the C-3 zone is to provide for a broad range of commercial activities, including retail sales, offices, personal services and related commercial uses that serve the community as a whole and the wider region.

### **Site Plan**

At over 61 acres in area, the overall shape and size of the site is sufficient to accommodate the proposed site changes. The existing parking fields on the south and southeast portions of the site provide ample room to allow for the construction of new parking structures and the new outdoor shopping districts without need for any variances from the City's development standards. The arrangement of new parking structures and the cinema building along the freeway frontage is essential in defining

what will become the main focal point of the property and in diminishing noise emanating from the freeway. The majority of existing surface parking spaces will be relocated to the new parking structures, which is a more efficient use of the property.

The plan promotes pedestrian access to and within the site while accommodating vehicular and parking activity to support the proposed uses. In addition, the plan will maintain existing links to other existing commercial uses in the surrounding area. A traffic study was conducted to assess the impact of the project on adjacent roadways and intersections. The study concluded that the project would cause a less-than-significant impact to traffic flow on adjacent streets and intersections and no specific mitigation measures were required. As such, access to and from the site will continue to be from existing entry/exit points strategically located around the site. The applicant will continue to work with the Public Works Department to determine what, if any, functional enhancements would be appropriate to further improve efficiency at each entry, including traffic signal modifications, curb return radii, and number of lanes for ingress and/or egress. At a minimum, each entry will be visually enhanced with new landscaping and entry signs to complement the architectural design improvements.

With regard to on-site parking, the project will add 736 new parking spaces to the site for an overall total of 6,524 parking spaces, which complies with the City's 1:250 parking requirement for general commercial uses. Parking has always been ample during the vast majority of the year and is well distributed around the entire site. Most of the parking that is proposed to be added in new parking structures will be strategically located in close proximity to the primary new activity centers along the south side of the property.

### Architectural Design

Overall, staff is pleased with the conceptual architectural framework for the project. The general arrangement of buildings, massing, and heights as indicated in submitted plans is attractive and up-to-date without being overly trendy. When the project is completed the new look for the mall will provide a much-needed visual boost and image enhancement to the site and to what passersby see from the I-10 corridor, attributes that have been sorely lacking on the property for well over a decade.

Staff finds the proposed California Modern/Mid-Century architectural theme for the project to be appropriate and the best way to achieve the desired urban setting and look for the mall. The style is flexible and allows for the architects to utilize a number of high quality exterior materials and finishes and incorporate lighting, signage, and landscape materials to give the project a distinctive and pleasing appearance.

As the project moves forward, staff will continue to work with the applicant on a revised comprehensive sign program for the center. When the final design details for the sign program have been further refined, it will be submitted separately for formal review by the Planning Commission.

## **Environmental Assessment**

Pursuant to State CEQA Guidelines Section 15063, the City prepared an Initial Study to determine if the project could have a significant effect on the environment; and based on the information contained in the Initial Study, which concluded that the project would not have a significant impact on the environment with mitigation incorporated, the City determined that a Mitigated Negative Declaration ("MND") should be prepared for the project, and a MND was prepared pursuant to CEQA and the State CEQA Guidelines

The MND was circulated for a 30-day state agency and public review period from March 4, 2015 through April 6, 2015. During the public comment period, copies of the MND and technical appendices were available for review and inspection at City Hall, on the City's website, and at the Montclair Branch Public Library.

Areas for which mitigation measures were identified to reduce potential environmental impacts were: Air Quality (short-term during site preparation), Cultural Resources, Greenhouse Gas, and Noise (short-term during construction). Eleven (11) mitigation measures have been proposed for the project to address the identified impacts. The mitigation measures have been included as conditions of approval for the project. Therefore, a Mitigated Negative Declaration is proposed for the project.

## **Public Notice and Comment**

In accordance with State CEQA Guidelines Section 15072(b), on March 4, 2015, the City mailed a Notice of Intent to Adopt the MND to all responsible and trustee agencies and property owners within a 300-foot radius of the subject site. The City also mailed a Notice of Intent to Adopt the MND to the State of California Office of Planning and Research and published the Notice of Intent to Adopt the MND in the Inland Valley Daily Bulletin.

A total of two (2) public comments on the proposed MND were received by the City regarding the project: one (1) from the State Clearinghouse acknowledging that the MND was circulated for state agency review and no state agencies had comments on the MND; and one (1) from the County of San Bernardino regarding asbestos testing during demolition activities. Staff also responded to one verbal inquiry from a City resident who was interested in understanding the area of improvement in relation to her property.

## **Planning Division Recommendation**

Staff recommends the Planning Commission find the Precise Plan of Design (PPD) for the expansion and enhancement of Montclair Plaza, including associated on-site improvements to be well-designed and consistent with applicable development standards of the North Montclair Specific Plan. Accordingly, staff recommends approval of Case No. 2015-4 by taking the following actions:

- A. For environmental review, take the following actions as responsible agency:
1. Certify that the Commission has reviewed and considered the environmental assessment based upon the findings and proposed mitigation measures in the Initial Study prepared for the project, and that there will be no significant impact on the environment as a result of the construction of the proposed expansion and enhancement of Montclair Plaza, including associated on-site improvements; and
  2. Adopt the proposed Mitigated Negative Declaration and finding that there will be a DeMinimis impact on fish and wildlife; and
  3. Direct staff to file a Notice of Determination (NOD) and the applicant to pay appropriate fees within five (5) days of this action.
- B. Approve a Precise Plan of Design request under Case No. 2015-4 for the Precise Plan of Design (PPD) for the expansion and enhancement of Montclair Plaza, including associated on-site improvements, per approved plans submitted to the City on April 6, 2015, and as described in the staff report, subject to the conditions in Planning Commission Resolution No. 15-1829.

Respectfully Submitted,



Michael Diaz  
City Planner

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Attachments: Draft Resolution of Approval for Case No. 2015-4

c: Kathleen Kim, CIM Group

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**RESOLUTION NO. 15-1829**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING A MITIGATION MONITORING AND REPORTING PROGRAM AND PRECISE PLAN OF DESIGN UNDER CASE NO. 2015-4 FOR THE SITE PLAN, FLOOR PLANS, ELEVATIONS, COLORS, MATERIALS AND CONCEPTUAL LANDSCAPE PLAN FOR THE EXPANSION AND ENHANCEMENT OF MONTCLAIR PLAZA AT 5060 MONTCLAIR PLAZA LANE, IN THE "GENERAL COMMERCIAL" (C-3) LAND USE DISTRICT OF THE NORTH MONTCLAIR SPECIFIC PLAN (APNs 1008-171-07 & 11; 1008-181-05, 06, 07; 1008-191-01, 02, 03, 04; 1008-321-04 & 07).**

**WHEREAS**, on March 9, 2015, 5060 Montclair Plaza Lane Owner, LLC, property owner, filed an application for a Precise Plan of Design (PPD) under Case No. 2015-4, for plans to expand and enhance the Montclair Plaza regional shopping center; and

**WHEREAS**, Montclair Plaza is an existing 1.2-million square foot multi-tenant regional retail commercial center, consisting of a two-level main building surrounded by surface parking areas, and several freestanding outbuildings occupied with retail and restaurant uses; and

**WHEREAS**, the site area encompassed by this application is approximately 61.67 acres; and

**WHEREAS**, the proposed PPD pertains to the site plan, floor plans, elevations, colors, materials, and conceptual landscape plan associated with the proposed improvements to Montclair Plaza and the site; and

**WHEREAS**, the subject property is designated as Regional Commercial by the Montclair General Plan; and

**WHEREAS**, the subject property is located in the "General Commercial" (C-3) land use district of the North Montclair Specific Plan (NMSP); and

**WHEREAS**, the proposed improvements to the multi-tenant regional mall comply with the guidelines and applicable development standards of the NMSP and Montclair Municipal Code; and

**WHEREAS**, the proposed expansion and enhancement of Montclair Plaza will be consistent with the City's General Plan land use map, proposed uses and surrounding uses identified for the site; and

**WHEREAS**, pursuant to Section 21067 of the Public Resources Code and Section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, §15000 et seq.), the City of Montclair is the lead agency for the proposed project; and

**WHEREAS**, in accordance with State CEQA Guidelines Section 15063, the City prepared an Initial Study to determine if the project could have a significant effect on the environment; and

**WHEREAS**, based on the information contained in the Initial Study, which concluded that the project would not have a significant impact on the environment with mitigation incorporated, the City determined that a Mitigated Negative Declaration ("MND") should be prepared for the project, and an MND was prepared pursuant to CEQA and the State CEQA Guidelines; and

**WHEREAS**, areas for which mitigation measures were identified to reduce potential environmental impacts were: Air Quality (short-term during site preparation), Cultural Resources, Greenhouse Gas, and Noise (short-term during construction). Eleven (11) mitigation measures have been proposed for the project to address the identified impacts; and

**WHEREAS**, in accordance with State CEQA Guidelines Section 15072(b), on March 4, 2015, the City mailed a Notice of Intent to Adopt the MND to all responsible and trustee agencies and members of the public. The City also mailed a Notice of Intent to Adopt the MND to the Office of Planning and Research and published the Notice of Intent to Adopt the MND in the Inland Valley Daily Bulletin; and

**WHEREAS**, as required by State CEQA Guidelines Section 15072(d), on March 4, 2015, the Notice of Intent to Adopt the MND was posted by the Clerk of the Board for the County of San Bernardino; and

**WHEREAS**, during the public comment period, copies of the MND and technical appendices were available for review and inspection at City Hall, on the City's website, and at the Montclair Branch Public Library; and

