



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

REGULAR ADJOURNED MEETING
Monday, August 24, 2015
7:00 p.m.

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

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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 July 27 and August 10, 2015 Planning Commission meetings are presented for consideration.

5. ORAL AND WRITTEN COMMUNICATIONS ON NON-AGENDA ITEMS

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

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

6. AGENDA ITEMS

- a. PUBLIC HEARING - CASE NUMBER 2015-9
Project Address: 10998 Central Avenue
Project Applicant: Montclair Holdings, LLC
Project Planner: Steve Lustro, AICP,
Community Development Director
Request: General Plan Land Use Map Amendment,
Zoning Map Amendment, Tentative Tract
Map, and Precise Plan of Design
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 September 14, 2015 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California.

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 August 20, 2015.

Report on Item Number 6.a

PUBLIC HEARING - CASE NUMBER 2015-9

APPLICATION TYPE(S)	General Plan Amendment, Zoning Map Amendment, Tentative Tract Map and Precise Plan of Design
NAME OF APPLICANT	Montclair Holdings, LLC
LOCATION OF PROPERTY	10998 Central Avenue
GENERAL PLAN DESIGNATION	General Commercial
ZONING DESIGNATION	"R-1(20)" (Single-Family Residential, minimum 20,000 square-foot lot area)
EXISTING LAND USE	Vacant land
ENVIRONMENTAL DETERMINATION	Mitigated Negative Declaration
PROJECT COORDINATOR	Steve Lustro

Applicant's Proposal

The applicant is requesting approval of a General Plan Amendment, Zoning Map Amendment, Tentative Tract Map, and Precise Plan of Design for 1.07 acres on the west side of Central Avenue, approximately 450 feet south of Mission Boulevard, to develop a 13-unit detached residential condominium project pursuant to the City's multiple-family residential standards. The components of the project are as follows:

General Plan Amendment

The applicant is requesting that the General Plan designation for the subject 1.07 acres be changed from "General Commercial" to "Medium-Density Residential" (8-14 dwelling units per acre).

Zoning Map Amendment

The applicant is also requesting an amendment to the City's Official Zoning Map for the same acreage from the current "R-1(20)" (Single-Family Residential, minimum 20,000 square-foot lot area) designation to "R-3" (Medium-High Density Residential).

Tentative Tract Map

To facilitate development of the property, the applicant is requesting approval of Tentative Tract Map No. 19971, which would create a single lot for residential condominium purposes, along with associated common areas for driveways, parking areas, landscaped areas, walkways, and community facilities that would include barbecues and tot lot.

Precise Plan of Design

The applicant has provided a detailed submittal package for the Commission's review, described as follows:

Site Plan

The proposed project would have a single, gated access from Central Avenue to serve all of the residential units. Each of the units is proposed with an attached, two-car garage that would be accessed from the main east-west driveway extending the length of the project site. An additional 18 uncovered parking spaces would be provided throughout the site, 13 of which would be numbered and assigned to specific units, with the remaining five reserved for guests. Each unit would front onto one of two landscaped paseos with a meandering walkway, each of which would extend the length of the site adjacent to the northerly and southerly project boundaries. Proposed site amenities include barbecues and a tot lot.

Each unit is proposed with a zero lot line on one side, which limits window openings on that side to the second floor only. This arrangement provides each unit with between 7 and 11½ feet of private "side yard" space behind a fence and gate for personal use. A single community trash enclosure is proposed at the west end of the main driveway.

The community would be enclosed by a decorative masonry wall, 7'-6" in height, along its northern, eastern, and southern boundaries. The existing masonry wall along the project site's westerly boundary is anticipated to remain in place with no modifications. A 3'-6" high continuous courtyard wall is proposed to extend along the front of each unit to provide a separation between the common area paseo and small front yard area of each residence.

Floor Plans

Three, two-story floor plans are proposed for the development, each of which focuses the active living spaces (great room and kitchen) on the ground floor and the personal, family spaces (bedrooms, full baths, and laundry area) on the second floor. Plan 1 is three bedrooms and two and one-half baths containing 1,685 square feet of living space, a 472 square-foot attached garage, and a covered front porch ranging from 28 to 60 square feet (depending upon elevation). Plan 2 has three bedrooms, two and one-half baths, a second floor loft, and a 424 square-foot attached garage. At 2,051 square feet of living space, Plan 3 is the largest model, containing four bedrooms, two and one-half baths, a 434 square-foot attached garage, and a front porch that ranges in size from 27 to 107 square feet.

Elevations

The applicant is proposing three distinct architectural elevations for the project. The "Spanish" elevation features stucco finishes, window surrounds, polyurethane shutters, exposed rafter tails, a ceramic tile surround at the arched main entry, divided-light

glazing, and a concrete "S"-tile roof. The "Craftsman" elevation is characterized by horizontal siding, vertical board-and-batten siding, exposed rafter tails and outlookers, divided-light over single-light glazing, tapered columns atop stone bases at the front porch, and flat concrete tile roofs. The "Country" elevation has stucco finishes, horizontal wood siding, polyurethane shutters, brick veneer, divided-light glazing, window surrounds, exposed outlookers, decorative corbels, and flat concrete tile roofs.

Landscaping

The applicant is proposing landscape areas along the north and south paseos and in small pockets along the main driveway. Landscaping would consist of drought-tolerant trees, shrubs, and ground covers. Irrigation would be provided via drip and/or a subsurface system. No turf areas are proposed as part of the conceptual landscape plan.

Background

The subject property was annexed into the City of Montclair in April 1981 as part of Annexation No. 14. Based on historical aerial photography, the property was used for agricultural purposes until at least the mid-1950s and a single-family home was located along the site's southerly boundary until its demolition in 1987. The area immediately to the west of the subject site is zoned "R-3" and is developed with condominiums and townhomes constructed in the mid-1980s.

Planning Division Comments

Staff supports the requested change in the land use designation of the site for a number of reasons. While the property is nearly 300 feet in depth, it is only 159 feet in width, making it difficult to accommodate most types of commercial development; the mid-block location makes the property less attractive to commercial credit tenants than would be a location at a major, signalized intersection; and multi-family development currently exists immediately adjacent to the westerly boundary of the property. Accordingly, staff supports the applicant's requests to amend the General Plan Land Use Map and the City's Official Zoning Map to accommodate the proposed development. At 12.15 units per acre, the project is consistent with the General Plan's "Medium-Density Residential" designation, which calls for 8 to 14 dwelling units per acre. Similarly, the proposed density complies with Chapter 11.22 of the Montclair Municipal Code, which allows for a density up to 20 units per acre on parcels of five acres or less.

Staff also supports the applicant's request for the Tentative Tract Map to accommodate the residential condominium development. Unlike "first generation" condominiums characterized by multiple dwelling units sharing common walls within a single building, the proposed project is designed more akin to a traditional zero-lot line development where each dwelling unit is detached from the neighboring unit. While a homeowners association would be established for the purpose of maintaining the community's common area landscaping, driveways, parking areas, and community facilities, each

property owner would be responsible for maintaining the exterior of their respective residences, including paint and roofs, in compliance with the community's Covenants, Conditions, and Restrictions (CC&Rs).

Because of the configuration and location of the property, site planning options for the property were limited. However, the project has gone through multiple iterations in order to satisfy the requirements of various City departments. Because of its location along a major arterial roadway, staff supports the applicant's proposal to gate guard the community in order to limit access to residents and guests. Gate access for emergency responders would be required to be provided to the satisfaction of the Police and Fire Departments.

Staff finds the 18 uncovered parking spaces required for the project to be sufficiently distributed throughout the project site. Thirteen of the 18 spaces would be reserved and assigned to each of the residences, while the remaining five spaces would be designated for guest parking. Staff has included a condition of approval that the resident spaces be appropriately designated through signage and/or curb/pavement stenciling as reserved parking and that the same be done for guest parking.

Staff finds the pedestrian paseos along the northerly and southerly boundaries of the property to be a unique idea that would also encourage and facilitate walking within the community. The front entrance to each residence would be accessed by either the north or south paseo. Additionally, the community facilities, which would include a barbecue area and tot lot, are centrally located for all residents.

