

**CITY OF MONTCLAIR
AGENDA FOR CITY COUNCIL, SUCCESSOR AGENCY,
MONTCLAIR HOUSING CORPORATION, MONTCLAIR
HOUSING AUTHORITY, AND MONTCLAIR COMMUNITY
FOUNDATION MEETINGS**

To be held in the Council Chambers
5111 Benito Street, Montclair, California

July 5, 2016

7:00 p.m.

As a courtesy please silence your cell phones and other electronic devices while the meeting is in session. Thank you.

The CC/SA/MHC/MHA/MCF meetings are now available in audio format on the City's website at www.cityofmontclair.org and can be accessed the day following the meeting after 10:00 a.m.

Page No.

- I. CALL TO ORDER** – City Council (CC), Successor Agency Board of Directors (SA), Montclair Housing Corporation Board of Directors (MHC), Montclair Housing Authority Commissioners (MHA), and Montclair Community Foundation Board of Directors (MCF)

II. INVOCATION

In keeping with our long-standing tradition of opening our Council meetings with an invocation, this meeting may include a nonsectarian invocation. Such invocations are not intended to proselytize or advance any faith or belief or to disparage any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

V. PRESENTATIONS

- A. Swearing-In of New Chief of Police

VI. PUBLIC COMMENT

This section is intended to provide members of the public with an opportunity to comment on any subject that does not appear on this agenda. Each speaker will be afforded five minutes to address the City Council Members, Successor Agency Board of Directors, Montclair Housing Corporation Board of Directors, Montclair Housing Authority Commissioners, and Montclair Community Foundation Board of Directors (Acting Bodies). (Government Code Section 54954.3)

Under the provisions of the Brown Act, the Acting Bodies are prohibited from taking action on items not listed on the agenda.

VII. PUBLIC HEARINGS

- A. Second Reading — Consider Adoption of Ordinance No. 16-958 Amending Section 7.16.040 and Adding Section 7.16.050 to the Montclair Municipal Code Related to the Retention of Unclaimed Property [CC]

VIII. CONSENT CALENDAR

A. Approval of Minutes

1. Minutes of the Regular Joint Council/Successor Agency Board/MHC Board/MHA Commission/MCF Board Meeting of June 20, 2016 [CC/SA/MHC/MHA/MCF]

B. Administrative Reports

1. Consider Approval of Warrant Register and Payroll Documentation [CC] 8

C. Agreements

1. Consider Approval of Agreement No. 16-36 with TLC Auctions for the Public Sale of Surplus and Unclaimed Property [CC] 9
2. Consider Approval of Agreement No. 16-60 with Nutrition Ink to Implement a Dietetic Internship Program with the City's Senior Citizen Nutrition Program [CC] 13
3. Consider Approval of Agreement No. 16-61 with the Inland Empire United Way to Provide Case Management and Funding for the Healthy Montclair Programs [CC] 18
4. Consider Approval of Agreement No. 16-62 with the Inland Empire United Way to Support the Montclair Online to College Program [MCF] 24

D. Resolutions

1. Consider Adoption of Resolution No. 16-3119 Related to a Precise Plan of Design for a Proposed 23-Unit Residential Apartment Project Within the North Montclair Downtown Specific Plan at 8949 Monte Vista Avenue [CC] 31
2. Consider Adoption of Resolution No. 16-3130 Authorizing Placement of Liens on Certain Properties for Delinquent Sewer and Trash Charges [CC] 67

IX. PULLED CONSENT CALENDAR ITEMS

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Department Reports

1. Human Services Department
 - a. Summer Programs

B. City Attorney

1. Closed Session Pursuant to Government Code Section 54956.9(d)(1) Regarding Pending Litigation
Patton/Cunningham v. Montclair
2. Closed Session Pursuant to Government Code Section 54956.9(d)(1) Regarding Pending Litigation
Montclair v. Beltran

- 3. Closed Session Pursuant to Government Code Section 54957(b)
Regarding Public Employee Discipline/Dismissal/Release
- C. City Manager/Executive Director
- D. Mayor/Chairman
 - 1. Announcement of Community Action Committee Appointments
- E. Council/SA Board/MHC Board/MHA Commissioners/MCF Board
- F. Committee Meeting Minutes *(for informational purposes only)*
 - 1. Minutes of the Public Works Committee Meeting of June 16, 2016 [CC] 74
 - 2. Minutes of the Personnel Committee Meeting of June 20, 2016 [CC] 77
- XII. ADJOURNMENT OF SUCCESSOR AGENCY BOARD OF DIRECTORS, MONTCLAIR HOUSING CORPORATION BOARD OF DIRECTORS, MONTCLAIR HOUSING AUTHORITY COMMISSIONERS, AND MONTCLAIR COMMUNITY FOUNDATION BOARD OF DIRECTORS**

(At this time, the City Council will meet in Closed Session regarding pending litigation and public employee discipline/dismissal/release.)
- XIII. CLOSED SESSION ANNOUNCEMENTS**
- XIV. ADJOURNMENT OF CITY COUNCIL**

The next regularly scheduled joint City Council, Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commission, and Montclair Community Foundation meeting will be held on Monday, July 18, 2016, at 7:00 p.m. in the Council Chambers.

Reports, backup materials, and additional materials related to any item on this Agenda distributed to the Acting Bodies after distribution of the Agenda packet are available for public inspection in the City Clerk's Office at 5111 Benito Street, Montclair, California, between 7:00 a.m. and 6:00 p.m., Monday through Thursday.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (909) 625-9416. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)

I, Andrea M. Phillips, Deputy City Clerk, hereby certify that I posted, or caused to be posted, a copy of this Agenda not less than 72 hours prior to this meeting on the bulletin board adjacent to the north door of Montclair City Hall, 5111, Benito Street, Montclair, California, on June 30, 2016.

AGENDA REPORT

SUBJECT: SECOND READING - CONSIDER ADOPTION OF ORDINANCE NO. 16-958 AMENDING SECTION 7.16.040 AND ADDING SECTION 7.16.050 TO THE MONTCLAIR MUNICIPAL CODE RELATED TO THE RETENTION OF UNCLAIMED PROPERTY	DATE: July 5, 2016
	SECTION: PUBLIC HEARINGS
	ITEM NO.: A
	FILE I.D.: PDT360
	DEPT.: POLICE

REASON FOR CONSIDERATION: Section 2080.4 of the California Civil Code provides the authority to the legislative body of a city to adopt an ordinance for the care, restitution, sale, and destruction of unclaimed property in the possession of the police department. In addition to sale by auction, the section allows a city to retain such property if the city determines the property is needed for public use.

Although Montclair Municipal Section 7.16.040 does allow unclaimed property to be sold at auction or transferred to certain charitable organizations, it does not allow for the retention of unclaimed property for public use. Staff recommends the Montclair Municipal Code be amended to include this option for the disposition of such property. A revision to an ordinance requires a public hearing and consideration by the City Council.

BACKGROUND: "Unclaimed property" means any property found by members of the Police Department or any property brought to the Police Department by others, the owner of which property is unknown. Property held as evidence, dangerous or deadly weapons, narcotics or poisonous drugs, explosives, or any property of any kind whatsoever, the possession of which is prohibited by law, is excluded from the definition. Any person who finds property valued at one hundred dollars or more, and who is unable to locate the owner, must turn the property over to the Police Department. The law enforcement agency is responsible for the secure storage and disposition of the property.

The California Civil Code provides guidance for the disposition of property in the event the owner of the property is unknown. The Civil Code provides the authority to the legislative body of any city to adopt an ordinance for the care, restitution, sale, or destruction of unclaimed property in the possession of its law enforcement agency. In addition to the destruction and sale at auction of such property, the Civil Code allows the legislative body to adopt an ordinance which allows for the retention of unclaimed property which is needed for public use.

Montclair Municipal Code Section 7.16.040 requires unclaimed property to be sold at auction or destroyed if not sold. Proceeds of auction sales are deposited with the City Treasurer for credit to the General Fund. The section allows suitable unclaimed

Prepared by: <u> <i>M. DeMoet</i> </u>	Fiscal Impact Finance Review: <u> <i>Donald L. Parker</i> </u>
Proofed by: <u> <i>Sharon B. Agajanian</i> </u>	Reviewed and Approved By: <u> <i>M. DeMoet</i> </u>

property in the form of operable bicycles and usable toys to be turned over to the probation officer, the Welfare Department of the County, or to charitable and nonprofit organizations. The section does not allow for the retention of unclaimed property for public use. Staff believes having this option available would enhance the City's ability to provide services to the community while reducing General Fund expenditures.

FISCAL IMPACT: Adoption Ordinance No. 16-958 would result in a positive fiscal impact to the General Fund by converting unclaimed property to public use.

RECOMMENDATION: Staff recommends the City Council adopt Ordinance No. 16-958 amending Section 7.16.040 and adding Section 7.16.50 to the Montclair Municipal Code related to the retention of unclaimed property for public use.

ORDINANCE NO. 16-958

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR, CALIFORNIA AMENDING SECTION 7.16.040 AND ADDING SECTION 7.16.050 TO CHAPTER 7.16 OF THE MONTCLAIR MUNICIPAL CODE RELATED TO UNCLAIMED PROPERTY

WHEREAS, Sections 2080, et. seq. of the California Civil Code set forth provisions governing lost and unclaimed property, including the statutory authority for a City to provide by ordinance for the sale, retention for public use, or destruction of unclaimed property;

WHEREAS, Chapter 7.16 of the Montclair Municipal Code currently sets forth the procedures to be followed concerning the sale and disposition of unclaimed property in the possession of the police department;

WHEREAS, Section 2080.4 of the California Civil Code allows a City to retain unclaimed property for public use; and

WHEREAS, it is determined to be in the best interests of the City and its residents to amend Chapter 7.16 of the Montclair Municipal Code to allow the City to retain unclaimed property for public use.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTCLAIR DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Amendment to Code. Section 7.16.040 of Title 7 of the Montclair Municipal Code is hereby repealed and replaced as follows:

Section 7.16.040 Disposition of property unclaimed by owner.

If, after the period of time specified in Section 7.16.030, the owner fails to redeem the unclaimed property, or if the owner fails to pay the police department's reasonable costs in the storage and care of the property as required by Section 7.16.020, the police chief shall cause such property to be transferred to the City's purchasing agent who may, in compliance with Section 2080.4 of the California Civil Code, either sell the property at public auction or retain the property for a public use; provided, however, that if the property shall consist of lost and unclaimed bicycles or toys, the purchasing agent may cause such property to be donated to one or more nonprofit tax-exempt charitable organizations which agree, in writing, to donate such property in turn to needy children of the City or county; and provided further, that if the property shall consist of money, it shall be deposited in the general fund of the City. Upon the transfer of such unclaimed property to the purchasing agent for the City, the owner of such property shall not thereafter be entitled to redeem the property.

SECTION II. Addition to Code. Section 7.16.050 of Title 7 of the Montclair Municipal Code is hereby added as follows:

Section 7.16.050 Disposition of funds and unsold property.

A. Proceeds of unclaimed property sold at public action. After the auction is completed, the City's purchasing agent shall deliver the proceeds of the auction to the City's finance director for deposit in the general fund of the City. No officers or employees of the City or their immediate family may bid on any property advertised and offered for sale at public auction.

B. Property unsold at public auction. Any unclaimed property advertised and offered for sale at public auction but not sold, and not suitable for appropriation to the use of the City, shall be deemed to be of no value, and shall be disposed of in a manner as may be determined by the City's purchasing agent. No such property shall be given or sold to officers or employees of the City or their immediate family.

SECTION III. Severability.

If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION IV. Effective Date.

This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION V. Posting.

The City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.

APPROVED AND ADOPTED this XX day of XX, 2016.

ATTEST:

Mayor

Deputy City Clerk

I, Andrea M. Phillips, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 16-958 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2016, and finally passed not less than five (5) days thereafter on the XX day of XX, 2016, by the following vote, to-wit:

AYES: XX
NOES: XX
ABSTAIN: XX
ABSENT: XX

Andrea M. Phillips
Deputy City Clerk

AGENDA REPORT

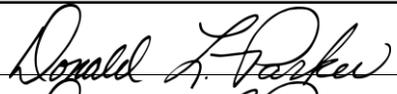
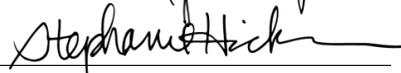
SUBJECT: CONSIDER APPROVAL OF WARRANT REGISTER AND PAYROLL DOCUMENTATION **DATE:** July 5, 2016
SECTION: ADMIN. REPORTS
ITEM NO.: 1
FILE I.D.: FIN540
DEPT.: ADMIN. SVCS.

REASON FOR CONSIDERATION: The City Council is requested to consider approval of the Warrant Register and Payroll Documentation.

BACKGROUND: Mayor Pro Tem Raft has examined the Warrant Register dated July 5, 2016, and the Payroll Documentation dated June 12, 2016, and recommends their approval.

FISCAL IMPACT: The Warrant Register dated July 5, 2016, totals \$1,299,957.72; and the Payroll Documentation dated June 12, 2016, totals \$622,380.26 gross, with \$433,293.05 net being the total cash disbursement.

RECOMMENDATION: Staff recommends the City Council approve the above referenced Warrant Register and Payroll Documentation.

Prepared by:		Fiscal Impact Finance Review:	
Proofed by:		Reviewed and Approved By:	

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF AGREEMENT NO. 16-36 WITH TLC AUCTIONS FOR THE PUBLIC SALE OF SURPLUS AND UNCLAIMED PROPERTY	DATE: July 5, 2016
	SECTION: AGREEMENTS
	ITEM NO.: 1
	FILE I.D.: EQS051/052
	DEPT.: POLICE

REASON FOR CONSIDERATION: The City Council is requested to consider approval of Agreement No. 16-36 with TLC Auctions (A.K.A. The Liquidation Company) for the public sale of surplus and unclaimed property.

A copy of proposed Agreement No. 16-36 is attached for the City Council's review and consideration.

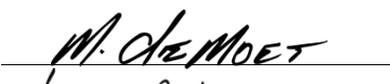
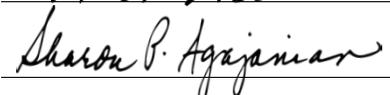
BACKGROUND: The City has used TLC Auctions as an alternate auction source to dispose of surplus City property. The frequency of these auctions has significantly remedied issues related to the handling and storage of this property, as well as curtailed City personnel costs associated with inventorying, tagging, selling, and bookkeeping procedures. TLC Auctions works with other public agencies in the auction of surplus and unclaimed property. TLC Auctions periodically collects the City's surplus and unclaimed property and stores it until a combined agency auction can be held. Although auctions are held a number of times per year, they are sizable enough to draw a wider turnout than the City could on its own.

On May 31, 2016, the City received a 30-day notice of termination of Agreement No. 14-37 with TLC Auctions. Agreement No. 16-36 reflects an increase in commission fees from 35 percent to 45 percent of gross sales. The owner states the increase in fees is necessary to yield better returns to consignment clients.

Agreement No. 16-36 authorizes TLC Auctions to administer the entire auction process once it takes possession of the property.

FISCAL IMPACT: The City Council's approval of Agreement No. 16-36 would authorize TLC Auctions to receive a standard fee of 45 percent of gross sales.

RECOMMENDATION: Staff recommends the City Council approve Agreement No. 16-36 with TLC Auctions for the public sale of surplus and unclaimed property.

Prepared by:		Fiscal Impact Finance Review:	
Proofed by:		Reviewed and Approved By:	



City of Montclair
c/o Chief Michael deMoet
Montclair Police Department
4870 Arrow Highway
Montclair, CA 91763

May 31st, 2016

re: 30 day notice for contract termination

Agreement 14-15

Chief deMoet,

This letter is to serve as a 30 day notice informing the City of Montclair that The Liquidation Company (a.k.a. TLC Auctions) will be terminating the agreement in place concerning the management of surplus property which was originally signed on July 1st of 2014. The end of the 30 day notification period will be July 1st, 2016. TLC is proposing a new contract which we have already sent to the City of Montclair for management of surplus property. Please do not hesitate to contact us if you have any questions. Thank you.

Sincerely,

Kirk Kim



10012-10022 CITRUS AVENUE
FONTANA, CA 92335
909-823-3428
www.tlcauctions.com

AGREEMENT

This agreement dated the 1st day of July, 2016 in the County of San Bernardino, State of California, between **City of Montclair** hereinafter referred to as SELLER, and **TLC Auctions** hereinafter referred to as AUCTIONEER.

This Agreement is to conduct an unreserved auction for the sale of all board approved surplus property to the SELLER'S needs either through offsite auctions, online at TLCAuctions.com or at eBay.com

1. For all the services, which AUCTIONEER is obligated to perform under the terms of this Agreement, the SELLER shall pay to the AUCTIONEER a standard Seller's Fee of 45 percent of gross sales. AUCTIONEER shall provide a check made payable **City of Montclair** for net proceeds of auction. The check shall be delivered to SELLER no later than forty-five (45) business days after the sale and removal of sold items.
2. The duty of the AUCTIONEER shall be to serve as AUCTIONEER and to provide the necessary additional team members to solicit and receive bids on property offered for sale and to award said property to the highest qualified bidder. AUCTIONEER has a security bond (#62307468) on file with the State of California. AUCTIONEER is also licensed by the State of California Cal Recycle Program for the collection of electronic waste (#116172). AUCTIONEER shall perform all other duties in regards to such sales, including but not limited to transportation of surplus items, tagging, inventorying, set-up, advertising, telemarketing, clerking, cashiering, DMV paperwork (if applicable), bookkeeping and all other related functions.
3. AUCTIONEER shall be an independent contractor retained by the SELLER for the aforementioned purpose. Employees of the AUCTIONEER will not be considered for any reason to be employees of the SELLER.
4. It shall be the responsibility of the AUCTIONEER to obtain, at the AUCTIONEER'S expense, all required licenses and permits necessary to perform under this Agreement. SELLER warrants that they are the owner of and have merchantable title to the items of surplus property offered for sale as set forth in this agreement, and grants to the AUCTIONEER the right to convey a merchantable title to that property to the successful buyer at the auction. SELLER shall offer all

board approved surplus property to AUCTIONEER. In the event SELLER provides a listing of surplus items, said list will be made an integral part of this Agreement as Addendum "A". No items shall be removed from Addendum "A" less than four days prior to the scheduled auction date.

5. Each Party shall indemnify, defend and hold harmless the other Party, its officers, agents, volunteers, contractors, and employees from any and all liability, loss, expense (including reasonable attorneys' fees and other defense costs), or claims imposed for damages of any nature whatsoever, including but not limited to, bodily injury, death, personal injury, or property damage arising out of willful misconduct or gross negligent acts or omissions on the part of the Party's own officers, agents, contractors, or employees under or in connection with any obligation under this Agreement.

6. AUCTIONEER shall comply with all Federal, State, and County safety, environmental, and sanitation laws and regulations.

7. This Agreement is entered into, and shall be construed and interpreted in accordance with the laws of the State of California. Any action or proceeding brought relative to this Agreement shall be brought in the appropriate court in the County of San Bernardino, California.

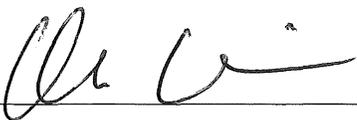
8. Non-discrimination in the performance of the terms of this Agreement: AUCTIONEER agrees that he will not engage in or permit subcontractors where applicable, as he may employ, from engaging in discrimination in employment of persons because of race, color, sex, religion, ancestry or national origin.

9. AUCTIONEER shall provide SELLER with the selling price for each lot sold.

10. With this signed agreement SELLER hereby appoints AUCTIONEER as their attorney in fact, to complete all necessary DMV documents as needed, to transfer ownership as required by law of the items sold pursuant to this agreement.

11. The term of this Agreement shall automatically renew for successive one year periods each commencing on expiration of the preceding Term unless either SELLER or AUCTIONEER terminate this Agreement as provided herein. The SELLER or AUCTIONEER have the right to terminate this agreement at any time after thirty (30) days prior written notice specifying the desired date of termination. The provisions of this Section Shall survive the expiration or sooner termination of this Agreement with respect to any such matters arising in connection with any event occurring prior to such expiration or termination.

