



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

REGULAR ADJOURNED MEETING
Monday, September 26, 2016
7:00 p.m.

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

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

4. APPROVAL OF MINUTES

The minutes of the September 12, 2016 Planning Commission meeting are presented for consideration.

5. ORAL AND WRITTEN COMMUNICATIONS ON NON-AGENDA ITEMS

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

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

6. AGENDA ITEMS

- a. CASE NUMBER 2015-4 'A'
 - Project Address: 5060 Montclair Plaza Lane
 - Project Applicant: 5060 Montclair Plaza Lane Owner, LLC
 - Request: Addendum to Precise Plan of Design
 - CEQA Assessment: Addendum to Mitigated Negative Declaration (MND)

7. INFORMATION ITEMS

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

8. PUBLIC INSPECTION OF MATERIALS

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

9. ADJOURNMENT

The City of Montclair Planning Commission is hereby adjourned to the regularly scheduled meeting of October 10, 2016 at 7:00 p.m. in the Council Chambers, 5111 Benito Street, Montclair, California.

CERTIFICATION OF AGENDA POSTING

I, Laura Embree, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda was posted on the bulletin board adjacent to the north door and the bulletin board adjacent to the south door of Montclair City Hall on September 22, 2016.

Report on Item Number 6.a

CASE NUMBER 2015-4 "A"

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

Background

On April 27, 2015, the Planning Commission approved a Precise Plan of Design (PPD) under Case No. 2015-4, for the expansion and remodel of the Montclair Plaza regional shopping mall. In addition to a new name - Montclair Place - the plans called for new changes to the site which included:

- The removal of the former Broadway/Macy's department store (approximately 256,162 square feet in size), and freestanding outbuildings; and
- The addition of approximately 465,057 square feet of new gross leasable area grouped around four (4) new outdoor oriented "shopping districts" and a new multiplex cinema, resulting in an overall net GLA increase of 208,895 square feet.

Since the plan was approved, the CIM Group (hereafter CIM) has been working with the major tenants in the center to obtain formal support for the project and clear the way for implementing the overall development. While this process is still being pursued by the CIM Group, it is proposing the following site plan changes and improvements which they can implement without delay while negotiations for the previously approved plan continue. To accomplish this, a portion of the approved site plan requires modification.

Proposed Site Plan Revisions

The Planning Commission is requested to review and approve CIMs proposed site plan revisions to the approved site plan for Montclair Place. The areas where change is proposed are depicted in orange and by means of circle shapes, while areas of

improvement in the approved plan not being affected by this request are shown in gray (Attachment A). The proposed site plan revisions are summarized as follows:

Area A:

- Demolition of the existing vacant Broadway building per approved plan, and replace with new 134,243 square foot, two-level building on approximately the same footprint of the existing building. The new "cinema" building would now house the proposed 12-screen cinema and restaurants, and be internally connected to the interior of the mall.
- Demolish the existing Goodyear tire store building but retain the pad location for a new building and use. The approved plan previously indicated this building for removal without being replaced. The likely use for this pad would be for a new restaurant.
- Delete the "roundabout" street layout and retain existing roadway alignments as necessary around new "cinema" building while maintaining the general layout of the Lifestyle Park area.

Area B

- Retain existing building (former Linen N' Things) for reuse and eventual redesign.
- Delete the Parking Structure proposed in the approved site plan to accommodate the retention of the existing building.

Area C:

- Retain both existing restaurant buildings (Elephant Bar and vacant Macaroni Grill) for continued use.
- CIM is working to find new restaurant tenant for the vacant building, which would also likely be remodel to accommodate a new user.

Construction

If approved, the immediate plan of action is to demolish the existing Broadway building. In the next couple of weeks, CIM is expected to submit demolition plans to the Building Division for plan check and eventual issuance of demolition permits. CIM hopes to complete major demolition activities before the height of the holiday shopping season sets in.

Plans for the new building and other exterior architectural design changes to the site would be submitted separately for City review and approval when plans have been completed. CIM has retained the services of a new project architect to assist them for this aspect of design development.