Staff believes the three proposed floor plans are well thought out and functional, with the active, waking hour living spaces on the ground floor and the personal family spaces (bedrooms and full baths) on the second floor. Staff is pleased to see the applicant incorporate the laundry area into the second floor layout, a practical change that has become more common in recent years and seemingly popular with homebuyers. Another contemporary change is the migration away from a formal living room/dining room arrangement to a single great room, which allows residents the ability to furnish and arrange according to their preferences and lifestyle.

The three proposed architectural styles are well conceived and adequately detailed. The "Spanish" elevation includes an arched front door opening, concrete "S"-tile roof, shutters, and upper and lower trim at each window. The "Craftsman" style appropriately incorporates such elements as horizontal and board-and-batten siding, exposed rafter tails and outlookers, divided-light over single-light glazing, flat concrete tile roofs, and tapered columns at the front porch. The "Country" elevation features brick accents, full window surrounds, shutters, exposed outlookers, decorative corbels, horizontal siding at the gables, and flat concrete roofs. Based on past experience and observations, staff has included a condition of approval that requires any stucco-over-foam trim, surrounds, and projections on the ground floor to have the same rigidity and durability as the remainder of the exterior walls in order to avoid accidental damage.

The conceptual landscape plan indicates the use of low maintenance and drought-tolerant plant materials in all of the project common areas in compliance with the City's Water-Efficient Landscaping and Conservation Ordinance, including the incorporation of an efficient irrigation system. During the plan check process, staff will require a detailed planting plan that not only complies with the Montclair Municipal Code, but is also consistent with the requirements of the approved Water Quality Management Plan (WQMP) for the project.

Environmental Assessment

An Initial Study was prepared for the project and released for public review and comment on July 24, 2015. Based on the findings of the Initial Study, staff has determined that the project could have a potential significant adverse environmental impact unless reduced to a level of less than significance by the implementation of proposed mitigation measures. Areas identified as subject to potential environmental impacts were Air Quality (short term during site preparation), Cultural Resources, Greenhouse Gas Emissions, Noise (short term during construction), and Transportation/Traffic. Therefore, a Mitigated Negative Declaration is proposed for the project.

Public Notice and Comment from Adjoining Property Owners

Availability of the Initial Study and notice of the public hearing was advertised in the Inland Valley Daily Bulletin newspaper on July 24, 2015, and mailed to property owners within a 300-foot radius of the exterior boundaries of the project site in accordance with State law for consideration of these discretionary entitlements. At the time this report was prepared, no inquiries had been received by staff regarding this proposal.

Planning Division Recommendation

Staff finds the proposed General Plan and Zoning Map Amendments, Tentative Tract Map and Precise Plan of Design to be consistent with City policy and would result in compatible land uses and the addition of quality housing stock to the City's housing inventory. Accordingly, staff recommends approval of Case No. 2015-9 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 proposed land use amendments and the subsequent construction of the proposed 13-unit residential condominium project; 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 pay appropriate fees within five (5) days of this action.
- B. For the proposed land use amendments, make the following recommendations to the City Council:
1. Recommend approval of the proposed amendment to the General Plan land use designation of the subject property from "General Commercial" to "Medium Density Residential" (8-14 dwelling units per acre), per attached Planning Commission Resolution No. 15-1843; and
 2. Recommend approval of the proposed amendment to the Official Zoning Map from "R-1(20)" (Single-Family Residential, minimum 20,000 square-foot lot area) to "R-3" (Medium-High Density Residential), per attached Planning Commission Resolution No. 15-1844.
- C. For the project, take the following actions:
1. Recommend City Council approval of Tentative Tract Map No. 19971, subdividing the subject property for a 13-unit residential condominium project, along with associated common areas for driveways, parking areas, landscaped areas, walkways, and community facilities, finding that the map is consistent with the Montclair Municipal Code and the State Subdivision Map Act.
 2. Approve the Precise Plan of Design for the site plan, elevations, conceptual colors and materials, and conceptual landscape plan associated with the proposed 13-unit residential condominium development and associated on- and off-site improvements per the submitted plans and as described in the staff report, subject to the conditions in Planning Commission Resolution No. 15-1845.

Respectfully Submitted,



Steve Lustro, AICP
Community Development Director

c: Patrick Diaz, Crestwood Communities
Daniel Kashani, Montclair Holdings, LLC

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RESOLUTION NO. 15-1843

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION OF 1.07 ACRES OF LAND AT 10998 CENTRAL AVENUE FROM "GENERAL COMMERCIAL" TO "MEDIUM-DENSITY RESIDENTIAL (8-14 DU/AC)" TO FACILITATE CONSTRUCTION OF A 13-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT THEREON (APN 1011-334-03)

A. Recitals.

WHEREAS, Montclair Holdings, LLC (property owner), on behalf of Crestwood Communities, has filed an application for a General Plan Amendment under Case No. 2015-9; and

WHEREAS, the application for said General Plan Amendment applies to a 1.07-acre site located on the west side of Central Avenue approximately 450 feet south of Mission Boulevard, commonly known as 10998 Central Avenue; and

WHEREAS, the subject 1.07-acre site is currently designated by the General Plan as "General Commercial" and is vacant and undeveloped; and

WHEREAS, the applicant has submitted concurrent applications requesting a Zoning Map Amendment, Tentative Tract Map, and Precise Plan of Design for the subject site to change the land use designation of the site from "R-1(20) (Single-Family Residential, minimum 20,000 square-foot lot area) to "R-3" (Medium-High Density Residential), and to subdivide the property to construct 13 detached residential condominiums; and

WHEREAS, the above-referenced site is illustrated on the attached Exhibit "A," a map incorporated herein by reference; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the City prepared an Initial Study (IS) for the General Plan Amendment, Zoning Map Amendment, Tentative Tract Map, and Precise Plan of Design and released it for public review and comment on July 24, 2015. Based on the findings of the Initial Study, staff has determined that, although the proposed project could have a significant effect on the environment, there will not be a significant effect because revisions in the project have been made by or agreed to by the project proponent. Therefore, a Mitigated Negative Declaration (MND) is proposed for the project; and

WHEREAS, on July 24, 2015, the Notice of Availability of the IS/MND was filed with the San Bernardino County Clerk of the Board; and

WHEREAS, the minimum 21-day public review period for the IS/MND commenced on July 24, 2015 and concluded on August 24, 2015; and

WHEREAS, copies of the IS/MND were available during the public review period at the Community Development counter at City Hall; and

WHEREAS, public notice of this item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on July 24, 2015; and

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

WHEREAS, the Planning Commission, as the responsible agency, reviewed and considered the environmental assessment based upon the findings in the Initial Study prepared for the project, and determined that there will be no significant impact on the environment as a result of the proposed amendment to the General Plan Map; and

WHEREAS, the Planning Commission finds there is no substantial evidence the project may have a significant effect on the environment, and directs staff to prepare a Mitigated Negative Declaration and a DeMinimis finding of no effect on fish and wildlife; and

WHEREAS, on August 24, 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 proposal were heard, and said application was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. This Commission recommends the City Council adopt Resolution No. 15-3094, amending the General Plan Land Use Map designation of the property associated with Case No. 2015-9 from "General Commercial" to "Medium-Density Residential (8-14 du/ac)."