The parties hereto have executed this Agreement on the 1st day of July 2016

By: 

By: _____

Date: 6/12/16

Date: _____

TLC Auctions

City of Montclair

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF AGREEMENT NO. 16-60 WITH NUTRITION INK TO IMPLEMENT A DIETETIC INTERNSHIP PROGRAM WITH THE CITY'S SENIOR CITIZEN NUTRITION PROGRAM

DATE: July 5, 2016

SECTION: AGREEMENTS

ITEM NO.: 2

FILE I.D.: HSV105

DEPT.: HUMAN SVCS.

REASON FOR CONSIDERATION: The City Council is requested to consider approval of Agreement No. 16-60 with Nutrition Ink for implementation of a dietetic internship program with the City's Senior Citizen Nutrition Program.

A copy of proposed Agreement No. 16-60 with Nutrition Ink is attached for the City Council's review and consideration.

BACKGROUND: Nutrition Ink has presented an agreement for implementation of a Dietetic Internship Program to offer students an opportunity to meet qualifications for practice while receiving qualified supervision.

The City of Montclair will provide the field site for a maximum of 2 students per semester. Nutrition Ink will provide a Program staff member to supervise each student.

The term of proposed Agreement No. 16-60 would be from July 1, 2016 to June 30, 2017.

FISCAL IMPACT: There would be no fiscal impact to the City's General Fund should the City Council approve proposed Agreement No. 16-60.

RECOMMENDATION: Staff recommends the City Council approve Agreement No. 16-60 with Nutrition Ink to implement a Dietetic Internship Program with the City's Senior Citizen Nutrition Program.

Prepared by: M. Richter Fiscal Impact Finance Review: Donald L. Parker

Proofed by: Vanessa Tom Reviewed and Approved By: M. Richter

INTERNSHIP AFFILIATION AGREEMENT

This INTERNSHIP AFFILIATION AGREEMENT "Agreement" is entered into on the 1st day of July, 2016 by and between the Nutrition Ink Dietetic Internship Program (NIDIP) (the "Program") and the City of Montclair (the "Facility").

PURPOSE

The PROGRAM has a curriculum for educating students to meet the qualifications for practice in the profession of Dietetics, and desires the assistance of the FACILITY in providing a supervised experience to the students; the FACILITY recognizes the need for providing the community which it serves the personnel qualified as Dietitians; is willing to assist by providing a supervised experience to the students enrolled in the program; and the contracting parties are desirous of cooperating to furnish Dietetics education; NOW, THEREFORE, in consideration of the mutual agreements set forth herein, the PROGRAM and the FACILITY enter into this agreement on the terms and condition set forth below.

RIGHTS AND OBLIGATIONS

1. PROGRAM and the FACILITY shall cooperate to provide supervised experience to students of the Nutrition Ink enrolled in the Dietetic Internship.
2. Both parties agree that there shall be no discrimination on the basis of marital status, race, color, sex, age, religion, sexual orientation, gender identity, disability, national origin or status as a US Veteran pertaining to any experiences during the Dietetic Internship.
3. Students are not employees of PROGRAM or the FACILITY and are not entitled to any employee benefits or compensation of either party which includes not providing Worker's Compensation coverage.
4. Both parties will instruct their respective faculty, staff and participating student(s) to maintain confidentiality of student and patient information as required by law, including the Family Education Rights and Privacy Act (FERPA) and the Health Insurance Portability Accountability Act (HIPAA) and by policies and procedures of PROGRAM and the FACILITY.
5. The objective of the training shall be to create awareness in the students of the activities within the FACILITY and to have the students gain experience in such activities.
6. The experience for students majoring in Dietetics shall occur during the summer, fall, and/or spring semesters as follows:
 - a. Maximum of 2 student(s) shall be assigned to the FACILITY at any one time for experience any given semester.
 - b. The length of the time the student(s) will be assigned to the FACILITY shall be mutually agreed to by PROGRAM and the FACILITY prior to the student's arrival at the FACILITY.

7. During the supervised experience, the student shall be under the Direction of a PROGRAM staff member/s. PROGRAM staff member/s shall:
 - a. Coordinate the program with the FACILITY.
 - b. Complete program planning one (1) month prior to beginning of rotation, including schedule and name(s) of participating student(s).
 - c. Visit the FACILITY as needed to observe students and discuss students' performance with staff members.
 - d. Evaluation of student progress:
 1. Determine grades reflecting the student's level of performance based upon:
 - i. Evaluation and input from the FACILITY staff.
 - ii. PROGRAM methods of evaluation/observation.
8. The students shall undergo a health examination and/or supply any health documents which the FACILITY may require.
9. Any materials loaned to the student by the FACILITY must be returned in satisfactory condition to the FACILITY or replacement costs will be charged to the student.
10. Responsibilities of the PROGRAM students in the program are to:
 - a. Recognize the uniqueness of the FACILITY experience and be prepared to meet time demands of the experience, exclusive of special projects and planning sessions.
 - b. Observe and adhere to policies and procedures of the FACILITY as though employed there.
 - c. Assume responsibility for one's own progress, i.e., extra student or time spent if lacking skills or knowledge in certain areas. The Didactic component is the instructional time; whereas, the time in FACILITY is for practicing a composite set of skills.
 - d. Use mistakes and constructive criticism to learn.
 - e. Arrange consultations and/or evaluations with FACILITY and/or PROGRAM staff at mutually agreed upon times.
 - f. Realize and accept that each student has divergent capabilities in combining the related skills and knowledge that are being acquired; therefore, each student shall progress at his her own rate.
 - g. Do not remove any materials from the FACILITY without prior approval of FACILITY staff.
 - h. Report any absenteeism to the FACILITY and PROGRAM staff prior to scheduled time for arrival.
 - i. Maintain the confidentiality of all FACILITY clients.
 - j. Sign a volunteer registration card with indemnification waiver releasing the FACILITY of potential liability.

11. Responsibilities of FACILITY staff members in the program are to:

- a. Be a role model for students. While working with the staff member, the student will:
 1. Receive orientation to that staff member's particular area of responsibility.
 2. Observe staff member in performance of his/her duties.
 3. Have supervised experiences in areas as defined by the rotation objectives.
 4. Perform selected duties with minimum levels of supervision after achieving specified level(s) of knowledge, skill, and judgment, as agreed upon by FACILITY and PROGRAM staff.
 5. Not replace staff to fulfill any staff work responsibilities, unless related to activities to meet Dietetic Internship responsibilities.
- b. Assist in the evaluation process of the student. Appropriate evaluation tools may be but are not limited to:
 1. Evaluation forms.
 2. Documentation of effective improvable incidents.
 3. Weekly or biweekly formal consultations.
- c. Assist the PROGRAM staff members in presenting formal evaluations made by the FACILITY, to the student.

TERM

1. This Agreement shall become effective July 1, 2016 to June 30, 2017 for a period of one year and will be automatically renewed annually for a succession of three years unless otherwise terminated by one of the parties.
2. This Affiliation Agreement may be revised or modified by mutual consent of the contracting parties.
3. This Affiliation Agreement will be terminated 90 days after a written notice to the individual, as identified below, by registered mail from either party. Any student currently placed with the affiliated facility shall be permitted to complete the placement unless the student is personally responsible for the reason termination is requested.

IN WITNESS WHEREOF, the Parties have executed this Agreement effective as of the Effective Date.

(Signatures on Following Page)

“FACILITY”
City of Montclair

“PROGRAM”
Nutrition Ink Dietetic Internship Program
(NIDIP)

By: _____
Paul M. Eaton
Mayor, City of Montclair

By: _____
Elissa R. Lerma, MA
Nutrition Ink Director of HR

ATTEST:

By: _____
Andrea M. Phillips
Deputy City Clerk

Date: _____

City of Montclair
5111 Benito Street
Montclair, CA 91763

Date: _____

Nutrition Ink
3164 W. Ramsey Street
Banning, CA 92220

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF AGREEMENT NO. 16-61 WITH THE INLAND EMPIRE UNITED WAY TO PROVIDE CASE MANAGEMENT AND FUNDING FOR THE HEALTHY MONTCLAIR PROGRAMS	DATE: July 5, 2016
	SECTION: AGREEMENTS
	ITEM NO.: 3
	FILE I.D.: HSV042
	DEPT.: HUMAN SVCS.

REASON FOR CONSIDERATION: The City Council is requested to consider Agreement No. 16-61 accepting a grant from the Inland Empire United Way (IEUW) to provide funding for Healthy Montclair Programs.

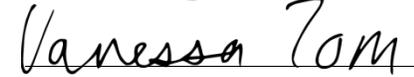
A copy of proposed Agreement No. 16-61 is attached for the City Council's review and consideration.

BACKGROUND: The City is receiving funding from IEUW to assist in providing Healthy Montclair Programs to members of the Montclair community. The goal of the Healthy Montclair Programs is to assist families to live active and healthier lifestyles through training, education and case management. The City has been awarded funds from IEUW in support of our Programs since 2007.

The term of Agreement No 16-61 is July 1, 2016, through June 30, 2017.

FISCAL IMPACT: The IEUW has offered the City a grant of \$7,500 for the Healthy Montclair Programs. There will be no direct fiscal impact on the City's General Fund associated with the Council's approval of Agreement No. 16-61.

RECOMMENDATION: Staff recommends the City Council approve Agreement No. 16-61 with the Inland Empire United Way to provide Healthy Montclair Programs.

Prepared by:		Fiscal Impact Finance Review:	
Proofed by:		Reviewed and Approved By:	

**INLAND EMPIRE UNITED WAY
2016-2017 PROGRAM FUNDING AGREEMENT**



I. PURPOSE

The Inland Empire United Way (consisting of board of directors, volunteers, employees, contractors), hereinafter referred to as "IEUW", and City of Montclair hereinafter referred to as "Organization" enter into this mutual Agreement, including Attachment A (Standards of Affiliation) referred to herein, for the period commencing July 1, 2016 to June 30, 2017.

II. RESPONSIBILITIES

A. The Organization agrees to:

1. Program Responsibility:
 - a. Operate programs and deliver services as set forth during the application process.
 - b. Submit proposed changes or reductions in program outcomes affected by United Way funds.
2. Fiscal Responsibility:
 - a. Use the funds only for the purposes described in the proposal, and not use the funds for any purpose prohibited by law. Also repay any portion of the funding, which is not used for the purposes described in the proposal.
 - b. To maintain books, records and documents in accordance with generally accepted accounting procedures and practice which accurately and appropriately reflect all expenditures of funds listed in the Program Budget and the Organization Budget (submitted with the funding request).
 - c. To provide evidence of adequate financial accountability and accounting procedures documented by submission of a certified audit for agency budgets of \$500,000 or more; a CPA review for agency budgets of \$100,001 - \$500,000; a CPA compilation for agency budgets of \$100,000 or less ~~and submission of a completed IRS Form 990, with a percentage of revenue directed to management/general/fund raising expenses (including required dues payments to national organizations) of less than 25%.~~ The required documents shall be submitted to IEUW within six (6) months of the closing of the agency's fiscal year.
 - d. That all financial records and supporting documentation shall be subject at all times to inspection, review, or audit by IEUW personnel or its duly authorized agent.
 - e. To maintain and submit, in a timely fashion, documentation and progress reports related to services provided under this agreement.
 - f. To retain all financial records, supporting documentation, statistical records, and any other documents pertinent to this Agreement for a period of three (3) years after termination of this Agreement. If an audit has been initiated and audit findings have not been resolved at the end of three (3) years, all records shall be retained until resolution of audit findings.
 - g. Agency shall not assign the responsibility of this Agreement to another party or subcontract the program(s) funded under this Agreement, without prior written approval of IEUW.
3. Provide service data, demographics, and other information as requested.
4. Meet with IEUW staff to coordinate an in-house agency employee campaign for the IEUW community impact fund; participate in community campaign activities by providing campaign materials, speakers, tours and/or displays as requested.
5. Complete and submit Agency Profile, Program/Services Profile, and Sites Profile for the 2-1-1 database with, as a minimum, annual updates.
6. Complete and submit Agency Agreement and information about volunteer opportunities (as available) for the Hands On Inland Empire website with, as a minimum, annual updates.

B. IEUW agrees to:

1. Recognize and respect the autonomy of the Organization, through its governing board, to determine its own policies and to manage its own programs.
2. Provide access to training, technical assistance and other opportunities for the purpose of the accomplishment of outcomes as set forth in this Agreement.
3. Conduct periodic evaluations/monitoring of program operations.

4. Events and/or activities attributable to the Organization or its personnel which result in:
 - a. Negative publicity to the Organization and/or IEUW, or
 - b. Call into question the ability of the Organization to satisfactorily perform under the terms of this Agreement, or
 - c. Unsatisfactory program performance by the Organization and of its responsibilities under this Agreement, and/or
 - d. Violation of the Program Funding Agreement.

Prior to suspension of agency funding by IEUW, the Organization shall be given an opportunity to explain its position to the President & CEO of IEUW, or other person designated by the IEUW Board of Directors.

VIII. HOLD HARMLESS CLAUSE

To the extent provided by law, the Organization agrees to indemnify and hold harmless the IEUW from liability on account of any injuries, damages, omissions, commissions, actions, causes of actions, claims, suits, judgments and damages accruing, including court costs and attorney's fees, as a result of services performed or not performed, or any negligent act by the Organization or funding granted or not granted by the IEUW or any action arising out of the operation of this funding Agreement.

IX. EVALUATION REQUIREMENTS

The Organization agrees to submit evaluation reports in such format and at such times as may be prescribed by IEUW, reporting the program progress. The Organization agrees to cooperate in an on-site monitoring if such is requested by IEUW. All financial and supporting documents should be available for review at all times.

X. AGENCY ACKNOWLEDGMENT

By execution of this Agreement, Organization accepts the working relationship between IEUW and the Organization providing the program; agrees to the conditions set forth in this Agreement. In addition, the Organization acknowledges the lack of an appeals process and accepts the funding level set forth in this Agreement.

INLAND EMPIRE UNITED WAY

CITY OF MONTCLAIR



 Gregory Bradbard, President/CEO

 Edward Starr, City Manager



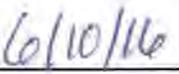
 Date

 Date



 Rhonda Cleeland, Board Chair

 Board Chair



 Date

 Date

ATTACHMENT A – IEUW STANDARDS OF AFFILIATION

For an agency to be eligible to receive program grant or contract funding with Inland Empire United Way, it must meet all the criteria below. The agency must remain in compliance with the criteria at all times. All agency affiliations are subject to final approval by Inland Empire United Way Board of Directors.

ELIGIBILITY STANDARDS for 501(c)(3) organizations and select government/public entities

1. Legal:
 - a. Current IRS 501(c)(3) status, registration with the state of California as non-profit public benefit corporation. The applicant or funded agency shall have its own 501(c)(3), or have the authorized use of another agency's 501(c)(3) (** see note). Government/public entities do not need to obtain 501(c)(3) status for the program.
 - b. Current articles of incorporation and bylaws.
 - c. Evidence of compliance with laws, codes, and regulations (including any required licensing standards) applicable to the particular type of business or organization.
 - d. Must review and be able and willing to sign the funding agreement and operate under the agreement.

2. Non-discrimination
Board-adopted policy or policies for clients, staff, and volunteers emphasizing maintaining diversity reflective of community served.

3. Organizational/Management
 - a. Volunteer board of directors which functions in accordance with agency bylaws, and which maintains accurate and complete records of its corporate functioning.
 - b. Adequate liability and other applicable insurance coverage as required by law.
 - c. Board-adopted, written agency policies as necessary (including personnel policies) to provide for legal, safe, and appropriate functioning of the agency, with consistent procedures for implementation, review, and revision as appropriate.
 - d. Evidence of a functioning agency planning process, to include a minimum of board-approved agency goals and objectives for one year of operations.
 - e. Evidence of regular communication with agency constituency regarding agency services and operations.
 - f. Regular board, staff and volunteer training to maintain continuity, quality, and currency of agency operations.
 - g. Minimum history of two (2) years of operations as a 501(c)(3).

4. Fiscal Management
 - a. Evidence of adequate financial accountability and accounting procedures to be documented by annual submission of a certified audit for budgets \$500,000 or more; a CPA review for agency budgets of \$100,001 – \$499,999; a CPA compilation for agency budgets of \$100,000 or less. All agencies are also required to submit a completed IRS Form 990. If a 990 is not available, the agency must provide information on Management & General Expenses, Fundraising Expenses, and Total Revenue.
 - b. Appropriate percentage of budget directed to program services; the recommended percentage is less than 25% of revenue to be spent on management/general (including required dues payments to National organizations) and fundraising expenses. Exceptions may be made upon review of the Community Impact Advisory Council/Board of Directors, on a case by case basis.



ANTI-TERRORISM COMPLIANCE MEASURES FORM

In compliance with the USA PATRIOT Act and other counterterrorism laws, the United Way of America and Inland Empire United Way require that each agency annually certify the following:

“I hereby certify on behalf of City of Montclair that all United Way funds and donations will be used in compliance with all applicable anti-terrorist financing and asset control laws, statutes and executive orders.”

Edward Starr

City Manager

Signature Date

Please complete the following section with your preferred mailing address and contact information. Thank you!

AGENCY NAME:	
ADDRESS:	
CITY, STATE, ZIP:	
CONTACT PERSON:	
TITLE:	
E-MAIL:	
PHONE NUMBER:	
FAX NUMBER:	
WEB ADDRESS:	

(To request a digital version of this form, please contact CPIntern@ieuw.org)

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF AGREEMENT NO. 16-62 WITH THE INLAND EMPIRE UNITED WAY TO SUPPORT THE MONTCLAIR ONLINE TO COLLEGE PROGRAM	DATE: July 5, 2016
	SECTION: AGREEMENTS
	ITEM NO.: 4
	FILE I.D.: HSV035
	DEPT.: HUMAN SVCS.

REASON FOR CONSIDERATION: The City Council serves as the Board of Directors for the Montclair Community Foundation, Inc. and as such, is requested to consider Agreement No. 16-62 accepting a grant from the Inland Empire United Way (IEUW) to provide funding for the Montclair Online to College (OTC) Program.

A copy of proposed Agreement No. 16-62 is attached for the City Council's review and consideration.

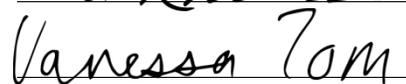
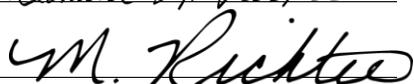
BACKGROUND: The Montclair Community Foundation, Inc. (MCF) Board of Directors, who also serves as Montclair City Council Members, is receiving funding from IEUW to assist in supporting the Montclair OTC Program.

The vision of MCF is to work collectively and collaboratively to strengthen services and enhance the quality of life for residents by promoting health, wellness and economic stability for all including the most vulnerable in our community. The mission of MCF is to guarantee a quality community for all, by working together as diverse, committed individuals and organizations to make an impact that improves the overall well-being of the community. MCF strives to sustain that children, families and individuals of Montclair have improved quality of life and to know how to access needed services. One of the annual goals for 2016 is to support the highly successful Online to College Program which will provide qualifying Montclair High School students a two year scholarship to attend Chaffey College.

The term of Agreement No 16-62 is July 1, 2016, through June 30, 2017.

FISCAL IMPACT: The Inland Empire United Way has offered the Montclair Community Foundation, Inc. a grant of \$7,500 for the Montclair Online to College Program. There will be no direct fiscal impact on the City's General Fund associated with the approval of Agreement No. 16-62.

RECOMMENDATION: Staff recommends the City Council, serving as the Board of Directors for the Montclair Community Foundation, Inc. approves Agreement No. 16-62 with the Inland Empire United Way to support the Montclair Online to College Program.