Background

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

Planning Division Comments

For the past year, City staff has worked with CIM and its new project manager to implement the approved plan. One of the key steps needed to be able to move forward is CIMs ability to obtain approval from the major tenants on any external changes to the existing mall including the approved plan. Major tenant review and approval is very common as the major tenants own their sites and have a reciprocal easement agreement which gives them the right to review and approve plans that might affect their interests. These arrangements are common features of traditional mall developments and can affect the timeline for accomplishing alterations to the site.

Although the proposed modifications to the approved site plan affect portions of the ultimate layout of the site, the majority of the approved plan remains intact. The

modifications to the site plan fit into the general development scheme as envisioned by the approved plan. The modifications to the internal roadways are relatively straightforward and do not appear to adversely impact internal circulation. Staff supports the elimination of the roundabout road feature from the site plan and sees this as an improvement. The provision of more than adequate parking for the mall overall, and for the proposed areas of change, in particular, remains ample and in close proximity.

Moreover, the proposed changes do not impede the ability to make highly anticipated major improvements to the mall and the goal of making the mall a distinctive urban development for shopping and entertainment in the City. For example, although the new cinema moves to a new location with the proposed plan, it remains a key element of the proposed improvement to the site. In the near future specific architectural plans for the new "cinema" building will be submitted for City review and approval.

The proposed revisions to the approved master plan for Montclair Place have been reviewed by the City for compliance with CEQA requirements. An addendum to the adopted Mitigated Negative Declaration (MND) for the project has been prepared and finds that the proposed changes are within the scope of the overall project evaluated for the approved plan. As such, the proposed changes do not require additional analysis and redistribution for comments. A copy of the Addendum will be placed in the project file for record keeping and future reference.

Environmental Assessment

On April 27, 2015, the Planning Commission approved a Precise Plan of Design (PPD) and Mitigated Negative Declaration (MND) for the Montclair Place expansion and remodel and directed staff to file a Notice of Determination (NOD) within five days of the action. There has been no subsequent legal action challenging the PPD or MND, and therefore, the MND is conclusively presumed valid under Public Resources Code section 21167.2.

Under State CEQA Guidelines section 15162, when an EIR has been certified or a negative declaration approved for a project, no further review is required unless the City determines, on the basis of substantial evidence, one or more of the following:

- a) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- b) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects or
- c) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous

EIR was certified as complete or the negative declaration was adopted, shows: i) the project will have one or more significant effects not discussed in the previous EIR or negative declaration; ii) significant effects previously examined will be substantially more severe than previously shown; iii) mitigation measures or alternatives previously not found to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project but the project proponents decline to adopt the mitigation measure or alternative; or iv) mitigation measures or alternatives that are considerably different from those analyzed previously would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

On behalf of the City, Dudek prepared a modified Initial Study checklist to determine if modifications to the project could have a significant effect on the environment as described in State CEQA Guidelines section 15162. Based on the information contained in the Initial Study, none of section 15162's conditions would be triggered by the proposed project modifications. Under State CEQA Guidelines section 15164, however, the City determined from the Initial Study that minor changes or additions to the MND are necessary to make it applicable to the modified project. As such, the City has prepared an Addendum to the adopted MND to assess any potential impacts created by the proposed changes. Since the changes to the site plan were within the scope of the previously analyzed project and did not increase building square footage or reduce the provision of sufficient on-site parking, the potential impacts were found to be fully covered by the MND. As such, the proposed changes do not require further environmental review. A copy of the original MND, the Addendum and the Initial Study are attached to this staff report for the Planning Commission's review and consideration. These documents will be placed in the project file for record keeping and future reference.

Public Notice

None required for the Precise Plan of Design (PPD) or the Addendum to MND related to the proposed site plan changes.