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

APPROVED AND ADOPTED THIS 24TH DAY OF AUGUST, 2015.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, Chair

ATTEST: _____
Steve Lustro, Secretary

I, Steve Lustro, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 24th day of August, 2015, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

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Exhibit A
CASE NUMBER: 2015-9

PROJECT LOCATION: 10998 Central Avenue
ASSESSOR'S PARCEL NO.: 1011-334-03

PROPERTY OWNER: Montclair Holdings, LLC

General Plan Amendment	
<i>Existing</i>	<i>Proposed</i>
"General Commercial"	Medium-Density Residential (8-14 du/ac)



RESOLUTION NO. 15-1844

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING CITY COUNCIL APPROVAL OF AN AMENDMENT TO THE OFFICIAL ZONING MAP CHANGING THE ZONING DESIGNATION OF 1.07 ACRES OF LAND AT 10998 CENTRAL AVENUE FROM "R-1(20)" (SINGLE-FAMILY RESIDENTIAL, MINIMUM 20,000 SQUARE-FOOT LOT AREA) TO "R-3" (MEDIUM-HIGH DENSITY RESIDENTIAL) TO FACILITATE CONSTRUCTION OF A 13-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT THEREON (APN 1011-334-03)

A. Recitals

WHEREAS, Montclair Holdings, LLC (property owner), on behalf of Crestwood Communities, has filed an application for an amendment to the City's Official Zoning Map under Case No. 2015-9; and

WHEREAS, the application for said zone change applies to a 1.07-acre site located on the west side of Central Avenue approximately 450 feet south of Mission Boulevard, commonly known as 10998 Central Avenue; and

WHEREAS, the subject 1.07-acre site is currently zoned "R-1(20)" (Single-Family Residential, minimum 20,000 square-foot lot area) and is vacant and undeveloped; and

WHEREAS, the applicant has submitted concurrent applications requesting a General Plan Land Use Map Amendment, Tentative Tract Map, and Precise Plan of Design for the subject site to construct 13 detached residential condominiums; and

WHEREAS, the above-referenced site is illustrated on the attached Exhibit "A," a map incorporated herein by reference; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the City prepared an Initial Study (IS) for the General Plan Amendment, Zoning Map Amendment, Tentative Tract Map, and Precise Plan of Design and released it for public review and comment on July 24, 2015. Based on the findings of the Initial Study, staff has determined that, although the proposed project could have a significant effect on the environment, there will not be a significant effect because revisions in the project have been made by or agreed to by the project proponent. Therefore, a Mitigated Negative Declaration (MND) is proposed for the project; and

WHEREAS, on July 24, 2015, the Notice of Availability of the IS/MND was filed with the San Bernardino County Clerk of the Board; and

WHEREAS, the minimum 21-day public review period for the IS/MND commenced on July 24, 2015 and concluded on August 24, 2015; and

WHEREAS, copies of the IS/MND were available during the public review period at the Community Development counter at City Hall; and

WHEREAS, public notice of this item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on July 24, 2015; and

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

WHEREAS, the Planning Commission, as the responsible agency, reviewed and considered the environmental assessment based upon the findings in the Initial Study prepared for the project, and determined that there will be no significant impact on the environment as a result of the proposed amendment to the City's Official Zoning Map; and

WHEREAS, the Planning Commission finds there is no substantial evidence the project may have a significant effect on the environment, and directs staff to prepare a Mitigated Negative Declaration and a DeMinimis finding of no effect on fish and wildlife; and

WHEREAS, on August 24, 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 proposal were heard, and said application was fully studied.

B. Resolution.

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

1. This Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. This Commission recommends the City Council adopt Resolution No. 15-3095, amending the City's Official Zoning Map designation of the property associated with Case No. 2015-9 from "R-1(20)" (Single-Family Residential, minimum 20,000 square-foot lot area) to "R-3" (Medium-High Density Residential).

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

APPROVED AND ADOPTED THIS 24TH DAY OF AUGUST, 2015.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, Chair

ATTEST: _____
Steve Lustro, Secretary

I, Steve Lustro, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting of the Planning Commission conducted on the 24th day of August, 2015, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SL\2015\2015-9PC ZC RESO 15-1844

Exhibit A
CASE NUMBER: 2015-9

PROJECT LOCATION: 10998 Central Avenue
ASSESSOR'S PARCEL NO.: 1011-334-03

PROPERTY OWNER: Montclair Holdings, LLC

Official Zoning Map Amendment	
<i>Existing</i>	<i>Proposed</i>
"R-1(20)" (Single-Family Residential, minimum 20,000 square-foot lot area)	"R-3" (Medium-High Density Residential)



RESOLUTION NO. 15-1845

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING CITY COUNCIL APPROVAL OF TENTATIVE TRACT MAP NO. 19971, AND APPROVAL OF A PRECISE PLAN OF DESIGN UNDER CASE NUMBER 2015-9 FOR THE SITE PLAN, FLOOR PLANS, ELEVATIONS, CONCEPTUAL COLORS AND MATERIALS, AND CONCEPTUAL LANDSCAPE PLAN FOR A PROPOSED 13-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT AT 10998 CENTRAL AVENUE (APN 1011-334-03).

A. Recitals.

WHEREAS, on June 1, 2015, Montclair Holdings, LLC, owner of property at 10998 Central Avenue, filed applications on behalf of Crestwood Communities for a Tentative Tract Map and Precise Plan of Design (PPD) under Case No. 2015-9, to construct a 13-unit residential condominium development on the subject site; and

WHEREAS, the subject applications apply to a 1.07-acre site located on the west side of Central Avenue approximately 450 feet south of Mission Boulevard, commonly known as 10998 Central Avenue; and

WHEREAS, the subject 1.07-acre site is currently zoned "R-1(20)" (Single-Family Residential, minimum 20,000 square-foot lot area) and is vacant and undeveloped; and

WHEREAS, the applicant has submitted concurrent applications requesting a General Plan Land Use Map Amendment and an amendment to the City's Official Zoning Map in order to facilitate construction of said project; and

WHEREAS, Tentative Tract Map No. 19971 would subdivide the subject 1.07-acre site into one (1) lot for condominium purposes; and

WHEREAS, the Precise Plan of Design pertains to the overall site plan, floor plans, elevations, conceptual colors and materials, and conceptual landscape plan associated with the 13-unit residential development; and

WHEREAS, staff has found that the subject proposal complies with the guidelines and development standards set forth in Chapter 11.22 of the Montclair Municipal Code; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the City prepared an Initial Study (IS) for the General Plan Amendment, Zoning Map Amendment, Tentative Tract Map, and Precise Plan of Design and released it for public

review and comment on July 24, 2015. Based on the findings of the Initial Study, staff has determined that, although the proposed project could have a significant effect on the environment, there will not be a significant effect because revisions in the project have been made by or agreed to by the project proponent. Therefore, a Mitigated Negative Declaration (MND) is proposed for the project; and

WHEREAS, on July 24, 2015, the Notice of Availability of the IS/MND was filed with the San Bernardino County Clerk of the Board; and

WHEREAS, the minimum 21-day public review period for the IS/MND commenced on July 24, 2015 and concluded on August 24, 2015; and

WHEREAS, copies of the IS/MND were available during the public review period at the Community Development counter at City Hall; and

WHEREAS, public notice of this item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on July 24, 2015; and

WHEREAS, on August 24, 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 proposal were heard, and said application was fully studied.

B. Resolution.

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

SECTION 1. Based on the entire record before the Planning Commission, all written and oral evidence presented to the Planning Commission, and the findings set forth in this Resolution, the Planning Commission recommends City Council approval of Tentative Tract Map No. 19971, and hereby approves a Precise Plan of Design under Case No. 2015-9, subject to the conditions of approval attached hereto in Exhibit "A".

SECTION 2. Pursuant to California Government Code Section 66410, *et seq.*, based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows with respect to the recommended approval of the Tentative Tract Map No. 19971:

- A. The proposed subdivision is designed, to the extent feasible, to provide for passive or natural heating or cooling opportunities. Proposed buildings on the site are generally oriented, spaced, and designed to allow for access to adequate light and air. Each unit will have operable windows to allow for passive cooling provided by seasonal winds. In addition, the project will provide walking paths, barbecue area, and a tot lot for use by the condominium residents while the private side yards on each lot will provide

adequate open space areas where trees and vegetation can provide shade, air filtering, and other environmental benefits.