Prepared by:		Fiscal Impact Finance Review:	
Proofed by:		Reviewed and Approved By:	

**INLAND EMPIRE UNITED WAY
2016-2017 PROGRAM FUNDING AGREEMENT**



I. PURPOSE

The Inland Empire United Way (consisting of board of directors, volunteers, employees, contractors), hereinafter referred to as "IEUW", and Montclair Community Foundation hereinafter referred to as "Organization" enter into this mutual Agreement, including Attachment A (Standards of Affiliation) referred to herein, for the period commencing July 1, 2016 to June 30, 2017.

II. RESPONSIBILITIES

A. The Organization agrees to:

1. Program Responsibility:
 - a. Operate programs and deliver services as set forth during the application process.
 - b. Submit proposed changes or reductions in program outcomes affected by United Way funds.
2. Fiscal Responsibility:
 - a. Use the funds only for the purposes described in the proposal, and not use the funds for any purpose prohibited by law. Also repay any portion of the funding, which is not used for the purposes described in the proposal.
 - b. To maintain books, records and documents in accordance with generally accepted accounting procedures and practice which accurately and appropriately reflect all expenditures of funds listed in the Program Budget and the Organization Budget (submitted with the funding request).
 - c. To provide evidence of adequate financial accountability and accounting procedures documented by submission of a certified audit for agency budgets of \$500,000 or more; a CPA review for agency budgets of \$100,001 - \$500,000; a CPA compilation for agency budgets of \$100,000 or less ~~and submission of a completed IRS Form 990, with a percentage of revenue directed to management/general/fund-raising expenses (including required dues payments to national organizations) of less than 25%.~~ The required documents shall be submitted to IEUW within six (6) months of the closing of the agency's fiscal year.
 - d. That all financial records and supporting documentation shall be subject at all times to inspection, review, or audit by IEUW personnel or its duly authorized agent.
 - e. To maintain and submit, in a timely fashion, documentation and progress reports related to services provided under this agreement.
 - f. To retain all financial records, supporting documentation, statistical records, and any other documents pertinent to this Agreement for a period of three (3) years after termination of this Agreement. If an audit has been initiated and audit findings have not been resolved at the end of three (3) years, all records shall be retained until resolution of audit findings.
 - g. Agency shall not assign the responsibility of this Agreement to another party or subcontract the program(s) funded under this Agreement, without prior written approval of IEUW.
3. Provide service data, demographics, and other information as requested.
4. Meet with IEUW staff to coordinate an in-house agency employee campaign for the IEUW community impact fund; participate in community campaign activities by providing campaign materials, speakers, tours and/or displays as requested.
5. Complete and submit Agency Profile, Program/Services Profile, and Sites Profile for the 2-1-1 database with, as a minimum, annual updates.
6. Complete and submit Agency Agreement and information about volunteer opportunities (as available) for the Hands On Inland Empire website with, as a minimum, annual updates.

B. IEUW agrees to:

1. Recognize and respect the autonomy of the Organization, through its governing board, to determine its own policies and to manage its own programs.
2. Provide access to training, technical assistance and other opportunities for the purpose of the accomplishment of outcomes as set forth in this Agreement.
3. Conduct periodic evaluations/monitoring of program operations.

- C. *Both Parties agree to:*
 - 1. Keep channels of communication open for discussion of matters of common concern.
 - 2. Communicate to each other significant changes, in a timely manner throughout the year, of any circumstances or events that may reasonably be considered to jeopardize its capability to continue to meet its obligations under the terms of this Agreement.
 - 3. Promote effective service and efficient administration.

III. PROGRAM OUTCOMES AND ACTIVITIES

For Impact Grant Recipients Only: The Organization agrees to perform and collect data from the outcomes and activities described in the Organization's individual program applications, program logic models, and evaluation plans, and report results as requested by United Way, with a reasonable amount of advance notice.

IV. PROGRAM FUNDING

IEUW commits to provide an Impact Grant for the following program:
Montclair Online to College **\$7,500**

V. TERMS/METHOD OF PAYMENT

Unless otherwise agreed upon, IEUW will issue monthly payments, effective July 1, 2016 through June 30, 2017, via electronic deposit for all Safety Net and Impact Grants.

VI. TERMINATION OF AGREEMENT

- A. If, at any time during the life of this Agreement, it becomes necessary to change the scope or provisions of the Agreement, the time period of the Agreement, or the conditions of the relationship between the Organization and the United Way, such changes, after being mutually negotiated and agreed upon by both parties, shall be effective when incorporated in written amendments to this Agreement.
- B. Either party may terminate this Agreement by giving written notice to the other party at any time, with termination normally to take effect at the beginning of the subsequent United Way fiscal year.
- C. Terminations to take effect at a time other than the beginning of a new United Way fiscal year must be agreed upon by both parties, or must result from a significant violation of the terms of this Agreement or United Way fundraising policies and eligibility standards.
- D. The United Way may unilaterally terminate this Agreement and funding of the Organization's program in the event of any of the following (upon written notice, to be delivered by certified mail, return receipt requested, or in person with proof of delivery):
 - 1. A clear breach of this Agreement, including all attachments.
 - 2. Determination that the program funded in whole or in part no longer provides a service appropriate for United Way support.
- E. In case of termination as set forth herein, all funding shall terminate, and any funds disbursed and not used for services rendered per the Agreement shall be refunded, by the Organization, to IEUW.
- F. The above provisions shall not limit IEUW's right to remedies at law or to damages.

VII. SUSPENSION OF FUNDS

- A. IEUW shall solely determine:
 - 1. Whether the Organization is performing its obligation satisfactorily as to the Agreement.
 - 2. The terms and conditions of funding suspension and the terms and conditions in which the Organization may qualify for full or partial restoration of funding.
 - 3. The decision whether to invoke suspension or termination of program funding.
- B. IEUW may suspend funding to a program, in whole or in part, in the event of:
 - 1. Insufficient availability of funds to IEUW;
 - 2. The Organization's failure to provide timely outcome results or the agency substantially re-defining the outcomes for this program without consulting with IEUW;
 - 3. The Organization making substantial changes to the program activities and/or ceasing to provide the program without consulting with IEUW;

4. Events and/or activities attributable to the Organization or its personnel which result in:
 - a. Negative publicity to the Organization and/or IEUW, or
 - b. Call into question the ability of the Organization to satisfactorily perform under the terms of this Agreement, or
 - c. Unsatisfactory program performance by the Organization and of its responsibilities under this Agreement, and/or
 - d. Violation of the Program Funding Agreement.

Prior to suspension of agency funding by IEUW, the Organization shall be given an opportunity to explain its position to the President & CEO of IEUW, or other person designated by the IEUW Board of Directors.

VIII. HOLD HARMLESS CLAUSE

To the extent provided by law, the Organization agrees to indemnify and hold harmless the IEUW from liability on account of any injuries, damages, omissions, commissions, actions, causes of actions, claims, suits, judgments and damages accruing, including court costs and attorney's fees, as a result of services performed or not performed, or any negligent act by the Organization or funding granted or not granted by the IEUW or any action arising out of the operation of this funding Agreement.

IX. EVALUATION REQUIREMENTS

The Organization agrees to submit evaluation reports in such format and at such times as may be prescribed by IEUW, reporting the program progress. The Organization agrees to cooperate in an on-site monitoring if such is requested by IEUW. All financial and supporting documents should be available for review at all times.

X. AGENCY ACKNOWLEDGMENT

By execution of this Agreement, Organization accepts the working relationship between IEUW and the Organization providing the program; agrees to the conditions set forth in this Agreement. In addition, the Organization acknowledges the lack of an appeals process and accepts the funding level set forth in this Agreement.

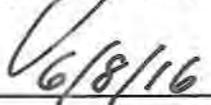
INLAND EMPIRE UNITED WAY

MONTCLAIR COMMUNITY FOUNDATION



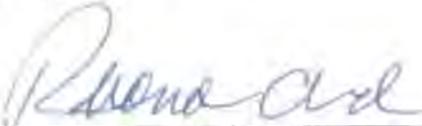
 Gregory Bradbard, President/CEO

 Edward Starr, Executive Director



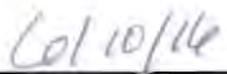
 Date

 Date



 Rhonda Cleeland, Board Chair

 Board Chair



 Date

 Date



ATTACHMENT A – IEUW STANDARDS OF AFFILIATION

For an agency to be eligible to receive program grant or contract funding with Inland Empire United Way, it must meet all the criteria below. The agency must remain in compliance with the criteria at all times. All agency affiliations are subject to final approval by Inland Empire United Way Board of Directors.

ELIGIBILITY STANDARDS for 501(c)(3) organizations and select government/public entities

1. Legal:
 - a. Current IRS 501(c)(3) status, registration with the state of California as non-profit public benefit corporation. The applicant or funded agency shall have its own 501(c)(3), or have the authorized use of another agency's 501(c)(3) (** see note). Government/public entities do not need to obtain 501(c)(3) status for the program.
 - b. Current articles of incorporation and bylaws.
 - c. Evidence of compliance with laws, codes, and regulations (including any required licensing standards) applicable to the particular type of business or organization.
 - d. Must review and be able and willing to sign the funding agreement and operate under the agreement.

2. Non-discrimination
Board-adopted policy or policies for clients, staff, and volunteers emphasizing maintaining diversity reflective of community served.

3. Organizational/Management
 - a. Volunteer board of directors which functions in accordance with agency bylaws, and which maintains accurate and complete records of its corporate functioning.
 - b. Adequate liability and other applicable insurance coverage as required by law.
 - c. Board-adopted, written agency policies as necessary (including personnel policies) to provide for legal, safe, and appropriate functioning of the agency, with consistent procedures for implementation, review, and revision as appropriate.
 - d. Evidence of a functioning agency planning process, to include a minimum of board-approved agency goals and objectives for one year of operations.
 - e. Evidence of regular communication with agency constituency regarding agency services and operations.
 - f. Regular board, staff and volunteer training to maintain continuity, quality and currency of agency operations.
 - g. Minimum history of two (2) years of operations as a 501(c)(3).

4. Fiscal Management
 - a. Evidence of adequate financial accountability and accounting procedures to be documented by annual submission of a certified audit for budgets \$500,000 or more; a CPA review for agency budgets of \$100,001 - \$499,999; a CPA compilation for agency budgets of \$100,000 or less. All agencies are also required to submit a completed IRS Form 990. If a 990 is not available, the agency must provide information on Management & General Expenses, Fundraising Expenses, and Total Revenue.
 - b. Appropriate percentage of budget directed to program services; the recommended percentage is less than 25% of revenue to be spent on management/general (including required dues payments to National organizations) and fundraising expenses. Exceptions may be made upon review of the Community Impact Advisory Council/Board of Directors, on a case by case basis.



ATTACHMENT A – IEUW STANDARDS OF AFFILIATION

- c. Broad, stable funding base and/or plans for maintaining/developing adequate resources to cover projected needs.

5. Program

- a. Mission statement that indicates a primary focus on provision of health/human services.
- b. Program which is consistent with the agency's mission.
- c. Accurate program/service records specific to this United Way's service area, and appropriate data collection (to include demographic data on service recipients) and record-keeping procedures to ensure adequate reporting and accountability while protecting rights of service recipients.
- d. IEUW funding will only be available for programs provided to low-income households with income levels of up to 250% of the Federal Poverty Level.
- e. Evidence of appropriate program evaluation procedures, including a system to measure program outcomes.
- f. Appropriate physical facilities that comply with applicable health and safety codes.
- g. Programs primarily focused on the arts, competitive sports, legislative advocacy, religion, are generally not eligible for funding from this United Way.

***Note: The authorization consists of an original, current letter, signed by the chair of the board of directors of the authorizing agency including such statements as: the board of directors of (X agency) authorizes (Y agency) to use the not-for-profit status of our agency, and is taking full responsibility for (Y agency's) program, organizational, and fiscal management.*



ANTI-TERRORISM COMPLIANCE MEASURES FORM

In compliance with the USA PATRIOT Act and other counterterrorism laws, the United Way of America and Inland Empire United Way require that each agency annually certify the following:

"I hereby certify on behalf of Montclair Community Foundation that all United Way funds and donations will be used in compliance with all applicable anti-terrorist financing and asset control laws, statutes and executive orders."

Edward Starr

Executive Director

Signature

Date

Please complete the following section with your preferred mailing address and contact information. Thank you!

AGENCY NAME:	
ADDRESS:	
CITY, STATE, ZIP:	
CONTACT PERSON:	
TITLE:	
E-MAIL:	
PHONE NUMBER:	
FAX NUMBER:	
WEB ADDRESS:	

(To request a digital version of this form, please contact CPIntern@ieuw.org)

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO. 16-3119 RELATED TO A PRECISE PLAN OF DESIGN FOR A PROPOSED 23-UNIT RESIDENTIAL APARTMENT PROJECT WITHIN THE NORTH MONTCLAIR DOWNTOWN SPECIFIC PLAN AT 8949 MONTE VISTA AVENUE	DATE: July 5, 2016 SECTION: RESOLUTIONS ITEM NO.: 1 FILE I.D.: CDV050 DEPT.: COMMUNITY DEV.
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REASON FOR CONSIDERATION: All land use and design review entitlements within the boundary of the North Montclair Downtown Specific Plan (NMDSP) require review and approval by the City Council.

A copy of proposed Resolution No. 16-3119 is attached for the City Council’s review and consideration.

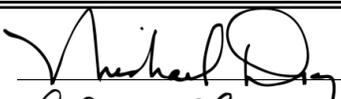
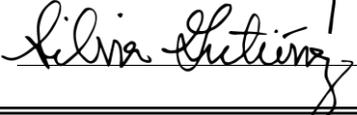
BACKGROUND: On June 6, 2016, the City Council, by a 3 to 1 vote, continued its review of the proposed 23-unit residential apartment development at 8949 Monte Vista Avenue over concerns regarding the sufficiency of on-site parking. The City Council asked the developer to advance the preparation of a Parking Management Plan (PMP) for its review prior to a final decision on the project proposal. The developer, CFC-Montclair, LLC, prepared a PMP for the project and its 31 parking spaces. A copy of the Vista Court PMP is attached (Attachment A). The staff report describing the project that was prepared for the June 6, 2016 City Council meeting is also included (Attachment B).

Basic Elements of the Parking Management Plan

The proposed PMP will be implemented by the on-site manager employed by the property management company hired for the project. It should be noted that the selected property management firm retained by the property owner is subject to the approval of the Police Department.

As part of the initial rental application process, each potential renter of a unit within the project will be given written notice by the on-site manager of on-site parking conditions and requirements at the complex. Potential tenants will also be informed that they may not access parking within the Paseos project and that onsite and off-site parking is not easily accessible or available in the area. All executed lease agreements will contain the entire PMP as an exhibit to their lease agreement, including a signed acknowledgment that the resident(s) agree to the terms of PMP.

- **Parking Stalls** - All parking stalls within the project will be numbered to allow for easy monitoring of parking within the project site. Parking stall and unit

Prepared by:		Fiscal Impact Finance Review:	
Proofed by:		Reviewed and Approved By:	

designations are shown on the attached site plan and the enclosed parking matrix identifies specific unit numbers, types, and stall assignments.

- **Assigned Spaces** – All dwelling units will be assigned a minimum of one parking space within the project area. Tandem stalls will be assigned to two-bedroom units. Not all two-bedroom units within the project will have two assigned spaces.
- **Guest Parking** – Guest parking will be provided with four (4) specific unassigned stalls as outlined within the attached parking matrix. The property manager will provide short term guest parking passes upon resident request on an as-available basis and subject to specific date, time duration, and restrictions.
- **Parking Permit Program** – Numbered and branded windshield decals for every registered car at the community will be issued at the time of resident move-in and voided upon lease termination.
- **Enforcement** – Residents will be required to follow parking guidelines at all times.
 - Project signage will be installed prior to building occupancy identifying resident reserved parking stalls and locations of guest parking stalls. Project signs will be installed to identify that the development is private property and that unauthorized vehicles will be towed at vehicle owner's expense.
 - The property management company will retain the services of a licensed, qualified tow company and provide emergency contact information signage within the property.
 - First time violation: Resident will be notified with a courtesy call and reminder of parking guidelines.
 - Second Violation: Warning notice will be placed on vehicle, notifying owner the vehicle is subject to tow at the conclusion of the indicated 24-hour timeframe at the owner's expense. A note will also be placed in the resident's file.
 - Third Violation: Vehicle will be subject to immediate tow removal at owner's expense. Resident would be asked to meet with the community manager to resolve the ongoing issue.
- **Coordination with Paseos Project** – Vista Court property manager shall communicate with the Paseos community management team on a regular basis to discuss and resolve concerns and conflicts as they may arise between the projects related to parking management issues.

ANALYSIS: Overall, staff finds the project to be very well designed and consistent with the intent and design goals of the North Montclair Downtown Specific Plan. The proposed 23-unit residential apartment project is consistent with the "Planned Development" land use designation of the City's General Plan Land Use Map, and the CR ("Corridor Residential") land use designation of the NMDSP. Moreover, the proposed "Mediterranean" inspired architectural design of the project is well done, attractive, and complementary to recent development in the area. The design is consistent with the architectural style guidelines depicted in the NMDSP, and features

high-quality exterior materials and finishes and incorporates appropriate lighting and landscape materials to give the project a distinctive and pleasing appearance.

Staff also believes the proposed PMP is appropriate for the project. The proposed PMP has all the basic elements of a workable strategy to address on-site parking provided it is thoroughly and consistently implemented. The applicant has also confirmed his commitment to making sure that the PMP is dependably implemented and will work to help potential residents understand that the Vista Court project is part of the developing transit oriented district (TOD) as envisioned by the North Montclair Downtown Specific Plan (NMDSP). As more development occurs within the boundaries of NMDSP, the goal of creating a walkable district that includes a mixture of quality housing, office, retail and/or other amenities within a half-mile of public transportation will be realized.

In conclusion, staff finds the project has been designed in accordance with all the provisions of the NMDSP, including the requirement to develop a parking management plan for the project. Based on the information above and contained in the staff report and draft resolution of approval prepared for the June 6, 2016 Council meeting, staff recommends approval of the proposed Vista Court project.

Public Notice and Comments

No public hearing is required for this project. At the June 6, 2016, City Council meeting, three individuals provided comments regarding the sufficiency of parking for the project. As a courtesy, a copy of this report was sent to the management office of the adjacent Paseos community.

Environmental Assessment

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the City certified an Environmental Impact Report (EIR) on August 15, 2006, in connection with the City's approval of the North Montclair Downtown Specific Plan and anticipated improvements. According to Government Code section 65457 and State CEQA Guidelines Section 15182, where a public agency has prepared an EIR on a Specific Plan after January 1, 1980, no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformity to that specific plan. If the project is a residential project consistent with the specific plan then it is statutorily exempt pursuant to Government Code Section 65457 and State CEQA Guidelines Section 15182. This statutory exemption is, however, subject to the limitation that if after adoption of the specific plan an event described in Public Resources Code Section 21166 or State CEQA Guidelines Section 15162 should occur then the exemption shall not apply until the City takes certain further CEQA actions.

According to Public Resources Code Section 21166 and State CEQA Guidelines Sections 15162 and 15182, no subsequent or supplemental EIR or Negative Declaration is required in connection with subsequent discretionary approvals of the same project unless: (i) substantial changes are proposed to the project that indicate new or more severe impacts on the environment; (ii) substantial changes have occurred in the circumstances under which the project was previously reviewed that indicates new or more severe environmental impacts; or (iii) new important information shows the project will have new or more severe impacts than previously considered; or (iv)

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

Staff finds that the current application for the proposed 23-unit residential apartment project is being undertaken pursuant to and in conformity to the North Montclair Downtown Specific Plan, for which an EIR was certified in 2006. The proposed project is substantially consistent with the anticipated impacts evaluated in the previously certified EIR for the North Montclair Downtown Specific Plan and its anticipated improvements. Staff further believes that the project will not have one or more significant effects not discussed in the previously certified EIR, not have more severe effects than previously analyzed, and that additional or different mitigation measures are not required to reduce the impacts of the project to a level of less than significant. As such, none of the conditions listed in Public Resources Code Section 21166 or State CEQA Guidelines Section 15162 requiring the preparation of a subsequent or supplemental EIR are present and the project qualifies for the exemption for residential projects described in Government Code Section 65457 and Section 15182 of the State CEQA Guidelines.