Planning Division Recommendation

Staff recommends the Planning Commission find the proposed modifications to the approved site plan for the Montclair Place expansion and remodel project to be appropriate and in keeping with applicable development standards of the North Montclair Specific Plan. Accordingly, staff recommends approval of Case No. 2015-4 'A' by taking the following actions:

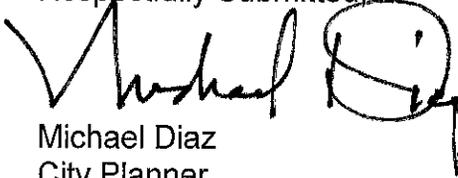
- A. For environmental review, take the following actions as lead agency:
 1. Based on the whole record before it, including, but not limited to the MND Addendum, Initial Study, the administrative record, and all other written and oral evidence presented to the Planning Commission, find that an Addendum to the MND is the appropriate document for disclosing the minor changes and additions that are necessary to account for the project.

Find that none of the conditions under State CEQA Guidelines section 15162 requiring the need for further subsequent environmental review have occurred because the project as described in the Addendum:

- a. Does not constitute a substantial change that would require major revisions of the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
 - b. Does not constitute a substantial change with respect to the circumstances under which the project would be administered that would require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and
 - c. Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence that the MND was approved showing any of the following: (i) the project would have one or more significant effects not discussed in the MND; (ii) significant effects previously examined would be substantially more severe than shown in the MND; (iii) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the City declined to adopt such measures; or (iv) mitigation measures or alternatives considerably different from those analyzed in the MND that would substantially reduce one or more significant effects on the environment, but which the City declined to adopt; and
2. Adopt the Addendum to the Mitigated Negative Declaration for the expansion and enhancement of Montclair Place.
 3. Direct staff to prepare, execute, and file a Notice of Determination (NOD) and the applicant to pay appropriate fees within five (5) days of this action.
- B. Approve a Precise Plan of Design request under Case No. 2015-4 'A' for the Precise Plan of Design (PPD) related to proposed modifications to the approved site plan (April 6, 2015) for the expansion and enhancement of Montclair Place,

per the amended site plan diagram titled Proposed Revisions to Approved Montclair Place Masterplan (Attachment A) on file with the Planning Division, and as described in the prepared staff report, subject to the conditions in Planning Commission Resolution No. 16-1872.