- B. The proposed subdivision and the provisions for its design and improvement are consistent with the adopted General Plan and the Montclair Municipal Code. The Tentative Tract Map provides for land uses compatible with the proposed "R-3" zoning district. The overall goal of the General Plan is to promote good planning practices and orderly development within the City.
- C. The subject site is physically suitable for the type and density of development proposed given the overall size of the property. The site is 1.07 acres in area and is of a configuration that has sufficient width and depth to allow for orderly development as proposed with the project. The project site is also located adjacent to a fully improved arterial roadway that will provide safe access and allow for the development of appropriate internal pedestrian and vehicular circulation.
- D. The subdivision design and improvements proposed are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat. The site is surrounded by urban development and streets; does not contain any bodies of water; and is not linked to any wildlife corridors. The site does not contain any evidence of known habitats of significance including rare or endangered species of plant, animal, or insect life.
- E. The subdivision design and type of improvements proposed in the Tentative Tract Map are not likely to cause serious public health problems because all development and public improvements will be constructed per the requirements of all applicable standards and codes including the zoning and building codes. As a condition of approval, the applicant shall be required to comply with minimum interior noise standards for each residential dwelling unit.
- F. The subdivision design and type of improvements proposed in the Tentative Tract Map will not conflict with easements acquired by the public at large for access through or use of the subject site because no such easements exist on the subject site.
- G. The discharge of wastewater into the existing sanitary sewer system from the development proposed in the Tentative Tract Map will not cause a violation of existing requirements prescribed by the Regional Water Quality Control Board. The entire project will be required to connect to the City's sanitary sewer system pursuant to California Plumbing Code and Municipal Code requirements. A sewer main exists in Central Avenue adjacent to the property boundary to facilitate ease of connection.

SECTION 3. Based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission finds as follows with respect to the recommendation of approval of a Precise Plan of Design under Case No. 2015-9:

- A. The property is of a size and shape to support the proposed project. At 1.07 acres in area, the site is of sufficient size and shape to accommodate the proposed development as designed. The property is sited adjacent to a fully developed arterial roadway to allow for ease of access and vehicular circulation.
- B. The proposed project will not have an adverse impact on or substantially depreciate property values in the vicinity, unreasonably interfere with use and enjoyment of property in the vicinity, or endanger the public peace, health, safety, or general welfare. The residential development proposed for the site is consistent with the allowable uses of the proposed "R-3" zoning designation for the site.
- C. The project is well designed and promotes orderly development. The project is consistent with the development standards set forth in Chapter 11.22 of the Montclair Municipal Code for medium-to-high density residential development. Architectural details and materials are of a high quality and appropriate to the proposed architectural styles of the project. Proposed landscaping is well distributed around the site and designed to conserve water.

SECTION 4. Pursuant to Section 66412.3 of the Government Code, based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission finds the subdivision and improvements proposed help the City of Montclair to meet its regional housing needs by increasing the supply of homes within the City.

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

SECTION 6. Based upon the facts and information contained in the application, together with all written and oral reports included for the environmental assessment for the application, the Planning Commission finds that no subsequent or supplemental environmental document is required pursuant to CEQA in connection with the review and approval of this application based upon the following findings and determinations:

- A. The Planning Commission, as the responsible agency, reviewed and considered the environmental assessment based upon the findings in the Initial Study prepared for the project, and determined that there will be no significant impact on the environment as a result of the proposed Tentative Tract Map and Precise Plan of Design.
- B. The Planning Commission finds there is no substantial evidence the project may have a significant effect on the environment, and directs staff to prepare a Mitigated Negative Declaration and a DeMinimis finding of no effect on fish and wildlife.
- C. Based on these findings and all evidence in the record, the Planning Commission concurs with staff's determination that no additional environmental review is required pursuant to CEQA in connection with the City's consideration of Case No. 2015-9 for the 13-unit residential condominium development.

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

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

APPROVED AND ADOPTED THIS 24TH DAY OF AUGUST, 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 24th day of August, 2015, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

Z:\COMMDEV\SL\2015\2015-9 PC TTM-PPD RESO 15-1845

EXHIBIT A
Conditions of Approval
Case No. 2015-9

1. This approval is for the following:
 - a. Tentative Tract Map No. 19971, subdividing an existing 1.07-acre site into one (1) lot for residential condominium purposes and associated on- and off-site public improvements; and
 - b. A Precise Plan of Design (PPD) for the site plan, floor plans, elevations, conceptual colors and materials, and conceptual landscape plan associated with the construction of the 13 residential condominium dwelling units as described in the staff report and depicted on approved plans on file with the Planning Division.
2. Any modification, intensification, or expansion of the use beyond that which is specifically approved by the above-noted entitlements and that is not reflected in the map, plans, and drawings approved with this action shall require review and approval by staff, the Planning Commission, or the City Council as appropriate.
3. In the event that exhibits and written conditions are inconsistent, the written conditions shall prevail.
4. Within five days of City Council approval, the applicant shall submit the following payments to the Planning Division:
 - a. 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 (NOD) as required by the California Environmental Quality Act (CEQA).
 - b. A check payable to the "City of Montclair" to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law.
5. The applicant shall defend, indemnify, and hold harmless, the City of Montclair, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul any approval of the City, whether by its City Council, Planning Commission, or other authorized board or officer of this subdivision. Pursuant to California Government Code Section 66474.9, the subdivider and applicant also agrees to defend, indemnify, and hold harmless, the City of Montclair, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul any map approval of the City, whether by its City Council, Planning Commission, or other authorized board or officer of this subdivision, which action is brought within the

time period provided for in Government Code Section 66499.37. The City shall promptly notify the subdivider and applicant of any such claim, action, or proceeding; and the City shall cooperate fully in the defense.

6. Notice to Applicant/Subdivider: The conditions of approval for this project include certain fees, dedication requirements, reservation requirements, inclusionary housing requirements, and/or other exactions more specifically described in the conditions of approval herein. The subdivider/applicant is hereby notified that the 90-day protest period to challenge such items has begun as of the date of the project approval. For purposes of this notice, "project approval" shall mean the date that the Planning Commission approves the Precise Plan of Design for the project and recommends City Council approval of the Tentative Tract Map. All impact fees shall be due and payable at the time stated in the adopted ordinance, resolution or policy adopting and imposing such fees. If the applicant fails to file a protest regarding any of the fees, dedications, reservations, inclusionary housing requirements or other exaction requirements as specified in Government Code §66020, the subdivider/applicant shall be legally barred from later challenges.
7. The subdivider/applicant shall reimburse the City for the legal costs associated with the preparation/review of any agreements and covenants required by these conditions.

Tentative Map (Condominium Conditions)

Planning

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

12. Prior to approval of any final map for condominium purposes the applicant shall, at the applicant's expense, prepare and submit the following documents:

- a. Covenants, Conditions, and Restrictions (CC&Rs) for a condominium project to the Director of Community Development, in a form and content satisfactory to the Director of Community Development and City Attorney. The CC&Rs shall be reviewed by the Director of Community Development and City Attorney, at the applicant's expense, and shall, upon approval of the City, be recorded in the Office of the County Recorder of the County of San Bernardino prior to the sale of any condominium unit. At the time of initial submittal of the CC&Rs to the City for review, the applicant shall submit a cash deposit to the City in the amount of \$5,000 to be used to pay for fees and expenses related to City consultants, City Attorney, special legal counsel or other professional services necessary to review the CC&Rs. When the balance in the cash deposit account is reduced to \$2,500 or less, the City may require the applicant to deposit additional funds to cover any further estimated fees and expenses related to consultant or legal fees associated the project. Any unexpended amounts shall be refunded to the applicant within 120 days of a final inspection by the City.

The CC&Rs to be submitted to the City and recorded against the property shall state that the applicant/developer/homeowners association and a professional management company (upon sale of the units by the applicant/developer) shall be responsible for ongoing maintenance and management of all common area buildings and grounds within the Project including roadways, retaining walls, trash enclosures, drainage facilities, and water and sewer systems as described herein, as well as the management of all aspects of the condominium project.

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

- b. An economic feasibility study prepared by a qualified professional for review and approval by the Community Development Director illustrating that the homeowners association will be adequately funded to pay for regular ongoing expenses of the association, such as property management, landscape and common area facility maintenance, lighting, and irrigation, as well as long-term or unexpected maintenance and repair items, such as pavement repair and resurfacing, parking area striping,

tree removal/replacement, masonry wall repair or replacement, and painting of common area buildings.