FISCAL IMPACT: There would be no direct fiscal impact on the City's General Fund at this time should the City Council adopt Resolution No. 16-3119 approving the project described herein.

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 16-3119 related to a Precise Plan of Design for a proposed 23-unit residential apartment project within the North Montclair Downtown Specific Plan at 8949 Monte Vista Avenue.

VISTA COURT APARTMENTS

PARKING MANAGEMENT PLAN

JUNE 27, 2016



**VISTA COURT APARTMENTS - PARKING MANAGEMENT PLAN
8949 MONTE VISTA**

The following parking management plan will be adopted and implemented by the Vista Court Apartments property management company prior to any occupancy within the project.

Tenant Advisory

Prior to acceptance and approval of a rental application, the onsite manager shall provide all prospective tenants with a copy of this "Parking Management Plan". The onsite manager shall review with the prospective tenant the Parking Management Plan and, as part of rental application process, receive from the prospective tenant a signed statement advising that a copy of the Parking Management Plan was provided to, and reviewed with, the prospective tenant and the provisions are understood and agreed to by the prospective tenant. The prospective tenant shall also certify that he/she has been advised that additional on-street and off-street parking is not easily accessible or available in the area.

Project Parking Stalls

All parking stalls within the project will be numbered to allow monitoring of parking within the community. Stall and unit designations are shown on the attached site plan and the enclosed parking matrix identifies specific unit numbers, types, and stall assignments.

Project signage will be installed prior to building occupancy identifying resident reserved parking stalls and locations of guest parking stalls.

Project signage will be installed to identify that the project area is private property and that unauthorized vehicles will be towed at vehicle owner's expense.

Project contains both covered carport and open stalls. Conversion to enclosed garage type parking shall not be permitted without approval from the City of Montclair

Assigned Spaces

All dwelling units will be assigned a minimum of one parking space within the project area.

Tandem stalls will be assigned to two bedroom units. Not all two bedroom units within the project will have two assigned spaces.

VISTA COURT APARTMENTS - PARKING MANAGEMENT PLAN 8949 MONTE VISTA

Guest Parking

Guest parking will be provided with four (4) specific unassigned stalls as outlined within the attached parking matrix. Except as otherwise provided for herein, guest parking is for use by guests, not tenants, on a first-come, first-served basis. Parking management will include provision for property management to issue short-term registered guest passes in the form of a Rearview Mirror Hanger. Property manager will provide short term guest parking pass upon resident request on an as-available basis and subject to specific date, time duration and restrictions.

Parking Permit Program

The parking permit program for the project will include the issuance of numbered and branded windshield decals for every registered car at the community. A parking permit decal will be issued at the time of resident move-in and voided upon lease termination.

Residents will be notified of the parking management plan as an exhibit to their lease agreement. The exhibit will state which parking stall(s) is assigned to the tenant. Such exhibit to the lease will also include acknowledgment that the tenant(s) **may not** access parking within the Paseos project and include a statement that onsite and off-site parking is not easily accessible or available in the area. The exhibit will also state the provisions for guest parking. Each tenants will sign and acknowledge their understanding of the parking plan. A copy of the exhibit will be provided to the tenant.

Parking Violations

Residents will be required to follow parking guidelines at all times. Violations will be handled as follows,

- First Violation: Resident will be notified with courtesy call and reminder of parking guidelines.
- Second Violation: Warning notice will be placed on vehicle, notifying owner the vehicle is subject to tow at the conclusion of the indicated 24-hour timeframe at the owner's expense. A note will also be placed in the resident's file.
- Third Violation: Vehicle will be subject to immediate tow removal at owner's expense. Resident would be asked to meet with the property manager to resolve the ongoing issue.

Vehicle Towing

The property management company shall at all times retain the services of a licensed, qualified tow company and provide emergency contact information signage within the property.

**VISTA COURT APARTMENTS - PARKING MANAGEMENT PLAN
8949 MONTE VISTA**

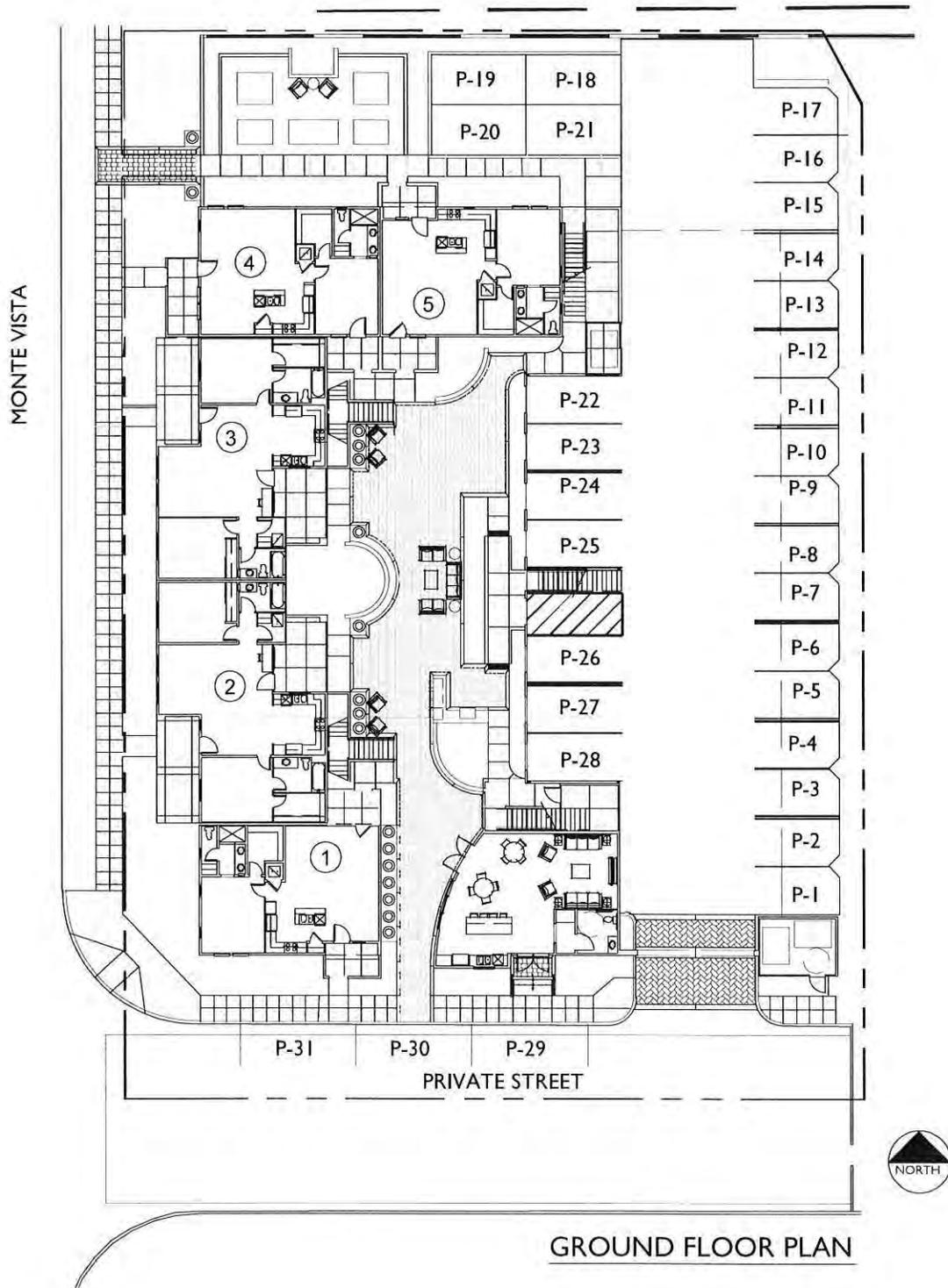
Paseos Project

The property manager at Vista Court Apartments shall communicate with the Paseos community management team on a regular basis to discuss and resolve concerns and conflicts as they may arise between the projects related to parking management issues.

ADDRESS	UNIT #	UNIT TYPE	ASSIGNED STALL #	2ND ASSIGNED STALL #
8949 MONTE VISTA	1	1BD	P-1	
8949 MONTE VISTA	2	2BD	P-18	P-19
8949 MONTE VISTA	3	2BD	P-20	P-21
8949 MONTE VISTA	4	1BD	P-22	
8949 MONTE VISTA	5	1BD	P-23	
8949 MONTE VISTA	6	1BD	P-2	
8949 MONTE VISTA	7	2BD	P-9	
8949 MONTE VISTA	8	2BD	P-10	
8949 MONTE VISTA	9	2BD	P-11	
8949 MONTE VISTA	10	2BD	P-12	
8949 MONTE VISTA	11	2BD	P-13	
8949 MONTE VISTA	12	2BD	P-14	
8949 MONTE VISTA	13	2BD	P-15	
8949 MONTE VISTA	14	1BD	P-24	
8949 MONTE VISTA	15	1BD	P-25	
8949 MONTE VISTA	16	2BD	P-16	P-17
8949 MONTE VISTA	17	2BD	P-5	P-6
8949 MONTE VISTA	18	1BD	P-4	
8949 MONTE VISTA	19	1BD/DEN	P-3	
8949 MONTE VISTA	20	1BD	P-8	
8949 MONTE VISTA	21	1BD	P-7	
8949 MONTE VISTA	22	1BD	P-27	
8949 MONTE VISTA	23	1BD/DEN	P-28	

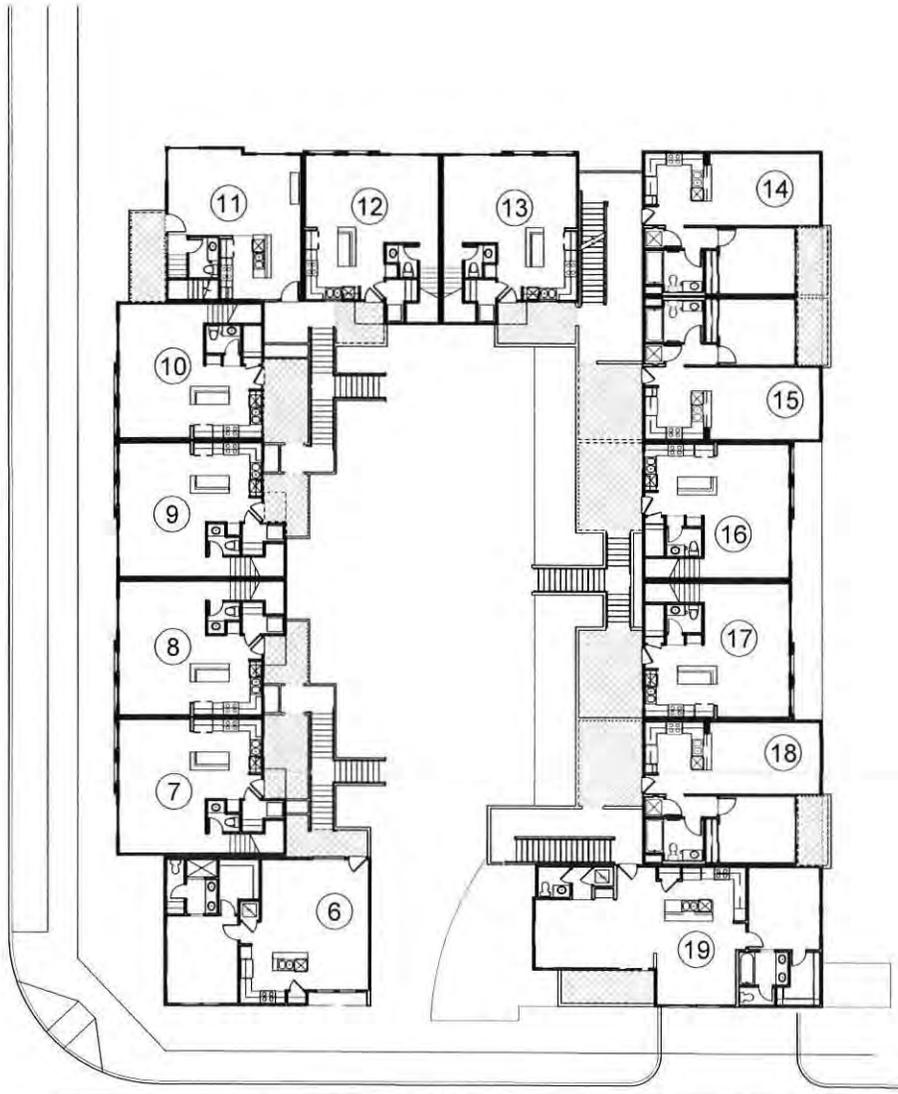
UNASSIGNED GUEST STALLS = P-26, P-29, P-30, P-31

VISTA COURT APARTMENTS - PARKING MANAGEMENT PLAN
8949 MONTE VISTA



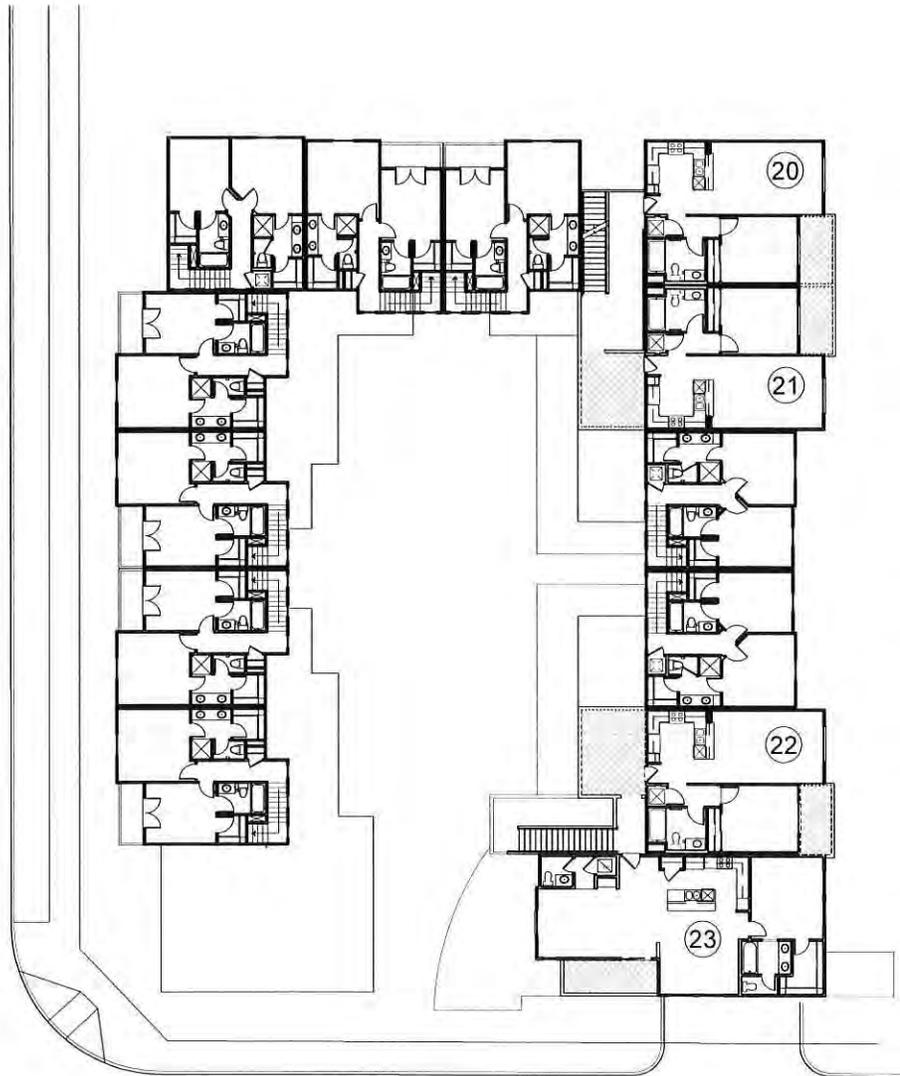
GROUND FLOOR PLAN

VISTA COURT APARTMENTS - PARKING MANAGEMENT PLAN
8949 MONTE VISTA



SECOND FLOOR PLAN

VISTA COURT APARTMENTS - PARKING MANAGEMENT PLAN
8949 MONTE VISTA



THIRD FLOOR PLAN

AGENDA REPORT

SUBJECT: CONSIDER APPROVAL OF RESOLUTION NO. 16-3119 RELATED TO A PRECISE PLAN OF DESIGN FOR A PROPOSED 23-UNIT RESIDENTIAL APARTMENT PROJECT WITHIN THE NORTH MONTCLAIR DOWNTOWN SPECIFIC PLAN AT 8949 MONTE VISTA AVENUE	DATE: June 6, 2016 SECTION: RESOLUTIONS ITEM NO.: 1 FILE I.D.: CDV050 DEPT.: COMMUNITY DEV.
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REASON FOR CONSIDERATION: All land use and design review entitlements within the boundary of the North Montclair Downtown Specific Plan (NMDSP) require review and approval by the City Council.

Proposed Resolution No. 16-3119 is attached for the City Council's review and consideration.

BACKGROUND: CFC-Montclair, LLC is proposing to build a 23-unit residential apartment project on a 0.65-acre site, presently addressed as 8949 Monte Vista Avenue. The new development is tentatively named Vista Court and when completed, would be the third residential development project within the boundaries of North Montclair Downtown Specific Plan (NMDSP). Since the project involves no subdivision of land area and no variance requests, this project only requires the approval of a Precise Plan of Design (PPD).

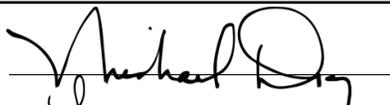
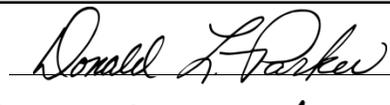
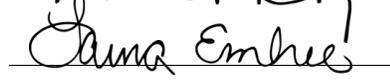
Copies of the site plan, floor plans, elevations, renderings, and conceptual landscape plan are included in the Council packets for reference.

Precise Plan of Design

The proposed project consists of a single, 3-story, U-shaped building surrounding an exterior landscaped courtyard. The 3-story building would be approximately 20,162-square-feet in area, 37 feet in height, and set back 17 feet from the face of curb on Monte Vista Avenue.

The 17-foot setback would accommodate a six-foot deep landscaped parkway (for street trees), a five-foot wide public sidewalk, and approximately six feet of private landscaping planter area at the front of the new building.

The common courtyard space at the middle of the site would feature landscaping and a combination of concrete walkways and permeable brick paving, freestanding and built-in tile seating, decorative urns and pots, and a barbecue area. Main access to the courtyard would be from the south. On the north side of the building, the developer proposes a garden area with seating for use by the tenants. Each unit would also have

Prepared by:		Fiscal Impact Finance Review:	
Proofed by:		Reviewed and Approved By:	

a modest, private patio or balcony space suitable for a small café table and chairs. Patios at ground level would be defined by low decorative walls and landscaping.

A covered trash enclosure is proposed for the project and would be located at and integrated into the southeast corner of the new building where it could be easily accessed by solid waste providers from the private driveway on the southerly boundary of the site.

Unit Size

The proposed building is designed to provide a combination of living unit types which are summarized in the following table:

Summary of Proposed Unit Sizes		
<i>Floor Plan</i>	<i>Size Range</i>	<i>Number of Units</i>
1 BR/1 BA Flat	665 s.f.	6
1 BR/1 BA Flat	786 s.f.	3
2 BR/2 BA Flat	956 s.f.	2
2 BR/2 BA Townhouse	1,050 s.f.	6
2 BR/2 BA Townhouse	1,084 s.f.	3
2 BR/2 BA Flat	1,085 s.f.	2
1 BR/1 BA Flat	810 s.f.	1
Total		23 Units

The new building also includes a ground level lounge room for the tenants that would provide a seating area with TV, game tables, a kitchenette, and restroom.