**WHEREAS**, pursuant to State CEQA Guidelines Section 15073, the MND was circulated for a 30-day state agency review period from March 4, 2015 through April 2, 2015; and

**WHEREAS**, pursuant to State CEQA Guidelines Section 15073, the MND was circulated for a 30-day public review period, plus four extra days, from March 4, 2015 through April 6, 2015; and

**WHEREAS**, a total of two (2) public comments on the proposed MND were received by the City regarding the project: one (1) from the State Clearinghouse acknowledging that the MND was circulated for state agency review and no state agencies had comments on the MND; and one (1) from the County of San Bernardino regarding asbestos testing during demolition activities; and

**WHEREAS**, the City has prepared written responses to these comment letters and the responses are included in the Final MND; and

**WHEREAS**, staff responded to one verbal inquiry from a City resident who was interested in understanding the area of improvement in relation to her property; and

**WHEREAS**, the proposed Mitigation Monitoring and Reporting Program is attached hereto as Exhibit "A"; and

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

**WHEREAS**, all the requirements of the Public Resources Code and the State CEQA Guidelines have been satisfied by the City in connection with the preparation of the MND, which is sufficiently detailed so that all of the potentially significant environmental effects of the project, as well as feasible mitigation measures, have been adequately evaluated; and

**WHEREAS**, the MND prepared in connection with the project sufficiently analyzes the feasible mitigation measures necessary to avoid or substantially lessen the project's potentially significant environmental impacts; and

**WHEREAS**, all of the findings and conclusions made by the Planning Commission pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and the entirety of the administrative record for the project, which are incorporated herein by this reference, and not based solely on the information provided in this Resolution; and

**WHEREAS**, prior to taking action, the Planning Commission has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including, but not limited to, the Initial Study, MND, and Mitigation Monitoring and Reporting Program, and all oral and written evidence presented to it during all meetings and hearings; and

**WHEREAS**, the MND reflects the independent judgment of the Planning Commission and is deemed adequate for purposes of making decisions on the merits of the project; and

**WHEREAS**, no comments made during the public review period, or in the public hearings conducted by the Planning Commission and no additional information submitted to the City have produced substantial new information requiring recirculation of the MND or additional environmental review of the project under State CEQA Guidelines Section 15073.5; and

**WHEREAS**, on December 11, 2014, a presentation on the proposed project was made at a public meeting to the City Council by the applicant and its development

team, at which time members of the public had an opportunity to comment on the project; and

**WHEREAS**, notice of the public hearing conducted by the Planning Commission for review of this item was mailed out to property owners within a 300-foot radius of the project site boundaries; and

**WHEREAS**, on April 27, 2015, 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; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

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

**SECTION 1.** RECITALS. The Planning Commission hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Resolution.

**SECTION 2.** COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. As the decision-making body for the project, the Planning Commission has reviewed and considered the information contained in the MND, Initial Study, comments received, and other documents contained in the administrative record for the project. The Planning Commission finds that the MND, Initial Study and administrative record contain a complete and accurate reporting of the environmental impacts associated with the project, and that the MND and the Initial Study have been completed in compliance with CEQA and the State CEQA Guidelines.

**SECTION 3.** FINDINGS ON ENVIRONMENTAL IMPACTS. Based on the whole record before it, including the MND, Initial Study, the administrative record and all other written and oral evidence presented to the Planning Commission, the Planning Commission finds that all environmental impacts of the project are either less than significant or can be mitigated to a level of less than significant pursuant to the mitigation measures outlined in the MND, the Initial Study and the Mitigation Monitoring and Reporting Program. The Planning Commission finds that there is no substantial evidence in the administrative record supporting a fair argument that the project may result in any significant environmental impacts. The Planning Commission finds that the MND contains a complete, objective, and accurate reporting of the environmental impacts associated with the project and reflects the independent judgment and analysis of the Planning Commission.

**SECTION 4.** WILDLIFE RESOURCES. Pursuant to Fish and Game Code Section 711.4(c), all project applicants and public agencies subject to the California Environmental Quality Act shall pay a filing fee for each proposed project, as specified

in subdivision 711.4(d) for any adverse effect on wildlife resources or the habitat upon which wildlife depends unless a "no effect" finding is made by the California Department of Fish and Game. This fee is due and payable as a condition precedent to the County Clerk's filing of a Notice of Determination.

**SECTION 5.** ADOPTION OF THE MITIGATED NEGATIVE DECLARATION. The MND is hereby approved and adopted.

**SECTION 6.** ADOPTION OF THE MITIGATION MONITORING AND REPORTING PROGRAM. The Mitigation Monitoring and Reporting Program prepared for the project, attached hereto as Exhibit "A", is hereby approved and adopted.

**SECTION 7.** FINDINGS. Pursuant to Chapter 11.80 of the Montclair Municipal Code, the Precise Plan of Design for project is consistent with the following:

- A. The proposed expansion and enhancement project is consistent with the Regional Commercial land use designation of the City's General Plan Land Use Map, and the "General Commercial" (C-3) land use designation of the North Montclair Specific Plan. The intent of the C-3 zone is to provide for a broad range of commercial activities, including retail sales, offices, personal services and related commercial uses that serve the community as a whole and the wider region. The proposed changes at Montclair Plaza will improve the exterior appearance of the mall and create a new, exciting destination within an urban setting where new outdoor lifestyle amenities and uses would be introduced to the site.
- B. At over 61 acres in area, the overall shape and size of the site is sufficient to accommodate the proposed site changes. The existing parking fields on the south and southeast portions of the site provide ample room to allow for the construction of new parking structures and the new outdoor shopping districts without need for any variances from the City's development standards. The arrangement of new parking structures and the cinema building along the freeway frontage is essential in defining what will become the main focal point of the property and in diminishing noise emanating from the freeway. The majority of existing surface parking spaces will be relocated to the new parking structures, which is a more efficient use of the property.
- C. The plan promotes pedestrian access to and within the site while accommodating vehicular and parking activity to support the proposed uses. In addition, the plan will maintain existing links to other existing commercial uses in the surrounding area.
- D. The general arrangement of buildings, massing, and heights as indicated in submitted plans is attractive and up-to-date without being overly trendy. When the project is completed the new look for the mall will provide a much needed visual boost and image enhancement to the site and to what passersby see

from the I-10 corridor, attributes that have been sorely lacking on the property for well over a decade.

- E. The California Modern/Mid-Century architectural theme for the project is appropriate and the best way to achieve the desired urban setting and look for the mall. The style is flexible and allows for the designer to utilize a number of high quality exterior materials and finishes and incorporate lighting, signage, and landscape materials to give the project a distinctive and pleasing appearance

**SECTION 8. EXACTIONS.** 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 of 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 proposed expansion and renovation project of the Montclair Plaza regional retail commercial center.

**SECTION 9. APPROVAL OF THE PROJECT.** Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing on April 27, 2015, including written and oral staff reports together with public testimony, the Planning Commission hereby finds the proposal to be consistent with the overall objectives of the City of Montclair General Plan, the North Montclair Specific Plan, the 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 expansion and enhancement of Montclair Plaza, including associated on-site improvements as depicted on approved plans submitted on April 6, 2015, on file with the Planning Division and as described in the prepared staff report. Notwithstanding the depictions shown on the approved plans, applicant understands and agrees that any improvements and designs shown on the approved plans that require approval from other entities with ownership interests shall not be approved unless and until those entities have consented to such improvements. The approved project includes the following major elements:
  - a. The removal of approximately 256,162 square feet of existing gross leasable area (GLA) associated with the former Broadway/Macy's department store, a portion of the existing mall, and three (3) freestanding outbuildings (commonly known as 4955 South Plaza Lane, 5001, 5005 and 5065 South Plaza Lane, and 5200-A Montclair Plaza Lane); and
  - b. The addition of approximately 465,057 square feet of new gross leasable area in four (4) new "shopping districts" and a new multi-plex cinema, resulting in an overall net GLA increase of 208,895 square feet; and

- c. New main open space, known as the "Lifestyle Park," which would be surrounded by the majority of new retail square footage and accommodate outdoor events such as live music, performances, movie screenings, and farmers markets; and
- d. Construction of four (4) new multi-level parking structures that, along with other reorganized surface parking area improvements, would add approximately 736 new parking spaces to the site; and
- e. New site improvements to the interior roadway circulation system that includes upgraded vehicular entries into the site; and
- f. New hardscape improvements, drought tolerant landscaping, and exterior lighting.

Minor modifications to this approval which are determined by the City Planner to be substantial conformance with the approved site plan, building elevations, landscaping, and exterior lighting, and which do not intensify or change the use or require any deviations from adopted standards, may be approved by the City Planner upon submittal of prepared plans submitted for review and approval.

- 2. The overall design theme approved for the project shall be California Modern with Mid-Century influences as generally illustrated on approved design plans submitted on April 6, 2015. The locations and general massing of buildings/structures shall be maintained as depicted on submitted plans to the greatest extent possible.
- 3. In the event that exhibits and written conditions are inconsistent, the written conditions shall prevail.
- 4. This approval shall supersede all previously approved design review entitlements for projects on the subject property.
- 5. 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 and building permits to allow eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date. Should the applicant not pursue construction of Phases 1 and 2 of the project concurrently, the PPD approval shall remain valid and in full effect for a period of one year following issuance of the final Certificate of Occupancy for Phase 1 of the project.