Maintenance Obligations

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

- a. **Street Maintenance.** All private streets and driveways within the Condominium Development shall be owned by and the cost of repairing and maintaining them shall be borne by the applicant/developer/homeowners association and maintained by a professional management company. Private street maintenance shall be addressed in the CC&Rs and shall not be dedicated to the City for maintenance.
- b. **On-site Easements.** The cost of establishing any on-site easements shall be borne by the subdivider or successor(s) and the cost of maintaining any on-site easements shall be borne by the applicant/developer/homeowners association and maintained by a professional management company. All on-site easements shall be addressed in the CC&Rs and shall not be dedicated to the City.
- c. **Storm Drain Maintenance.** The on-site storm drainage system shall be owned by and the cost of repairing and maintaining it shall be borne by the applicant/developer/homeowners association and maintained by a professional management company. Maintenance of the storm drain system shall be addressed in the CC&Rs and shall not be dedicated to the City. The CC&Rs shall provide that the City has a right to make necessary repairs to any drainage facilities that are the responsibility of the applicant/developer/homeowners association and maintained by a professional management company, but creates nuisance conditions on property outside of the boundaries of the area owned by or under the control of the applicant/developer/homeowners association and maintained by a professional management company when said parties have been advised in writing of the need to make repairs and have not done so.
- d. **Parking Space Use and Maintenance.** All on-site resident and guest parking spaces, other than covered spaces attached to individual units, shall be owned by and the cost of repairing and maintaining them borne by the applicant/developer/homeowners association and maintained by a professional management company. Parking spaces, restrictions, and enforcement of the restrictions shall be addressed in the CC&Rs and shall not be dedicated to the City for maintenance. The CC&Rs shall include and provide for the expenses associated with the monitoring and towing of illegally parked vehicles owned by any member. The CC&Rs shall require compliance with the approved Parking Management Plan, approved by the Community Development Director. The Parking Management Plan

shall identify the assigned parking space(s) for every unit in the Project. With the exception of a garage attached to an identified unit, all parking spaces shall be identified as assigned to a specific unit number or shall be identified as a "Visitor" or "Guest" parking space. Identification of said uncovered parking spaces shall be clearly designated through signage and/or curb/pavement stenciling.

- e. On-site Parking. The CC&Rs shall stipulate that no utility trailers, commercial or construction vehicle of any length, watercraft, or recreational vehicles shall be permitted to be stored or parked overnight on any private street and/or parking areas within the complex. A "recreational vehicle" shall be generally defined as a motor home, travel trailer, truck camper, or camping trailer with or without motor power designed for human habitation for recreational or emergency occupancy.
- f. Lighting Maintenance. The applicant/developer/homeowners association, through a professional management company, shall be responsible for maintenance of exterior on-site lighting and shall promptly replace nonfunctioning lights and broken or damaged lighting devices and luminaires.
- g. Garage Use. The CC&Rs shall stipulate that garages shall, at all times, be available for the parking of vehicles assigned to units within the Project and in accordance with the approved Parking Management Plan. Storage within garages shall be allowed only to the extent such storage does not impede access to the parking space(s) within the garage.
- h. Additional Common Areas. In addition to the maintenance of the exterior of common area buildings and grounds within the Project including roadways, retaining walls, drainage facilities, and water and sewer systems as described herein, the CC&Rs shall provide for the continuing maintenance by the applicant/developer/homeowners association, through a professional management company, of all additional common areas and facilities including the private streets, auto courts, speed bumps, traffic control signs and devices, common landscaping and irrigation, including perimeter landscaping adjacent to the public streets, and all perimeter walls. All landscaped areas shall be maintained in accordance with the property maintenance standards contained in the Montclair Municipal Code.
- i. Security Requirements. Applicants/developers shall install/provide and maintain the following security and security monitoring measures during the term of the CC&Rs:
 - The applicant/developer/homeowners association shall develop a "Safety and Security Plan" acceptable to the Police Department which, at a minimum, shall include the placement, operation, and

maintenance of security cameras throughout the exterior of the Project.

- At any time during the term of the Agreement, should the calls for Police service or response at the Project exceed a level reasonably considered normal and customary for the size of the Project by the Police Chief during any consecutive two-month period, the applicant/developer/homeowners association shall be required to provide a State-licensed security patrol through a company retained by the homeowners association, through the property management company. Said State-licensed security patrol company shall be retained by the homeowners association, through the property management company, with the prior approval of the Police Chief, for a period of time to be determined by the Police Chief. The approval of such a State-licensed security company shall not be unreasonably withheld.

Management Obligations

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

- j. Certified Residential Management Company. Upon initiation and during the life of the homeowners association, said homeowners association shall be required to retain the services of a professional management company where a representative of that company is a California Certified Residential Property Manager. Any manager or management company retained to act as an agent of the homeowners association must obtain the prior written approval of the Police Chief, which approval shall not be unreasonably withheld or delayed, provided the person assigned from the management company is a California Certified Property Manager or an employee of a California Certified Property Manager.

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

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

- k. Management Obligations. The property management company shall maintain an adequate presence on-site as determined by the homeowners association Board of Directors to ensure that all rules and regulations are being followed and use of the facilities are managed. Should calls for Police service or response at the Project exceed a level reasonably considered normal and customary for the size of the Project by the Police Chief during any consecutive two-month period, the homeowners association shall be required to provide a State-licensed security patrol through a company retained by the homeowners association with the prior approval of the Police Chief for a period of time to be determined by the Police Chief. The approval of such a State-licensed security company shall not be unreasonably withheld.
- l. Registration and Management of Rentals. The applicant/developer/homeowners association, with its property management company, shall develop all rules, documents and procedures to assure all rental occupancies of units are professionally managed including but not limited to:
 - ✓ Application(s)
 - ✓ Crime Free Addendum and other required addenda to application
 - ✓ Tenant–screening tools including, but not limited to, (1) credit check including unlawful detainer; and (2) criminal background check
- m. Occupancy of Rented Units and Tenant Screening Requirements. Leases or rental agreements for the occupancy of individual units to persons not listed on the grant deed to the unit shall be prohibited unless such leases or rental agreements are managed by the property management company. All non-owner occupants, with the exception of minors, occupying a unit shall be required to complete a rental application and submit it to the property management company to initiate the tenant screening process. The tenant screening documents and procedures must receive the prior approval of the City. Any changes to the documents and procedures pertaining to the application and tenant screening procedures must receive the prior approval of the City.
- n. Compliance with Rules. Renters occupying units within the Project shall be subject to all rules and regulations developed by the applicant/developer/homeowners association and property management company. The applicant/developer/homeowners association, through its property management company, shall establish a warning and fine system for violation of the rules and regulations. The rules established by the

property management company for rental of units shall include provisions for eviction of tenants for violations of the rules and regulations of the project.

- o. Compliance with Parking Management Plan. The applicant/developer/homeowners association, through its property management company, shall develop and require compliance with an approved Parking Management Plan. The property management company shall be responsible for implementation of such Parking Management Plan. The Parking Management Plan shall include a record of the parking spaces assigned to individual units and an identification of visitor/guest parking spaces.
 - p. Fair Use of Common Recreational Facilities by Residents. The CC&Rs shall clearly delineate that all residents of the Project are permitted to use the common recreational facilities on the Project site.
13. The subdivider shall comply with the City's adopted inclusionary housing ordinance (Ordinance No. 05-866). The subdivider shall provide 15 percent required housing for low- to moderate-income households or remit the "in-lieu" fee adopted by the City Council and in effect at the time payment is due, pursuant to Section 11.81.100 of the Montclair Municipal Code. As currently interpreted by California case law, the Ordinance applies to new for-sale residential development or ownership conversions located within former redevelopment project area boundaries, but does not apply to the rental of such units prior to their sale as individual condominiums. Since the subject property lies within former City of Montclair Redevelopment Agency Redevelopment Project Area No. IV, the project shall be subject to the provisions of Ordinance No. 05-866, as such Ordinance may be interpreted by California law. The project and its conditions of approval have been evaluated and approved by the City, and accepted by the applicant, based on the interpretation of current California case law prohibiting the City's application of inclusionary housing requirements to the rental of Project units prior to their sale as individual condominiums. Applicant or its successor(s) or assign(s) shall obtain a vested right to rent all Project units pending their sale as individual condominiums upon the earlier of the following: (1) issuance of a Final Subdivision Public Report ("White Report") by the California Department of Real Estate (DRE) for the conversion of rental units to condominiums; or (2) initiation of construction pursuant to the first building permit issued for the Project. The developer shall agree to satisfy the requirements of Ordinance No. 05-866 through a separate and subsequent agreement approved and adopted by the City Council consistent with the terms of this Condition prior to the approval of a final map. Subject to the provisions of Condition No. 6 herein, the developer shall agree that approval by the City of the requested entitlements shall constitute in its entirety the City's compliance with the density bonus provision of Government Code Section 65915.