Parking

A total of 28 parking spaces are proposed along the east side of the site, some of which are tucked under or partially covered by the east end of the building. A breakdown of the proposed parking spaces includes 25 standard sized parking stalls, one van-accessible disabled person parking space, and two tandem stalls for a total of 28 spaces. Access to the parking area would be from a driveway portal on the south side of the building facing the existing private driveway between the subject site and The Paseos development to the south. The parking requirement for residential units in the NMDSP is a minimum of one (1) space per unit (NMDSP Section 5.2.030.C.3).

Architecture

The architectural design for the building is generally categorized as Mediterranean in nature, which features a number of characteristic elements: smooth plaster walls, articulation at corners and main entries, functional balconies, tiled pitched roof, decorative use of ornamental (wrought iron) metal at balconies and gates, awnings, etc. The main color for the stucco building will be tan with doors and windows being

complementary gray and brown. The concrete tile roof will be a blend of burnt orange and brown colors.

Landscaping/Hardscape

The landscape and irrigation plans for the project site feature a varied selection of drought tolerant plant materials that would complement the architecture of the buildings and highlight the central courtyard space. The proposed tree list includes several accent selections such as Tree Aloes, King Palms, and a 60-inch Magnolia tree to be planted within the courtyard area. Crape Myrtle, Tristiana, and Cypress trees round out the selections proposed for the perimeter of the site. Tree sizes range from 24- to 60-inch box size. The shrub list includes combination of succulents, lilies, roses, Bird of Paradise, Rosemary, Raphiolepis, Westringia, etc. No turf areas are proposed for the project.

Lastly, the parkway area along Monte Vista Avenue would continue the established pattern of Canary Island Pines (*Pinus canariensis*) and Crape Myrtle (*Lagerstroemia indica*) street trees.

Project Site Information

- The subject property is located within the planning area of North Montclair Downtown Specific Plan (NMDSP), adopted in 2006. The objective of the NMDSP is to introduce urban style residential projects to the area and begin the process of creating a "downtown" environment with walkable neighborhoods, local retail and service businesses, and convenient access to rail transit.
- The project site is rectangular in shape and approximately 28,300 square feet (0.65 acres) in area. The property was developed in 1991 as a "lube and tune" business known as Grease Monkey, under Case No. 89-27. The property has been vacant since 2012.
- The subject property contains a 14-foot wide easement on the south side of the property forming a portion of the existing 35-foot wide private driveway that it shares with the adjacent Paseos project. The subject 14-foot wide easement is approximately 138 feet in length and ends at a perimeter wall constructed for the Paseos project.
- On March 21, 2016, the project was reviewed by the Real Estate Committee, which found the project to be well done.
- On April 11, 2016, the Planning Commission reviewed the proposed project and unanimously recommended City Council approval. One Paseos resident and the property manager for The Paseos project spoke in opposition to the project as proposed over concerns regarding parking, density, and building height.

ANALYSIS: Overall, staff finds the project to be very well designed and consistent with the intent and design goals of the North Montclair Downtown Specific Plan. Staff has worked closely with the applicant's architect and the City's design consultant for nearly a year to ensure the project was developed in accordance with the development standards and guidelines of the Specific Plan. The project represents a good design solution to a fairly small site involving careful planning and fine architecture. When

completed, the new units will add to the City's housing stock of new market rate, high quality dwelling units in various sizes and configurations.

At 23 dwelling units on slightly more than one-half acre, the project density is calculated to be just over 35 dwelling units per acre, which is consistent with the "Corridor Residential" density range of 30-50 dwelling units per acre. The project is also consistent with the intent of the "Corridor Residential" land use designation for the site, which states in part, "The...zone is intended to establish a denser fabric of residential buildings, appropriate for locations on arterial roads. It is therefore the portion of the plan where the more intense residential development is expected." The proposed building directly faces Monte Vista Avenue and contributes to the development of an attractive and continuous streetscape along the street.

Although the project directly faces Monte Vista Avenue, entering and exiting the site and parking area will be relatively easy from the existing short length private driveway located on the south side of the project site. The private driveway will be posted as "No Parking" to meet Fire Department access requirements and facilitate trash pickup by solid waste trucks.

Architecture and Landscaping

Staff finds the proposed "Mediterranean" architecture for the project to be well done, visually attractive, and complementary to The Paseos project that abuts the project site. The design of the new building is relatively simple in form and utilizes an appropriate range of architectural details and application of durable materials that will be long lasting. Architectural design and details are extended to all sides of the buildings. Staff believes the project architecture and colors selected for the project will help provide a comfortable level of distinction from the adjacent developments.

The courtyard area is relatively small but well designed to serve as the key focal point and social area for the complex. The proposed number and quality of the improvements within the courtyard area will serve and enhance the quality of life for the project residents, who will share the common open space area. Courtyard areas of ground floor patios will be properly defined and separated from the courtyard by means of low plaster walls.

Staff believes the proposed landscaping plan, including hardscape elements, is well done and appropriate for the proposed architecture and size of the property. Plant materials are well distributed around the site; many are drought tolerant, provide shade, and add visual interest. The use of specimen-sized trees (e.g., Magnolia, Palms, Aloe) in the courtyard and in key areas along the perimeter of the site will add immediate impact. Lastly, parkway landscaping along Monte Vista Avenue will continue the street theme and appearance established by The Paseos project to the south of the subject site.

Parking

The NMDSP was developed and approved as a Transit Oriented Design (TOD) plan that intends to promote the use of public transit options and reduce the need for private vehicle usage and areas for parking. As such, the project has been designed to be in compliance with all applicable development standards of the NMDSP including the one (1) parking space per dwelling unit requirement. For this project, unit sizes were purposely limited to no more than two bedrooms and a maximum unit size of 1,085

square feet in order to minimize the pressure of providing more parking to accommodate larger units with potentially more vehicles. In addition, the developer is aware of the concern over parking and has indicated his support for complying with the condition of approval requiring the preparation and enforcement of a Parking Management Plan for his project.

During the Planning Commission hearing, one resident from The Paseos project voiced his concerns with the project, particularly the lack of sufficient parking at their complex that would get worse if the subject project were approved as proposed. With respect to the current parking issue at The Paseos, staff notes that the current problem was largely created by the original property management company, Alliance Residential, which distributed an excess number of parking permits to many residents, presumably to more easily lease up units, but in direct violation of the Parking Management Plan. In at least one case of which staff is aware, one unit was issued five parking permits, while others utilize their extra parking permits to park their vehicles outdoors instead of in the garage, which is instead being used for storage, thereby compounding the problem. Ms. Deborah Loughlin, the property manager for GHP (new owner of The Paseos), is aware of the problem and has begun efforts to develop and implement a new "color coded" parking permit program to regain control of parking at The Paseos.

Ms. Loughlin indicated that a private security patrol service GHP has employed for many months will soon have the authority to tow violating vehicles once the program is implemented. She added that she has conducted meetings with residents and explained the need for compliance with the new rules; however, the problem of excess parking permits will not disappear overnight. As the "beneficiaries" of Alliance's generosity with move out, they gradually expect to get the parking under control.

Former Community Development Director Steve Lustro also spoke to Steven Fink, Director of Acquisitions for GHP, about the Vista Court project. Mr. Fink shared the observation that Ms. Loughlin's task was not insurmountable, but was going to take time. Mr. Lustro also described other potential residential projects in the immediate area and Mr. Fink was pleased to hear that more units would be built in the area to increase the critical mass of rooftops. He was not worried about parking issues generated by Vista Court.

Lastly, staff explored the possibility of adding parking in the existing private drive between the proposed Vista Court project and the adjacent Paseos project. As previously noted in this report, the existing private drive is approximately 35 feet in total width (curb to curb), with only 14 feet of the total width being controlled by the applicant. Within this limited area perhaps 2-3 parallel parking spaces could be accommodated along the north side of the drive between Monte Vista Avenue and the west side of the parking entry point for Vista Court. These spaces would be controlled by the owner of the Vista Court project. The adding of these spaces to the applicant's side of the private drive has been made a condition of approval. When added, the total number of spaces for Vista Court would be increased from the proposed 28 parking spaces to 30 or 31 parking spaces.

As for The Paseos side of the private drive, a maximum of 3-4 spaces could be accommodated provided that the Fire Department does not deem the remainder of the drive as a "Fire Lane" serving both projects. The Paseos management would be responsible to ascertain whether the Fire Department could support parking along the south side of the private drive. If possible, the existing landscaping on the north side

of The Paseos community building might need to be removed in order to add a sidewalk for persons exiting from parked vehicles. Moreover, these spaces, if installed, would be under the control of The Paseos and not be available for Vista Court residents or guests.

Property Maintenance/Management

As with all new development in the NMDSP project area, proper property maintenance and management is a key goal for the City. As a condition of approval, the proposed apartment development would be managed by an institutional quality professional management company with an on-site manager. As part of the above condition, the applicant will be required to record an Operations Agreement against the entire property providing for the perpetual maintenance of all buildings and improvements, including roadways, retaining walls, drainage facilities, and water and sewer systems.

City staff is also working with a consultant to lay groundwork and implement a Community Facilities District (CFD), which would overlay the subject site. Establishment of the CFD, which has been anticipated since the NMDSP was adopted, would provide the vehicle for collecting funds to maintain public improvements such as curb, gutter and sidewalk, paving, streetlights, street sweeping, signage, street furniture, landscaping in the public right-of-way. Completion and City approval of the CFD will be a condition of approval before any grading and/or building permits are issued on the project.

Findings

- The proposed 23-unit residential apartment project is consistent with the "Planned Development" land use designation of the City's General Plan Land Use Map, and the CR ("Corridor Residential") land use designation of the North Montclair Downtown Specific Plan. The CR land use district is intended to establish a denser fabric of residential buildings, appropriate for locations on arterial roads. It is therefore the portion of the plan where the more intense residential development is expected. The proposed building directly faces Monte Vista Avenue and contributes to the development of an attractive and continuous streetscape.
- The proposed project makes efficient use of the small site while complying with applicable development standards of the NMDSP. The 23 dwelling units proposed with this project are within the "Corridor Residential" density range of 30-50 dwelling units per acre.
- The site plan, building form, massing, and height will contribute to the ongoing formation of the streetscape and development pattern envisioned by the NMDSP. The proposed 3-story building and its placement on the site near Monte Vista Avenue are consistent with the intent of the CR land use district and represents a good design solution for a fairly small site.
- The proposed "Mediterranean" inspired architectural design of the project as indicated on the submitted plans is well done, attractive, and complementary to recent development in the area. The design is consistent with the architectural style guidelines depicted in the NMDSP, and features high quality exterior materials and finishes and incorporates appropriate lighting and landscape materials to give the project a distinctive and pleasing appearance.

Public Comment from Adjoining Property Owners

No public hearing is required for this project. However, on April 1, 2016, courtesy notices were mailed out to property owners within a 300-foot radius from the boundaries of the subject property, including the property manager at The Paseos project adjacent to the site. Electronic comments were received by staff from three (3) individuals residing at The Paseos indicating their opposition to the project. The concerns raised in the emails included the issue of insufficient parking at The Paseos and for the subject project, proposed project density, potential noise impacts, and loss of views. Two individuals attended the Planning Commission hearing where the above concerns were raised.

Environmental Assessment

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the City certified an Environmental Impact Report (EIR) on August 15, 2006 in connection with the City's approval of the North Montclair Downtown Specific Plan and anticipated improvements. According to Government Code section 65457 and State CEQA Guidelines Section 15182, where a public agency has prepared an EIR on a Specific Plan after January 1, 1980, no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformity to that specific plan. If the project is a residential project consistent with the specific plan then it is statutorily exempt pursuant to Government Code Section 65457 and State CEQA Guidelines Section 15182. This statutory exemption is, however, subject to the limitation that if after adoption of the specific plan an event described in Public Resources Code Section 21166 or State CEQA Guidelines Section 15162 should occur then the exemption shall not apply until the City takes certain further CEQA actions.

According to Public Resources Code Section 21166 and State CEQA Guidelines Sections 15162 and 15182, no subsequent or supplemental EIR or Negative Declaration is required in connection with subsequent discretionary approvals of the same project unless: (i) substantial changes are proposed to the project that indicate new or more severe impacts on the environment; (ii) substantial changes have occurred in the circumstances under which the project was previously reviewed that indicates new or more severe environmental impacts; or (iii) new important information shows the project will have new or more severe impacts than previously considered; or (iv) additional mitigation measures are now feasible to reduce impacts or different mitigation measures can be imposed to substantially reduce impacts.

Staff finds that the current application for the proposed 23-unit residential apartment project is being undertaken pursuant to and in conformity to the North Montclair *Downtown Specific Plan, for which an EIR was certified in 2006. The proposed project* is substantially consistent with the anticipated impacts evaluated in the previously certified EIR for the North Montclair Downtown Specific Plan and its anticipated improvements. Staff further believes that the project will not have one or more significant effects not discussed in the previously certified EIR, not have more severe effects than previously analyzed, and that additional or different mitigation measures are not required to reduce the impacts of the project to a level of less than significant. As such, none of the conditions listed in Public Resources Code Section 21166 or State CEQA Guidelines Section 15162 requiring the preparation of a subsequent or supplemental EIR are present and the project qualifies for the exemption for residential projects described in Government Code Section 65457 and Section 15182 of the State CEQA Guidelines.

FISCAL IMPACT: There would be no direct fiscal impact on the City's General Fund at this time should the City Council adopt Resolution No. 16-3119 approving the project described herein.

RECOMMENDATION: Staff recommends that the City Council adopt Resolution No. 16-3119 related to a precise plan of design for a proposed 23-unit residential apartment project within the North Montclair Downtown Specific Plan (NMDSP) at 8949 Monte Vista Avenue.

RESOLUTION NO. 16-3119

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR APPROVING A PRECISE PLAN OF DESIGN UNDER CASE NUMBER 2016-3 FOR A PROPOSED 23-UNIT RESIDENTIAL APARTMENT DEVELOPMENT AT 8949 MONTE VISTA AVENUE WITHIN THE NORTH MONTCLAIR DOWNTOWN SPECIFIC PLAN (APN 1008-011-24)

WHEREAS, on February 9, 2016, CFC-Montclair LLC, owner of property at 8949 Monte Vista Avenue, filed an application for a Precise Plan of Design (PPD), to build a proposed 23-unit residential apartment development on the subject site; and

WHEREAS, the subject property is 0.65 acres in size; and

WHEREAS, the General Plan land use designation for the site is "Planned Development"; and

WHEREAS, the North Montclair Downtown Specific Plan (NMDSP) was adopted in 2006, with the objective of introducing urban style residential projects to the area and begin the process of creating a "downtown" environment with walkable neighborhoods, local retail and service businesses, and convenient access to rail transit; and

WHEREAS, the NMDSP designates the subject site as being located in the Corridor Residential (CR) land use district, which allows a residential density range of 30-50 dwelling units per acre; and

WHEREAS, a Precise Plan of Design is requested for the overall site plan, floor plans, elevations, colors, materials, and landscape plan, associated with the 23-unit residential development; and

WHEREAS, the proposed project intends to construct 23 units on 0.65 acres, resulting in a density of approximately 35 dwelling units per acre, consistent within the 30-50 dwelling units per acre density range of the CR land use district; and

WHEREAS, staff has determined the proposed project is consistent with the intent and requirements of the General Plan and the NMDSP; and

WHEREAS, All land-use and design review entitlements within the boundary of the North Montclair Downtown Specific Plan (NMDSP) require review and approval by the City Council; and

WHEREAS, no public hearing is required for this project. However, courtesy notices were mailed out to property owners within a 300-foot radius of the boundaries of the subject property; and

WHEREAS, on April 11, 2016, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission conducted a hearing at which time all persons wishing to testify in connection with said application were heard, and said application was fully studied.

WHEREAS, on April 11, 2016, the Planning Commission of the City of Montclair reviewed and unanimously recommended approval of said Precise Plan of Design; and

WHEREAS, the City Council of the City of Montclair finds the proposed development is consistent with the adopted General Plan and the North Montclair Downtown Specific Plan and following good planning principles; and

WHEREAS, the item was placed on the City Council's June 6, 2016, agenda for consideration as required for all projects within the North Montclair Downtown Specific Plan (NMDSP) planning area; and

WHEREAS, the City Council, by a 3 to 1 vote, continued its review of the project to the July 5, 2016 regularly scheduled meeting over concerns regarding the sufficiency of on-site parking. The City Council asked the developer to advance the preparation of a Parking Management Plan (PMP) for its review prior to a final decision on the project proposal; and

WHEREAS, the developer, CFC-Montclair, LLC, prepared and submitted a Parking Management Plan for the project and its 31 parking spaces for City Council review; and

WHEREAS, on July 5, 2016, the City Council reviewed the proposed 23-unit residential development project, including the proposed Parking Management Plan PMP; and

WHEREAS, based on the entire record before the City Council and all written and oral evidence presented, the City Council finds the proposed project complies with the California Environmental Quality Act (CEQA) for the reasons set forth in this Resolution.

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

SECTION 1. Based on the entire record before the City Council, all written and oral evidence presented to the City Council, and the findings set forth in this Resolution, the City Council approves a Precise Plan of Design under Case No. 2016-03, subject to the conditions of approval set forth in the attached Exhibit "A" and as depicted in the submitted site plan, elevations, and renderings attached hereto as Exhibit "B."

SECTION 2. Based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council finds as follows with respect to the approval of a Precise Plan of Design under Case No. 2016-3:

- A. The proposed 23-unit residential apartment project is consistent with the "Planned Development" land use designation of the City's General Plan Land Use Map, and the CR ("Corridor Residential") land use designation of the North Montclair Downtown Specific Plan. The CR land use district is intended to establish a denser fabric of residential buildings, appropriate for locations on arterial roads. It is therefore the portion of the plan where the more intense residential development is expected. The proposed building directly faces Monte Vista Avenue and contributes to the development of an attractive and continuous streetscape.
- B. The proposed project makes efficient use of the small site while complying with applicable development standards of the NMDSP. The 23 dwelling units proposed with this project are within the "Corridor Residential" density range of 30-50 dwelling units per acre.
- C. The site plan, building form, massing, and height will contribute to the ongoing formation of the streetscape and development pattern envisioned by the NMDSP. The proposed 3-story building and its placement on the site near Monte Vista Avenue are consistent with the intent of the CR land use district and represents a good design solution for a small site.
- D. The proposed "Mediterranean" inspired architectural design of the project as indicated on the submitted plans is well done, attractive, and complementary to recent development in the area. The design is consistent with the architectural style guidelines depicted in the NMDSP, and features high quality exterior materials and finishes and incorporates appropriate lighting and landscape materials to give the project a distinctive and pleasing appearance.

SECTION 5. Based on the entire record before the City Council and all written and oral evidence presented to the City Council, the City Council 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 proposed 23-unit residential apartment development. In addition, several conditions, including conditions relating to the imposition of operational covenants for the project were suggested and/or accepted by the applicants.