6. Notice to Applicant: The conditions of approval for this project include certain fees, dedication requirements, reservation requirements, and/or other exactions more specifically described in the conditions of approval herein. The applicant is hereby notified that the 90-day protest period to challenge such items has begun as of the date of the project approval. For purposes of this notice, "project approval" shall mean the date that the Planning Commission approves the 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 applicant shall be legally barred from later challenges.
7. Approval of this PPD shall not relieve the applicant from complying with all applicable Federal, State, County or City regulations or requirements.
8. The applicant shall submit the following payments to the Planning Division within the time frames specified:
  - a. Within five (5) days of Planning Commission action, a check in the amount of **\$2,260.00**, payable to "Clerk of the Board of Supervisors," to cover the California Department of Fish and Wildlife (CDFW) fee for filing a Notice of Determination for the proposed Mitigated Negative Declaration as required by the California Environmental Quality Act (CEQA).
  - b. Within five (5) days of Planning Commission action, a check in the amount of **\$545.54**, payable to "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.
  - c. Prior to issuance of a grading permit, a check payable to "City of Montclair," for the total costs incurred through April 10, 2015, for environmental and legal fees associated with preparation and review of the Mitigated Negative Declaration and other documents related to the project.
  - d. Prior to issuance of any Certificate of Occupancy in Phase 1 of the project, a check payable to "City of Montclair," for the outstanding or total costs incurred subsequent to April 10, 2015, for environmental and legal fees associated with preparation and review of the Mitigated Negative Declaration and other documents related to the project.
9. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.

10. 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.
11. All permanent and temporary signs illustrated in the applicant's submittal package are strictly conceptual in nature, and no permanent building-mounted signs, monument signs, freestanding signs, or temporary, portable, or seasonal signs are approved as part of this entitlement. Prior to the installation of any new signs, the applicant shall submit a comprehensive sign program application for the property and obtain City review and approval. The proposed sign program shall at a minimum address the following elements:
  - a. Exterior wall signs identifying the center, major tenants (new and existing), other similar building mounted signs. Wall signs shall consist of individual, dimensional channel letters;
  - b. All freestanding signs identifying the center, vehicular and/or pedestrian entry points, and directional/wayfinding signs;
  - c. Electronic sign or message boards; and
  - d. Seasonal or decorative flags or pennants for use on site.
12. Outdoor events such as live music, performances, movie screenings, and farmers markets, seasonal structures/displays, and other similar activities shall be limited to the existing top parking deck adjacent to the Town Square District, the Lifestyle Park and Fashion Park Districts of the property as depicted on approved plans. The applicant shall be responsible to notify the City in advance of these activities to determine whether any requirements or permits are necessary.
13. Prior to the issuance of building permits for any element of the project, the property owner or applicant shall submit the following items for review and approval by the Community Development Department:
  - a. Detailed site and architectural plans (including colors and finishes) for each element described in Condition 1.
  - b. A Master Landscape and Irrigation Plan to provide the conceptual framework for new landscaping related to the implementation of the approved project. The landscape plan shall conform to the requirements of the Water Efficient Landscaping and Conservation Ordinance (Chapter 11.60 of the Montclair Municipal Code) and all subsequently adopted or

imposed mandatory water conservation measures as imposed by a federal, state, regional or local agency.

- i. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system utilizing drip (surface or sub-surface) or microspray methods for application of water.
  - ii. All shrubs shall be minimum five-gallon container size (except herbaceous perennials and woody spreading shrubs on slopes).
  - iii. All trees shall be minimum 24-inch box size and double-staked.
  - iv. A minimum of three (3) inches of bark mulch (shredded or chips) shall be provided on all planted areas.
  - v. Provide catalog cuts for proposed exterior trash receptacles, or other site furniture, etc., for City Planner review and approval. All site furniture shall be made of high quality, durable materials. No plastic furniture shall be allowed.
  - vi. Ground-mounted mechanical equipment shall be avoided to greatest extent possible. When necessary, said equipment shall be fully screened from view from streets by a combination of decorative walls and landscaping equal to or exceeding the height of the equipment.
  - vii. Consider Fire Department access requirements when plotting the location of trees on site.
- c. An exterior lighting and photometric plan for the entire site. The plans shall indicate the location of all exterior light fixtures (area, building, parking lot, etc.) and the overall illumination levels across the site. All proposed exterior lighting shall comply with the following standards:
- i. Provide a minimum maintained illumination level of one (1) foot-candle across the site.
  - ii. All building mounted, parking lot, and/or other freestanding light fixtures shall incorporate 90-degree cut-off style luminaires and flat lenses so as to direct illumination downward to the surface to be illuminated and away from public rights-of-way surrounding the subject site.
  - iii. Maximum total height for freestanding light fixtures shall be limited to 30 feet, inclusive of the height for concrete bases.

- iv. Above-grade concrete bases for lights shall be finished with colored stucco matching the primary color and finish of stucco on the buildings.
  - v. All exterior wall-mounted lighting fixtures shall be vandal-resistant and of a design that complements the architecture of the building.
- d. Details for trash enclosure(s) as follows:
- i. Each trash enclosure shall have a solid roof cover and be designed to complement the overall architecture of the main building.
  - ii. Contact Burrtec Waste Industries to determine the number of required bins and pick up schedules to support the most likely end user(s) of the buildings.
- e. Detailed plans for all new parking structures, including the following:
- i. The minimum vertical clearance of each covered parking level;
  - ii. An illumination plan, indicating types of luminaires and lighting levels;
  - iii. Locations of security cameras and emergency phones;
  - iv. Installation of electronic parking guidance system signs (indicating the number of spaces available on each level) at the entrance to each parking structure and/or overhead red/green LED indicators at each parking space to assist motorists to quickly identify available spaces.
14. The applicant shall as a part of the site planning and design of structures consider the incorporation of one or more of the following elements to prevent graffiti, glass etching, or preventable methods of defacing property to the greatest extent possible:
- a. The use of a protective coating to provide for the effective and expeditious removal of graffiti, or the etching of glass; or
  - b. Use of additional lighting; or
  - c. Use of non-solid fencing;
  - d. Use of landscaping designed to cover large expansive walls such as ivy or similar clinging vegetation; and
  - e. Use of architectural design to break up long continuous walls or solid areas.
15. All automobile parking spaces in new or reorganized surface parking areas and in parking structures shall comply with the parking standards (e.g., quantities,

widths, etc.) contained in the North Montclair Specific Plan, including the requirement that parking spaces be delineated with double-line (e.g. "hairpin") striping.

16. The use of shopping carts shall be prohibited for any business within the property, unless a cart containment system is approved by the City and installed for said business(es) pursuant to Chapter 11.67 of the Montclair Municipal Code.
17. Security doors, window screens, and/or other such hardware shall be designed to complement and be integrated into the architecture of the building to which it is attached, subject to City Planner approval. Every effort shall be made to attach any security door, screen, gate, etc. within the interior side of building openings they are intended to protect.
18. The installation of all folding, sliding or rolling security bars, gates and doors shall occur entirely within the interior of lease spaces. Said security devices shall be completely concealed within walls, integrated enclosures or ceilings during all hours that the lease space is open for business.
19. No outdoor storage of furniture, boxes, racks, trash cans, supplies, etc., shall be permitted outside the building of any lease space around the site. All such items shall be stored indoors or properly disposed of in an approved trash receptacles for regular pick-up by an authorized solid waste disposal company.
20. All future business(es) shall be required to obtain and maintain valid business licenses and comply with all applicable City regulations at all times. As part of the routine review process for each new business, the property and subject lease spaces will be inspected to ensure compliance with all applicable codes.
21. All new landscaping and irrigation systems shall be maintained in accordance with the approved Master Landscaping and Irrigation Plan and in full accordance with Chapter 11.60 of the Montclair Municipal Code to ensure water use efficiency.
22. Any new plant material that does not survive or is removed or destroyed shall be replaced upon its demise or removal with plant material of a like type and size as that originally approved and installed.
23. Plant material shall not be severely pruned such that it stunts or deforms its natural growth pattern or characteristic feature(s). Trees shall be pruned to ISA (International Society of Arboriculture) standards and only as necessary to promote healthy growth and for aesthetic purposes (i.e., to enhance the natural form of the tree). Improperly or severely pruned trees, including topping as defined by the Water-Efficient Landscape Conservation Ordinance, that results in the removal of the normal canopy and/or disfigurement of the tree shall be

replaced with a tree of similar size and maturity as that which was removed or, as required by the Community Development Director.

24. Temporary promotional signs shall comply with Chapter 11.72 of the Montclair Municipal Code. Temporary banners for the purpose of announcing a grand opening or promotional event shall require a banner permit from the Planning Division prior to installation.
25. No portable flags, pennants, spinners, painted-on signs, off-premise signs, trailer-mounted electronic sign/message boards or other similar types of portable signs shall be allowed.
26. No exterior surface-mounted exposed ducts, conduit or electrical lines shall be allowed on walls, awnings, or other exterior faces of the building. In addition, all electrical switchgear, meters, etc., shall be screened or housed in an enclosure to the extent allowed by the utilities.
27. All new roof-mounted mechanical equipment (e.g., vents, meters, HVAC units, ducts, conduit, satellite dishes, photovoltaic systems, etc.), enclosures or equipment screen walls shall not project above the roof parapet. All screening shall be compatible with the architectural style, materials, and color of the building upon which the equipment is located, subject to the approval of the City Planner.
28. Access to the roof of any building shall be from within the subject structure and not be means of roof access ladders mounted to the exterior of the building.
29. All on-site ground-mounted mechanical equipment, including, but not limited to, utility meters, air conditioners, condenser units, and repair equipment shall be located within the building or on the exterior of the building only when necessary and screened in a manner that is compatible with the architectural design of the building subject to the satisfaction of the City Planner.
30. Freestanding electrical transformers and Fire Department double check detector assembly (DCDA) equipment shall be screened with masonry walls compatible with the building architecture and/or landscaping to the satisfaction of the City Planner and Fire Marshal. Efforts shall be made to place these elements in locations that are as visually unobtrusive as possible.
31. The property owner shall be responsible for maintaining all buildings, yards/planters, structures, exterior furnishings, signs, parking areas and other improvements free of litter and debris and in such a manner that does not detract from the appearance of the property and surrounding area. Parking lots shall be maintained in an attractive and suitable fashion with any potholes, significantly cracked or uneven paving, and any other significant damage repaired in a timely fashion throughout the life of the project.

32. Any graffiti shall be removed within 24 hours of discovery or notification by the City. The paint utilized to cover the graffiti shall match the affected structure. In the event that the paint finish of the abated area is noticeably distinguishable from the balance of the surface area of the building side just abated for graffiti, or noticeably distinguishable from the rest of the structure, the entire surface area of either the abated side or of the structure shall be painted to minimize the disparity.
33. The applicant/property owner shall upon notification by the City restore and/or replace any glazing, architectural metal panels, or other exterior design feature/material that have been permanently damaged by graffiti, etching, or by other means. The installation of anti-graffiti/etching film is highly encouraged on all ground floor glazing accessible to the public.
34. To ensure compliance with the provisions of this Planning Commission approval, a final inspection is required from the Planning Division when work has been completed for each element of the project. The applicant shall inform the Planning Division and schedule an appointment for such an inspection.
35. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative, or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void or annul, the any action of, or permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities, thereof (including actions approved by the voters of City), for or concerning the project, whether such Actions, are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any action brought and City shall cooperate with the applicant in the defense of the Action.

### Environmental – Mitigation Measures

36. All identified mitigation measures contained in the Initial Study/Mitigated Negative Declaration prepared for the Montclair Plaza Expansion/Enhancement Project are incorporated by reference into these conditions of approval and each and every mitigation measure shall have full force and effect of a condition of approval.

### Building

37. 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. An existing plan of all buildings or portions thereof to be demolished.
  - g. Waste Recycling Plan, recycling a minimum of 50% of all construction debris; and
  - h. Commissioning Plan and documentation.
38. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
39. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
40. The applicant shall comply with the latest adopted or applicable California Building Code and other 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.
41. All plans, specifications, studies, reports, calculations, maps, notes, legal documents and designs, shall be prepared, signed, and stamped only by those individuals legally authorized to do so.

42. The applicant shall be responsible for informing all subcontractors, consultants, engineers, or other business entities providing services related to the project of their responsibilities to comply with all pertinent requirements of the Montclair Municipal Code, including the requirement that a business license be obtained by all entities doing business in the City. Contractors must provide proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
43. Separate permits are required for trash enclosures, accessory structures, site lighting, fencing, and/or enclosure walls.
44. All utility services to the project shall be installed underground.
45. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number.
46. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
47. Prior to issuance of building permits for a new commercial or industrial 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 Fee, Permit and Plan Check Fees, and School Fees. All required school fees shall be paid directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District. Applicant shall provide a copy of the school fees receipt to the Building Division prior to permit issuance.
48. Construct trash enclosure(s) per City Standard (available at the Building Division's public counter).
49. All construction work carried out under the review of the Building Division shall be of good quality. The Building Official shall have the authority to enforce the installation of work that is straight, level, plumb, square, etc., as the situation requires. All work shall be well fit and of a durable nature. Paint and stucco in all cases shall not be below standard for the use applied.
50. 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%).

51. Construction drawings submitted to the building division for plan review shall comply with the Montclair Security Ordinance No. 357 as it applies.
52. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn every day. At all other hours of darkness, a minimum maintained .25 foot candle of light shall be provided at ground level.
53. A Certificate of Occupancy is required prior to occupancy of the buildings. Issuance of the Certificate of Occupancy shall be contingent upon the Fire Department inspection and the final approvals from other departments and/or agencies.
54. Electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside buildings.
55. Approval for temporary construction and storage trailers on the property shall be obtained from the Planning and Building Divisions prior to their placement. Trailers intended for public access shall comply with disabled-accessibility requirements. The trailer(s) shall require access to the facility by way of ramps in compliance with the California Building Code (CBC) 2013 edition, Chapter 11B, in addition to access to each feature of the trailer. Before any trailer is set in its location, obtain all permits from the Building Division. Plans and structural calculations will be required for the tie-down devices.
56. Plans for food preparation areas shall be approved by the County of San Bernardino Environmental Health Services Department prior to issuance of building permits.
57. Contractor shall pay in advance for inspection services performed outside the scope of normal inspection procedures, regular business hours, or in addition to the regular number of inspections allotted. Contractor is to make advance arrangements with the Building Division for inspections to be performed outside of regular business hours or outside the scope of regular inspections.

#### Water Quality Management Plan

58. The WQMP must have final approval from the Engineering Division prior to obtaining grading/building permit(s). Contact Joe Rosales, NPDES Coordinator at 909/625-9470.
59. The property owner 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 property owner to maintain inspection reports and have them readily available for review by City staff upon request. In the event that any stormwater treatment device fails due to lack of, or insufficient maintenance and/or inspection, or some other

unforeseen circumstance, it shall be the responsibility of the property owner to correct the deficiency and restore the stormwater treatment device(s) to its original working condition.

60. 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 included in the grading plans to the satisfaction of the Public Works Director/City Engineer. Contact Joe Rosales, NPDES Coordinator, at 909/625-9470.
61. Prior to obtaining grading/building permit(s), the applicant is required to apply for and implement the State General Construction Permit. Include the Waste Discharge Identification Number (WDID #) on the title sheet of the grading plan.
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. Submit to the Engineering Division as-built drawings as they relate to the WQMP.
  - c. Record the WQMP Maintenance Agreement with the County of San Bernardino and provide evidence of said recording to the NPDES Coordinator.
63. Prior to issuance of a Certificate of Occupancy, 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. To the extent that development indicates that new buildings will cross existing parcel boundaries, an application for a lot line adjustment, parcel merger, or parcel map shall be reviewed and approved by the Public Works Department prior to issuance of building permits. Developer shall comply with all

requirements of the Subdivision Map Act and the Montclair Municipal Code. Show all parcel boundaries, existing and proposed, on site plan.

66. If a parcel map is required, 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 public rights-of-way, and a monumentation bond for corner monuments in accordance with the Subdivision Map Act.
67. Payment of transportation-related development impact fees shall be required. Fees shall be assessed at the rate in effect at the time the fees are paid.
68. Developer shall dedicate right-of-way for public streets to the satisfaction of the Public Works Director/City Engineer.
69. Street improvement plans are required for all public streets. Construction drawings shall be 24" by 36" with City standard title block.
70. All interior streets (ring roads, perimeter roads, alleys) shall be assigned names and those names shall be posted on all interior streets. Method and design of signage shall be consistent with the development theme throughout the Plaza, subject to the approval of the Public Works Director/City Engineer.
71. The existing on-site signalized intersection shall be reconstructed to conform to the developer's proposed site plan. A new 170E controller and 332 signal cabinet shall be installed to operate the traffic signal at the relocated intersection. The cabinet shall include a hardwired interconnect with the controller at the Central Avenue and the east Plaza entrance.
72. The existing traffic signal system at the intersection of Central Avenue and the east Plaza entrance shall be modified to as necessary to conform to the proposed entrance modifications. Entrance and signal modifications shall include consideration of potential east- and westbound through movements to and from the shopping center on the east side of Central Avenue.
73. Disabled-accessibility and path-of-travel shall be provided from public streets to all buildings. Compliance may include constructing sidewalks and wheelchair ramps and adding striping.
74. Nostalgic streetlight fixtures consistent with the design standards set for the North Montclair Downtown Specific Plan shall be installed along the Monte Vista Avenue, Central Avenue, and Moreno Street frontages, and along all other public streets within the development in a quantity and spacing to the satisfaction of the Public Works Director/City Engineer. Streetlights shall be owned and maintained by Southern California Edison. The minimum lighting level for all streets shall be to the satisfaction of the Public Works Director/City Engineer.

75. All existing overhead utilities within project boundaries and within street frontages adjacent to the project site shall be placed underground. All existing or 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 the property frontage.
76. All utilities within development boundaries 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. Existing sewer lines that may be within the footprint of proposed buildings shall be relocated to clear existing and proposed buildings by at least five feet. Additional easements shall be granted as necessary to the satisfaction of the Public Works Director/City Engineer.
78. Payment of all outstanding sewer reimbursement fees or assessments as imposed by a district or reimbursement agreement, if any, are required.
79. Payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency is required.
80. Ownership of sewers: Sewers intended to be maintained by the City of Montclair shall be designed and constructed per Public Works Department standards and shall be located in public streets or easements dedicated to the City for sanitary sewer purposes. 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. All sewer design shall be subject to the approval of the Public Works Director/City Engineer.
81. 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."
82. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
83. Existing storm drains that may be within the footprint of proposed buildings shall be relocated to clear existing and proposed buildings by at least five feet. Additional easements shall be granted as necessary to the satisfaction of the Public Works Director/City Engineer.
84. Ownership of storm drains: Storm drains intended to be maintained by the City of Montclair shall be designed and constructed per Public Works Department standards and shall be located in public streets or easements dedicated to the

City for storm drain purposes. Storm drains and/or inlets 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. All storm drain design shall be subject to the approval of the Public Works Director/City Engineer.

85. Storm drain improvement plans are required for all storm drains, public or private, and shall include both plan and profile views on 24" by 36" construction drawings. Storm drains intended to be privately maintained shall not include City standard title block, and shall be labeled "NOT TO BE MAINTAINED BY CITY OF MONTCLAIR."
86. All drainage facilities shall comply with requirements of the approved WQMP.
87. A grading plan shall be prepared subject to the approval of the Public Works Director/City Engineer. An erosion control plan is to be included and considered an integral part of the grading plan. Grading plans shall be designed in accordance with City standards and guidelines, and shall be on 24" by 36" sheets.
88. Developer shall be responsible for all plan check, sewer connection, special inspections, or any other fees required for Engineering Division submittals.
89. 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 Public Works Director/City Engineer. A plan acceptable to the City 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. These requirements shall also apply to demolition and haul away of debris for this project.
90. 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.
91. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at 800/422-4133 or 8-1-1.

#### Environmental

92. All new businesses (e.g., restaurants, service, retail uses) shall complete a Wastewater Discharge Survey prior to plan check review or the issuance of a business license. Surveys shall be submitted to the City of Montclair Environmental Manager to determine whether wastewater pretreatment equipment shall be required. For more information contact Nicole deMoet, Environmental Manager, at 909/625-9446.

93. No outdoor storage of used fats, oils, or grease (FOG) shall be allowed in any trash enclosures or behind buildings. All food/restaurant uses shall adequately plan to store any used fats, oils, or grease in an approved manner within their respective tenant spaces and contract with a recycler for regular removal from the site.

### Fire

The conditions contained herein are the minimum requirements for access and fire containment measures. Compliance shall be as noted or subject to the satisfaction of the Community Development Director and Fire Chief in accordance with the City's adoption of the latest edition of the California Fire Code.

94. 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. A 26-foot width is required for roadways servicing buildings more than 30 feet in height to allow two-way vehicle traffic and the passing of other emergency vehicles. This access is required to be maintained unobstructed throughout construction. Roadway is subject to Fire Department approval prior to construction.
95. The developer/general contractor is responsible for reasonable periodic clean up of the construction site to avoid hazardous accumulation of combustible trash and debris.
96. Planter areas in the center of drives and adjacent to entrances should be of low profile type, not to exceed eight feet in height when mature.
97. 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.
98. Mark fire apparatus access road with freestanding signs with the words, **"NO PARKING FIRE LANE BY ORDER OF THE FIRE DEPARTMENT"**. Such signs shall be 12 inches by 18 inches with a white background and red letters and shall be a maximum of seven feet (7'-0") in height from the roadway to the bottom of the sign. The sign shall be within sight of the traffic flow and be a maximum of 60 feet apart or by painting a red striped line along the edge of the roadway and imprinted in white **"NO PARKING FIRE LANE"**.
99. The proposed commercial structure(s) shall require an approved fire alarm and 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. Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
101. 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.
102. A fire hydrant system shall be required to provide the necessary water flow per ISO 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 or before combustibles accumulate on site. The distance between installed fire hydrants shall not exceed 300 feet. Maximum distance from the nearest hydrant to the most remote exterior point of any building shall not exceed 300 feet as measured on a roadway surface.
103. In the event that any structures are to be used for the purpose of a public assembly, the developer/architect shall contact the Fire Marshal's Office for requirements prior to submission of building plans.
104. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
105. In those structures covered by CAC Title 19, all drapes, hangings, curtains, drops, and all other decorative material shall be made from non-flammable material, or shall be treated and maintained in a flame-retardant condition, by means of a flame-retardant solution or process approved by the State Fire Marshal.
106. Commercial/industrial occupancies shall install approved emergency lighting to provide adequate illumination in the event of any interruption of normal lighting.
107. All Montclair Fire Department fees are due prior to any permit issuance.
108. 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.
109. Fire extinguisher location(s) to be determined by the Montclair Fire Department.

110. Parapet access ladders shall be provided as a means of Fire Department roof access on commercial and industrial building roofs less than 75 feet above the level of the fire apparatus access road. Buildings with a parapet greater than 30 inches tall shall provide approved parapet access ladders and approved ladder point placards. Number of roof access points and locations shall be determined by the Fire Marshal's Office during the plan check process.
111. All Double Check Detector Assemblies (DCDA) shall be painted and maintained by the property owner with the following paint color specifications: Rust-Oleum satin interior/exterior acrylic latex paint, "Hunt Club Green" no. 794452 (quart). This condition is subject to Fire Department inspection and approval when work is completed.
112. Fire Department Access Roads:
  - a. Shall be provided for every facility, building, or portion of a building hereafter constructed or relocated.
  - b. Shall be extended to within 50 feet of a single exterior door providing access to the interior of the building.
  - c. Shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of any building is located not more 150 feet from Fire Department access roads as measured by an approved route around the exterior of the building or facility. When buildings are protected with an approved automatic fire sprinkler system, the distance above shall be permitted to be increased to 450 feet.
  - d. When access roads cannot be installed, the agency having jurisdiction (AHJ) shall authorize additional fire protection features such as automatic fire sprinklers.
  - e. Multiple access roads may be required if a single road could be impaired by vehicle congestion, terrain, etc.
  - f. Shall have a width of not less than 20 feet.
  - g. Shall have a width of not less than 26 feet unobstructed to allow two-way vehicle traffic and to pass while another emergency vehicle is working when servicing buildings more than 30 feet in height.
  - h. Shall have a vertical clearance of not less than 13'-6".

- i. Shall be designed and maintained to support the imposed loads of fire apparatus (37 tons). Proposed surfaces other than concrete or asphalt must be approved by the Fire Department.
  - j. Shall have an inside turning radius of 32 feet and an outside turning radius of 45 feet servicing buildings less than 30 feet in height.
  - k. Shall have an inside turning radius of 20 feet and an outside turning radius of 45 feet servicing buildings 30 feet or greater in height.
113. Dead-end Fire Department access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus. Acceptable designs are "T-turn," "Y-turn," and "cul-de-sac" to accommodate vehicles 34 feet in length for buildings less than three stories and 48 feet in length for three or more stories.
114. The angle of approach and departure grade or any means of Fire Department access shall not exceed one-foot drop in 20 feet.
115. Access to the property of a planned building group shall be provided by a minimum of two distinctly separate routes, each located as remotely from the other as possible. "Planned Building Groups" are multiple structures constructed on a parcel of land, excluding farmland, under the ownership, control, or development by an individual, a corporation, a partnership, or a firm.

#### Police

116. The Montclair Plaza management group and director of security shall work with the Chief of Police or his/her designee(s) to determine adequate "on-duty security personnel" during Plaza operation and non-operation hours. The director of Plaza security shall provide a comprehensive security report to the Plaza management group and the Chief of Police, detailing security personnel deployment, which shall include deployment of security mobile patrol, bicycle patrol, foot patrol, on-duty supervisors, and dispatch.
117. The director of Montclair Plaza security shall submit a comprehensive report to the Plaza management group and the Chief of Police detailing locations of surveillance cameras covering all parking lots and/or parking structures, outside Plaza districts, building entrances, elevators, and all roadways, alleyways, and walkways. Surveillance cameras/systems shall provide high definition color resolution during daylight hours, a minimum of high definition black-and-white definition during hours of darkness, and have the capability of maintaining video records for the previous 90 days.

118. Montclair Plaza management shall comply with Section 510 of the 2013 California Fire Code regarding the requirement for emergency responder radio coverage within the facility. A "Bi-Directional Amplifier/DAS" system designed to provide enhanced radio signals entering and leaving the building during emergency situations is recommended. The system would consist of a mix of small, virtually hidden antennas and cabling at select locations in the mall with amplifier equipment that would fit in a small equipment closet.
119. The director of Montclair Plaza security shall submit an updated report of surveillance cameras located throughout the Plaza to the Plaza management group and the Chief of Police.
120. The Montclair Plaza management group and director of Plaza security shall work with the Police Chief and the City Manager to discuss the need for an inside Plaza "Police Precinct" office that would be available to the public during normal operation hours.

SECTION 10. LOCATION AND CUSTODIAN OF RECORDS. The documents and materials associated with the project and the MND that constitute the record of proceedings on which these findings are based are located at Montclair City Hall, 5111 Benito Street, Montclair, CA 91763. The Community Development Director is the custodian of the record of proceedings.

SECTION 11. EFFECTIVE DATE. This Resolution shall become effective immediately upon its adoption.

SECTION 12. CERTIFICATION. The Secretary shall attest as to the adoption and execution of this Resolution and cause the same to be maintained in the permanent records of the City.

APPROVED AND ADOPTED THIS 27TH DAY OF APRIL, 2015.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: \_\_\_\_\_  
Tenice Johnson, Chair

ATTEST: \_\_\_\_\_  
Steve Lusto, 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 27th day of April, 2015, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

**EXHIBIT "A"**

**Mitigation Monitoring and Reporting Program**

## **4 Mitigation Monitoring Program**

The California Public Resources Code, Section 21081.6, requires that a lead or responsible agency adopt a mitigation monitoring plan when approving or carrying out a project when a Mitigated Negative Declaration (MND) identifies measures to reduce potential adverse environmental impacts. As lead agency for the project, the City of Montclair (City) is responsible for adoption and implementation of the mitigation monitoring and reporting program (MMRP).

The City has prepared a MND in conformance with Section 15070(b) of the State California Environmental Quality Act Guidelines. The purpose of the MND and the Initial Study Checklist/Environmental Evaluation is to identify any potentially significant impacts associated with the proposed project and incorporate mitigation measures into the project as necessary to eliminate the potentially significant effects of the project or to reduce the effects to a level of insignificance.

### **Purpose of the Mitigation Monitoring and Reporting Program (MMRP)**

The purpose of the MMRP is to ensure that the mitigation measures required by the MND for the Montclair Plaza Expansion/Enhancement Project (Project) are properly implemented. The City will monitor the mitigation measures required for construction of the Project. The MMRP Checklist provides a mechanism for monitoring the mitigation measures in compliance with the MND. General guidelines for the use and implementation of the monitoring program are described below.

### **Mitigation Monitoring Checklist**

The Mitigation Monitoring Checklist is organized by the time of implementation and by categories of environmental impacts. For each impact area, the impacts identified in the MND are summarized and the required mitigation measures are listed. The following items are identified for each mitigation measure to ensure the implementation of each measure: (1) responsibility for implementation and monitoring; (2) date of completion; and (3) initials of monitor. A "Comments" column is provided for the monitor to insert comments concerning the completion of the mitigation measures.

### **Timing**

The mitigation measures will be implemented at various times as construction proceeds. Some measures are implemented prior to the commencement of construction while others are completed during construction (e.g., during trenching and grading).

### **Responsibility**

For each mitigation measure, the responsible party for implementing the measure is identified. In most cases, the City is the responsible party. The entity responsible for monitoring the implementation is also identified. In most cases, the City is responsible for monitoring.

### **Verification of Completion**

The "Completion" columns have been left blank. The mitigation monitor will use these columns to indicate the date of completion, and to initial the completion of the mitigation measure.

### **Comments**

A comments column is included to provide space for the monitor to record notes and observations as needed.

Impact	Mitigation Measure	Time Frame of Mitigation				Implementing Agency	Monitoring Agency	Time Frame for verification		Date of Completion	Date of Verification	Comments
		Planning	Pre-Const.	During Const.	Post Const.			Monitor	Report			
<p>The Proposed Project would include lighting typical of retail malls of this size, including security lighting and illuminated walkways, building entrances and identification, parking areas, and driveways. The proposed lighting would be directed, oriented, and shielded to prevent light from shining onto the adjacent church, and school and nearby residences. While the lighting proposed by the project would increase lighting on the Project Site compared to current conditions, with implementation of MM-AES-1, the City would review the project lighting</p>	<p><b>MM-AES-1</b> The project applicant shall prepare lighting and signage plans for the Proposed Project depicting the proposed locations and heights of light poles and signs. Concurrent with the building permit submittal, the project applicant shall incorporate lighting design specifications to meet the City's minimum safety and security standards as outlined in the City's Building Security Requirements. The following measures shall be included in all lighting plans:</p> <ul style="list-style-type: none"> <li>• Luminaires shall be designed with cutoff-type fixtures or features that cast low-angle illumination to minimize incidental spillover of light onto adjacent private properties. Fixtures that shine light upward or horizontally shall not spill any light onto adjacent properties.</li> <li>• Luminaires shall provide accurate color rendering and natural light qualities. Low-pressure sodium and high-pressure sodium fixtures that are not color-corrected shall not be used, except as part of an approved sign or landscape plan.</li> </ul>	X				City of Montclair	City of Montclair					
<i>Aesthetics</i>												

Impact	Mitigation Measure	Time Frame of Mitigation				Implementing Agency	Monitoring Agency	Time Frame for verification		Date of Completion	Date of Verification	Comments
		Planning	Pre-Const.	During Const.	Post Const.			Monitor	Report			
and signage plan to ensure that lights are located, directed, and shielded in a manner that complies with City Codes and does not create a substantial new source of light to adjacent properties and would not adversely affect daytime or nighttime views in the area. Since project details are still being reviewed by the City, a lighting plan is yet to be finalized.	•Luminaire mountings shall be downcast and pole heights minimized to reduce potential for back scatter into the nighttime sky and incidental spillover light onto adjacent properties. The height of light poles shall be reviewed and approved by the City to ensure consistency with the City's Municipal Code requirements. Luminaire mountings shall be treated with non-glare finishes.											
Air Quality												
Regarding demolition activities, mitigation measure MM-HAZ-2 (see Section 3.8 Hazards and Hazardous Materials) would be implemented prior to demolition of existing structures which	See MM-HAZ-2		X	X		City of Montclair	City of Montclair					

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would require surveying of, and subsequent removal of, any identified asbestos-containing materials or lead based paint. Implementation of this mitigation measure would reduce impacts to a <b>less-than-significant level with mitigation incorporated</b> during construction, under both phases of the Proposed Project. No further mitigation is required.												
<b>Cultural Resources</b>												
While no archaeological resources were identified as a result of the records search or NAHC Sacred Lands File search, there is a possibility of encountering previously undiscovered archaeological resources at subsurface levels during ground-disturbing	<b>MM-CR-1</b> In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the Proposed Project, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, shall evaluate the significance of the find and determine whether or not additional study is warranted. Depending	X				City of Montclair	City of Montclair					

Impact	Mitigation Measure	Time Frame of Mitigation				Implementing Agency	Monitoring Agency	Time Frame for verification		Date of Completion	Date of Verification	Comments
		Planning	Pre-Const.	During Const.	Post Const.			Monitor	Report			
<p>activities associated with the Proposed Project. In the event that archaeological resources are encountered during construction activities of both phases of the Proposed Project, the following mitigation measure shall be implemented to ensure that impacts to archaeological resources are less-than-significant with mitigation.</p>	<p>upon the significance of the find as determined by the archaeologist, the archaeologist may decide to record the find and allow work to continue. If the discovery proves significant under CEQA, additional work such as preparation of an archaeological treatment plan, testing, or data recovery may be warranted. Preservation in place shall be the preferred means of mitigation, if determined to be feasible by the archaeologist and the City.</p>			X		City of Montclair	City of Montclair					
<p>A soils and geology report prepared by Geotechnologies, Inc. indicates that the project area is underlain by Quaternary-aged young alluvial fan deposits and is therefore unlikely to result in the loss of any unique geologic feature or paleontological</p>	<p>MM-CR-2 In the event that paleontological resources (fossil materials) are exposed during construction activities for the Proposed Project, all construction work occurring within 50 feet of the find shall immediately stop until a qualified paleontologist, as defined by the Society of Vertebrate Paleontology, can assess the nature and importance of the find. Depending upon the significance of the find, the paleontologist may record the find and</p>											

Impact	Mitigation Measure	Time Frame of Mitigation				Implementing Agency	Monitoring Agency	Time Frame for verification		Date of Completion	Date of Verification	Comments
		Planning	Pre-Const.	During Const.	Post Const.			Monitor	Report			
<p>resource. However, the possibility of a paleontological discovery cannot be discounted. In the event that paleontological resources are inadvertently encountered during construction activities of both phases of the Proposed Project, the following mitigation measure shall be implemented to ensure that impacts to paleontological resources or unique geological features are <b>less-than-significant with mitigation.</b></p>	<p>allow work to continue, or may recommend salvage and recovery of the resource. All recommendations will be made in accordance with the Society of Vertebrate Paleontology's 1995 guidelines and shall be subject to review and approval by the City. Work in the area of the find may only resume upon approval of a qualified paleontologist.</p>			X		City of Montclair	City of Montclair					
<p>There is no indication that human remains are present within the boundaries of the project area. In the unlikely event that excavation activities during both phases of the Proposed Project inadvertently</p>	<p>MM-CR-3 In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the County Coroner shall be notified within 24 hours of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has determined, within two working days of</p>											

Impact	Mitigation Measure	Time Frame of Mitigation				Implementing Agency	Monitoring Agency	Time Frame for verification		Date of Completion	Date of Verification	Comments
		Planning	Pre-Const.	During Const.	Post Const.			Monitor	Report			
discover buried human remains, implementation of MM-CR-3 would reduce potential impacts to a level considered less-than-significant with mitigation.	notification of the discovery, the appropriate treatment and disposition of the human remains. If the County Coroner determines that the remains are or are believed to be Native American, s/he shall notify the NAHC in Sacramento within 48 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant from the deceased Native American. The most likely descendant shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains.											
<b>Greenhouse Gas Emissions</b>												
As shown in Table GHG-2 (Estimated Annual Operational Greenhouse Gas Emissions (Unmitigated)), without mitigation, the Proposed Project would exceed the proposed 3,000 MT CO <sub>2</sub> E per year SCAQMD	MM-GHG-1 As part of the conditions of approval for the Proposed Project, the applicant shall reduce the Proposed Project's GHG emissions by 55% by implementing all of the following measures prior to the receipt of a Certificate of Occupancy for the Proposed Project (approximately 3,589 MT CO <sub>2</sub> E per year). Alternatively, the applicant may propose a comparable combination of	X					X	City of Montclair	City of Montclair			