Precise Plan and Project Construction Conditions

14. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval, unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.
15. Approval of this PPD shall not waive compliance with any applicable regulations as set forth by the California Building Code and/or City Ordinances, the San Bernardino County Health Department, or the State of California.
16. Prior to the installation of any signs, the applicant shall submit an application for a Sign Program for the entire project to the Planning Division for review and approval. Prior to the installation of video surveillance cameras, the applicant shall submit a plan showing their location to the Chief of Police.
17. No changes to the approved set of plans, including the exterior design and materials/finishes, shall be permitted without prior City review and approval.
18. Prior to issuance of the first building permit, the applicant shall submit a wall/fence plan to the Planning Division for review and approval. The wall/fence plan shall address all details for all perimeter walls and fences and internal walls, fences, and gates. The applicant shall construct a 7'-6" high decorative masonry wall with 8'-0" pilasters along the northerly, easterly, and southerly boundaries of the site. Any modifications to the existing masonry wall along the project's westerly boundary shall be subject to review and approval by the Planning and Building Divisions. Double wall or fence/wall conditions shall not be permitted. The applicant shall be responsible for coordinating with the adjacent property owner(s) to the west regarding the replacement of property line walls, if required. Wall, fence, and gate heights, materials, and finishes shall be to the satisfaction of the City Planner.
19. Safety/security/street lighting shall be installed along all private driveways and pedestrian walkways. Luminaires shall be fitted with reflectors or refractors as necessary to control glare and nuisance light spill to residential units. Driveways and walkways shall not be illuminated via building-mounted luminaires. Lighting on private streets may be owned and maintained by the homeowners association or Southern California Edison.
20. The proposed locations for neighborhood mailboxes within the project shall comply with locational requirements set forth in Section 11.22.050 of the Montclair Municipal Code with respect to being within an enclosed building or a weather-protected location subject to City review and approval prior to

installation. The applicant shall also ascertain any requirements for such mailboxes from the United States Postal Service (USPS). The City acknowledges that proposed locations for neighborhood mailboxes shall be to the satisfaction of the USPS.

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

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

26. Pursuant to Section 11.60.240 of the Montclair Municipal Code, all landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency. A regular maintenance schedule shall be submitted to the City with the Certificate of Completion and a copy shall be kept by the homeowners association and property management company for reference.
27. Any plant material that does not survive or which was removed or destroyed shall be replaced upon its demise or removal with plant material of like type and size as that which was originally approved and installed.
28. Plant material shall not be severely pruned such that the natural growth pattern or characteristic form is significantly altered. Trees shall be pruned to ISA (International Society of Arboriculture) standards and only as necessary to promote healthy growth and for aesthetic purposes (i.e., to enhance the natural form of the tree). Improperly or severely pruned trees, including topping as defined by the Water Conservation Ordinance, which results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with trees of similar size and maturity as that which was removed or, as required by the Community Development Director.
29. Modifications to and/or removal of existing landscaping shall require prior approval by the Planning Division.
30. All landscaping on the project site shall be regularly maintained in a healthy and vigorous living condition at all times. This shall include proper pruning, weeding, removal of litter, fertilizing, and sufficient irrigation of all plants. Dead vegetation shall be promptly replaced with healthy, living plants in accordance with standard seasonal planting practices. The property owner shall also be responsible to keep the landscaped areas reasonably free of weeds, trash, and debris.
31. To ensure compliance with the conditions of approval, a final inspection is required from the Building and Planning Divisions upon completion of construction and all improvements. The applicant shall contact the City to schedule an appointment for such inspections.

Environmental – Initial Study Mitigation Measures

32. Air Quality (Mitigation Measure A) - Prior to the issuance of any Grading Permit, the Public Works Director/City Engineer and the Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SCAQMD Rule 403, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures, as specified in SCAQMD's Rules and Regulations. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from

creating a nuisance off-site. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors.

- All active portions of the construction site shall be watered every three hours during daily construction activities and when dust is observed migrating from the project site to prevent excess amounts of dust.
 - Pave or apply water every three hours during daily construction activities or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas. More frequent watering shall occur if dust is observed migrating from the site during disturbance.
 - Any on-site stockpiles of debris or on-site haul roads, dirt, or other dusty material shall be enclosed, covered, or watered twice daily or non-toxic soil binders shall be applied.
 - All grading and excavation operations shall be suspended when wind speeds exceed 25 miles per hour.
 - Disturbed areas shall be replaced with ground cover or paved immediately after construction is completed in the affected area.
 - Track-out devices such as gravel bed track-out aprons (3 inches deep by 25 feet long, 12 feet per lane and edged by rock berm or row of stakes) shall be installed to reduce mud/dirt track-out from unpaved truck exit routes. Alternatively, a wheel washer shall be used at truck exit routes.
 - On-site vehicle speed shall be limited to 15 miles per hour.
 - All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site.
 - Re-route construction trucks away from congested streets or sensitive receptor areas.
 - Dispose of surplus excavated material in accordance with local ordinances and use sound engineering practices.
 - Sweep all streets once per day if visible soil materials are carried to adjacent streets (recommended water sweepers using reclaimed water).
33. Air Quality (Mitigation Measure B) - All trucks that are to haul excavated or graded material on-site shall comply with State Vehicle Code Section 32114 (Spilling Loads on Highways), with special attention to Sections 32114(b)(F), (e)(4) as amended, regarding the prevention of such material spilling onto public

streets and roads. Prior to the issuance of grading permits, the applicant shall demonstrate to the Public Works Director/City Engineer how the project will be operated subject to the provisions set forth in Sections 23114(b)(F),(e)(4).

34. Air Quality (Mitigation Measure C) - All construction equipment used for the project shall be maintained in good operating condition so as to reduce operational emissions. The contractor shall ensure that all construction equipment is being properly serviced and maintained per manufacturers' specifications. Upon request, maintenance records shall be available at the construction site for City verification.
35. Air Quality (Mitigation Measure D) - All paints and coatings shall meet or exceed performance standards noted in SCAQMD Rule 1113. Paints and coatings shall be applied either by hand or high volume, low-pressure spray, or by using pre-coated/natural-colored building materials, water-based or low volatile organic compound (VOC) coating, and coating transfer or spray equipment with high transfer efficiency.
36. Cultural Resources (Mitigation Measure E) - The applicant/developer shall employ the services of a professionally qualified archaeologist on a limited basis to monitor the clearing, grubbing, over-excavation, and rough grading on the site. If no artifacts are found at the conclusion of those activities, monitoring may be terminated. If any prehistoric archaeological resources are encountered before or during grading, the developer will cooperate and coordinate with the archaeologist to take appropriate measures to protect or preserve them for study. With the assistance of the archaeologist, the City of Montclair will:
 - Enact interim measures to protect undesignated sites from demolition or significant modification without an opportunity for the City to establish its archaeological value.
 - Propose mitigation measures and recommend conditions of approval to eliminate adverse project effects on significant, important, and unique prehistoric resources, following appropriate CEQA guidelines, which may include the following:
 - Preservation in place of the resource;
 - Protection of the cultural character and integrity of the resource;
 - Protection of the traditional use of the resource;
 - Protection of the confidentiality of the resource; and
 - Creation of permanent conservation easements with culturally appropriate management criteria.