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 City Council finds that no subsequent or supplemental environmental document is required pursuant to CEQA in connection with the review and approval of this application based upon the following findings and determinations:

- A. Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the City certified an Environmental Impact Report (EIR) on August 15, 2006 in connection with the City's approval of the North Montclair Downtown Specific Plan and anticipated improvements. According to Government Code section 65457 and State CEQA Guidelines section 15182, where a public agency has prepared an EIR on a specific plan after January 1, 1980, no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformity to that specific plan. If the project is a residential project consistent with the specific plan then it is statutorily exempt pursuant to Government Code section 65457 and State CEQA Guidelines section 15182. This statutory exemption is, however, subject to the limitation that if after adoption of the specific plan an event described in Public Resources Code section 21166 or State CEQA Guidelines section 15162 should occur then the exemption shall not apply until the City takes certain further CEQA actions.
- B. According to Public Resources Code section 21166 and State CEQA Guidelines Sections 15162 and 15182, no subsequent or supplemental EIR or Negative Declaration is required in connection with subsequent discretionary approvals of the same project unless: (i) substantial changes are proposed to the project that indicate new or more severe impacts on the environment; (ii) substantial changes have occurred in the circumstances under which the project was previously reviewed that indicates new or more severe environmental impacts; or (iii) new important information shows the project will have new or more severe impacts than previously considered; or (iv) additional mitigation measures are now feasible to reduce impacts or different mitigation measures can be imposed to substantially reduce impacts.
- C. The City Council finds that the current application for the proposed 23-unit residential apartment project is being undertaken pursuant to and in conformity to the North Downtown Montclair Specific Plan, for which an EIR was certified in 2006. The proposed project is substantially consistent with the anticipated impacts evaluated in the previously certified EIR for the North Montclair Downtown Specific Plan and its anticipated improvements. Staff further believes that the project will not have one or more significant effects not discussed in the previously certified EIR, not have more severe effects than previously analyzed, and that additional or different mitigation measures are not required to reduce the impacts of the project to a level of less than significant. As such, one of the conditions listed in Public Resources Code section 15162 of the 21166 or State CEQA Guidelines Section 15162 requiring the preparation of a subsequent or supplemental EIR are present and the project qualifies for the exemption for residential projects described in Government Code section 65457 and Section 15182 of the State CEQA Guidelines.
- D. Based on these findings and all evidence in the record, the City Council 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. 2016-3 for the 23-unit Vista Court residential apartment development.

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

SECTION 8. Effective Date. This Resolution shall become effective upon its adoption.

APPROVED AND ADOPTED this XX day of XX, 2016.

Mayor

ATTEST:

Deputy City Clerk

I, Andrea M. Phillips, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 16-3119 was duly adopted by the City Council of said city and was approved by the Mayor of said city at a regular meeting of said City Council held on the XX day of XX, 2016, and that it was adopted by the following vote, to-wit:

AYES: XX
NOES: XX
ABSTAIN: XX
ABSENT: XX

Andrea M. Phillips
Deputy City Clerk

EXHIBIT A
Conditions of Approval
Case No. 2016-21

Project Approvals & General Conditions

Planning

1. This approval is for a Precise Plan of Design (PPD) approving the site plan, floor plans, elevations, colors and materials, and landscaping associated with the construction of 23 apartment dwelling units on the subject site as described in the staff report and depicted on approved plans on file with the Planning Division.
2. Minor modifications that are determined by the City Planner to be in substantial conformance with the approved plans and which do not intensify or change the uses approved, or require deviation from adopted policies and standards may be approved by the City Planner. Any modification, intensification, or expansion of the use beyond that which is specifically approved with this action shall require review and approval by the City Council.
3. 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. In the event the plans, drawings, and exhibits are inconsistent with the approved conditions, the approved conditions shall prevail.
4. 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.
5. Within five days of City Council approval, the applicant shall submit a check in the amount of \$50 to cover the County administrative fee for filing a Notice of Exemption as required by the California Environmental Act (CEQA). The check shall be made payable to "Clerk of the Board of Supervisors."
6. The applicant shall agree to the formation of a Community Facilities District ("CFD") pursuant to the terms of Government Code Section 53311, et seq., the territory of which shall include the Project, for the purposes of the payment of maintenance and operation costs associated with the common landscaping, lighting and other improvements located within the Project. The applicant shall consent to the formation of the CFD prior to the issuance of building permits for the Project. The applicant further expressly agrees that failure to form such CFD will result in disapproval of the Project.

The applicant shall also agree that additional areas may be annexed into the CFD, provided, however, that after giving effect to such annexation, the owner, subdivider and applicant is subject only to its fair share of the obligations and costs incurred as a result of the annexation. The subdivider and applicant agree to cooperate fully in any such annexation proceedings.

If, for any reason whatsoever, the Property or portion thereof does not become part of a CFD or if any such CFD that is formed does not provide for the maintenance of the entirety of the improvements within the Property, or any portion thereof, then such improvements shall be maintained by a private property owner, or an adequate alternative reasonably acceptable to the City, to undertake such work. Costs to implement the CFD shall be reimbursed to the City pursuant to a Reimbursement Agreement between the applicant and the City.

7. Prior to the issuance of building permits for the approved project, the property owner shall complete and record an Operations & Management Regulatory Agreement (hereafter "Regulatory Agreement") with the City for providing for

the perpetual maintenance of all buildings and improvements on the subject multi-family residential project ("the Project") developed in the City for rental purposes. The Regulatory Agreement shall be recorded as a condition, covenant and restriction on the property in perpetuity unless the City Council agrees to the removal of such covenant in the event of a change in land use. The Regulatory Agreement will address the management, operations and maintenance of the multifamily residential project and be a Covenant that will run with the land.

Depending on the specific details of any proposed project, other conditions may be included in the Operations and Management Regulatory Agreement. Costs for development of the Operations and Management Agreement shall be reimbursed to the City pursuant to a Reimbursement Agreement between the applicant and the City.

a. On-Site Management

The Owner shall be required to retain the services of a California Certified Residential Property Manager to operate and maintain the project. Any manager or Management Company retained to act as an agent for the Owner shall 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. Changes to the Management Company shall be subject to the prior written approval of the Police Chief, which approval shall not be unreasonably withheld.

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 City with cause, Owner 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 Owner 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 thirty (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 the Project shall obtain the prior written approval of the Police Chief as so indicated above.

- i. Management Obligations. The Owner shall maintain the legally required presence of an on-site manager pursuant to California Code of Regulations, Title 25, Section 42. The Management Company shall ensure that tenant application and screening practices are developed and enforced, that all rules and regulations are developed and enforced and that use of all facilities are managed. The Owner, through the Property Management Company, will ensure that the Project is well maintained pursuant to the standards developed in the Agreement.
- ii. Registration and Management of Rentals. The Owner, with its 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.

- iii. Alcoholic Beverages/Controlled Substances. Tenant rules shall prevent the consumption of alcoholic beverages or controlled substances in public view anywhere in the Project.

b. Security Requirements

Owner shall provide the following security and security monitoring measures during the term of this Agreement:

- i. Owner shall develop a "Safety and Security Plan" acceptable to the Police Department which, at a minimum, shall include the installation, operation and maintenance of security cameras throughout the Project.
- ii. 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 Owner shall be required to provide a State-licensed security patrol through a company retained by the Owner.

The State-licensed security patrol company shall be retained by the Owner, 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.

c. Balconies, Patios and Porches

Balconies, patios and porches are approved for use as private usable open space and may not be used for storage purposes. Storage of materials that detract from the appearance of buildings is prohibited in the above-mentioned locations as well as anywhere that is directly visible to the public. The project owners shall include in all rental agreements/leases for the project that storage of boxes, indoor furniture, the hanging of clothing, and other similar items that detract from the appearance of the building is prohibited.

d. Cable and Satellite Service Equipment

Placement of antennas for radio and television reception may be permitted within a balcony, terrace, deck or patio that is intended for exclusive use of the subject tenant, subject to the following criteria:

- i. For the purpose of this Section, the word "antenna" shall include a single dish antenna, usually in a circular shape with a parabolic curve design constructed of a solid or open mesh surface, not more than two feet (2'-0") in diameter, either surface-mounted or by means of a freestanding tripod that is placed entirely within the permitted areas; and
- ii. Only one (1) antenna per dwelling unit shall be permitted; and
- iii. The method of attachment and or arrangement of said antenna shall be shall be accomplished in the least visually distracting manner as possible.
- iv. No antennas shall be placed, attached or installed in any common areas of the development including the roof, hallways, common courtyards, walkways, or the exterior walls of the apartment building.
- v. No overhead external wiring of the antennas shall be permitted.

e. Parking

The Agreement shall provide for the following:

- i. Development of an on-site "Parking Management Plan" shall be required. The Parking Management Plan shall identify the 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 with a unique number that shall be stenciled on the pavement and regularly maintained. The Parking Management Plan shall be submitted to the City and must be approved by the Community Development Director prior to occupancy of the Project. Subsequent changes to the Parking Management Plan shall have the prior written approval of the Community Development Director.
 - ii. The Agreement shall stipulate that no utility trailers, commercial or construction vehicle of any length, watercraft, or recreational vehicles shall be permitted to be stored or parked overnight on any private street and/or parking areas within the complex. "Recreational Vehicle" shall mean recreational vehicles, motor homes, campers, utility trailers, watercraft, travel trailer, truck camper, camping trailer, off-road vehicles, land conveyances, vessels, aircraft, boats, trailers, van conversions, customized trucks, and other similar type vehicles that are designed for human habitation for recreational or emergency purposes, or that require a special driver's license (e.g., noncommercial Class A or Class B) to operate.
 - iii. The Agreement shall stipulate that any garage units or covered parking spaces provided shall, at all times, be assigned to units within the Project pursuant to the Parking Management Plan. Storage within garages shall be allowed only to the extent the unit includes a dedicated storage cabinet or storage area and any storage may not impede access to the parking space(s) within the garage.
 - iv. The Agreement shall stipulate payment of an additional rental fee or separate fee to secure parking or an additional parking space(s) is prohibited.
- f. Maintenance, Operation, Preservation, and Repair of Property
- Owner, through its management company, shall keep the Project well-maintained (including, without limitation, the buildings; signage; sidewalks; parking lots; lighting; landscaping; onsite storm drain system, fencing; and pool, if any; and other Improvements) and shall operate the Project in a businesslike manner; shall prudently preserve and protect both its own and City's interests in connection with the Project, shall not commit or permit any waste or deterioration of the Project; shall not abandon any portion of the Property; and shall not otherwise act in such a way as to unreasonably increase the risk of any damage to the Project. Such maintenance shall include, without limitation, the following:
- i. Keeping the exterior surfaces of buildings painted, plastered or otherwise appropriately treated;
 - ii. Replacing broken windows and other glass surfaces promptly;
 - iii. Keeping the Project free from any accumulation of debris, graffiti, and waste materials;
 - iv. Keeping trees, ground cover, shrubs and other plant materials trimmed and in healthy condition;
 - v. Keeping paved surfaces and other hardscape in good condition, free of potholes, significant surface cracks, dangerous uplifted walkways, or other conditions which impede paths of travel; and

- vi. Keeping the on-site storm drain system in working order and in good repair at all times.
 - g. Remedial Actions

In the event an Owner fails to act or perform pursuant to the terms found in the Operations and Management Regulatory Agreement, the City reserves the right to enforce the restrictions imposed by the Agreement at the expense of the Owner. The Agreement shall make provisions to allow the City enforce the Conditions, Covenants and Restrictions.
 - h. Sale or Transfer

Owner will covenant not to sell, transfer or dispose of any land or building within the Project, or any portion of a building unless such sale is either: (a) a sale of the entire project to a purchaser, or (b) as part of a condominium sales effort where individual units are sold to individual purchasers, on a building-by-building or unit-by-unit basis, consistent with the rules of the California Department of Real Estate.
- 8. All dwelling units (e.g., living room and bedrooms) shall be pre-wired with phone, cable and satellite connections.
 - 9. Ground-mounted air conditioning condenser units shall be located in the least conspicuous area as possible and screened with appropriate landscape or architecturally integrated low walls/screens subject to the satisfaction of the City Planner.
 - 10. Prior to the issuance of a building permit, the applicant shall prepare the following items and submit for plan check review:
 - a. A photometric plan for the entire site. The photometric plan shall include the location of all exterior light fixtures (area, building, parking areas, etc.) and the overall illumination levels across the site. All proposed exterior lighting fixtures (not including required street lights) shall comply with the following standards:
 - i. Lighting fixtures shall be vandal-resistant and of a design that complements the architecture of the building.
 - ii. All light fixtures shall incorporate 90-degree cut-off style luminaires and flat lenses so as to direct illumination downward to the surface to be illuminated and away from public rights-of-way or adjacent residential properties/uses.
 - b. An acoustical report demonstrating how sound attenuation measures for the proposed units will achieve an interior noise attenuation level of 45 CNEL or less, and the building materials and construction techniques (e.g., dual-paned glazing, upgraded insulation, etc.) proposed for the project. The building plans will be checked for conformance with the mitigation measures contained in the final report.
 - c. A sidewalk layout plan incorporating required square scoring pattern for all public and private streets. The sidewalk layout plans shall comply with the following items:
 - i. The sidewalk plan for this project shall match the existing sidewalk scoring pattern established on Monte Vista Avenue for the Paseos project; and
 - ii. Coordinate square scoring pattern with curb and gutter control joints; and
 - iii. Include sidewalk ramps, driveways, streetlights, and other utility boxes to demonstrate how the square scoring pattern can be implemented to greatest extent possible with only minor to no disruption of said pattern; and

- iv. The proper scoring shall be achieved by creating a narrow tooled joint in the wet cement; and
 - v. Finish quality and workmanship shall be to the satisfaction of the Public Works Director/City Engineer and City Planner. Unacceptable work shall be removed and reinstalled in an appropriate and acceptable fashion.
11. 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.
 12. Prior to the installation of any signs, the applicant shall submit a coordinated sign program proposal and Sign Permit Application for the entire project to the Planning Division for review and approval.
 13. No changes to the approved set of plans, including the exterior design and materials/finishes, shall be permitted without prior City review and approval.
 14. No outdoor pay telephones or vending machines shall be permitted on the project site, except that vending machines may be allowed if desired within the lounge room of the project, subject to the satisfaction of the City Planner.
 15. Masonry wall heights, materials, and finishes shall be to the satisfaction of the City Planner. Double wall or fence/wall conditions shall not be permitted.
 16. The street tree specifications for the project shall conform to the following requirements:
 - a. Monte Vista Avenue - *Pinus canariensis* (Canary Island Pine) and *Lagerstroemia indica* (Crape Myrtle), following as close as possible the alternating pattern established along the Monte Vista Avenue for the Paseos project.
 - b. All street trees shall be minimum 24-inch box size and double-staked per City standards. If planted in turf areas, trees shall be planted within a 4'-0" diameter circle in which turf does not encroach. The circle shall be left natural or minimally improved with decomposed granite, a thin layer of wood chips or similar moisture-retaining material.
 17. Streetlights shall be constructed on all public and private streets. Streetlights within and on the perimeter of the subdivision shall be as follows and as illustrated in "City Nights...City Lights," a publication of Southern California Edison:
 - a. Interior streets (public and private) - "Nostalgic Fluted Pole" with single acorn pole top fixture.
 - b. Monte Vista Avenue - "Nostalgic Fluted Pole" with double acorn pole top fixture.
 - c. Poles shall be black concrete and approximately 18 feet in height.
 - d. Fixtures shall be fitted with up-light shielding and house-side shielding (where necessary).

The spacing of streetlights and minimum lighting level for all streets shall be to the satisfaction of the Public Works Director/City Engineer. Streetlights on public streets shall be owned and maintained by Southern California Edison. Streetlights on private streets may be owned and maintained by developer or Southern California Edison.
 18. The proposed locations for neighborhood mailboxes within the project shall be subject to City review and approval prior to installation. Community mailboxes shall be located entirely within a building or as part of a structure providing suitable weather protection to the satisfaction of the City Planner. The applicant shall also ascertain any requirements for such mailboxes from the United States Postal Service.

19. No exterior surface-mounted exposed ducts, conduit or electrical lines shall be allowed on walls, awnings, or other exterior faces of the building. In addition, all electrical switchgear, meters, etc., shall be screened or housed in an enclosure to the extent allowed by the utilities.
20. Roof-mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts and exhaust vents, meters, pumps and filters, transformers and generators, conduit, satellite dishes and similar equipment, but excluding solar collectors and related equipment) shall be recessed below the roof line or by solid and permanent roof-mounted screens and not visible in any direction (360 degrees) from a public right-of-way or adjacent residential property, as may be seen from a point six (6) feet above ground level. In addition, screening of the top of roof-mounted mechanical equipment may be required by the Director, if necessary, to protect views from a higher elevation. Screening of roof-mounted equipment shall be accomplished by means of raised parapets, mechanical roof wells, or roof-mounted screens, all of which shall be integrated into the architecture (e.g., architectural style, materials, and color) of the main building/structure to which it is attached, subject to the approval of the City Planner.
21. Access to the roof of any building shall be from within the subject structure and not be means of roof access ladders mounted to the exterior of the building.
22. All on-site ground-mounted mechanical equipment, including, but not limited to, utility meters, air conditioners, condenser units, and repair equipment shall be located within the building or on the exterior of the building only when necessary and screened in a manner that is compatible with the architectural design of the building subject to the satisfaction of the City Planner.
23. Freestanding electrical transformers and Fire Department double check detector assembly (DCDA) equipment shall be screened with masonry walls compatible with the building architecture and/or landscaping to the satisfaction of the City Planner and Fire Marshal. Efforts shall be made to place these elements in locations that are as visually unobtrusive as possible.
24. 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 the regular watering of all plants. Dead vegetation shall be promptly replaced with healthy, living plants, in accordance with standard seasonal planting practices. The property owner shall also be responsible to keep the landscaped areas reasonably free of weeds, trash, and debris.
25. All new trees incorporated into the project shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA). Trees shall only be pruned as necessary to promote healthy growth and for aesthetic purposes (i.e., to enhance the natural form of the tree) according to established horticultural standards. Improperly or severely pruned trees, including topping 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 Director of Community Development.
26. All landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan and in full accordance with Chapter 11.60 of the Montclair Municipal Code to ensure water use efficiency.
27. 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.
28. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative, or adjudicatory in nature), and alternative dispute

resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void or annul, the any action of, or permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities, thereof (including actions approved by the voters of City), for or concerning the project, whether such Actions, are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any action brought and City shall cooperate with the applicant in the defense of the Action.

29. The conditions of project approval include certain fees, dedication requirements, reservation requirements, and/or other exactions more specifically described in the conditions of approval. The applicant is hereby notified that the 90-day protest period to challenge such items has begun as of the date of the project approval or the date of the Impact Fee imposition, which is also the date of final project approval. If the applicant fails to file a protest regarding any of the fees, dedications, reservations, inclusionary housing requirements or other exaction requirements as specified in Government Code §66020, the applicant shall be legally barred from later challenges.
30. The applicant shall pay all applicable impact fees in amounts in effect at the time a building permit is issued."

Building

31. Submit four complete sets of plans including the following:
 - a. Site/Plot Plan;
 - b. Floor Plan;
 - c. Electrical Plans, including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;
 - d. Plumbing Plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning.
 - e. Plan of any existing structures on the site, including all walls to be demolished.
 - f. Waste Recycling Plan, demonstrating the recycling of a minimum of 50% of all construction debris.
32. Submit two sets of structural calculations, if required, and two sets energy conservation calculations.
33. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
34. 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.
35. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
36. Separate permits are required for fencing and/or walls.

37. All utility services to the project shall be installed underground.
38. Plans shall be submitted for plan check and approved prior to construction. All plans shall be marked with the project file number.
39. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
40. Prior to issuance of building permits for a new development project or major addition, the applicant shall pay development fees at the established rate. Such fees may include, but are not limited to, Inclusionary Fees, Parkland Development Fee, Transportation Development Fee, Permit and Plan Check Fees, School Fees, and Sewer Fees. School fees shall be paid directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District. Applicant shall provide a copy of the school fees receipt to the Building Division prior to permit issuance.
41. 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.
42. 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 areas. 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%).
43. Install numerical addresses on each building in a location determined by the Planning Division. Address numerals shall be in a font acceptable to the Planning Division, a minimum of eight (8) inches in height, a minimum of 1½ inches in depth, and be in a color that adequately contrasts with the background to which they are attached.
44. A Certificate of Occupancy is required prior to the occupancy of the building(s). Issuance of the Certificate of Occupancy shall be contingent upon Fire Department inspection and final approvals from other departments and/or agencies.
45. Striping of all parking spaces shall be cane or "hairpin"-style striping.
46. Electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside the building.
47. Placement of temporary construction and storage trailers on the property shall require approval from the Building and Planning Divisions prior to placement and permits from the Building Division. If any trailers will be used for public access, disabled-accessibility requirements shall apply. Such trailer(s) will require access to the facility by way of ramps that comply with California Building Code (CBC) 2013 edition, Chapter 11B, in addition to access to each feature of the trailer. Plans and structural calculations will be required for tie-down devices.
48. Construct trash enclosure(s) per City Standard (available at the Building Division's public counter) or to the satisfaction of the Building Official and City Planner.
49. The use of decorative foam on the exterior of buildings shall be limited to installations above the first floor. If foam is to be installed at the first floor, a minimum two-coat stucco application over mesh shall be applied. The strength of the stucco applied foam shall be substantial for longevity in wear.
50. An accessible path of travel in and around the project shall be a minimum width of four feet (4'-0"). Consideration of underground utilities and the effect they have on the path of travel shall be of high importance.