Respectfully Submitted,

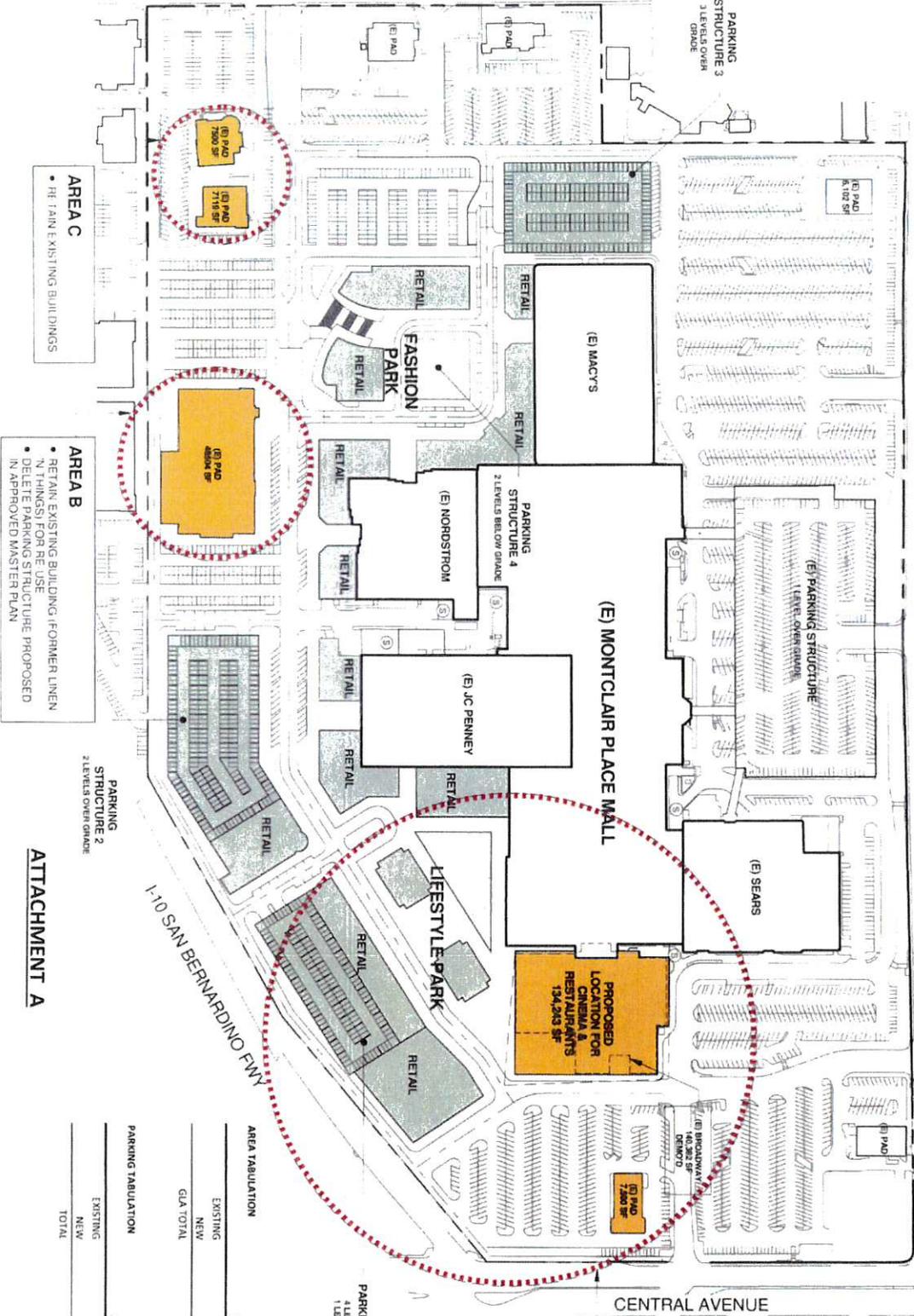
A handwritten signature in black ink, appearing to read "Michael Diaz". The signature is written in a cursive style with a large, stylized "M" and "D".

Michael Diaz
City Planner

MD/le

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

c: Greg Williams, CIM Group
Ruta Thomas, Dudek



AREA C

- RETAIN EXISTING BUILDINGS

AREA B

- RETAIN EXISTING BUILDING (FORMER LINEN)
- DELETE PARKING STRUCTURE PROPOSED IN APPROVED MASTER PLAN

AREA A

- NEW LOCATION FOR CINEMA & RESTAURANT
- DELETE ROUNDABOUT
- RETAIN PAD AREA FOR FUTURE REUSE (LIFESTYLE PARK LAYOUT)
- TO ACCOMMODATE NEW CINEMA LOCATION

ATTACHMENT A



PRECISE PLAN OF DESIGN NO. 2015-4 'A'

AREA TABULATION		APPROVED		PROPOSED REVISIONS	
EXISTING	1,253,594	1,253,594	1,253,594		
NEW	208,895	168,745			
GLA TOTAL	1,462,489	1,422,339	(40,150)		

PARKING TABULATION		APPROVED		PROPOSED REVISIONS	
EXISTING	5,788	5,788	5,788		
NEW	1,785	760			
TOTAL	7,573	6,548	(1,025)		



PROPOSED REVISIONS TO APPROVED MONTCLAIR PLACE MASTER PLAN

- MASTER PLAN (4/27/2015)
- PROPOSED REVISIONS
- AREAS OF CHANGE

RESOLUTION NO. 16-1872

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR ADOPTING AN ADDENDUM TO MITIGATED NEGATIVE DECLARATION AND APPROVING SITE PLAN MODIFICATIONS TO THE APPROVED MONTCLAIR PLACE MASTERPLAN FOR THE EXPANSION AND ENHANCEMENT OF MONTCLAIR PLACE UNDER PRECISE PLAN OF DESIGN CASE NO. 2015-4 'A', AT 5060 MONTCLAIR PLAZA LANE, IN THE "GENERAL COMMERCIAL" (C-3) LAND USE DISTRICT OF THE NORTH MONTCLAIR SPECIFIC PLAN (APNs 1008-171-07 & 11; 1008-181-05, 06, 07; 1008-191-01, 02, 03, 04; 1008-321-04 & 07).