<b>Impact</b>  GHG threshold for commercial projects. To mitigate for GHG emissions, the Proposed Project would implement mitigation measure <b>MM-GHG-1</b> , which would reduce GHG emissions to a level that is less than significant as shown in Table GHG-3 (Estimated Annual Operational Greenhouse Gas Emissions (Mitigated)).	<b>Mitigation Measure</b>  measures to reduce emissions by 55% from those delineated in CAPCOA's <i>Quantifying Greenhouse Gas Mitigation Measures</i> report (CAPCOA 2010), provided the applicant demonstrates that such combination of measures achieves a 55% reduction in overall GHG emissions. <ul style="list-style-type: none"> <li>• Install an on-site renewable energy system to provide at least 85% of the Proposed Project's energy demand (e.g. solar panel installations, rooftop wind turbines or other renewable energy system that would consistently supply the Proposed Project's energy use).</li> <li>• Exceed 2013 Title 24 building standards by 25%.</li> <li>• Use 100% reclaimed water.</li> <li>• Install water efficient irrigation systems for all outdoor water use.</li> <li>• Institute recycling and composting services to reduce waste generation by 20%.</li> <li>• Implement pedestrian network improvements such as interconnected street systems, narrower roadways and shorter block lengths, improved sidewalks, accessibility to transit and transit shelters.</li> </ul>	<table border="1"> <tr> <td rowspan="4" style="text-align: center;"><b>Time Frame of Mitigation</b></td> <td style="text-align: center;"><i>Planning</i></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;"><i>Pre-Const.</i></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;"><i>During Const.</i></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;"><i>Post Const.</i></td> <td></td> <td></td> <td></td> </tr> </table>				<b>Time Frame of Mitigation</b>	<i>Planning</i>				<i>Pre-Const.</i>				<i>During Const.</i>				<i>Post Const.</i>				<b>Implementing Agency</b>	<b>Monitoring Agency</b>	<b>Time Frame for verification</b>		<b>Date of Completion</b>	<b>Date of Verification</b>	<b>Comments</b>
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	street trees, public spaces (CAPCOA measure SDT-1; CAPCOA 2010). <ul style="list-style-type: none"> <li>Implement traffic calming measures such as marked crosswalks, count-down signal timers, curb extensions, speed tables, raised crosswalks, raised intersections, median islands, tight corner radii, roundabouts or mini-circles, on-street parking, planter strips with street trees, chicanes/chokers, and others (CAPCOA measure SDT-2; CAPCOA 2010).</li> </ul>											
Relatively small amounts of commonly used hazardous substances, such as gasoline, diesel fuel, lubricating oil, grease, and solvents would be used during demolition and construction of the Proposed Project. These materials would be transported and handled in accordance with all federal, state, and local	<p><b>MM-HAZ-1</b> Prior to approval of final construction plans, the City of Montclair, or its designee, shall prepare a construction health and safety plan which shall include the following components:</p> <ul style="list-style-type: none"> <li>The plan shall identify all hazardous materials that would be present on any portion of the construction site, including, but not limited to, fuels, solvents, and petroleum products. The plan shall address storage, use, transport, and disposal of each hazardous material anticipated to be used at the site. The plan shall establish inspection procedures, storage requirements, storage</li> </ul>	X				City of Montclair	City of Montclair					

Hazards and Hazardous Materials

Impact	Mitigation Measure	Time Frame of Mitigation				Implementing Agency	Monitoring Agency	Time Frame for verification		Date of Completion	Date of Verification	Comments
		Planning	Pre-Const.	During Const.	Post Const.			Monitor	Report			
<p>laws regulating the management and use of hazardous materials. Consequently, use of these materials for their intended purpose would not pose a significant risk to the public or environment. Once construction is complete, fuels and other petroleum products would no longer remain on-site. In order to ensure that hazards present on construction sites are managed appropriately, mitigation (MM-HAZ-1) is provided.</p> <p>Hazardous materials that could be used during operation of the Proposed Project may include chemical reagents, solvents, fuels, paints, grease, cleaning solvents, fertilizers, and</p>	<p>quantity limits, inventory control, non-hazardous product substitutes, and disposition of excess materials.</p> <ul style="list-style-type: none"> <li>The plan shall identify secondary containment and spill prevention countermeasures, as well as a contingency plan to identify potential spill hazards, how to prevent their occurrence, and responses for different quantities of spills that may occur. Secondary containment and countermeasures shall be in place throughout construction so that if any leaks or spills occur, responses would occur immediately.</li> <li>The plan shall identify materials (and their locations) that would be on site and readily accessible to clean up small spills (i.e., spill kit, absorbent pads, and shovels). Such emergency spill supplies and equipment shall be clearly marked and located adjacent to all areas of work and in construction staging areas. The plan shall identify the spill-response materials that must be maintained in vehicles and substation sites during construction and procedures for notification of the appropriate authorities.</li> </ul>											

<b>Impact</b>	<b>Mitigation Measure</b>	<b>Time Frame of Mitigation</b>				<b>Implementing Agency</b>	<b>Monitoring Agency</b>	<b>Time Frame for verification</b>		<b>Date of Completion</b>	<b>Date of Verification</b>	<b>Comments</b>				
								<i>Planning</i>	<i>Pre-Const.</i>				<i>During Const.</i>	<i>Post Const.</i>	<i>Monitor</i>	<i>Report</i>
miscellaneous organics and inorganics that are used as part of building and grounds maintenance as well as vehicle maintenance. The project applicant would be required to comply with all federal, state, and local laws regulating the management, use, storage, and transportation of hazardous materials. Through compliance with local, state, and federal regulations, implementation of both phases of the Proposed Project would not create a significant hazard to the public or to the environment through the routine transport, use, or disposal of hazardous materials. As such,	The plan shall identify adequate safety and fire suppression devices for construction-related activities involving toxic, flammable, or explosive materials (including refueling construction vehicles and equipment). Such devices shall be readily accessible on the Project Site, as specified by the State Fire Marshal and per the California Building Code and California Fire Code. The plan shall be included as part of all contractor specifications and final construction plans to the satisfaction of the City. The plan shall also identify requirements for notices to federal and local emergency response authorities, and shall include emergency response plans.															

Impact	Mitigation Measure	Time Frame of Mitigation				Implementing Agency	Monitoring Agency	Time Frame for verification		Date of Completion	Date of Verification	Comments
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Impacts are considered less than significant with mitigation incorporated.												
The existing retail buildings were constructed in 1968 with refurbishments in the mid 1980s. Due to the age of the on-site structures, lead-based paint and asbestos-containing materials may be present. Since painted surfaces will be disturbed during future demolitions, it is recommended that testing of any painted surfaces for lead-based paint occur prior to any disturbance given the age of the on-site structures (mitigation	<b>MM-HAZ-2</b> Prior to demolition activities, a lead-based paint and asbestos survey shall be conducted for the on-site structures, with the exception of the former Broadway building, which has been abated. Should lead-based paint or asbestos-containing materials be identified during the surveys, abatement and removal of the lead-based paint and asbestos-containing materials shall be conducted in accordance with applicable local, state, and federal guidelines.		X	X		City of Montclair	City of Montclair					

1 On page 1, Section 1.1 and page 5, Section 3.1 of the Phase I ESA (provided as part of Appendix E), it is incorrectly stated that refurbishments to the existing retail buildings occurred in 1997. Refurbishments to the mall occurred in the mid-1980s.

Impact	Mitigation Measure	Time Frame of Mitigation				Implementing Agency	Monitoring Agency	Time Frame for verification		Date of Completion	Date of Verification	Comments
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measure MM-HAZ-2). It should be noted that the former Broadway building scheduled for demolition in Phase 1 of the Proposed Project was abated for asbestos in the past decade. Based on the above discussion, implementation of both phases of the Proposed Project would result in a less-than-significant impact with mitigation incorporated.												
Noise												
Implementation of both phases of the Proposed Project would result in two primary types of potential noise impacts: short-term (i.e., temporary) noise during construction and long-term noise during	MM-NO-1 In order to reduce impacts related to heavy construction equipment moving and operating on-site during Phase I and Phase II of the Proposed Project, the following measures shall be incorporated by the City of Montclair as conditions on permits: <ul style="list-style-type: none"> <li>All construction equipment, fixed or mobile, shall be equipped with properly</li> </ul>	X	X			City of Montclair	City of Montclair					

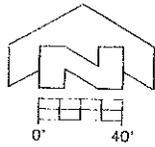
<b>Impact</b> continued operation of Montclair Plaza. On-site noise-generating activities associated with both phases of the Proposed Project (Phase I and Phase II) would include short-term construction and demolition activities as well as long-term operational noise associated with the continued operation of the Proposed Project. All phases of the Proposed Project would also generate off-site traffic noise along various roadways in the area.	<b>Mitigation Measure</b> operating and maintained mufflers. <ul style="list-style-type: none"> <li>Construction noise reduction methods, such as shutting off idling equipment, maximizing the distance between construction equipment staging areas and occupied sensitive receptor areas, and using electric air compressors and similar power tools rather than diesel equipment, shall be used.</li> <li>During construction, stationary construction equipment shall be placed such that noise is directed away from or shielded from sensitive noise receptors.</li> <li>During construction, stockpiling and vehicle staging areas shall be located far from noise-sensitive receptors.</li> <li>The project shall be in compliance with the City's Noise Ordinance (Montclair Municipal Code Chapter 6.12). Noise sources associated with construction, repair, remodeling, or grading of any real property are exempt, provided said activities do not take place between the hours of 8:00 p.m. and 7:00 a.m. on any given day and provided that the City Building Official determines that the public health and safety will not be impaired.</li> </ul>					<b>Implementing Agency</b>	<b>Monitoring Agency</b>			<b>Date of Completion</b>	<b>Date of Verification</b>	<b>Comments</b>		
		<b>Time Frame of Mitigation</b>		<i>Planning</i>									<b>Time Frame for verification</b>	
				<i>Pre-Const.</i>										
				<i>During Const.</i>										
		<i>Post Const.</i>				<i>Monitor</i>	<i>Report</i>							