51. When permits are ready to be issued, the new permanent address of the project will be **8951 Monte Vista Avenue**. Plans shall be labeled with this address.

Water Quality Management Plan

52. The applicant shall comply with all requirements of the approved Water Quality Management Plan (WQMP) for this project.
53. 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.
54. 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, vertical construction, and final stabilization to the satisfaction of the Public Works Director/City Engineer. Contact Joe Rosales, NPDES Coordinator, at (909) 625-9470.
55. Prior to issuance of a Certificate of Occupancy, the applicant shall:
 - a. Submit to the Engineering Division an electronic copy of the approved WQMP in PDF format.
 - b. Have the WQMP Maintenance Agreement recorded with the County of San Bernardino and provide evidence of said recording to the NPDES Coordinator.
56. Prior to release of occupancy for any of the dwelling units in the subdivision, the person or corporation responsible for the preparation of the WQMP shall certify in writing to the Building Official that all conditions and requirements of the WQMP have been implemented or complied with. For projects, developments, or properties intended to be leased or sold, developer shall also submit evidence to the Building Official that lessee or purchaser has been advised in writing of lessee's or purchaser's ongoing maintenance responsibilities with respect to the requirements of the WQMP.

Engineering

57. A parkland development fee shall be paid to the City. This fee is payable prior to issuance of any Certificate of Occupancy.
58. Payment of transportation-related development impact fees shall be required. Fees shall be assessed at the rate in effect at the time the fees are paid.
59. Access to the site is shown to be from Monte Vista Avenue via a driveway with overlapping ownership. Verify that rights of mutual ingress and egress over the adjacent property exist. If not, secure such rights.
60. Reconstruct sidewalk through the Monte Vista Avenue frontage of the property using the scoring pattern per City of Montclair Standard Plan SP-1. Provide ADA compliance at drive approach and show path of travel from Monte Vista Avenue into the site. On-site sidewalks shall also use SP-1 for scoring pattern.
61. Install three new nostalgic twin luminaire streetlights per North Montclair Downtown Specific Plan standards along Monte Vista Avenue frontage, including the replacement of one existing cobra head fixture at north end of property. Streetlights shall be owned and maintained by Southern California Edison. Install two new nostalgic single luminaire streetlights per North Montclair Downtown Specific Plan standards along the north side of the entry driveway.

The minimum lighting level for all streets shall be to the satisfaction of the Public Works Director/City Engineer.

62. All existing overhead utilities and poles within the 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 within the property frontage.
63. All utilities within the development boundaries shall be placed underground. This requirement applies to electrical services, transformers and switches, and where technology exists, telephone and cable television facilities as well.
64. Pay all outstanding sewer reimbursement fees or assessments as imposed by a district or reimbursement agreement, if any.
65. Pay local and Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency (IEUA).
66. On-site sewers shall be designed and constructed per California Building Code and City of Montclair Building Division requirements and shall be privately maintained. All sewer design shall be subject to the approval of the Public Works Director/City Engineer.
67. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
68. 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 the City NPDES Coordinator Joe Rosales at (909) 625-9470. Requirements of the WQMP may require significant modifications to the approved tentative map. If significant modifications are required, a resubmittal to the Planning Commission and City Council may be required.
69. A grading plan shall be prepared subject to the approval of the Public Works Director/City Engineer. An erosion control plan is to be included and considered an integral part of the grading plan. Grading plans shall be designed in accordance with City standards and guidelines and shall be on 24" by 36" sheets.
70. 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.
71. All drainage facilities shall comply with requirements of the approved WQMP.
72. All on- and off-site trenching and excavation shall conform to CAL-OSHA standards. Excavations exceeding five feet in depth require a CAL-OSHA permit.
73. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at (800) 422-4133.

Fire

74. Permits are required for the plan review and inspection of fire detection, fire sprinkler, hood and duct, and occupancy plan reviews. Fees shall be collected by the Fire Department at the time an application for permit is filed (CFC 2013 105.3.8).
75. Submit four (4) complete sets of architectural, structural, fire alarm and fire sprinkler plans, including all specifications, to the Fire Department for review prior to the issuance of any building permits. These plans and specifications shall include, but are not limited to, construction type, exits, fire protection

- equipment, building protection, and interior finish. The developer is responsible for, and shall apply for and receive, all Fire Department permits, paying all necessary fees prior to beginning construction. (CFC 2013 105.4.1)
76. Construction documents and calculations for all fire protection systems and permits are required for the installation, rehabilitation or modification of any fire protection system. Construction documents for fire protection systems shall be submitted for review and approval prior to system installation. (2013 CFC 105.4.2.1 and Chapter 9)
 77. Contractor's license number, including expiration date, wet stamp and signature of the contractor licensee shall be provided on each plan (California Business & Professions Code Sec. 7031.5).
 78. Provide an accurate description of the scope of work for the project.
 79. Show all exterior and interior building dimensions on the plans.
 80. The plan check application can be found on the City of Montclair website: <http://www.cityofmontclair.org/depts/fire/prevention/permits.asp>.
 81. This project is required to comply with the 2013 California Fire Code as amended in the Montclair Municipal Code, and Montclair Fire Department development standards.
 82. All fees are required to be paid in full prior to any permit issuance.
 83. Fire apparatus access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility (2013 CFC 503.1.1). Dimension may be increased if the building is equipped throughout with an approved automatic sprinkler system installed in accordance with 2013 CFC Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
 84. Fire apparatus roads shall have an unobstructed width of not less than 20 feet. (D103.6.1) and vertical clearance of not less than 13 feet 6 inches. Show all dimensions on the plans. (2013 CFC 503.2.1)
 85. Where a fire hydrant is located on a fire apparatus road, the minimum road width shall be 26 feet. The minimum clearance around a fire hydrant (Figure D103.1) requires a minimum road width of 26 feet beginning 10 feet before the fire hydrant and ending 10 feet after the fire hydrant. Accordingly, the minimum 26-foot wide road shall be a minimum of 20 feet in length, centered on the fire hydrant (2013 CFC D103.1).
 86. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. (2013 CFC 503.2.3)
 87. Fire apparatus access roads 20 feet wide to less than 28 feet wide shall be posted on both sides as a fire lane with "NO PARKING - FIRE LANE" signs, red curbs and curb lettering (CFC 2013 D103.6).
 88. The project shall meet all City water standards. Contact the Monte Vista Water District at (909) 624-0035.
 89. Exact number, location, and design of hydrants shall be determined by Fire Department.
 90. The project shall comply with the NFPA 24 standard and the 2013 California Fire Code. The applicant shall install a Fire Department Connection (FDC) located at the DCDA/OS&Y to act as a Fire Department Boost. The combination FDC shall be equipped with two, 2½-inch NST female swivel inlets and one 7-inch NST female swivel. The riser to this FDC shall be at least six (6) inches in diameter.
 91. An approved water supply capable of providing the required fire flow for fire protection shall be provided (2013 CFC 508.1).

92. Private fire service mains and appurtenances shall be installed in accordance with NFPA 24 (508.2.1). Submit plans to the Fire Department showing fire water system detail.
93. Fire Department Connection (FDC) and Post Indicator Valve (PIV) locations shall be determined by the Fire Department during plan check. Every sprinkler system shall have at least (1) fire department connection located within 50 feet of a fire hydrant. (MMC 10.28.060K(1)).
94. The installation of check valves is required between fire hydrants and Fire Department connections (FDCs).
95. Show pipe size of the fire water system on the plans.
96. Minimum underground fire service supply pipe shall be six (6) inches in diameter. (MMC 10.28.060K(5))
97. Trash enclosures shall be fully enclosed and shall have fire sprinklers installed should any one of the following conditions exist; the trash enclosure has a combustible roof covering, the trash enclosure contains two or more individual trash containers, or the trash enclosure is under or within five (5) feet of combustible construction. (MMC 10.28.060) Four (4) sets of plans shall be submitted to the Montclair Fire Department for approval prior to starting work.
98. Outdoor detached facilities greater than 200 square feet in area are required to install an approved fire sprinkler system. (MMC 10.28.060 J(3))
99. Fire sprinkler system plans are required to be a separate plan submittal with a completed application and all fees pre-paid.
100. The application, installation, performance and maintenance of fire alarm systems and their components in new and existing buildings and structures shall be in compliance with 2013 CFC Chapter 9 (2013 CFC 907.1). Fire alarm and detection system plans are required to be a separate plan submittal with a completed application and all fees pre-paid.
101. When automatic fire sprinkler systems or fire alarm systems are installed in buildings constructed for multiple tenants and these systems protect multiple tenant spaces, the main controls and control appurtenances, such as risers, fire alarm control panels, and valves for such systems, shall be located in an attached or included room or an approved weather resistant enclosure with at least one exterior access door of not less than 3'-0" in width and 6'-8" in height.
102. 2013 CFC Chapter 33 conditions shall apply to this project during construction and demolition (2013 CFC 3301.1).
103. An approved water supply for fire protection, either temporary or permanent, shall be made available prior to combustible materials arriving on-site. The water supply, including mains and hydrants, shall be acceptably tested, painted, and approved by the water and fire departments prior to the issuance of permits (2013 CFC).
104. Approved vehicle sites. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections. Vehicle access shall be provided by temporary or permanent roads, capable of supporting imposed loads of fire apparatus under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available (2013 CFC 1410.1).
105. Buildings and structures under construction shall post temporary address signs meeting Fire Department standards and at locations determined by the Fire Marshal (CFC 2013 505.1.2).
106. Structures under construction, alterations or demolition shall be provided with not less than one approved portable fire extinguisher (2013 CFC 1415.1).

AGENDA REPORT

SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO. 16-3130 AUTHORIZING PLACEMENT OF LIENS ON CERTAIN PROPERTIES FOR DELINQUENT SEWER AND TRASH CHARGES

DATE: July 5, 2016

SECTION: RESOLUTIONS

ITEM NO.: 2

FILE I.D.: STB300-17

DEPT.: ADMIN. SVCS.

REASON FOR CONSIDERATION: Staff has identified 234 sewer and trash accounts in the odd-numbered-month billing cycle that are more than three billing periods delinquent. Pursuant to Montclair Municipal Code Chapter 1.12, these properties are subject to lien.

BACKGROUND: Ordinance No. 02-815 authorizes the placement of liens on properties on which delinquent civil debts have accrued and makes property owners responsible for delinquent sewer and trash charges accrued after the effective date of the Ordinance (March 1, 2002) for accounts in tenants' names. Prior to the City Council's adoption of Ordinance No. 02-815, property owners were responsible for only those accounts in their own names.

The 234 liens presented for approval are for accounts that are at least 90 days delinquent.

FISCAL IMPACT: Recoverable amount is \$62,693.69, plus \$4,914.00 for release of lien fees, plus \$11,700.00 in lien fees, for a total of \$79,307.69.

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 16-3130 authorizing placement of liens on certain properties for delinquent sewer and trash charges as listed on Exhibit A of said Resolution.

Prepared by:	<u>Cathy Graves</u>	Fiscal Impact Finance Review:	<u>Donald L. Parker</u>
Proofed by:	<u>Janet Kulbeck</u>	Reviewed and Approved By:	<u>Donald L. Parker</u>

RESOLUTION NO. 16-3130

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AUTHORIZ-ING PLACEMENT OF LIENS ON CERTAIN PROPERTIES FOR DELINQUENT SEWER AND TRASH ACCOUNTS

WHEREAS, Chapter 1.12 of the Montclair Municipal Code authorizes the City to place liens on properties on which delinquent civil debts have accrued; and

WHEREAS, all owners of property in the City of Montclair were notified about the adoption of Ordinance No. 02-815 authorizing placement of liens on properties on which delinquent civil debts have accrued; and

WHEREAS, it has been determined that there are 234 sewer and/or trash accounts on which there are delinquencies in excess of 90 days; and

WHEREAS, the owners of these properties have received regular billing statements and late notices since the onset of such delinquencies; and

WHEREAS, the owners of these properties were notified on June 09, 2016, that their delinquent accounts are subject to causing a lien to be placed on their properties for settlement of such delinquencies; and that such liens would be considered for approval by the Montclair City Council on Monday, July 05, 2016.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Montclair approves the placement of liens on the properties and in the amounts specified in Exhibit A, entitled Report of Delinquent Civil Debts - July 2016, attached hereto.

BE IT FURTHER RESOLVED that the Deputy City Clerk is authorized to provide the San Bernardino County Auditor/Controller-Recorder with the documents required to cause such liens to be placed.

APPROVED AND ADOPTED this XX day of XX, 2016.

Mayor

ATTEST:

Deputy City Clerk

I, Andrea M. Phillips, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 16-3130 was duly adopted by the City Council of said city and was approved by the Mayor of said city at a regular meeting of said City Council held on the XX day of XX, 2016, and that it was adopted by the following vote, to-wit:

- AYES: XX
NOES: XX
ABSTAIN: XX
ABSENT: XX

Andrea M. Phillips
Deputy City Clerk

Exhibit A to Resolution No. 16-3130
Report of Delinquent Civil Debts - July 2016

Street No.	Street	Account Type	Delinquency	Lien Fee	Release of Lien Fee	Total Lien Amount
5371	Alamitos Street	Residential	\$ 200.72	\$ 50.00	\$ 21.00	\$ 271.72
5634	Alamitos Street	Residential	249.46	50.00	21.00	320.46
5356	Alamitos Street	Residential	237.55	50.00	21.00	308.55
4575	Allesandro Street	Residential	239.36	50.00	21.00	310.36
4667	Allesandro Street	Residential	237.55	50.00	21.00	308.55
9910	Amherst Avenue	Residential	237.55	50.00	21.00	308.55
9825	Amherst Avenue	Residential	210.72	50.00	21.00	281.72
5105	Aspen Drive	Residential	304.95	50.00	21.00	375.95
9934	Bel Air Avenue	Senior	218.89	50.00	21.00	289.89
9982	Bel Air Avenue	Residential	237.55	50.00	21.00	308.55
9939	Bel Air Avenue	Residential	237.52	50.00	21.00	308.52
9945	Bel Air Avenue	Residential	260.89	50.00	21.00	331.89
5389	Benito Street	Senior	238.10	50.00	21.00	309.10
4814	Benito Street	Residential	214.63	50.00	21.00	285.63
4400	Benito Street	Residential	237.55	50.00	21.00	308.55
5429	Benito Street	Residential	237.56	50.00	21.00	308.56
4460	Benito Street	Residential	237.55	50.00	21.00	308.55
5138	Benito Street	Residential	234.78	50.00	21.00	305.78
9656	Benson Avenue	Residential	247.71	50.00	21.00	318.71
9952	Benson Avenue	Residential	211.28	50.00	21.00	282.28
10032	Benson Avenue	Residential	211.54	50.00	21.00	282.54
10044	Benson Avenue	Residential	235.55	50.00	21.00	306.55
5382	Berkeley Street	Residential	237.55	50.00	21.00	308.55
4266	Berkeley Street	Residential	211.51	50.00	21.00	282.51
9598	Bolton Avenue	Residential	237.55	50.00	21.00	308.55
5475	Bonnie Brae Street	Residential	218.30	50.00	21.00	289.30
4541	Bonnie Brae Street	Residential	237.68	50.00	21.00	308.68
4804	Brooks Street	Residential	293.95	50.00	21.00	364.95
4392	Brooks Street #E	Residential	249.25	50.00	21.00	320.25
9851	Camarena Avenue	Residential	237.55	50.00	21.00	308.55
9803	Camarena Avenue	Residential	248.74	50.00	21.00	319.74
5458	Cambridge Street	Residential	237.25	50.00	21.00	308.25
5448	Cambridge Street	Residential	237.55	50.00	21.00	308.55
5471	Cambridge Street	Residential	258.03	50.00	21.00	329.03
5570	Cambridge Street	Residential	211.51	50.00	21.00	282.51
4443	Cambridge Street	Residential	238.29	50.00	21.00	309.29
4853	Cambridge Street	Residential	237.55	50.00	21.00	308.55
5606	Cambridge Street	Residential	247.71	50.00	21.00	318.71
9547	Camulos Avenue	Residential	251.84	50.00	21.00	322.84
9511	Camulos Avenue	Residential	237.55	50.00	21.00	308.55
9877	Camulos Avenue	Residential	270.57	50.00	21.00	341.57
9757	Camulos Avenue	Residential	237.68	50.00	21.00	308.68
9737	Camulos Avenue	Residential	237.55	50.00	21.00	308.55
9243	Camulos Avenue	Residential	237.55	50.00	21.00	308.55
9530	Camulos Avenue	Residential	237.55	50.00	21.00	308.55
9577	Camulos Avenue	Residential	234.38	50.00	21.00	305.38
9426	Camulos Avenue	Residential	239.61	50.00	21.00	310.61
9242	Camulos Avenue	Residential	247.52	50.00	21.00	318.52
5666	Caroline Street	Residential	245.77	50.00	21.00	316.77
9454	Carrillo Avenue	Residential	237.68	50.00	21.00	308.68
9588	Carrillo Avenue	Residential	229.50	50.00	21.00	300.50
10031	Carrillo Avenue	Residential	338.16	50.00	21.00	409.16
10330-34	Central Avenue	Residential	251.51	50.00	21.00	322.51
9566	Central Avenue	Residential	238.67	50.00	21.00	309.67
10385	Central Avenue	Residential	211.94	50.00	21.00	282.94
9845	Central Avenue	Residential	237.67	50.00	21.00	308.67