WHEREAS, on April 27, 2015, the Planning Commission approved a Precise Plan of Design under Case No. 2015-4 for the Montclair Place masterplan (site plan, floor plans, elevations, colors, materials and conceptual landscape plan) for the expansion and enhancement of Montclair Plaza regional shopping center, at 5060 Montclair Plaza Lane; and

WHEREAS, Montclair Plaza has been renamed Montclair Place; and

WHEREAS, Montclair Place is an existing 1.2-million square foot multi-tenant regional retail commercial center, on approximately 61.67 acres of land. Montclair Place currently consists of a two-level main building surrounded by surface parking areas, and several freestanding outbuildings occupied with retail and restaurant uses; and

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

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

WHEREAS, the property owner, the CIM Group, has been in the process of working with the major tenants in the center to obtain formal support for the project and clear the way for implementing the overall development. While this process is still being pursued by the CIM Group, it is proposing site plan changes and improvements which they can implement without delay while negotiations for the previously approved plan continue; and

WHEREAS, on September 15, 2016, the CIM Group, submitted a Development Review Application requesting approval of an amendment to the expansion and remodel plan for Montclair Place, approved on April 25, 2015; and

WHEREAS, the proposed site plan modifications are identified as Areas A, B, and C and depicted on a site plan diagram titled Proposed Revisions to Approved Montclair Place Masterplan (Attachment A); and

WHEREAS, the proposed modifications to the approved Montclair Place Masterplan are limited in scope and involve the shifting of previously approved uses to new locations (i.e., Cinema), retention of existing restaurant pads, and the elimination of a proposed on-site traffic circle; and

WHEREAS, the remaining portions of the approved Montclair Place Masterplan are retained without further change; and

WHEREAS, the proposed modifications to the approved Montclair Place Masterplan comply with the guidelines and applicable development standards of the NMSP and Montclair Municipal Code; and

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

WHEREAS, on April 27, 2015, pursuant to California Environmental Quality Act (Pub. Res. Code § 21000 et seq.: "CEQA") and the State Guidelines for Implementation of CEQA (14 Cal. Code Regs. § 15000 et seq.: "State CEQA Guidelines"), the Planning Commission approved the Mitigated Negative Declaration ("MND") for the Montclair Place expansion and remodel; and

WHEREAS, the MND adequately addressed and mitigated, to the extent feasible, the potential environmental impacts associated with the Montclair Place expansion and remodel; and

WHEREAS, the MND was not legally challenged and thus is presumed valid in accordance with Public Resources Code section 21167.2; and

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

WHEREAS, the City has prepared a modified Initial Study checklist to determine if modifications to the project could have a significant effect on the environment as described in State CEQA Guidelines section 15162; and

WHEREAS, pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an MND has been approved, the lead agency may prepare an addendum to a previously approved MND if minor technical changes or additions to the MND are necessary but none of the conditions described in State

CEQA Guidelines section 15162 calling for preparation of a subsequent EIR have occurred; and

WHEREAS, based on the information contained in the Initial Study and all other information in the administrative record, which concluded that none of the circumstances identified in State CEQA Guidelines section 15162 would be triggered by the proposed project modifications, the City determined that an Addendum to the Mitigated Negative Declaration ("MND") is appropriate to analyze the reasonably foreseeable environmental impacts of the project, and an Addendum to the MND was prepared pursuant to CEQA and the State CEQA Guidelines; and

WHEREAS, on September 26, 2016, commencing at 7:00 p.m. in the Council Chamber at Montclair City Hall, the Planning Commission reviewed the proposed modifications to the Montclair Place Masterplan site plan at which time all persons wishing to testify in connection with said application were heard, and said application was fully studied; and

WHEREAS, the Addendum to the MND is attached to the Planning Commission's September 26, 2016 staff report, which is available for inspection at City Hall and on the City's website; and