- Contact the Cultural Resources Director or other appropriate staff with the San Manuel Band of Mission Indians and Soboba Band of Luiseño Indians if it appears artifacts may be related to resources associated with those tribes.
 - Prepare a technical resources management report, documenting the inventory, evaluation, and proposed mitigation of resources within the project area. Submit one copy of the completed report with original illustrations, to the City of Montclair, which will then determine the location for permanent archiving.
37. Cultural Resources (Mitigation Measure F) - If any paleontological resource (i.e. plant or animal fossils) are encountered before or during grading, the developer will retain a qualified paleontologist to monitor construction activities, to take appropriate measures to protect or preserve them for study. The paleontologist shall submit a report of findings that will also provide specific recommendations regarding further mitigation measures (i.e., paleontological monitoring) that may be appropriate. Where mitigation monitoring is appropriate, the program must include, but not be limited to, the following measures:
- Assign a paleontological monitor, trained and equipped to allow the rapid removal of fossils with minimal construction delay, to the site full-time during the interval of earth-disturbing activities.
 - Should fossils be found within an area being cleared or graded, divert earth-disturbing activities elsewhere until the monitor has completed salvage. If construction personnel make the discovery, the grading contractor should immediately divert construction and notify the monitor of the find.
 - Prepare, identify, and curate all recovered fossils for documentation in the summary report and transfer to an appropriate depository (i.e., San Bernardino County Museum).
 - Submit summary report to City of Montclair.
38. Greenhouse Gas Emissions (Mitigation Measure G) - The proposed project shall include, but not be limited to, the following list of potential design features. These features shall be incorporated into the project design to ensure consistency with adopted statewide plans and programs. The project applicant shall demonstrate the incorporation of project design features prior to the issuance of building permits, as noted below:
- Energy Efficiency
- Install high efficiency lighting that would reduce lighting energy consumption by 20 percent (building permit).
 - Design buildings to be energy efficient, 15 percent above Title 24 requirements (building permit).

Water Conservation and Efficiency

- Install water-efficient irrigation systems (building permit).
- Comply with Montclair Municipal Code Chapter 11.60 (Water-Efficient Landscaping and Conservation) (building permit).
- Install water-efficient fixtures (e.g., faucets, toilets, showers, etc.) (building permit).

Solid Waste

- Provide interior and exterior storage and collection areas for recyclables (building permit).

39. Noise (Mitigation Measure H) -

- The project contractor shall properly maintain and tune all construction equipment to minimize emissions.
- The contractor shall fit all equipment with properly operating mufflers, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.
- The contractor shall locate all stationary noise sources (e.g., generators, compressors, staging areas) as far from noise sensitive receptors as feasible.
- Materials delivery, soil haul trucks, and equipment servicing shall also be restricted to the hours set forth in the City of Montclair Municipal Code. The Municipal Code limits grading and construction associated with the improvement of real property to take place only between the hours of 7 a.m. and 8 p.m. daily.

40. Noise (Mitigation Measure I) - The project applicant shall demonstrate compliance with Policy N4 of the ONT ALUCP, incorporating exterior-to-interior noise level reduction (NLR) design features capable of attenuating exterior noise to a 45 dB interior noise level in all habitable spaces of each residence. An acoustical analysis prepared by a certified acoustical engineer shall be submitted to the Building Division during plan check with recommendations incorporated into the plans indicating how the standard is met.

41. Noise (Mitigation Measure J) - The applicant shall be required to have a Recorded Overflight Notification appearing on the Property Deed and Title incorporating the following language:

NOTICE OF AIRPORT IN VICINITY

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

42. Transportation/Traffic (Mitigation Measure K) - The developer shall provide a Knox Box (key access), strobe or electronic access to the project site to the satisfaction of the Montclair Fire Department and Montclair Police Department to facilitate access for emergency responders.

Airport Influence Area Real Estate Transaction Disclosure

43. The proposed project is located within the Airport Influence Area of Los Angeles/Ontario International Airport (ONT) and was evaluated and found to be consistent with the Airport Land Use Compatibility Plan (ALUCP) for ONT. The applicant is required to meet the Real Estate Transaction Disclosure in accordance with California Codes (Business and Professions Code Section 11010-11024). New residential subdivisions within an Airport Influence Area are required to file an application for a Public Report consisting of a Notice of Intention (NOI) and a completed questionnaire with the Department of Real Estate and include the following language within the NOI:

NOTICE OF AIRPORT IN VICINITY

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

Building

44. 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 diagrams, fixture units, gas piping, and heating and air conditioning;
 - f. Waste recycling plan, demonstrating the recycling of a minimum of 50% of all construction debris.
45. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
46. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
47. The applicant shall comply with the latest adopted California Building Code, and other applicable codes, ordinances and regulations in effect at the time of permit application. These applicable codes shall be indicated on the first page of submitted plans.
48. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
49. Separate permits are required for fencing and/or walls.
50. All utility services to the project shall be installed underground.
51. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number.
52. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
53. Prior to issuance of building permits, the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to, Transportation Development Impact fees, permit and plan check fees, school fees, sewer connection fees, and parkland development fees. All required school fees shall be paid directly to the Ontario-Montclair School District and

Chaffey Joint Union High School District. Applicant shall provide a copy of the school fees receipt to the Building Division prior to permit issuance.

54. 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.
55. 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%).
56. The address of each new residence shall be displayed in minimum four-inch (4") tall numerals on a contrasting background and backlit with a low voltage illumination source. Said identification shall be installed in a consistent location on each residence.
57. A Certificate of Occupancy is required prior to the occupancy of each residence. Issuance of a Certificate of Occupancy shall be contingent upon the Fire Department inspection and the final approvals from other departments and/or agencies.
58. Striping of all parking spaces shall incorporate "cane" or "hairpin" striping style, with the required 9'-0" parking space width measured to the center of the "cane"/"hairpin."
59. Electrical and fire suppression service shall rise completely within the interior of each residence/building. Roof ladders shall also be located entirely inside buildings.
60. Temporary construction and storage trailers to be placed on the subject site shall require prior approval from the Building and Planning Divisions. Before any trailer is set in its intended location, a permit shall be obtained from the Building Division. Plans and structural calculations shall be required for the tie-down devices. Trailers intended for public use are required to meet disabled-accessibility requirements. Such a trailer shall require access to the facility by way of ramps that comply with the California Building Code (CBC) 2013 edition, Chapter 11B. In addition, access to each feature of the trailer shall be required.
61. Construct trash enclosure(s) per City Standard (available at the Building Division's public counter) or per a plan approved by all applicable City departments.
62. The use of decorative trim or surrounds on building exteriors shall be limited to applications above the ground floor. If foam trim/surrounds are installed at the

ground floor, a minimum two-coat stucco application over mesh shall be required. The durability of the stucco-over-foam trim and resistance to damage shall be equal to or greater than that of the remainder of the exterior walls.

63. Prior to issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Building Division electronic images of all plans and records that were submitted for the purpose of obtaining a building permit. Electronic images shall comply with the City's Electronic Imaging Policy.
 - b. Complete all on- and off-site improvements.
 - c. Install all disabled-accessible parking stalls and parking lot signage.

Water Quality Management Plan

64. Prior to the issuance of any grading or building permit, the applicant shall obtain approval for a Water Quality Management Plan (WQMP) from the City of Montclair per the requirements of Federal, State, and local regulations. The applicant shall comply with all requirements of the approved WQMP for this project.
65. The applicant/developer/homeowners association shall be responsible to contract with a qualified firm to inspect and maintain any and all manufactured stormwater treatment devices specified by the approved WQMP, following all manufacturers' recommendations. It shall also be the responsibility of the applicant/developer/homeowners association to maintain inspection reports and have them readily available for review by City staff upon request. In the event that any stormwater treatment device fails due to lack of, or insufficient maintenance and/or inspection, or some other unforeseen circumstance, it shall be the responsibility of the applicant/developer/homeowners association to correct the deficiency and restore the stormwater treatment device(s) to its original working condition.
66. Prepare and submit plans for erosion and sediment control. Plans shall include all phases of the construction project, including rough grading, utility and road installation, and vertical construction to the satisfaction of the City Engineer. Contact Joe Rosales, NPDES Coordinator, at (909) 625-9470.
67. Prior to issuance of a grading permit, a State Construction General permit shall be obtained and proof provided (WDID number) to the Building Division, if applicable.
68. At the time of grading permit issuance, post-construction Best Management Practices (BMP) inspection permit fees associated with the approved WQMP shall be paid. Contact Joe Rosales, NPDES Coordinator, at (909) 625-9470 for further information regarding permit and fees.