Impact	Mitigation Measure	Time Frame of Mitigation				Implementing Agency	Monitoring Agency	Time Frame for verification		Date of Completion	Date of Verification	Comments
		Planning	Pre-Const.	During Const.	Post Const.			Monitor	Report			
<p>The nearest off-site sensitive receptors to project construction work during Phase I would be single-family residences located approximately 550 feet north of the project's construction area. The nearest off-site sensitive receptors to project construction work during Phase II would be the Unitarian Universalist Congregation and International Montessori School located approximately 40 feet west of the project's construction area. Routine noise levels from conventional construction activities (with a typical number of three to four pieces of equipment operational on the site) range from 75 to 86 dBA<sub>Leq</sub> at a distance of</p>	<p><b>MM-NO-2</b> The project applicant shall notify nearby property owners, including residences north, northwest and west of the Project Site and the Unitarian Universalist Congregation and International Montessori School, of the construction activities and construction hours proposed to occur on the Project Site, as well as provide contact information in the event a property owner or residence has noise complaint issues. Additionally, construction hours, allowable workdays, and the phone number of the job superintendent and City Code Enforcement shall be clearly posted at all construction entrances to allow surrounding property owners and residents to contact the job superintendent. Upon receipt of a complaint, the job superintendent shall respond to the complainant, investigate to ensure a good understanding of the specifics of the complaint, and coordinate with City staff to resolve the issues by ensuring that the measures listed above in <b>MM-NO-1</b> are being implemented.</p>		X	X		City of Montclair	City of Montclair					

<b>Impact</b> 50 feet. Due to improvements in construction equipment silencing technology, these sound levels are 3 decibels (dB) lower than the noise levels reported in the 1971 reference study. The typically quietest phase of building site construction for similar projects is that associated with constructing foundations (75 dBAL <sub>eq</sub> at a distance of 50 feet), and the typically loudest phases, producing 86 dBAL <sub>eq</sub> at 50 feet, are those associated with grading and finishing activities. Noise levels from construction activities generally decrease at a rate of 6 dB per doubling of distance away from the activity.	<b>Mitigation Measure</b>					<b>Time Frame of Mitigation</b>		<b>Implementing Agency</b>	<b>Monitoring Agency</b>	<b>Time Frame for verification</b>		<b>Date of Completion</b>	<b>Date of Verification</b>	<b>Comments</b>		
						Planning	Pre-Const.			During Const.	Post Const.				Monitor	Report

Impact	Mitigation Measure	Time Frame of Mitigation				Implementing Agency	Monitoring Agency	Time Frame for verification		Date of Completion	Date of Verification	Comments	
		Planning	Pre-Const.	During Const.	Post Const.			Monitor	Report				
<p>Traffic associated with the proposed parking garage structures and surface parking noise would not be of sufficient volume to exceed community noise standards based on a time-averaged scale such as community noise equivalent level (CNEL) or Leq (MestreGreve Associates 2011). However, the instantaneous maximum sound levels generated by a car door slamming, an engine starting up, or cars passing by could be annoying to people at the Unitarian Universalist Congregation and International Montessori School (the closest sensitive receptors during either phase of</p>	<p><b>MM-NO-3</b> In order to reduce noise effects from the proposed parking facilities at nearby noise-sensitive land uses, mitigation measures such as the following shall be incorporated into the design of the parking structures: requirement of pavement treatments to reduce or eliminate tire squeal, administrative measures such as restricted speed limits and active enforcement thereof, or restricted parking hours. All noise mitigation measures shall be subject to review and approval by the City.</p>	X				X							
						City of Montclair	City of Montclair						

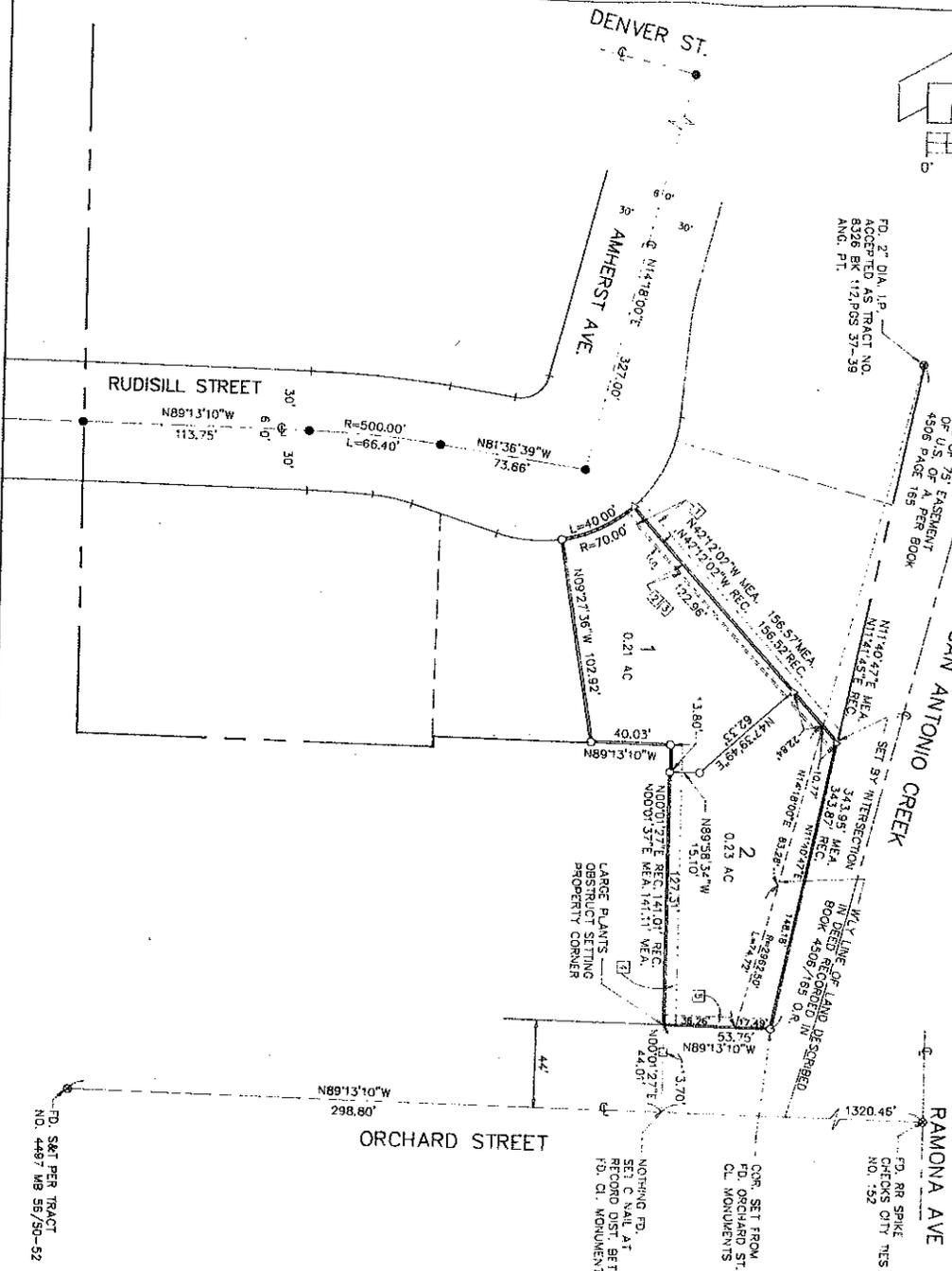
<b>Impact</b> construction). Tire squeal associated with any parking structures likely would not be a factor, as the parking structures would be designed and conditioned to include surfaces that reduce noise generated by tire squeal.	<b>Mitigation Measure</b>					<b>Time Frame of Mitigation</b>	<i>Planning</i>		<b>Implementing Agency</b>	<b>Monitoring Agency</b>	<b>Time Frame for verification</b>	<i>Pre-Const.</i>		<i>During Const.</i>		<i>Post Const.</i>		<b>Date of Completion</b>	<b>Date of Verification</b>	<b>Comments</b>



**PARCEL MAP NO. 15126**  
**IN THE CITY OF MONTCLAIR**  
**COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.**

BEING A SUBDIVISION OF LOT 16 OF TRACT NO. 8326, CITY OF MONTCLAIR  
 AS PER MAP RECORDED IN BOOK 112, PAGES 37-39 OFFICIAL RECORDS  
 OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA.

C.T.K. INC.



**EASEMENT NOTES**

1. 10' EASEMENT TO THE CITY OF MONTCLAIR PER TRACT NO. 8326 BOOK 112/37-39 O.R.
2. EASEMENT TO SOUTHERN CALIFORNIA EDISON PER BOOK 7841/641 O.R.
3. EASEMENT TO GENERAL TELEPHONE COMPANY OF CALIFORNIA BOOK 7850/940 O.R.
4. EASEMENT TO SOUTHERN CALIFORNIA EDISON PER BOOK 4633/293 O.R.
5. EASEMENT FOR INSTALLATION AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES PER C.O.R.'S, RECORDED OCTOBER 29, 1971, BK 7784, PG 656 O.R.

**BASIS OF BEARINGS**

THE CENTERLINE OF AMHERST STREET WAS TAKEN AS HAVING A BEARING OF N 141°00' E PER TRACT NO. 8326, M.B. 112, PAGES 37-39.

**SURVEYOR'S NOTES**

- INDICATES FOUND S & T, R.C.E. 8205 PER TRACT NO. 8326, BK 112, PGS 37-39
- INDICATES SET 1" I.P. & TAG RCF 13669
- ⊙ INDICATES FOUND MONUMENT AS NOTED
- INDICATES SET LEAD AND TAG RCF 13669 ON PROLONGATION OF WEST PROPERTY LINE
- △ INDICATES SET LEAD AND TAG RCF 13669 ON CONCRETE SIDEWALK
- INDICATES THE BOUNDARY OF THE LOT BEING SUBDIVIDED BY THIS MAP