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

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

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

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

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

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

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

SECTION 3. FINDINGS ON ENVIRONMENTAL IMPACTS. Based on the whole record before it, including, but not limited to the Addendum to the MND, Initial Study, the administrative record, and all other written and oral evidence presented to the Planning Commission, the Planning Commission finds that an addendum to the MND is the appropriate document for disclosing the minor changes and additions that are necessary to account for the project. The Planning Commission finds that none of the conditions under State CEQA Guidelines section 15162 requiring the need for further subsequent environmental review have occurred because the project as described in the Addendum:

- a. Does not constitute a substantial change that would require major revisions of the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- b. Does not constitute a substantial change with respect to the circumstances under which the project would be administered that would require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and
- c. Does not contain new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence that the MND was approved showing any of the following: (i) the project would have one or more significant effects not discussed in the MND; (ii) significant effects previously examined would be substantially more severe than shown in the MND; (iii) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the City declined to adopt such measures; or (iv) mitigation measures or alternatives considerably different from those analyzed in the MND that would substantially reduce one or more significant effects on the environment, but which the City declined to adopt.

SECTION 4. ADOPTION OF ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION. The Addendum to the MND is hereby approved and adopted.

SECTION 5. FINDINGS. Pursuant to Chapter 11.80 of the Montclair Municipal Code, the Precise Plan of Design for project is consistent with the following:

- A. The proposed expansion and enhancement project is consistent with the Regional Commercial land use designation of the City's General Plan Land Use Map, and the "General Commercial" (C-3) land use designation of the North Montclair Specific Plan. The intent of the C-3 zone is to provide for a broad range of commercial activities, including retail sales, offices, personal services and related commercial uses that serve the community as a whole and the wider region. The proposed changes at Montclair Plaza will improve the exterior appearance of the mall and create a new, exciting destination within an urban setting where new outdoor lifestyle amenities and uses would be introduced to the site.
- B. At over 61 acres in area, the overall shape and size of the site is sufficient to accommodate the proposed site changes. The existing parking fields on the south and southeast portions of the site provide ample room to allow for the construction of new parking structures and the new outdoor shopping districts without need for any variances from the City's development standards. The arrangement of new parking structures and the cinema building along the freeway frontage is essential in defining what will become the main focal point of the property and in diminishing noise emanating from the freeway. The majority of existing surface parking spaces will be relocated to the new parking structures, which is a more efficient use of the property.
- C. The plan promotes pedestrian access to and within the site while accommodating vehicular and parking activity to support the proposed uses. In addition, the plan will maintain existing links to other existing commercial uses in the surrounding area.
- D. The general arrangement of buildings, massing, and heights as indicated in submitted plans is attractive and up-to-date without being overly trendy. When the project is completed, the new look for the mall will provide a much needed visual boost and image enhancement to the site and to what passersby see from the I-10 corridor, attributes that have been sorely lacking on the property for well over a decade.
- E. The California Modern/Mid-Century architectural theme for the project is appropriate and the best way to achieve the desired urban setting and look for the mall. The style is flexible and allows for the designer to utilize a number of high quality exterior materials and finishes and incorporate lighting, signage, and landscape materials to give the project a distinctive and pleasing appearance

SECTION 6. EXACTIONS. Based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission finds the nature of and extent of the dedications, reservations, impact fees, and other exactions are reasonably related to public needs and roughly proportional to the impacts created by the proposed expansion and renovation project of the Montclair Plaza regional retail commercial center.

SECTION 7. APPROVAL OF THE PROJECT. Based upon the substantial evidence presented to the Planning Commission during the above-referenced hearing on September 26, 2015, including written and oral staff reports together with public testimony, the Planning Commission hereby finds the proposal to be consistent with the overall objectives of the City of Montclair General Plan, the North Montclair Specific Plan, the Montclair Municipal Code, and good planning principles, and approves the application subject to each and every condition set forth below.

Planning

1. This Precise Plan of Design (PPD) approval is for the site plan modifications to the Montclair Place Masterplan (approved on April 25, 2015). The approved modifications shall be limited to the areas identified on the site plan diagram titled Proposed Revisions to Approved Montclair Place Masterplan (Attachment A) on file with the Planning Division, and as described in the prepared staff report.