Exhibit A to Resolution No. 16-3130
Report of Delinquent Civil Debts - July 2016

Street No.	Street	Account Type	Delinquency	Lien Fee	Release of Lien Fee	Total Lien Amount
9556	Central Avenue	Residential	\$ 237.53	\$ 50.00	\$ 21.00	\$ 308.53
9835	Central Avenue	Residential	391.46	50.00	21.00	462.46
9855	Central Avenue	Residential	244.02	50.00	21.00	315.02
9787	Coalinga Avenue	Residential	278.72	50.00	21.00	349.72
9795	Coalinga Avenue	Residential	237.55	50.00	21.00	308.55
9824	Coalinga Avenue	Senior	238.18	50.00	21.00	309.18
9875	Coalinga Avenue	Residential	237.68	50.00	21.00	308.68
9775	Coalinga Avenue	Residential	239.81	50.00	21.00	310.81
11207	College Avenue	Residential	250.43	50.00	21.00	321.43
9380	Columbine Avenue	Residential	274.82	50.00	21.00	345.82
9440	Columbine Avenue	Residential	222.59	50.00	21.00	293.59
9987	Columbine Avenue	Residential	246.44	50.00	21.00	317.44
4401	Denver Street	Senior	212.18	50.00	21.00	283.18
4926	Denver Street	Residential	211.51	50.00	21.00	282.51
5616	Denver Street	Residential	237.55	50.00	21.00	308.55
4456	Denver Street	Residential	351.37	50.00	21.00	422.37
4254	Denver Street	Residential	238.67	50.00	21.00	309.67
5579	Denver Street	Residential	239.11	50.00	21.00	310.11
4956	Denver Street	Residential	357.44	50.00	21.00	428.44
4571	Denver Street	Residential	234.78	50.00	21.00	305.78
4324	Denver Street	Residential	234.78	50.00	21.00	305.78
5168	El Morado Street	Residential	237.54	50.00	21.00	308.54
4461	El Morado Street	Residential	297.77	50.00	21.00	368.77
5416	El Morado Street	Residential	297.42	50.00	21.00	368.42
5429	El Morado Street	Residential	211.51	50.00	21.00	282.51
9463	Exeter Avenue	Residential	257.91	50.00	21.00	328.91
9410	Felipe Avenue	Residential	251.12	50.00	21.00	322.12
9567	Fremont Avenue	Residential	263.51	50.00	21.00	334.51
9823	Fremont Avenue	Residential	237.54	50.00	21.00	308.54
9847	Fremont Avenue	Residential	253.57	50.00	21.00	324.57
9020	Fremont Avenue	Residential	240.36	50.00	21.00	311.36
9060	Fremont Avenue	Residential	237.21	50.00	21.00	308.21
9727	Fremont Avenue	Residential	288.51	50.00	21.00	359.51
9844	Galena Avenue	Residential	211.51	50.00	21.00	282.51
9802	Galena Avenue	Residential	257.93	50.00	21.00	328.93
10037	Geneva Avenue	Residential	237.57	50.00	21.00	308.57
10047	Geneva Avenue	Residential	255.15	50.00	21.00	326.15
9985	Geneva Avenue	Residential	237.55	50.00	21.00	308.55
4328	Granada Street	Residential	237.54	50.00	21.00	308.54
5628	Granada Street	Residential	237.55	50.00	21.00	308.55
4277	Granada Street	Residential	237.55	50.00	21.00	308.55
4947	Granada Street	Residential	226.69	50.00	21.00	297.69
5422	Granada Street	Residential	237.55	50.00	21.00	308.55
9783	Greenwood Avenue	Residential	237.55	50.00	21.00	308.55
9846	Greenwood Avenue	Residential	212.42	50.00	21.00	283.42
4418	Harvard Street	Residential	237.55	50.00	21.00	308.55
5516	Harvard Street	Residential	417.51	50.00	21.00	488.51
4430	Harvard Street	Residential	237.52	50.00	21.00	308.52
4785	Harvard Street	Senior	212.19	50.00	21.00	283.19
5141-43	Harvard Street	Multifamily	333.19	50.00	21.00	404.19
4843	Harvard Street	Residential	345.57	50.00	21.00	416.57
5585	Harvard Street	Residential	228.48	50.00	21.00	299.48
5505	Harvard Street	Residential	205.97	50.00	21.00	276.97
5596	Hawthorne Street	Residential	356.82	50.00	21.00	427.82
4568	Hawthorne Street	Residential	247.71	50.00	21.00	318.71
9607	Helena Avenue	Residential	237.25	50.00	21.00	308.25

Exhibit A to Resolution No. 16-3130
Report of Delinquent Civil Debts - July 2016

Street No.	Street	Account Type	Delinquency	Lien Fee	Release of Lien Fee	Total Lien Amount
4864	Highland Street	Residential	\$ 263.51	\$ 50.00	\$ 21.00	\$ 334.51
4854	Highland Street	Residential	244.61	50.00	21.00	315.61
4370	Holt Blvd	Commercial	364.17	50.00	21.00	435.17
4702	Holt Blvd	Residential	1,150.63	50.00	21.00	1,221.63
5120	Howard Street	Residential	210.50	50.00	21.00	281.50
5190	Howard Street A & B	Multifamily	532.92	50.00	21.00	603.92
4585	James Street	Residential	399.32	50.00	21.00	470.32
5144	June Mountain Drive	Residential	238.67	50.00	21.00	309.67
10735	Kadota Avenue	Commercial	328.36	50.00	21.00	399.36
9725	Kimberly Avenue	Residential	247.71	50.00	21.00	318.71
5564	La Deney Street	Residential	237.56	50.00	21.00	308.56
5430	La Deney Street	Residential	333.38	50.00	21.00	404.38
4474	La Deney Street	Residential	291.36	50.00	21.00	362.36
9773	Lehigh Avenue	Residential	333.38	50.00	21.00	404.38
9744	Lehigh Avenue	Residential	238.77	50.00	21.00	309.77
10041	Lindero Avenue	Residential	237.57	50.00	21.00	308.57
9864	Mammoth Drive	Residential	237.55	50.00	21.00	308.55
9527	Marion Avenue	Residential	237.55	50.00	21.00	308.55
9537	Marion Avenue	Residential	239.87	50.00	21.00	310.87
9575	Mills Avenue	Residential	235.51	50.00	21.00	306.51
9995	Mills Avenue	Residential	338.52	50.00	21.00	409.52
9969	Mills Avenue	Residential	237.57	50.00	21.00	308.57
9335	Mills Avenue	Multifamily	1,052.13	50.00	21.00	1,123.13
10082	Monte Vista Avenue	Residential	239.61	50.00	21.00	310.61
9066	Monte Vista Avenue	Residential	263.51	50.00	21.00	334.51
9775	Monte Vista Avenue	Residential	238.67	50.00	21.00	309.67
9056	Monte Vista Avenue	Residential	237.57	50.00	21.00	308.57
5082	Moreno Street	Residential	237.55	50.00	21.00	308.55
4866	Moreno Street	Residential	234.81	50.00	21.00	305.81
5626	Moreno Street	Residential	398.18	50.00	21.00	469.18
4633	Olive Street	Residential	236.92	50.00	21.00	307.92
4644	Olive Street	Residential	247.24	50.00	21.00	318.24
4684	Olive Street	Residential	333.38	50.00	21.00	404.38
5690	Orchard Street	Residential	237.55	50.00	21.00	308.55
4322	Orchard Street	Residential	263.51	50.00	21.00	334.51
5512	Orchard Street	Residential	242.70	50.00	21.00	313.70
4382	Orchard Street	Residential	237.91	50.00	21.00	308.91
4183	Orchard Street	Residential	211.51	50.00	21.00	282.51
5257	Palo Verde Street	Senior	212.19	50.00	21.00	283.19
5405	Palo Verde Street	Residential	238.67	50.00	21.00	309.67
9585	Poulsen Avenue	Residential	240.49	50.00	21.00	311.49
9935	Poulsen Avenue	Residential	237.55	50.00	21.00	308.55
10043	Poulsen Avenue	Residential	237.55	50.00	21.00	308.55
9610	Poulsen Avenue	Residential	211.51	50.00	21.00	282.51
10063	Pradera Avenue	Residential	277.76	50.00	21.00	348.76
9375	Pradera Avenue	Multifamily	1,064.59	50.00	21.00	1,135.59
4426	Princeton Street	Residential	237.25	50.00	21.00	308.25
4438	Princeton Street	Residential	253.81	50.00	21.00	324.81
4467	Princeton Street	Residential	236.00	50.00	21.00	307.00
4833	Princeton Street	Residential	237.25	50.00	21.00	308.25
9223	Ramona Avenue	Residential	234.78	50.00	21.00	305.78
9060	Ramona Avenue	Residential	238.67	50.00	21.00	309.67
9209	Ramona Avenue	Residential	278.17	50.00	21.00	349.17
9587	Ramona Avenue	Residential	333.38	50.00	21.00	404.38
9595	Ramona Avenue	Residential	237.55	50.00	21.00	308.55
9263	Ramona Avenue	Residential	342.89	50.00	21.00	413.89

Exhibit A to Resolution No. 16-3130
Report of Delinquent Civil Debts - July 2016

Street No.	Street	Account Type	Delinquency	Lien Fee	Release of Lien Fee	Total Lien Amount
9248	Ramona Avenue	Residential	\$ 333.38	\$ 50.00	\$ 21.00	\$ 404.38
9434	Rose Avenue	Residential	237.55	50.00	21.00	308.55
9352	Rose Avenue	Residential	237.55	50.00	21.00	308.55
9413	Rose Avenue	Residential	289.46	50.00	21.00	360.46
9944	Rose Avenue	Residential	239.24	50.00	21.00	310.24
9866	Rose Avenue	Senior	212.19	50.00	21.00	283.19
9720	Rose Avenue	Residential	263.51	50.00	21.00	334.51
9966	Rose Avenue	Residential	239.00	50.00	21.00	310.00
9734	Rose Avenue	Residential	247.71	50.00	21.00	318.71
9441	Rose Avenue	Residential	234.78	50.00	21.00	305.78
9472	Rose Avenue	Residential	247.71	50.00	21.00	318.71
4800	Rosewood Street	Residential	386.94	50.00	21.00	457.94
5361	Rosewood Street	Residential	237.55	50.00	21.00	308.55
4683	Rosewood Street	Residential	237.55	50.00	21.00	308.55
4560	Rosewood Street	Residential	237.55	50.00	21.00	308.55
11076	Roswell Avenue	Residential	248.99	50.00	21.00	319.99
4186	Rudisill Street	Residential	229.98	50.00	21.00	300.98
4164	Rudisill Street	Residential	237.55	50.00	21.00	308.55
5360	Rudisill Street	Residential	263.51	50.00	21.00	334.51
5421	Rudisill Street	Residential	263.51	50.00	21.00	334.51
5367	Rudisill Street	Residential	204.12	50.00	21.00	275.12
5489	San Bernardino Street	Residential	269.41	50.00	21.00	340.41
4749	San Bernardino Street	Residential	250.03	50.00	21.00	321.03
4711	San Bernardino Street	Residential	237.55	50.00	21.00	308.55
5133	San Bernardino Street	Residential	237.55	50.00	21.00	308.55
4844	San Bernardino Street	Residential	263.50	50.00	21.00	334.50
4843	San Bernardino Street	Residential	237.55	50.00	21.00	308.55
4285	San Bernardino Street	Residential	237.55	50.00	21.00	308.55
4834	San Bernardino Street	Commercial	249.11	50.00	21.00	320.11
4805	San Bernardino Street	Residential	259.14	50.00	21.00	330.14
5446	San Jose Street	Residential	237.56	50.00	21.00	308.56
4594	San Jose Street	Residential	274.11	50.00	21.00	345.11
4485	San Jose Street	Residential	263.51	50.00	21.00	334.51
5422	San Jose Street	Residential	264.75	50.00	21.00	335.75
5412	San Jose Street	Residential	321.51	50.00	21.00	392.51
4595	San Jose Street	Residential	267.98	50.00	21.00	338.98
5543	San Jose Street	Residential	253.32	50.00	21.00	324.32
5636	San Jose Street	Residential	333.38	50.00	21.00	404.38
4424	San Jose Street #10	Residential	237.55	50.00	21.00	308.55
4424	San Jose Street #12	Residential	308.24	50.00	21.00	379.24
4424	San Jose Street #18	Residential	237.55	50.00	21.00	308.55
4424	San Jose Street #27	Residential	237.58	50.00	21.00	308.58
4424	San Jose Street #31	Residential	417.51	50.00	21.00	488.51
4630	San Jose Street M	Residential	217.94	50.00	21.00	288.94
4630	San Jose Street P	Residential	281.46	50.00	21.00	352.46
9946	Santa Anita Avenue	Residential	272.05	50.00	21.00	343.05
10016	Santa Anita Avenue	Residential	253.81	50.00	21.00	324.81
9821	Santa Anita Avenue	Residential	333.38	50.00	21.00	404.38
9860	Steamboat Drive	Residential	250.06	50.00	21.00	321.06
4787	Streutate Street	Residential	249.51	50.00	21.00	320.51
9817	Sun Valley Dr	Residential	249.54	50.00	21.00	320.54
9824	Surrey Avenue	Residential	289.87	50.00	21.00	360.87
9617	Surrey Avenue	Residential	237.55	50.00	21.00	308.55
9584	Surrey Avenue	Residential	333.38	50.00	21.00	404.38
9534	Surrey Avenue	Residential	211.51	50.00	21.00	282.51
9812	Surrey Avenue	Residential	384.17	50.00	21.00	455.17

Exhibit A to Resolution No. 16-3130
Report of Delinquent Civil Debts - July 2016

Street No.	Street	Account Type	Delinquency	Lien Fee	Release of Lien Fee	Total Lien Amount
9554	Tudor Avenue	Residential	\$ 336.62	\$ 50.00	\$ 21.00	\$ 407.62
9834	Tudor Avenue	Residential	237.55	50.00	21.00	308.55
9824	Tudor Avenue	Residential	237.54	50.00	21.00	308.54
9829	Vail Drive	Residential	237.52	50.00	21.00	308.52
9806	Vernon Avenue	Residential	226.69	50.00	21.00	297.69
9231	Vernon Avenue	Residential	249.39	50.00	21.00	320.39
9863	Vernon Avenue	Residential	238.67	50.00	21.00	309.67
9912	Vernon Avenue	Residential	368.66	50.00	21.00	439.66
9222	Vernon Avenue	Residential	247.71	50.00	21.00	318.71
5447	Yale Street	Residential	263.50	50.00	21.00	334.50
Totals:			\$62,693.69	\$11,700.00	\$4,914.00	\$79,307.69

**MINUTES OF THE REGULAR MEETING OF THE PUBLIC WORKS
COMMITTEE HELD ON THURSDAY, JUNE 16, 2016, AT 4:00 P.M.
IN THE CITY MANAGER CONFERENCE ROOM, 5111 BENITO
STREET, MONTCLAIR, CALIFORNIA**

I. CALL TO ORDER

Chair Raft called the meeting to order at 4:10 p.m.

II. ROLL CALL

Present: Chair Raft; Committee Member Eaton; City Manager Starr; Deputy City Manager/Director of Economic Development Staats; Office of Public Safety/Police Chief deMoet; Public Works Director/City Engineer Hudson; Public Works Superintendent Mendez; and City Planner/Planning Manager Diaz

Absent: Facilities and Grounds Superintendent McGehee

Also Present: Police Captain Robert Avels

III. APPROVAL OF MINUTES

The Public Works Committee approved the minutes of the Public Works Committee meeting of April 21, 2016. (The Public Works Committee meeting of May 19, 2016, was canceled.)

IV. PUBLIC COMMENT

None

V. PUBLIC WORKS DEPT. UPDATES/ITEMS

A. OPERATIONS

1. MAINTENANCE ACTIVITIES

A summary of Operations activities for the past month was included with the agenda. There were no questions or issues with the report.

B. FACILITIES AND GROUNDS

1. MAINTENANCE ACTIVITIES

A summary of Facilities and Grounds activities for the past month was included with the agenda. There were no questions or issues with the report.

2. SUNRISE PARK

In the past, City Staff received several complaints of individuals passing through an access path from the entrance point of Sunrise Park to Benson Avenue. The Public Works Department routinely abates graffiti and disposes of large amounts of debris from this area. A gate was installed to close the access path.

A resident recently made a request to open the gate, in order to shorten the walking distance to the park. Public Works Director/City Engineer Hudson presented this request to Committee Members with the

recommendation to keep the gate locked. The closed access way has prevented graffiti on playground equipment and park structures with a noticeable less amount of debris at Sunrise Park. Committee Members concurred to keep the gate up and locked.

C. ENGINEERING DIVISION ITEMS

None

VI. POLICE DEPARTMENT UPDATES/ITEMS

A. STOP SIGN AT FREMONT AVENUE AND KINGSLEY STREET

Office of Public Safety/Police Chief deMoet has been contacted by several residents that live near the 5000 Block of Kingsley Street. The concern of drivers speeding was presented at past Council meetings and residents are now requesting a stop sign be placed at Fremont Avenue and Kingsley Street. Police staff had noticed vehicles speeding in this area with a recent vehicle collision causing several injuries in the past few weeks. Mr. Hudson noted that Kingsley Street has poor visibility due to the large number of parked vehicles on both sides of the street on street sweeping days.

No warrant analysis has been completed at this intersection but due to the high volume of speed, traffic collisions, and sight distance issues, City Staff recommends to place a stop sign at this location. This intersection will consist of a three-way stop with two crosswalks. Public Works Staff will stencil the crosswalks at the beginning of the next fiscal year.

VII. COMMUNITY DEVELOPMENT DEPARTMENT PROJECT UPDATES/ITEMS

A. DISCUSSION OF NORTH MONTCLAIR DOWNTOWN SPECIFIC PLAN

The North Montclair Downtown Specific Plan was previously approved as a Transit Orientated District with high density development and a lower parking ratio than typically required for development outside the NMDSP area. A 0.6-acre, 23-unit development is being proposed on a site generally bounded by Monte Vista Avenue, the Paseos, and Fire Station No. 1. The parking requirement for this development per the NMDSP is 23 spaces. The developer has proposed a parking ratio of about 1.3, which is in excess of the 1.0 required. City Staff has recommended approval of the development, but the City Council expressed concern about the limited number of spaces at its meeting on June 5, 2016. Another development near this location is proposing in excess of 200 units with a ratio of about 1.5. Again, for that development, all that is required is 1.0.

Chair Raft believes Montclair residents are not ready for this vehicle limitation and noted many individuals do not use the Transcenter. City Manager Starr stated the Millennial Generation is utilizing other forms of transportation other than vehicles, and Montclair's Transit Orientated District is not for everyone. Mayor Eaton supports staff recommendations. Because there was no consensus within the Committee, no recommendation is made.

VIII. CAPITAL PROJECT UPDATES

Public Works Director/City Engineer Hudson reported the status of the following capital improvement projects:

A. MONTE VISTA AVENUE/UPRR GRADE SEPARATION PROJECT

This project is planned to go to San Bernardino Associated Governments (SANBAG) for plan specification. SANBAG required the City to obtain a temporary construction easement. City Staff recommended an effective solution of building a concrete block wall which SANDBAG approval. The designs will be updated with the block wall and construction is expected to begin in January of 2017.

B. RECREATION BUILDING REMODEL-PHASE TWO FITNESS CENTER

This project is complete, except for the installation of lights. The lights are estimated to be delivered in three weeks. Mr. Hudson suggests a ribbon cutting ceremony after the entire project is completed in July.

C. CENTRAL AVENUE/SAN BERNARDINO STREET TRAFFIC SIGNAL

This project is complete and a notice of completion will be presented at the next Council meeting.

D. REEDER RANCH

The design is complete of the new roof and existing plans have been modified to show this work. In the next fiscal year, this project will be presented at a Council meeting for authorization to advertize the project.

E. GOLD LINE

Mr. Hudson stated that a scheduled meeting will be held on a Friday in October from 10:00 a.m. to 2:00 p.m. at the Pomona College in Claremont, California.

IX. OTHER ITEMS

None

X. ADJOURNMENT

The next meeting of the Public Works Committee will be at 4:00 p.m. on July 21, 2016.

At 5:03 p.m., Chair Raft adjourned the meeting.

Submitted for Public Works Committee approval,



Cenica Smith
Transcribing Secretary

**MINUTES OF THE MEETING OF THE MONTCLAIR
PERSONNEL COMMITTEE HELD ON MONDAY,
JUNE 20, 2016, AT 8:32 P.M. IN THE CITY
ADMINISTRATIVE OFFICES, 5111 BENITO STREET,
MONTCLAIR, CALIFORNIA**

I. CALL TO ORDER

Mayor Pro Tem Raft called the meeting to order at 8:32 p.m.

II. ROLL CALL

Present: Mayor Pro Tem Raft; Council Member Ruh, and City Manager Starr

III. APPROVAL OF MINUTES

A. Minutes of the Regular Personnel Committee Meeting of June 6, 2016.

Moved by City Manager Starr, seconded by Mayor Pro Tem Raft, and carried unanimously to approve the minutes of the Personnel Committee meeting of June 6, 2016.

IV. PUBLIC COMMENT - None

V. CLOSED SESSION

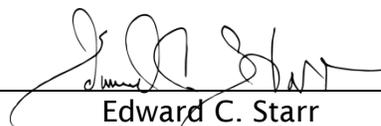
At 8:33 p.m., the Personnel Committee went into Closed Session regarding personnel matters related to appointments, resignations/terminations, and evaluations of employee performance.

At 8:51 p.m., the Personnel Committee returned from Closed Session. Mayor Pro Tem Raft stated that no announcements would be made at this time.

VI. ADJOURNMENT

At 8:51 p.m., Mayor Pro Tem Raft adjourned the Personnel Committee.

Submitted for Personnel Committee approval,



Edward C. Starr
City Manager