69. Prior to a final inspection, 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 Engineering Division.
70. Prior to a final inspection for each residence, 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.
71. 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.
72. The applicant shall ensure each property/homeowner completes the WQMP Maintenance Agreement for each lot prior to occupancy.

Engineering

73. Developer shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code.
74. Prior to issuance of building permits, transportation development impact fees shall be paid to the City. Fees shall be assessed at the rate in effect at the time the fees are paid.
75. Prior to a final inspection for the first residence, parkland (Quimby Act) fees shall be paid to the City. Fees shall be assessed at the rate in effect at the time the fees are paid.
76. All interior streets and drives shall be private and maintained by a homeowners association. Interior street designs shall be acceptable to the City Engineer and Building Official. Maximum permissible cross slope shall not exceed 5%.

77. Construction drawings for private streets may be included on grading plans, which shall be on 24" by 36" sheets.
78. Street name for the private street shall be left to the discretion of the developer so long as it is not in conflict with other street names in the City, subject to the approval of the Public Works Director/City Engineer.
79. Private sidewalks shall comply with the Americans with Disabilities Act (ADA) with respect to surface, width, and slope. A clearly delineated, continuous path-of-travel shall be provided across the private street connecting the northerly and southerly pedestrian paseos.
80. The applicant shall construct P.C.C. sidewalk through the Central Avenue frontage of the property matching the width and scoring pattern of the existing sidewalk immediately adjacent to the north, and all damaged or substandard P.C.C. curb and gutter through the project frontage shall be removed and replaced to the satisfaction of the Public Works Director/City Engineer. Disabled-accessibility shall be provided throughout the street frontage of the development, including the drive approach. Additional street right-of-way dedication may be required at the drive approach.
81. The applicant shall provide a revised site plan for review and approval by the City Engineer/Public Works Director illustrating that there will be adequate room for vehicular stacking between the entry gate and the public sidewalk, and that there will be sufficient room for vehicles not able to gain access to the subject property to exit the main driveway without the need to back out onto Central Avenue. If these requirements cannot be met to the satisfaction of the City Engineer/Public Works Director, then the vehicular gates shall be deleted from the project.
82. A minimum of one (1) streetlight shall be required along the Central Avenue frontage of the project in a location to the satisfaction of the Public Works Director/City Engineer. Streetlight(s) along Central Avenue shall be owned and maintained by Southern California Edison. Streetlights within the development shall be provided to the satisfaction of the Public Works Director/City Engineer. Said lights may be owned and maintained by the homeowners association or Southern California Edison. The minimum lighting level for all private streets shall be to the satisfaction of the Public Works Director/City Engineer.
83. All existing overhead utilities within project boundaries and within street frontages adjacent to project 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 property frontage. All utility easements within the subdivision boundaries that are no longer required by the easement holders shall be quitclaimed or vacated by the easement holders.

84. All utilities within the tract boundary shall be placed underground. This requirement applies to electrical services, transformers and switches, and where technology exists, telephone and cable television facilities as well.
85. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments, shall be required.
86. Payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency is required.
87. 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 easements dedicated to the City for sanitary sewer purposes. Private sewers intended to be maintained by the homeowners association shall be designed and constructed per California Building Code and City of Montclair Building Division requirements. All sewer design shall be subject to the approval of the City Engineer.
88. 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."
89. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
90. A Water Quality Management Plan (WQMP) is required for this project. Approval of the WQMP is required prior to the preparation of grading and/or other improvement plans. Requirements for the WQMP may be obtained from Joseph Rosales, NPDES Coordinator, at (909) 625-9470. Requirements of the WQMP may require significant modifications to the approved tentative map. If significant modifications are required, a resubmittal to the Planning Commission and City Council may be required.
91. All drainage facilities shall comply with the requirements of the approved WQMP.
92. Ribbon gutters terminating into landscaped areas shall include design provisions to prevent erosion of the landscaped areas at the point of discharge and beyond.
93. A grading plan shall be prepared subject to the approval of the Public Works Director/City Engineer. An erosion control plan shall be included and considered an integral part of the grading plan. Grading plans shall be designed in accordance with City standards and guidelines, and shall be on 24" by 36" sheets.
94. 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 Public Works Director/City Engineer shall be prepared showing proposed haul routes within the City. The plan shall include provisions for street sweeping and cleanup. Contractor(s) shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements.

95. 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.
96. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at 8-1-1.
97. Storm drains, catch basins, and other drainage devices located in private streets, driveways, and/or private property shall be maintained by the homeowners association. All design and construction shall comply with standards and requirements of the San Bernardino County Flood Control District.
98. Prior to approval of the final map, a subdivision agreement may be required. The agreement shall contain provisions for performance and payment bonds for all work within the public rights-of-way and a monumentation bond for tract monuments in accordance with the Subdivision Map Act.
99. Prior to commencing framing for houses or delivery of lumber to any site within the tract limits, an all-weather access shall be provided to each lot/building. An all-weather access is defined as base-course A.C. paving with a minimum thickness of 2½", and having a minimum width of 26 feet. This 26-foot width shall be maintained free and clear of all construction equipment, materials, and debris at all times during construction. Failure to maintain access to and within project limits shall be cause for issuance of a Notice to Correct. Repeated failure to maintain required access shall result in issuance of an Administrative Citation and a "Stop Work" order.

Fire

100. A 20-foot wide base asphalt or concrete roadway capable of supporting firefighting apparatus within 150 feet of all structures is required prior to the framing stage of construction. This access is required to be maintained unobstructed throughout construction. Roadway is subject to Fire Department approval prior to construction.
101. The developer/general contractor is to be responsible for reasonable periodic clean up of the construction site to avoid hazardous accumulation of combustible trash and debris.
102. Planter areas in the center of drive aisles and adjacent to entrances should be low profile type, not to exceed eight feet in height when mature.

103. The developer shall contact the Fire Marshal's Office for drive access requirements prior to gutter and curb-line placements.
104. 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.
105. All Fire Department access and fire lanes shall be posted as "No Parking, Fire Lane." Signs shall be designed and mounted in accordance with Montclair Fire Department standards.
106. The proposed residential structures shall require an approved automatic fire sprinkler system. The system shall conform to all local and national standards. Three (3) complete sets of the sprinkler system plans shall be submitted directly to the Fire Marshal's Office for approval prior to installation.
107. Any commercial structure(s) in excess of 200 square feet shall require an approved automatic fire sprinkler system. The system shall conform to all local and national standards. Three (3) complete sets of the sprinkler system plans shall be submitted directly to the Fire Marshal's Office for approval prior to installation.
108. A fire hydrant system shall be required to provide the necessary water flow to the proposed structure(s). Exact number, location, and design of hydrants shall be determined by the Fire Marshal's Office when building plans are received. Hydrants shall be active prior to the framing stage of construction.
109. 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.
110. An approved emergency-keyed access system shall be required for the vehicular access gate from Central Avenue to facilitate access to buildings or gates by Fire Department personnel in the event of an emergency during non-business hours. Forms are available at the Montclair Fire Department Headquarters for those occupancies requiring such a system. Facilities with gated drive approaches shall contact the Fire Marshal's Office for additional key and strobe requirements.
111. Issuance of a Certificate of Occupancy by the Building Official shall be contingent upon Fire Department inspection and approval of all conditions.
112. All Montclair Fire Department fees are due prior to any permit issuance.