Notwithstanding the depictions shown on the approved plans, applicant understands and agrees that any improvements and designs shown on the approved plans that require approval from other entities with ownership interests shall not be approved unless and until those entities have consented to such improvements.

2. All applicable conditions of approval contained in Planning Commission Resolution No. 15-1829 for the approved Montclair Place Masterplan (April 27, 2015) shall remain in effect and continue to apply.
3. In the event that exhibits and written conditions are inconsistent, the written conditions shall prevail.
4. Design review for new or remodeled buildings or structures, and site improvements associated with the implementation of the approved Montclair Place Masterplan, as modified with this approval, shall be submitted for City review and approval. Some uses may require the approval of additional entitlement permits and the applicant is advised to contact the City for further information and direction.
5. This PPD approval shall be valid for a period of one year and shall automatically expire on the anniversary date of Planning Commission approval unless the applicant is diligently pursuing building plan check and building permits to allow

eventual construction of the project. The applicant and/or property owner shall be responsible to apply for a time extension at least 30 days prior to the approval's expiration date. No further notice from the City will be given regarding the project's PPD expiration date.

6. Notice to Applicant: The conditions of approval for this project include certain fees, dedication requirements, reservation requirements, and/or other exactions more specifically described in the conditions of approval herein. The applicant is hereby notified that the 90-day protest period to challenge such items has begun as of the date of the project approval. For purposes of this notice, "project approval" shall mean the date the Planning Commission approves the Precise Plan of Design for the project. All impact fees shall be due and payable at the time stated in the adopted ordinance, resolution or policy adopting and imposing such fees. If the applicant fails to file a protest regarding any of the fees, dedications, reservations, inclusionary housing requirements or other exaction requirements, as specified in Government Code §66020, the applicant shall be legally barred from later challenges.
7. Approval of this PPD shall not relieve the applicant from complying with all applicable Federal, State, County or City regulations or requirements.
8. Within five (5) days of approval by the Planning Commission, the applicant shall submit a check in the amount of **\$50.00**, payable to "Clerk of the Board of Supervisors," to cover the required fee for filing a Notice of Determination (NOD) for the proposed Addendum to the Mitigated Negative Declaration as required by the California Environmental Quality Act (CEQA).
9. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
10. The applicant and/or property owner shall ensure that a copy of the Planning Commission Resolution, including all conditions of approval, be reproduced on the first page of the construction drawings and shall be distributed to all design professionals, contractors, and subcontractors participating in the construction phase of the project.
11. 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, 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.

SECTION 8. LOCATION AND CUSTODIAN OF RECORDS. The documents and materials associated with the project and the Addendum to the MND that constitute the record of proceedings on which these findings are based are located at Montclair City Hall, 5111 Benito Street, Montclair, CA 91763. The Community Development Director is the custodian of the record of proceedings.

SECTION 9. EFFECTIVE DATE. This Resolution shall become effective immediately upon its adoption.

SECTION 10. CERTIFICATION. The Secretary shall attest as to the adoption and execution of this Resolution and cause the same to be maintained in the permanent records of the City.

SECTION 11. SEVERABILITY. If any provision of this Resolution is held invalid, the remainder of this Resolution shall not be affected by such invalidity, and the provisions of this Resolution are severable.

APPROVED AND ADOPTED THIS 26TH DAY OF SEPTEMBER, 2016.

PLANNING COMMISSION OF THE CITY OF MONTCLAIR, CALIFORNIA

By: _____
Tenice Johnson, Chair

ATTEST: _____
Michael Diaz, Secretary

I, Michael Diaz, Secretary of the Planning Commission of the City of Montclair, do hereby certify that the foregoing Resolution was duly and regularly introduced, passed, and adopted by the Planning Commission of the City of Montclair, at a regular meeting

of the Planning Commission conducted on the 26th day of September, 2016, by the following vote, to-wit:

AYES:

NOES:

ABSENT: