

MONTCLAIR PLANNING COMMISSION MEETING – AUGUST 24, 2020

NOTICE

**THIS MEETING WILL BE CONDUCTED VIA WEBINAR/TELECONFERENCE.
THE COUNCIL CHAMBERS WILL NOT BE OPEN TO THE PUBLIC.**

Pursuant to Sec. 3 of Executive Order N–29–20 issued by Governor Newsom on March 17, 2020, this meeting will be conducted remotely via the ZOOM virtual meeting platform. In compliance with the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID–19 virus, there will be no in-person meeting location at which the public may appear.

**ALL PARTICIPANTS WILL BE MUTED AUTOMATICALLY UPON ENTERING THE MEETING.
THE COMMISSION SECRETARY WILL UNMUTE THOSE WHO WISH TO SPEAK AT THE
APPROPRIATE TIME. PLEASE KEEP YOURSELF ON MUTE WHEN NOT SPEAKING.**

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Raised hands will only be acknowledged during the Public Hearing and Public Comment sections of the agenda, and when the Meeting's Chair requests comments from the public.

VIRTUAL SPEAKER CARDS

To provide verbal comments during the meeting, please visit www.cityofmontclair.org/pc-comment to fill out a Virtual Speaker Card to request to speak in advance. Members of the public on the call who did not fill out the Virtual Speaker Card will be given an opportunity to speak after those who requested to speak in advance. Please do not call into the meeting anonymously (renaming yourself in ZOOM or using *67) if you submitted a Virtual Speaker Card so the Planning Commission Secretary can identify you on the call and unmute you at the appropriate time.

You may also call the Office of the Planning Commission Secretary at (909) 625–9432 to fill out the Virtual Speaker Card over the phone or e–mail your name, phone number if calling in during the meeting, and subject of comment or agenda item to pcclerk@cityofmontclair.org with the subject line "[Meeting Date] Virtual Speaker Card".

Written comments may be submitted using the Virtual Speaker Card or via e–mail or mail, and will be read aloud during the meeting by the Planning Commission Secretary at the appropriate time (250 word limit). Please submit all Virtual Speaker Cards or written comments at least one hour prior to the meeting's start time.



CITY OF MONTCLAIR
PLANNING COMMISSION AGENDA
REGULAR ADJOURNED MEETING
AUGUST 24, 2020
7:00 p.m.

*As a courtesy, please place yourself on mute while the meeting is in session, unless speaking (Dial *6 on the phone to toggle mute).*

*Persons wishing to make a public comment or speak on an agenda item, including public hearing and closed session items, are requested to complete a Virtual Speaker Card (VSC) at pcclerk@cityofmontclair.org. The Chair will recognize those who have submitted a VSC at the time of the item's consideration and invite those individuals to provide comments on the item at that time. Those who did not fill out a VSC will have an opportunity to speak after those who did by using the "raise hand" function on the ZOOM meeting platform or over the phone by dialing *9.*

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Chair Barry Rowley, Vice Chair Manny Martinez, Commissioner Sergio Sahagun, Commissioner Ginger Eaton, and Commissioner Jaso Sanchez

4. APPROVAL OF MINUTES

None.

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 Virtual Speaker Card as described above.

6. AGENDA ITEMS

a. PUBLIC HEARING – CASE NUMBER 2017-20
(continued from the August 10, 2020 meeting)

Project Address: North side of Arrow Highway at Fremont Avenue
Project Applicant: Village Partners Ventures, LLC
Project Planner: Michael Diaz, Community Development Director
Request: Tentative Tract Map No. 20273 and Precise Plan of Design to allow a five building mixed-use development, a parking structure, a 0.22-acre public park, and associated roadway and site improvements to subdivide a 6.68-acre site.

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

Reports, backup materials, and additional materials related to this project item can be viewed at <https://www.cityofmontclair.org/agendas> by clicking on the agenda for August 24, 2020.

9. ADJOURNMENT

The City of Montclair Planning Commission meeting is adjourned to the regularly scheduled meeting of September 14, 2020 at 7:00 p.m. pursuant to Executive Order N-29-20 members of the public will not be permitted to be physically present during this meeting.

CERTIFICATION OF AGENDA POSTING

I, Laura Embree, Administrative Secretary for the City of Montclair, hereby certify that a copy of this agenda has been posted on the bulletin board adjacent to the south door of Montclair City Hall on August 20, 2020.



CITY OF MONTCLAIR PLANNING COMMISSION

MEETING DATE: 08/24/20

AGENDA ITEM 6.a

Case No. 2017-20

Application: Tentative Tract Map No. 20273 and Precise Plan of Design to allow a five building mixed-use (residential and commercial) development, a parking structure, a 0.22-acre public park, and associated roadway and site improvements.

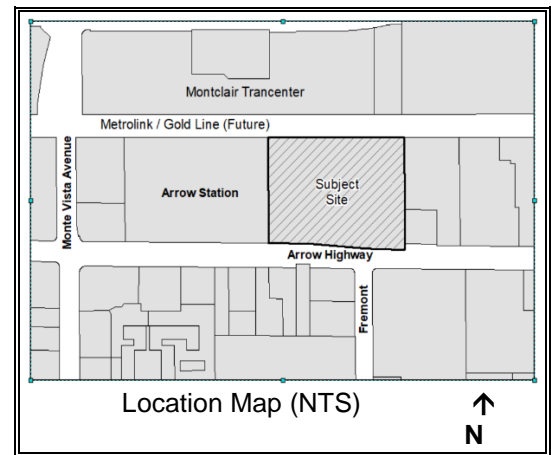
Project Address: A 6.68-acre site generally located on the north side of the intersection of Arrow Highway and Fremont Street as indicated on the attached map. (Current address 5050 Arrow Highway)

Property Owner: Miriam A. Kendal Trust

General Plan: Planned Development

Zoning: "Station District" (SD) per the North Montclair Downtown Specific Plan (NMDSP).

Assessor Parcel No.: 1007-701-01



Adjacent Land Use Designations and Existing Uses			
	<i>General Plan</i>	<i>Zoning</i>	<i>Existing Use</i>
Site	Planned Development	"Station District" per the North Montclair Downtown Specific Plan (NMDSP)	Vacant warehouse building and surface parking area to be removed
North	Planned Development	"Station District" per the NMDSP	Montclair Transcenter
East	Planned Development	"Town Center" and "Corridor Residential" per the NMDSP	Commercial Development Pep Boys/Johns Incredible Pizza
South	Planned Development	"Town Center" and "Corridor Residential" per the NMDSP	Vacant Land and Industrial Uses
West	Planned Development	"Corridor Residential" per the NMDSP	Arrow Station – Residential Community

Report on Item Number 6.a

CASE NUMBER 2017-20

APPLICATION TYPE(S)	Tract Map No. 20273 Precise Plan of Design
NAME OF APPLICANT	Village Partners Ventures, LLC On behalf of the Miriam A. Kendal Trust (property owner)
LOCATION OF PROPERTY	Vacant 6.68-acre site on the north side of Arrow Highway at Fremont Avenue (Current address 5050 Arrow Highway)
GENERAL PLAN DESIGNATION	Planned Development
ZONING DESIGNATION	Station District (SD) Zone - North Montclair Downtown Specific Plan
EXISTING LAND USE	Vacant Building and Land
ENVIRONMENTAL DETERMINATION	Consistent with the Adopted EIR prepared for amended North Montclair Downtown Specific Plan (NMDSP) pursuant to CEQA Guidelines Sections 15162 and 15182
PROJECT COORDINATOR	Michael Diaz

At the request of staff, the Planning Commission continued its review of the matter from the advertised public hearing on August 10, 2020. Since the item was advertised as a public hearing, the Planning Commission opened the item for public comment prior to continuing the matter to the August 24, 2020, meeting date. No one from the public asked to speak on the proposed item.

Project Proposal

Village Partners Ventures, LLC, is proposing to subdivide a 6.68-acre site and build a mixed-use development named *The Village at Montclair*. Overall, the project entails the development of approximately 373,660 square feet of new residential and commercial space (not including the parking garage). The commercial ground floor lease space is approximately 25,143 square feet in area. The residential component of the project includes a maximum of 360 dwelling units, including 330 permanent apartment units, and

30 additional Flex Units used as interim residences within the ground floor commercial lease space of each building. The project also features a multi-level parking structure, the dedication of 0.22-acres for a public park, and public pedestrian easements to link the project to the Arrow Station project to the west and the Montclair Transcenter to the north side of the site.

The subject site is located within the boundaries of the North Montclair Downtown Specific Plan (NMDSP) and requires final review and approval for all entitlements by the City Council. The Planning Commission is requested to review the project proposal and forward its recommendations to the City Council for its consideration.

Copies of the proposed subdivision map, site plan, floor plans, elevations, renderings, and conceptual landscape plan are included in the Commission packets and available on the City’s website below:

<https://www.cityofmontclair.org/comfit/cd/2020-08-24-VAM-VP.pdf>

Tentative Tract Map No. 20273

The proposed tentative tract map is designed to create six (6) numbered lots and one (1) lettered lot for a public park from the existing 6.68-acre site (Exhibit “A”). The new lots, ranging in size from 0.52 to 1.31-acres in size, are arranged around the “U” shaped public street configuration that connects at two points to Arrow Highway. The proposed street configuration also includes a street segment extending eastward to the east property line to establish a connection point for a future development on the adjacent parcel. The single lettered lot (“A”) is 0.22-acres in size and situated at the center of the site where it will be developed into a public park. Public parking would be allowed along the proposed public streets.

Tentative Tract Map No. 20273		
The Village at Montclair - Lot Size and Site Improvements		
<i>Lot</i>	<i>Size</i>	<i>Proposed Site Improvements</i>
1	0.78 ac	Multi-story building – 28 parking spaces (9 tandem) 7.5’ wide aerial easement over public sidewalk Central Solid Waste Collection/Compactor facility
2	0.52 ac	Multi-story Building
3	0.72 ac	Multi-story Building
4	0.92 ac	Multi-story Building - 5-level Parking Structure – 483 spaces 10’ wide public pedestrian easement
5	1.31 ac	Multi-story Building - Community Building ¹ 10’ wide public pedestrian easement
6	0.74 ac	Surface Parking Lot (27 spaces) and Dog Park Site of future Public Parking structure ²
“A”	0.22 ac	Public Neighborhood Park

¹ Building 4 on Lot 5 is the proposed community building for the project and includes leasing and management offices, a fitness center, meeting rooms, mail room, and community pool.
² Lot 6 is the parcel where the future public parking structure would be built on the subject site, as generally depicted in Figures 3-2 and 3-3 and described in 3.2.F of the NMDSP.

The tentative map also includes three (3) public easements, two of which are located on Lots 4 and 5. These easements are intended to facilitate public pedestrian access to the

site from the west (the Arrow Station community) and from the site to the Montclair Transcenter immediately north of the site across the rail lines. The third is an aerial easement at the north side of Building 1 to allow the design of the building to extend over the public sidewalk.

It should be noted that a public parking structure to support commercial uses in the area with short-term parking is envisioned for development somewhere on the subject development site. The parking structure in Building 4 is a private structure and is needed to meet parking requirements for residential portion of the project. Based on the proposed subdivision and project site plan, Lot 6 would be the parcel where the future public parking structure would be built as designated by the NMDSP. Since the timing for construction of the future parking structure is not known at this time, parking spaces on Lot 6 would be “temporary” until the new structure is built or the NMDSP is officially amended to allow for a different use.

Public Park

The proposed public park is located at the center of the site and intended to provide an open space area to be used by future residents for open space, passive recreational activities, and public events. The new park is rectangular in shape, approximately 9,571 square feet (0.22-acre) in size, and has approximate dimensions of 54 feet wide by 190 feet long. Proposed park amenities include a tree-lined turf area, a pavilion, water feature, and seating.

Precise Plan of Design

The Village at Montclair mixed-use project consists of a total four (4) multi-level buildings (up to five stories) situated around a centrally located public park (Exhibit “B”). As mentioned, the project includes a pedestrian link to the Arrow Station residential development (through Building 4) to the west and a north link to the Montclair Transcenter.

As a mixed-use development, the project provides approximately 25,174 square feet of commercial lease space located primarily on the ground level of Buildings 1, 2 and 4. The remaining ground level of the Buildings 2 and 3 and all upper levels would be dedicated to residential units. The maximum number of dwelling units proposed by the developer for the project is 360 units, which includes 30 ground level commercial spaces used as interim residential units known as - Flex Units. Flex Units would be used as interim residential units until market conditions are such that commercial uses can be permanently established. Flex Unit locations are depicted on Page 10 (First Floor Plan) in the set of plans for the project.

The breakdown of the number, distribution, and sizes of the proposed units (including Flex Units) for the project are provided in the following tables:

The Village at Montclair – Dwelling Units (Non - Flex Units)		
<i>Building</i>	<i>Stories</i>	<i>Residential Units</i>
1	3-5	69 Units
2	3-4	52 Units
3	3-5	79 Units
4	3-5	130 Units
Total		330 Units¹

¹Total count excludes Flex Units as residential units noted in Table below: Flex Units

The Village at Montclair – Apartment (Non - Flex Unit) Size Range and Number		
<i>Floor Plan</i>	<i>Size Range</i>	<i>Number of Units</i>
Studio	413 – 613 s.f.	77
1 Bedroom	613 – 948 s.f.	150
2 Bedrooms	953 – 1,137 s.f.	88
3 Bedrooms	1,302 -1,319 s.f.	15
Total		330 Units

The Village at Montclair – Flex Units¹		
<i>Building</i>	<i>Flex Units¹ (Ground Level)</i>	<i>Square Feet</i>
1	10	7,911 s.f.
2	7	7,014 s.f.
3	1	686 s.f.
4	12	9,563 s.f.
Totals	30 units	25,174 s.f.

¹Commercial spaces that may be used as interim residential units

Parking

NMDSP parking requirements for residential units is 1.5 spaces per unit, plus one visitor space per four units. Commercial space requirements are one space per 300 square feet of gross floor area. Based on these standards required parking for the mixed-use project would be 662 total spaces. However, the developer is seeking City Council approval of a 15 percent overall reduction in parking as provided for by the NMDSP. The applicant/developer must obtain City Council approval to be eligible for the parking reduction. In recent years, the Arrow Station and Alexan projects were granted the full reduction in parking.

As required for all projects, the applicant has submitted a Parking Management Plan (PMP) for the project and is seeking City Council approval (Exhibit “C”). For design purposes, parking for the project assumes approval of the full 15 percent reduction and is designed with that in mind. The following table indicates required and proposed parking for the project:

The Village at Montclair – Parking Summary			
<i>Use</i>	<i>Standard</i>	<i>Parking Required</i>	<i>Parking Provided (w/ proposed 15 percent reduction)¹</i>
Residential - 330 units	1.5 per unit 1:4 visitor	495 spaces 83 spaces	421 spaces 71 spaces
Sub-Totals		578 spaces	492 spaces
Commercial - 25,174 s.f.	1:300 s.f.	84 spaces ¹	70 spaces
Totals		662 spaces	562 spaces
¹ Parking total indicated based on 15 percent reduction request subject to City Council review and approval.			
² Commercial uses may utilize short-term parking on public street			

In light of the above introduction, proposed on-site parking totals 538 spaces, and 598 spaces overall which includes on-street short-term public spaces for visitors and future customers as shown below:

Village at Montclair - Parking Provided Summary	
Type/Location	Quantity Provided*
Parking Structure (5 Levels)	483 spaces
Lot 1 – Surface	28 spaces (9 tandem)
Lot 6 – Surface	27 spaces
Sub-Total ¹	538 spaces
Public Street Parking	60 spaces
Grand Total	598 spaces total
¹ Number of spaces are based on a 15 percent reduction, if approved by the City Council	

The five-level parking structure incorporated into Building 4 would provide the bulk of the spaces at 483, intended for residents, some guests, and employees of the management company. The other parking locations are 28 surface parking spaces behind (east side) of Building 1 on Lot 1 (28 spaces). Lot 6 has 27 spaces providing an interim parking area until a parking structure is eventually built on the site.

The developer also proposes to manage on-site parking for the residents by assigning the number and the location of parking spaces for each residential unit. All on-street street parking would be for public use on a short-term basis (length of time to be determined by the City) for visitors and customers of commercial uses in the project area. Public on-street parking spaces would not be assignable to any resident or a commercial use in the project.

Solid Waste Removal Plan

The applicant has prepared a draft Solid Waste Removal Plan (SWRP) to address the collection and disposal of solid waste and recyclable materials generated by the project. The plan proposes preliminary collection points for each multi-story building, which would then be transferred to a final (central) collection site. The central collection point would be developed at the east side of the site behind (east side of) Building 1 and equipped with trash compactors. When full, the compacted solid waste materials would be picked up by Burrtec (solid waste provider) for disposal off site. The SWRR would also address the collection of organic waste and bulk items.

Architecture

The proposed architecture of the project is generally described as variations of the geometrical shapes, details, colors and materials associated with the Southern California Mediterranean style. According to the project architect, Torti Gallas and Partners,

“The design of the architecture is structured in ways to allow the residents of the village to enjoy the inviting Mediterranean type climate of Montclair. The architectural facades draw from both Spanish and Italian variants that arrived in Southern California over a century ago, having endured and evolved with the times. The architectural facade identities are in varying widths, each of which create a scale that will promote the village character, pedestrian scale and walkable streetscapes.”

Each of the proposed three to five-story buildings features a mix of architectural design details such as strong cornices, wrought iron balconies, deep-set classically proportioned windows, stucco with GFRC or formed metal cornices, stone trim, and clay style details, stucco moldings, timber trimmed verandas on upper levels and bracketed timber balconies with tile roofs. Architectural elements are extended to all sides of the buildings, except the north and west sides of the parking structure in Building 4. The north (facing the Montclair Transcenter) and west sides of the parking structure feature a complementary design that includes simple design details reminiscent of the “Art Deco” style.

Building 4 is intended and designed to be the key focal point of reference for the project and includes a clock tower feature on axis with the northern terminus of Fremont Avenue. Building 4 also includes the courtyard area that will provide a public pedestrian access point from the site to the Montclair Transcenter on the adjacent property to the north.

Landscaping/Hardscape

The applicant has submitted a comprehensive landscape conceptual plan for the project site. The selection and distribution of plant materials are intended to complement the urban context established with the project and the proposed architecture of the buildings. The centrally located open space/public park and highlight open space areas in the project including the public and private streets, garden courts, and the private park. In addition to trees and shrubs, these spaces will include several decorative elements such as group seating and tables, string lighting, benches, grills, fire pits, decomposed granite, enhanced paving finishes, etc.

The proposed tree and shrub palettes feature a wide variety of plant materials, the majority of which are drought tolerant. The proposed tree list includes Washingtonian and Date Palms, Camphor, Chitalpa, Strawberry, Crape Myrtle, Pine, and Olive trees. The shrub list includes Agaves, Boxwood, Ceanothus, Cistus, Italian Cypress, Lavender, and ornamental grasses. Lastly, the landscape plan does include street trees for each

public street segment but the specific species have yet to be determined. When the street tree selections are finalized they will be in accordance and complementary to the final landscape plans adopted for improving the Arrow Highway and Fremont Avenue streetscape adjacent to the project site.

Background

- Pursuant to the California Environmental Quality Act (CEQA) and State Guidelines for Implementation of CEQA, on March 20, 2017, the City Council certified a Supplemental Environmental Impact Report (DSEIR) for the updated North Montclair Downtown Specific Plan.
- The subject property is located within the Station District zoning area of the North Montclair Downtown Specific Plan (NMDSP). The Arrow Station residential community is on the west, Montclair Transcenter on the north, and the Pep Boys auto store and self-serve car wash on the east.
- The subject site is developed with a vacant building (former home of the Inland Empire Ballet Company), a paved parking area, and vacant land.
- The objective of the NMDSP is to introduce urban style residential and mixed-use 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.
- Required parking for projects in the NMDSP is 1.5 spaces per unit and a new guest parking requirement of one (1) space for every four (4) units.
- On December 16, 2019, the project proposal and status report was presented to the City Council and the Planning Commission during public workshop meeting.

Planning Division Comments

For the past few years, City staff has worked with the applicants, their architect, and the City's architectural design consultant to ensure the project was developed in accordance with the development standards and guidelines of the NMDSP. As the City's first mixed-use project, and key project in implementing the goals of the NMDSP, the project requires close attention to details. Overall, the result of the effort put into the project is well designed, visually attractive, and consistent with the intent and design goals of the NMDSP.

When completed, *The Village at Montclair* will be the key development of NMDSP that establishes a central town square and provides the physical means to link pedestrians to existing and future developments and the Montclair Transcenter and various transit services it provides. Moreover, the neighborhood created by the project continues expansion of a developing walkable, pedestrian-oriented, retail and residential "place."

Tentative Tract Map

Staff finds the proposed tentative tract map design to be appropriate and a logical means for supporting the anticipated development of the site. The proposed lot design around a central open space/park is ideal and the lot sizes will be of adequate size and dimension to accommodate the proposed buildings. The street configuration will provide good access and allow for appropriate internal pedestrian and vehicular circulation. The proposed public street within the project boundaries will be fully improved and serve to implement the eventual goal of a linked street system that promotes walkability and connectivity to adjacent properties and uses, including the existing transit center.

Precise Plan of Design

The architecture of the project makes a bold statement about the City and its emerging importance as a destination point in the Inland Empire and east end of Los Angeles County. The project will simultaneously present an attractive face to those traveling by train and to motorists on Arrow Highway. Moreover, it will complement the plans for remaking the nearby Montclair Place as envisioned in the proposed Montclair Place District Specific Plan.

The project would be consistent with the intent of the "Station District" land use designation for the site, which states in part, that the SD zone is intended to be the

“... social and commercial heart of the North Montclair. It will be anchored by the MetroLink/Gold Line train station to the north a., and contain compact, walkable mixture of housing and community-oriented retail.”

A significant feature exemplifying how the project meets the design goals of the NMDSP is the attention to careful massing and varied building heights for each building that eliminates uniform building heights and monotonous building facades. There is a distinct base, middle and top to each of the buildings. There are projecting elements such as lower level roofs, canopies, balconies, and bay windows that help lower the scale of the massing to a more pedestrian level. As such, the project architecture 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 final architectural details for the project are subject to refinement as part of the review process for NMDSP projects by the City's consultant for Architectural Design.

Counting Flex Units as interim dwelling units, the total number for the project is 360 units, achieving a density of 61 units per acre which is consistent with the minimum density level of the SD zone. Without the Flex Units, the unit count is reduced to 330 units for a project density of 56 units per acre, approximately seven percent less than the minimum. If approved, this project will represent the highest density level achieved by

any new project in the NMDSP plan area. As a mixed-use project, *The Village at Montclair* also represents a significant advancement of the transit-oriented goals set forth by the NMDSP, including the provision of pedestrian access to the Montclair Transcenter.

Lastly, staff finds the proposed conceptual landscaping plan, including hardscape elements, to be well done and appropriate for the proposed architecture and urban setting created by the project. Plant materials, the majority of which are drought tolerant, are well distributed around the site and add visual interest. Lastly, parkway landscaping for the new public streets will continue the street theme and appearance established by recent developments such as *The Paseos*. A condition of approval would require the developer to work with City staff on the final details of the landscape plan as it relates to the public park and public street frontages.

Flex Units

The project provides for approximately 25,143 square feet of ground-level commercial lease space dispersed to all buildings. Both the developer and City agree that the integrity of the site as a mixed-use development is important for maintaining consistency with the NMDSP. However, the City recognizes the need to establish a solid residential base prior to the attraction of commercial/office users and supports the proposed designation of ground floor spaces as Flex Units as interim uses. From the City's standpoint, the residential use of Flex Units is considered a temporary use, until such time market conditions allow for Flex Units to be converted to local serving commercial uses.

The flexibility offered by the Flex Units concept would be instrumental in ensuring that the project is not unnecessarily plagued with empty ground floor storefronts. The proposal does reserve in perpetuity a few key lease spaces in the project for the purposes of attracting restaurant uses. These spaces are marked on the plans (Page 10) and have staff support.

To establish guidelines for the proposed Flex Units, conditions of approval have been added to the draft City Council Resolution of Approval (Exhibit "D"). These conditions would restrict the use of Flex Units after the residential occupancy of each building reaches full occupancy (90 percent) and limit the residential tenant use of flex spaces to short-term (one year) lease agreements. Each Flex Unit could continue as a residential use until market demand supports conversion of one or more Flex Units to a commercial use. Commercial market demand would be determined by use of an independent market study conducted by the property owner at least once every two years.

Parking

The proposed project and Parking Management Plan (PMP) is designed in anticipation that the City Council would approve the full 15 percent reduction. Based on this assumption, the parking for the project would be reduced from 662 spaces to an overall total of 563 spaces (less 99 spaces). The proposed project proposes to provide 572

spaces which includes 550 off-street spaces for residents and 61 on-street parking spaces for short-term use.

Street parking would be open for use by the public and is only available for short-term parking for visitors and retail guests of *The Village at Montclair* mixed-use community. Under no circumstances would street parking spaces be assignable to tenants nor shall be reserved for such purposes. The Parking Management Plan, if approved, would assign parking spaces for every unit and limit the number of spaces accordingly. The bulk of assigned resident parking will be provided in the parking structure (Building 4) and surface parking behind Building 1. Although not all residents will have conveniently-located spaces, this is not an unexpected reality in higher density developments. Fortunately, most spaces will be within easy walking distance for all.

Per the NMDSP, a public parking structure to support commercial uses in the area with short-term parking is envisioned for development somewhere on the subject site. The parking structure in Building 4 is a private structure and is needed to meet parking requirements for *The Village at Montclair* project, and Lot 6 would be the parcel where a future public parking structure would be built. Since the timing for construction of the future parking structure is not known at this time, parking spaces on Lot 6 would be “temporary” until the new structure is built unless the NMDSP is officially amended to allow for a different use.

Solid Waste Removal Plan

A draft Solid Waste Removal Plan (SWRP) has been submitted for the project by the developer. The major elements of the SWRP have been addressed and is supported by staff and Burrtec, the City’s refuse hauler. The intended focus of SWRP is on the day-to-day operational standards to ensure that the collection and removal of solid waste from the site is appropriate, timely, and efficient. A completed SWRP (written operations and plans) specifically addressing several elements is a condition of approval for the applicant to complete prior to the issuance of building permits for the project.

Property Maintenance/Management

When completed, the project would be managed by an on-site, institutional quality professional property management company with an on-site manager to oversee all management, leasing, and maintenance functions for the development. As part of the condition to provide property management, the applicant will be required to record a Regulatory 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 requirement since the NMDSP was originally adopted, would provide the means for collecting funds to maintain public improvements such as curb and gutter, sidewalks, paving, streetlights, street sweeping, signage, street

furniture, public park maintenance, and landscaping in the public right-of-way. Completion and City approval of the CFD will be a condition of approval before of the final tract map approval is granted.

Findings for Tentative Tract Map No. 20273

- A. The proposed subdivision of 6.68-acre site, is designed, to the extent feasible, to provide for passive or natural heating or cooling opportunities. The lot pattern and proposed arrangement buildings on the site are generally oriented, spaced, and designed to allow for access to adequate light and air. Each dwelling unit will have operable windows to allow for passive cooling provided by seasonal winds. Moreover, the project includes a formal open space area at the center of the project site, and several private open space areas dispersed throughout the development in the form of courtyards at each building, and community access to a pool. Moreover, the project will provide tree-lined streets and public park for shade, air filtering, and other environmental benefits.

- B. The proposed subdivision and the provisions for its design and improvement are consistent with the General Plan for the City of Montclair ("General Plan") and the applicable NMDSP:
 - 1. The Tentative Tract Map would provide for land uses compatible with the land use classification for the subject site by the General Plan and NMDSP. The overall goal of the General Plan is to promote good planning practices and orderly development within the City and to recognize the potential of specific areas for special treatment. The proposed development of the 6.68-acre site and project design and improvements would be consistent with the General Plan land use designation for the site.

 - 2. The Tentative Tract Map provides for land uses compatible with the "Station District" land use classification for the subject site in the NMDSP. Moreover, the design for the project is of a high quality and consistent with the high expectations of improvements for projects within the NMDSP.

- C. The subject site is physically suitable for the type and density of development proposed in the Tentative Tract Map given the overall size of the property. The site is 6.68 acres in overall area and is of a configuration that has sufficient width and depth to allow for orderly site development, the provision of open space areas between the proposed structures in the project, and sufficient setbacks from the adjacent single-family residential properties located to the west at the Arrow Station residential community. The project site is also located adjacent to fully-improved streets that will provide good access and allow for appropriate internal pedestrian and vehicular circulation. The proposed public streets within the project boundaries will be fully improved and serve to implement the eventual goal of a linked-street system that promotes walkability and connectivity to adjacent properties and uses, including a direct link to the Montclair Transcenter.

- D. The subdivision design and improvements proposed in the Tentative Tract Map is not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat. As explained in the North Montclair Downtown Specific Plan Supplemental Environmental Impact Report (SCH#2016101001) ("SEIR"), the site is surrounded by urban development and streets, does not contain any bodies of water, and is not linked to any wildlife corridors. Further, the SEIR explains that the site does not contain any known habitats of significance including rare or endangered species of plant, animal, or insect life.
- E. The subdivision design and type of improvements proposed in the Tentative Tract Map are not likely to cause serious public health problems because all development and public improvements will be performed per the requirements of all applicable standards and codes including the zoning and building codes. As a condition of approval, the applicant is required to submit an acoustical analysis demonstrating that interior noise standards of each unit will comply with Municipal Code requirements and applicable Mitigation Measures identified in the SEIR.
- F. The subdivision design and type of improvements proposed in the Tentative Tract Map will not conflict with any easements acquired by the public at large for access through or use of the subject site because no such easements exist on the subject site. However, the map provides for new public easements specifically intended to allow for public access at key points in the new plan, and in particular or facilitate pedestrian public access from the site to the Montclair Transcenter.
- G. The discharge of waste into the existing sanitary sewer system from the development proposed in the Tentative Tract Map will not cause a violation of existing requirements prescribed by the regional water quality control board. The entire project will be required to connect to a sanitary sewage system pursuant to California Plumbing Code and Municipal Code requirements. Sewer mains exist in the Arrow Highway right-of-way and are in close proximity to the site to facilitate ease of connection.

Precise Plan of Design Findings

- A. The proposed mixed-use project is consistent with the "Planned Development" land use designation of the City's General Plan Land Use Map, and the Station District "SD" land use designation of the NMDSP. The SD land use district is intended to establish a denser, urban-oriented, fabric of buildings, appropriate for locations in close proximity to new and existing roadways. Moreover, the NMDSP depicts the site as the focal point of the plan given its central location and planned connection point to the Montclair Transcenter. When the aforementioned connection point is completed both sides of the NMDSP will be linked by easy access between the north and south sides of the NMDSP planning area. Lastly, the mixed-use development on subject site will serve as a catalyst to further attractive urban development on Arrow Highway.
- B. The proposed project would result in a significant improvement to the appearance of the area by redeveloping an underutilized area within the NMDSP into a well-

designed mixed-use development, which makes efficient use of the site and complies with the intent and applicable development standards of the NMDSP. The 360 dwelling units proposed with this project amounts to 61 units per acre which is consistent with the low end of the "SD" density range of 60-80 dwelling units per acre, and the highest density rate to date within the NMDSP and City.

- 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 mix of three, four, and five-story buildings and their arrangement on the site will contribute to the ongoing transformation and improvement of the Arrow Highway streetscape envisioned by the NMDSP.
- D. The proposed 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 distinctive and appropriate for the prominent role this site plays in the development of the NMDSP. Moreover, the project design is consistent with the architectural style guidelines depicted in the NMDSP, and features high-quality exterior materials and finishes and incorporates appropriate lighting, landscaping, and hardscape materials.

Public Comment from Adjoining Property Owners

This item was advertised as a public hearing in the Inland Valley Daily Bulletin newspaper on August 1, 2020. Public hearing notices were mailed out to property owners within 300-foot radius from the boundaries of the subject property in accordance with State law for consideration of this discretionary review. At the time this report was prepared, no comments or inquiries had been received by staff regarding this proposal.

Environmental Assessment

According to State CEQA Guidelines, Section 15182, when a public agency has prepared an EIR on a specific plan after January 1, 1980, no EIR or negative declaration need be prepared for the mixed-use project undertaken pursuant to and in conformity to that specific plan if the project meets the requirements of Section 15182. The main requirement of section 15182 that a project must satisfy is that the project cannot trigger any of the conditions in State CEQA Guidelines section 15162 requiring subsequent environmental review. So long as subsequent environmental review is not triggered, and the project is consistent with the specific plan for which an EIR has been certified, then the city may find the project exempt from CEQA review.

All potentially significant environmental impacts of the proposed project that could be mitigated to less than significant levels would be mitigated to less than significant levels with mitigation measures contained in the Mitigation Monitoring and Reporting Program for the NMDSP EIR. There are no changes to the significant and unavoidable impacts disclosed in the EIR. In sum, the project would 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 non-significance.

For all of the reasons outlined above, the proposed residential project is consistent with and would be in conformity to the NMDSP, should it be approved by the City Council. Therefore, the project satisfies the first criterion in State CEQA Guidelines, Section 15182.

Planning Division Recommendation

Staff recommends the Planning Commission find the proposal to construct *The Village at Montclair*, a mixed-use project including approximately 25,143 square feet of ground floor commercial lease space, and a maximum of 360 residential apartments (including 30 Flex Units) at 5050 Arrow Highway (current address) to be consistent with the General Plan and the goals and development standards of North Montclair Downtown Specific Plan. Accordingly, staff recommends that the Commission take the following actions:

- A. Move that, based upon evidence submitted, the Planning Commission recommends the City Council find that the application for *The Village at Montclair* mixed-use development project is consistent with and conforms to the provisions of the North Montclair Downtown Specific Plan for which an EIR has been certified. The Commission further recommends that the City Council find that none of the conditions outlined in State CEQA Guidelines Section 15162 calling for preparation of a subsequent or supplemental EIR have occurred. Thus, and on that basis, the Planning Commission recommends that the City Council find the project exempt from CEQA pursuant to State CEQA Guidelines, Section 15162.
- B. Approve Planning Commission Resolution No. 20-1942, recommending City Council approval of Tentative Tract Map No. 20273 and a Precise Plan of Design under Case No. 2017-20 for a mixed-use development on 6.68 acres located at 5050 Arrow Highway, within the Station District of the North Montclair Downtown Specific Plan, as described in the staff report, and subject to the conditions of approval in Draft City Council Resolution No. 20-3285.

Respectfully Submitted,



Michael Diaz
Community Development Director

MD/le

Attachments: Exhibit A - Tentative Tract Map No. 20273
Exhibit B - Village at Montclair Project Site Plan Map
Exhibit C - Draft Parking Management Plan
Planning Commission Resolution No. 20-1942 (Including Draft City Council Resolution No. 20-3285)

c: Village Partners Ventures, LLC, 4340 Von Karman Avenue, Suite 140, Newport Beach, CA 92660
Miriam A. Kendall Trust, 1899 North Mountain Avenue, Claremont, CA 91711
Gilbert Rocha, Torti Gallas + Partners, 601 W. 5th Street, Suite 600, Los Angeles, CA 90071
Moule & Polyzoides Architects and Urbanists, 180 E California Boulevard, Pasadena, CA 91105
Gary Koontz, Burrtec, 9880 Cherry Avenue, Fontana, CA 92335

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Exhibit B - Village at Montclair Project Site Plan Map



- 1 Concrete Pavement
- 2 Enhanced Paving
- 3 Sawcut Joints
- 4 Tile Pavers
- 5 Asphalt Paving
- 6 Cast-in-place Concrete Steps
- 7 Concrete Access Ramp
- 8 Decomposed Granite Surface
- 9 Cast-in-Place Seawall
- 10 Planting Area
- 11 Central Lawn
- 12 Kiosk
- 13 Pool
- 14 Spa
- 15 Pavilion
- 16 Retaining Wall
- 17 Residential Patio
- 18 Water Feature
- 19 Outdoor Fireplace
- 20 Grill Area
- 21 Overhead Tellis
- 22 Screen Wall
- 23 Monument Sign
- 24 Courtyard/Patio Tree
- 25 Fan Palm
- 26 Date Palm
- 27 Street Tree
- 28 Flowering Tree
- 29 Pine Tree
- 30 Bike Rack
- 31 Dog Run

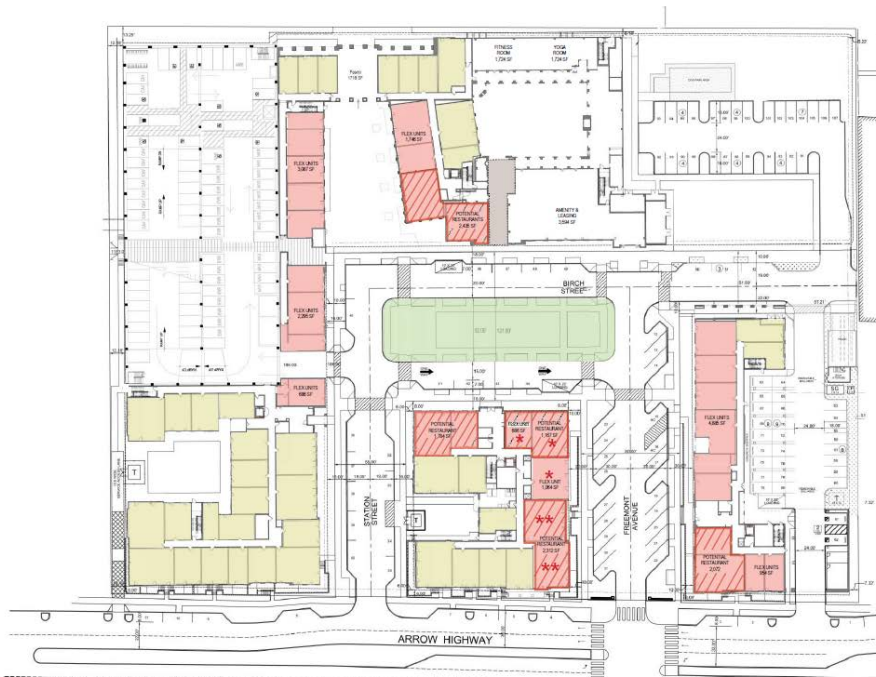


Torti Gallas + Partners
Town Planners and Architects

AHBE
Landscape Architects

THE VILLAGE AT MONTCLAIR
MONTCLAIR, CA
AUGUST 19, 2020

VILLAGE PARTNERS, INC.
Developers



First Floor Plan

- ★ FLEX UNIT, LIVE/WORK, RETAIL OR OFFICE (LEASING RESTRICTION PER CoA) (TOTAL SF: 2,312 SF)
- ★ FLEX UNIT, APARTMENT, LIVE/WORK, RETAIL OR OFFICE (LEASING RESTRICTION PER CoA) (TOTAL SF: 2,917 SF)
- APARTMENTS
- PRIME POTENTIAL COMMERCIAL/RESTAURANT LOCATIONS
- FLEX UNIT, APT., RETAIL OR OFFICE



Torti Gallas + Partners
Town Planners and Architects

THE VILLAGE AT MONTCLAIR
MONTCLAIR, CA
AUGUST 19, 2020

VILLAGE PARTNERS, INC.
Developers

Exhibit C - Draft Parking Management Plan

The Village at Montclair
PARKING MANAGEMENT PLAN

DRAFT

Case No: _____

Resolution No: _____

Date: _____

Tenant(s) Acknowledgment Form

Unit No. _____

Each tenant, (including those with no vehicle at the time an rental agreement is signed) of The Village at Montclair mixed-use community must sign the acknowledgement form below indicating their receipt of a copy of the Parking Management Plan and their understanding of the parking constraints and regulations for The Village at Montclair mixed-use community.

By signing this acknowledgement form I/we confirm that I/we have received a copy of The Village at Montclair Parking Management Plan (PMP), understand the rules contained therein, and understand that compliance with the rules of the PMP are a condition of my/our rental agreement.

TENANT: _____ Signature _____
Print Name

TENANT: _____ Signature _____
Print Name

TENANT: _____ Signature _____
Print Name

TENANT: _____ Signature _____
Print Name

The Village at Montclair

PARKING MANAGEMENT PLAN

August 19, 2020

I. Parking Management Plan Introduction

This Parking Management Plan (PMP) has been prepared for the Village at Montclair , a 360-unit apartment community located at 5050 E Arrow Highway in the City of Montclair (“City”). The Village at Montclair is comprised of up to 25,173 square feet of commercial ground floor “flex” space and 330 apartment units dispersed across the site in four multi-story buildings. The Village at Montclair is directly adjacent to the Montclair Transit Center and has direct access via an on-site tunnel.

The Village at Montclair is a mixed-use community within the boundaries of the North Montclair Downtown Specific Plan (NMDSP), a transit-oriented development (TOD) plan designed to link new development with the Montclair Transcenter. The Montclair Transcenter is currently served by local bus services, the Metrolink commuter rail, and is planned as terminus for Metro Gold Line light rail service extending from Los Angeles County. Moreover, The Village at Montclair mixed-use community is within a block of the Montclair Place regional shopping center.

The objective of the Parking Management Plan is to ensure available parking spaces are appropriately used by residents and their guests to eliminate parking conflicts. As part of a TOD, future residents of the Village at Montclair project are encouraged to take advantage of their key location between existing and developing public transportation alternatives, the shopping opportunities at Montclair Place, and other commercial retail and service businesses within easy walking and bicycling distances.

GIVEN THE LIMITED AMOUNT OF PARKING SPACES ON-SITE, PROSPECTIVE TENANTS ARE ADVISED THAT THE MAJORITY OF THE UNITS IN VILLAGE AT MONTCLAIR PROJECT WILL BE ASSIGNED ONLY 1 PARKING SPACE(S) PER UNIT. ONLY TENANT SPACES ASSIGNED A TANDEM PARKING CONFIGURATION WILL BE ALLOWED AN ADDITIONAL ON-SITE PARKING SPACE.

II. Applicability

The provisions of this PMP apply to the Village at Montclair mixed-use community and do not apply to other neighborhoods or developments within the City of Montclair. The PMP is intended to manage the parking aspects of Village at Montclair mixed-use community by providing the framework for managing parking within the project and minimizing parking impacts on the surrounding community. Residents and visitors are expected to comply with the provisions of the

approved PMP, which are enforced by the owner and/or project's property management company. Parking on public streets is enforced by the Montclair Police Department.

III. Availability of On-Site Parking

Required on-site parking spaces shall be continually maintained and used for tenant parking throughout the life of the project as approved. None of the 562 parking spaces allocated on-site at the Village at Montclair mixed-use community shall be reduced and/or relocated without prior City Council approval.

See *Exhibit A* for location of on-site parking spaces for the project.

IV. Parking Space and Unit Summary

The following parking stalls are available for residents and guests:

<u>Parking Allocation for Project</u> Village at Montclair			
<i>Unit Type</i>	<i>No. of Units</i>	<i>Assigned Space¹</i> <i>(includes tandem space)²</i>	<i>Sub Total</i>
Studio	77	1 space (77 Units)	77
One Bedroom	150	1 space (150 Units)	150
Two Bedroom	88	1 space (22 Units) 2 spaces (66 units)	154
Three Bedroom	15	2 spaces (7 units) 3 spaces (8 Units)	38
Residential Totals	330	420	
Visitor		1 space per 4 apartments	71
Residential + Visitor Total		496	
Flex/Retail	30	25,173/1:300 SF	71
Total Parking	360	562	

¹ Standard Parking Space
² Only 18 tandem spaces available. Tandem spaces shall only be assigned to and for parking vehicles assigned to the occupants of the same unit.

<u>Parking Provided</u> Village at Montclair	
<i>Location</i>	<i>Number</i>
Curb	52
Lot 6	27
Surface behind Building 1	10
Tandem Behind Building 1	18
Garage	483
<i>Total Parking Provided</i>	<i>590 spaces</i>

Guest and Street Parking Village at Montclair		
<i>Type of Parking Space</i>	<i>Number Required</i>	<i>Location</i>
Guest/Visitor	71	Garage
Street ¹	71	Internal Streets and Along Project Frontage
<i>Total Stalls</i>	<i>142 spaces</i>	

¹ Street parking is open for use by the public and is only available for short term parking for short term visitors and retail guests of the Village at Montclair mixed-use community. Under no circumstances are street parking spaces assignable to tenants nor shall be reserved for such purposes.
All vehicles parked on a public street are subject to the rules and regulations contained in the California Vehicle Code and Chapter 8.36.150 of the Montclair Municipal Code.

V. Parking Management Plan Objective and Strategy

The objective of the PMP is to ensure available parking spaces are properly used by residents in an efficient manner at all times to minimize parking issues. The strategy to reach this objective entails focused regulations with a deliberate emphasis on user information and clear enforcement strategies.

Pursuant to the availability outlined above, which is consistent with the requirements of the NMDSP, the overarching objective of this PMP is to provide definitive parking regulations that are easily enforced by Property Management, yet simple to understand for the Project's residents. This should result in the PMP contributing to a pleasant and safe living environment for residents and their guests, clarity with respect to management's enforcement rights, and ultimately, the alleviation of residents seeking offsite parking in adjoining neighborhoods. The requirements in this PMP are designed to work together to meet the City's parking management goals and requirements of the NMDSP and in support of other City regulatory efforts on public streets within in and/or adjacent to the project boundaries.

This objective is to ensure the available parking stalls outlined in Section 2 are utilized by residents as efficiently as possible and that parking regulations will be enforced by Property Management along with the Parking Management Plan contained in resident leases.

Each tenant on the lease agreement must sign the acknowledgement form in the PMP indicating their receipt of a copy of the Parking Management Plan, indicating their understanding of the parking constraints and regulations for the Village at Montclair mixed-use community.

VI. Parking Regulations

The parking guidelines include the following:

- A. Licensed and Operable Vehicles. All vehicles and motorcycles permitted to park at the Village at Montclair mixed-use community shall be legally registered with the State of California Department of Motor Vehicles (DMV) including current tags properly affixed to the vehicle pursuant DMV regulations. Further, all vehicles shall be maintained in

operational condition at all times. At no time shall inoperable vehicles be allowed to remain on the premises.

- B. Cloud-Based Parking Management. Property management will utilize Parking Boss System (or equivalent), a cloud-based system that allows management to identify every vehicle on the property, set custom guest parking limits, provide detailed informational reports, and digitally track permits. All residents are required to register all vehicles make, model, color and license plate number with management upon signing a lease. Each resident will be provided with a “Smart Decal”, a window sticker with serial number and unique barcode that is accessible through smart phone validation. The Smart Decal allows for three kinds of scans: Public Scan, Patroller Scan, and Manager Scan. This Public Scan option allows any community member to use their smartphone for a quick barcode scan that displays the corresponding decal number, license plate of the vehicle it’s assigned to, space number it should be parked in, and most critically whether or not the decal is active or inactive. The Patroller Scan allows a patroller to scan a Smart Decal and see the unit number the vehicle belongs to—perfect in case of emergency or for a courtesy notice before towing. Upon Manager approval, Field Agents are able to see all the resident contact information as well. Field Agents can also add notes or record a violation. The Manager Scan function of the Smart Decal allows property management to instantly edit or pull up all information associated with permits and the permit holder’s contact information.
- C. Vehicle Registration. All residents will be required to register all vehicles make, model, color and license plate number with management upon signing a lease. All residents will then be provided a parking “Smart Decal” to identify vehicles assigned to tenant leases. All forms of vehicle identification will be unique to the project and must be placed on residents’ vehicles in specified locations on the vehicle where noted below:
1. Each unit will be assigned no more than one (1) parking space, except for larger units may be assigned an additional tandem parking space when such units/spaces are available and only where indicated on the approved site plan. Tandem spaces shall only be assigned to and for parking vehicles assigned to the occupants of the same unit.
 2. A resident Parking “Smart Decal” will be supplied to each resident to be placed on the registered vehicle owned by the resident. The decal must be displayed at all times on the vehicle in the Right corner of the windshield. Vehicle decals are not transferable.
 3. Each vehicle must park in its assigned space. Vehicles will be expressly prohibited from parking in any other stall than the vehicle’s assigned stall.
 4. Parking Decals shall be issued annually to each resident in the complex. Each resident shall affix the Decal on their vehicle.

- D. Parking Orientation. Prior to issuance of keys to new residents, all unit occupants with a driver's license and/or provisional instruction permit will be required to attend a parking orientation with Project management. Each resident will be required to sign an acknowledgement of their attendance at the parking orientation. At the parking orientation, management will review all of the parking rules with the resident(s) so that the resident(s) understand the parking rules related to parking, assigned parking spaces, and public street parking. Property management will utilize Parking Boss System (or equivalent), a cloud-based system that allows management to identify every vehicle on the property, set custom guest parking limits, provide detailed informational reports, and digitally track permits. This parking orientation will review this system with residents.
- E. Parking Acknowledgment in Lease or Rental Agreement. New residents shall also acknowledge the number of assigned parking spaces to be available for use by the new resident in their lease or rental agreement. This section of the lease or rental agreement shall state the consequences for violation of the PMP. The new resident shall initial this portion of the lease or rental agreement acknowledging parking terms.
- F. Guest Parking Notification. Tenants shall be notified that Village at Montclair mixed-use provides no on-street guest parking spaces. Moreover, parking spaces on adjacent public streets cannot be assigned as designated spaces for guests or visitors to the site. Parking spaces on public streets are only available for short-term use by the general public pursuant to the rules and regulations contained in the California Vehicle Code and Chapter 8.36.150 of the Montclair Municipal Code. Tenants are advised to notify their guests of this limitation. Visitor parking is available on the first floor of the garage under supervision of property management. All residents will be required to notify the Project's management of any overnight guests that utilize the Project's visitor parking areas. Residents will be required to provide management with the color, make and model and duration of their guests visit prior to, or immediately upon, said guest's arrival.
- G. Use of All Available Spaces. In the event that any spaces allocated to a unit are not used (e.g., a resident leases a 3-bedroom unit but only has one vehicle), the unused space may be made available for other residents' use. Additional spaces, however, will be capped at one (1) per unit so as to prevent a single resident from amassing surplus parking stalls to the detriment of other residents. Residents not utilizing all of their allocated spaces will receive a pre-agreed upon credit against their rent each month.
- H. Tandem Spaces. Tandem Spaces in the complex may only be used to park primary vehicles assigned to a specified unit. The Property Manager shall conduct an audit of tandem space usage twice annually to ensure that all residents are in compliance with this requirement.
- I. Parking of Vehicles or Motorcycles Only. Parking spaces shall be used only for the parking of registered and operable vehicles or motorcycles only. No parking space

(including tandem spaces) shall be used for the purposes of storing personal belongings, storage containers of any size, commercial vans or trucks, inoperable vehicles, construction equipment/trailers, recreational vehicles or trailers, or other recreational equipment (e.g., water craft, etc.).

- J. Parking in Adjoining Neighborhoods. Residents are highly discouraged from parking in any adjoining neighborhood. Parking in existing neighborhoods invariably leads to existing resident complaints about and street parking and requests to restrict on street parking. Residents of The Village at Montclair Project mixed-use community will be made aware of this issue during parking orientation.
- K. Parking on Public Streets. Street parking is open to use by the public and is only available for short-term parking for guest/visitors of Village at Montclair mixed-use community. Under no circumstances are street parking spaces assignable to tenants nor shall be reserved for such purposes. All persons parking vehicles on a public street are subject to the rules and regulations contained in the California Vehicle Code and Chapter 8.36.150 of the Montclair Municipal Code.
- L. Residential Parking. Parking for residents of the Village at Montclair will be provided in the parking structure. All residents will be assigned a space in the structure, and through the cloud-based parking management system, property management will be able to conveniently monitor resident parking and ensure residents are parked in their appropriate space. The only exception to residential parking in the garage is the 18 tandem spaces behind Building 1. In the following section, the allocation of these tandem spaces will be specified.
- M. Retail Employee Parking. Retail and Restaurant employees of the Village at Montclair will be encouraged to walk, bike, and take transit. Parking will be available as well, and employees will have the option of purchasing a parking permit to park on the first level of the garage. The first level of the garage will have 13 spaces available for permitted employee parking.
- N. Parking Structure. The parking structure will be secured by an electronic security gate. The first floor of the garage will provide additional parking for flex-retail uses and visitor parking. The second, third, fourth and fifth floor of the garage will be reserved for residential parking. T

VII. Parking Enforcement

Parking enforcement will be a collaborative effort between the Property Management and a parking enforcement company selected by the Property Management Company. The respective obligations of each party will be the following:

- A. Violation Policy. The Cloud Based Parking Management system manages permits and keeps track of all violations. If someone with a permit is in violation, any of the property management staff or courtesy patrol company can look up the permit holder's contact and unit information in order to advise the resident to move the car. A resident's first violation of the PMP will result in a warning notice and request to immediately comply with the provisions of the PMP within 12 hours of receipt of notice for the first violation. Failure to comply within the stated timeframe of the first violation notice will result in a second violation, then Project Management will serve the resident with a 3-Day Notice to Cure. If the violation is not cured within the prescribed timeframe of the second violation, penalty fines shall be attached to monthly rent with a Notice to Quit.

The Property Management group shall hire a local tow company to tow vehicles parked within the development that are determined to be in violation of these policies (e.g., have more than three violation warnings). If a car does have a permit, the management will allow a 24-hour grace period before towing. However, all these cars will be cited in the system and tracked.

- B. Parking Patrol. A Parking Patrol provider will make nightly parking patrols seven (7) days per week in the complex, and provide a nightly report to management summarizing the following:
1. Vehicles parked within the complex (excluding the public street) in violation of the PMP for corrective action by management.
 2. Any suspicious persons or activity.
- C. Management Property Tour. Project Management will enforce the PMP policies by performing the following:
1. Tour the complex twice daily (morning and early evening) to confirm that no vehicles are parked in violation of the PMP. Twice daily inspections are expected to be sufficient as parking is less of a premium during daytime working hours. Further, a log will be kept of Management's inspections that will be made available upon the City's request.
 2. Noticing residents of parking violations based upon either Management's observations of parking violations or those observed by the Parking Patrol provider.
 3. Management will then enforce the violation policy discussed in Section 6.
- D. Resident Self-Policing. Signs will be clearly posted on Project property indicating that vehicles can be towed if parked in violation of the parking policies. Residents shall inform Property Management of any vehicle using a parking stall in violation of the PMP.

VIII. Parking Management Plan Monitoring and Evaluation

The owner and/or property management company shall continuously monitor the effectiveness of the PMP for *Village at Montclair mixed-use* community, and provided periodic reports to the City of Montclair for evaluation and/or modifications to the PMP, if warranted to meet new issues related to parking. The provisions of the approved PMP shall not be amended with prior City review and approval of a modified PMP by the Montclair City Council.

DRAFT

IX. Parking Space Assignment

The Village at Montclair			
Residential Tandem Parking Assignments - Building 1			
	<i>Type</i>	<i>Parking Stall Number</i>	<i>Parking Space Type</i>
1	2B	67/68	Tandem-1 Standard & 1 Compact
2	2B	69/70	Tandem-1 Standard & 1 Compact
3	2B	71/72	Tandem-1 Standard & 1 Compact
4	2B	73/74	Tandem-1 Standard & 1 Compact
5	2B	75/76	Tandem-1 Standard & 1 Compact
6	2B	77/78	Tandem-1 Standard & 1 Compact
7	2B	79/80	Tandem-1 Standard & 1 Compact
8	2B	81/82	Tandem-1 Standard & 1 Compact
9	2B	83/84	Tandem-1 Standard & 1 Compact
Totals			
	9 Units	18 Spaces	18 Tandem

The table above describes the allocation of non-garage residential parking. These 18 tandem spaces behind building 1 are the only residential parking allocations outside of the garage. All other residential parking is contained within the garage.

The Village at Montclair				
Parking Assignments - Visitor				
	<i>Type</i>	<i>Parking Stall Number</i>	<i>Location</i>	<i>Parking Space Type</i>
1	Visitor	G101	Garage 1st Floor	Single Space
2	Visitor	G102	Garage 1st Floor	Single Space
3	Visitor	G103	Garage 1st Floor	Single Space
4	Visitor	G104	Garage 1st Floor	Single Space
5	Visitor	G105	Garage 1st Floor	Single Space
6	Visitor	G106	Garage 1st Floor	Single Space

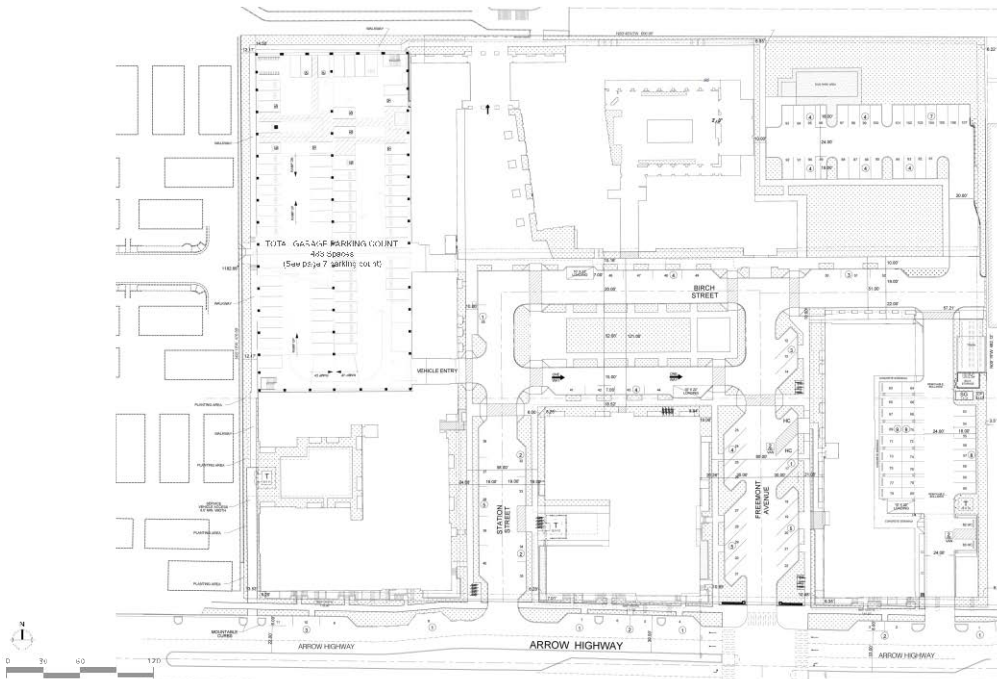
7	Visitor	G107	Garage 1st Floor	Single Space
8	Visitor	G108	Garage 1st Floor	Single Space
9	Visitor	G109	Garage 1st Floor	Single Space
10	Visitor	G110	Garage 1st Floor	Single Space
11	Visitor	G111	Garage 1st Floor	Single Space
12	Visitor	G112	Garage 1st Floor	Single Space
13	Visitor	G113	Garage 1st Floor	Single Space
14	Visitor	G114	Garage 1st Floor	Single Space
15	Visitor	G115	Garage 1st Floor	Single Space
16	Visitor	G116	Garage 1st Floor	Single Space
17	Visitor	G117	Garage 1st Floor	Single Space
18	Visitor	G118	Garage 1st Floor	Single Space
19	Visitor	G119	Garage 1st Floor	Single Space
20	Visitor	G120	Garage 1st Floor	Single Space
21	Visitor	G121	Garage 1st Floor	Single Space
22	Visitor	G122	Garage 1st Floor	Single Space
23	Visitor	G123	Garage 1st Floor	Single Space
24	Visitor	G124	Garage 1st Floor	Single Space
25	Visitor	G125	Garage 1st Floor	Single Space
26	Visitor	G126	Garage 1st Floor	Single Space
27	Visitor	G127	Garage 1st Floor	Single Space
28	Visitor	G128	Garage 1st Floor	Single Space
29	Visitor	G129	Garage 1st Floor	Single Space
30	Visitor	G130	Garage 1st Floor	Single Space
31	Visitor	G131	Garage 1st Floor	Single Space
32	Visitor	G132	Garage 1st Floor	Single Space
33	Visitor	G133	Garage 1st Floor	Single Space
34	Visitor	G134	Garage 1st Floor	Single Space
35	Visitor	G135	Garage 1st Floor	Single Space
36	Visitor	G136	Garage 1st Floor	Single Space
37	Visitor	G137	Garage 1st Floor	Single Space
38	Visitor	G138	Garage 1st Floor	Single Space
39	Visitor	G139	Garage 1st Floor	Single Space
40	Visitor	G140	Garage 1st Floor	Single Space
41	Visitor	G141	Garage 1st Floor	Single Space

42	Visitor	G142	Garage 1st Floor	Single Space
43	Visitor	G143	Garage 1st Floor	Single Space
44	Visitor	G144	Garage 1st Floor	Single Space
45	Visitor	G145	Garage 1st Floor	Single Space
46	Visitor	G146	Garage 1st Floor	Single Space
47	Visitor	G147	Garage 1st Floor	Single Space
48	Visitor	G148	Garage 1st Floor	Single Space
49	Visitor	G149	Garage 1st Floor	Single Space
50	Visitor	G150	Garage 1st Floor	Single Space
51	Visitor	G151	Garage 1st Floor	Single Space
52	Visitor	G152	Garage 1st Floor	Single Space
53	Visitor	G153	Garage 1st Floor	Single Space
54	Visitor	G154	Garage 1st Floor	Single Space
55	Visitor	G155	Garage 1st Floor	Single Space
56	Visitor	G156	Garage 1st Floor	Single Space
57	Visitor	G157	Garage 1st Floor	Single Space
58	Visitor	G158	Garage 1st Floor	Single Space
59	Visitor	G159	Garage 1st Floor	Single Space
60	Visitor	G160	Garage 1st Floor	Single Space
61	Visitor	G161	Garage 1st Floor	Single Space
62	Visitor	G162	Garage 1st Floor	Single Space
63	Visitor	G163	Garage 1st Floor	Single Space
64	Visitor	G164	Garage 1st Floor	Single Space
65	Visitor	G165	Garage 1st Floor	Single Space
66	Visitor	G166	Garage 1st Floor	Single Space
67	Visitor	G167	Garage 1st Floor	Single Space
68	Visitor	G168	Garage 1st Floor	Single Space
69	Visitor	G169	Garage 1st Floor	Single Space
70	Visitor	G170	Garage 1st Floor	Single Space
71	Visitor	G171	Garage 1st Floor	Single Space

The table above describes the allocation of visitor parking. All residential visitor parking is contained within the first floor of the garage, and will be monitored by property management through the use of the cloud-based parking management system.

Draft - Exhibit A

Site Plan
Scale: 1"=60'

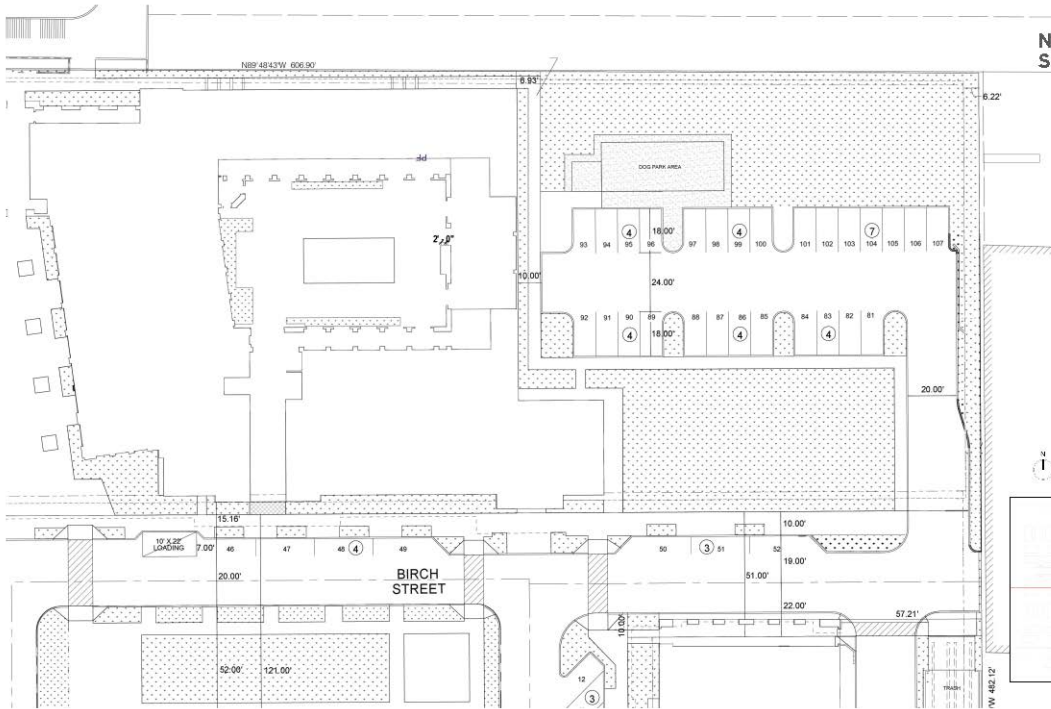


Torti Gallas + Partners
Town Planners and Architects

THE VILLAGE AT MONTCLAIR
MONTCLAIR, CA
AUGUST 19, 2020

VILLAGE PARTNERS, INC.
Developers

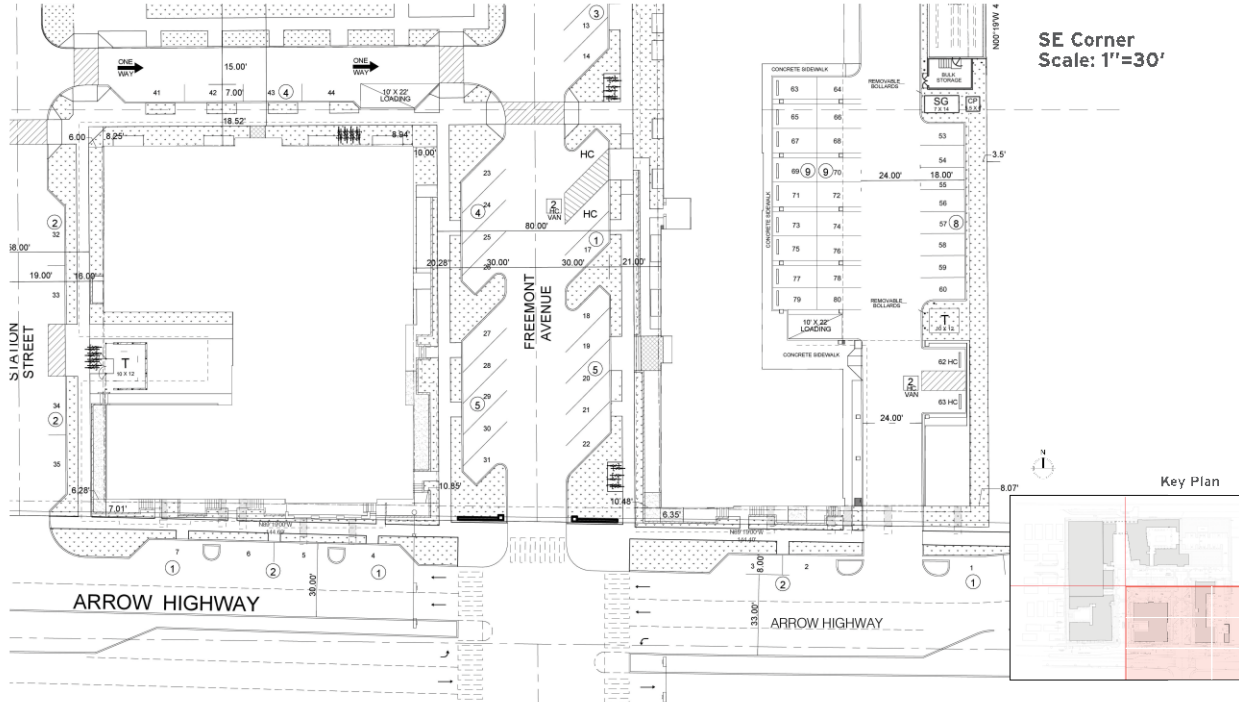
NE Corner
Scale: 1"=30'



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THE VILLAGE AT MONTCLAIR
MONTCLAIR, CA
AUGUST 19, 2020

VILLAGE PARTNERS, INC.
Developers



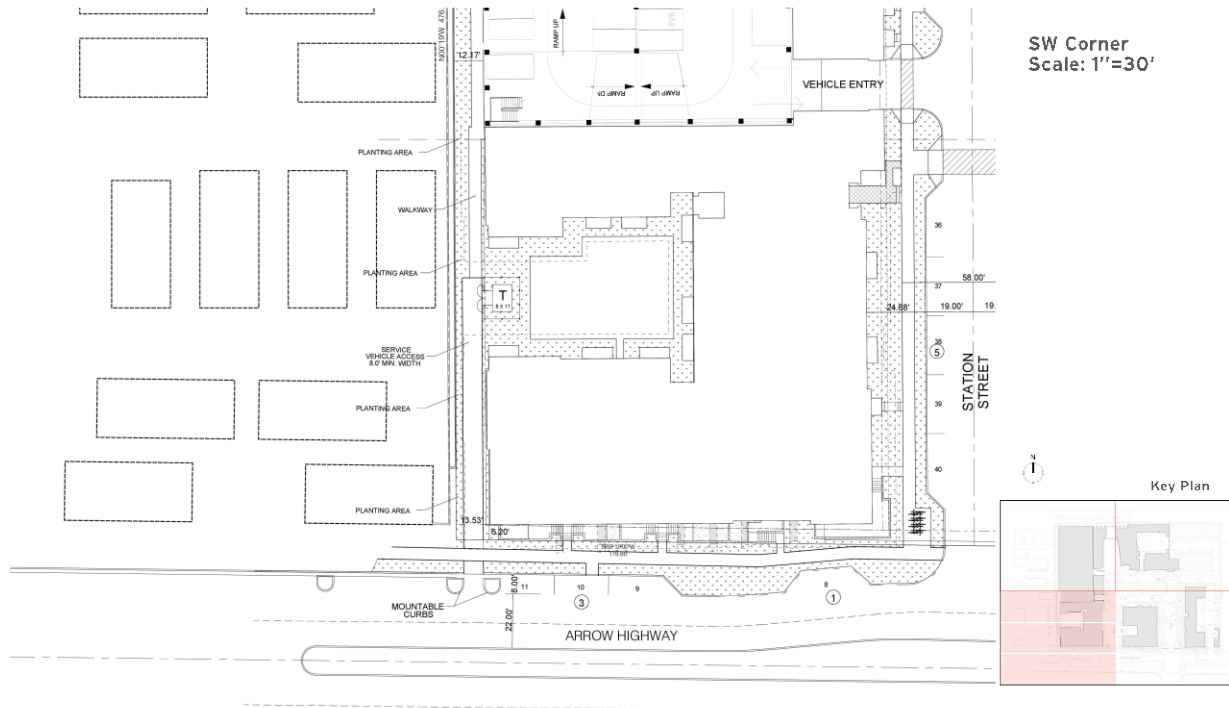
SE Corner
Scale: 1"=30'

Key Plan

Torti Gallas + Partners
Town Planners and Architects

THE VILLAGE AT MONTCLAIR
MONTCLAIR, CA
AUGUST 19, 2020

VILLAGE PARTNERS, INC.
Developers



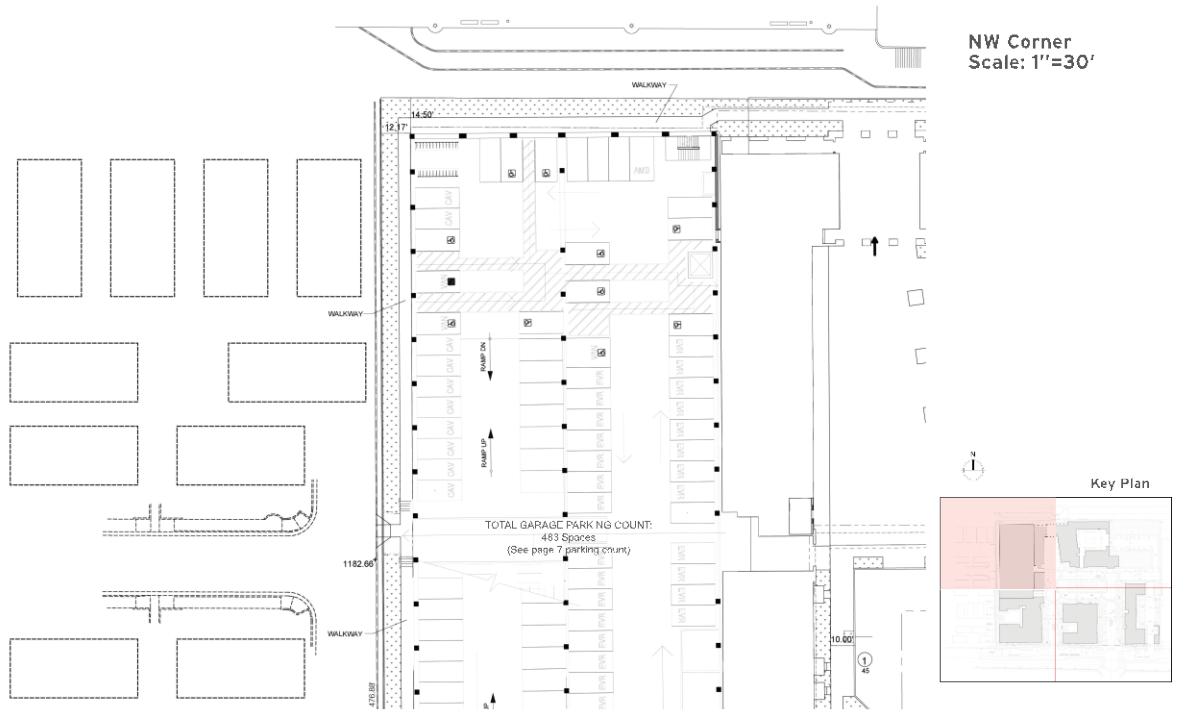
SW Corner
Scale: 1"=30'

Key Plan

Torti Gallas + Partners
Town Planners and Architects

THE VILLAGE AT MONTCLAIR
MONTCLAIR, CA
AUGUST 19, 2020

VILLAGE PARTNERS, INC.
Developers

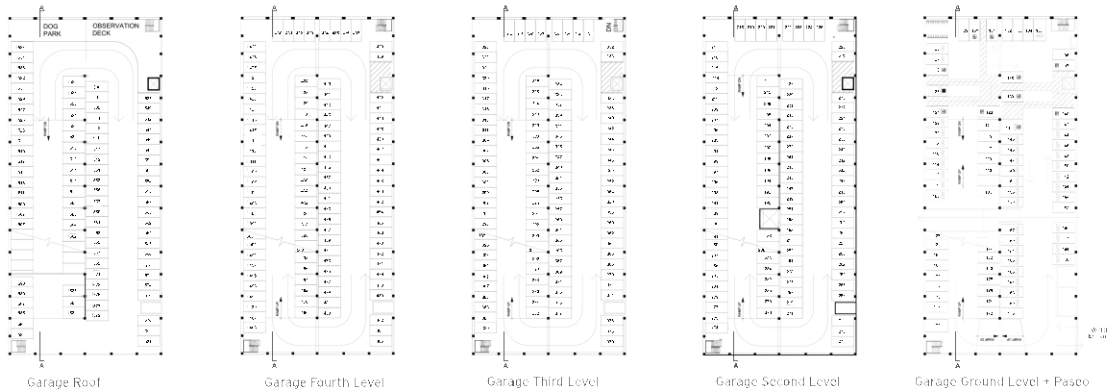


Torti Gallas + Partners
Town Planners and Architects

THE VILLAGE AT MONTCLAIR
MONTCLAIR, CA
AUGUST 19, 2020

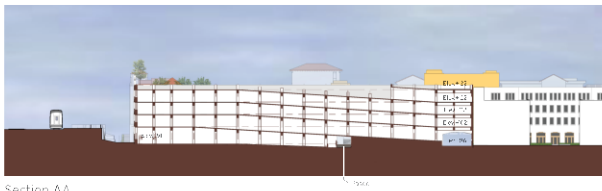
VILLAGE PARTNERS, INC.
Developers

Garage Parking Count
Scale: 1"=60'



Garage Parking Tabulation

Ground Level	79
Second Floor	104
Third Floor	106
Fourth Floor	106
Roof	88
Total	483



Section AA

Torti Gallas + Partners
Town Planners and Architects

THE VILLAGE AT MONTCLAIR
MONTCLAIR, CA
AUGUST 19, 2020

VILLAGE PARTNERS, INC.
Developers

RESOLUTION NO. 20-1942

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RECOMMENDING CITY COUNCIL APPROVAL OF TENTATIVE TRACT MAP NO. 20273, A SIX-LOT SUBDIVISION OF 6.68 ACRES OF LAND, AND THE PRECISE PLAN OF DESIGN RELATED TO THE VILLAGE AT MONTCLAIR MIXED-USE DEVELOPMENT PROJECT LOCATED AT 5050 ARROW HIGHWAY, APN 1007-701-01 (CASE NO. 2017-20)

WHEREAS, Village Partners Ventures, LLC on behalf of the Miriam A. Kendal Trust (current Property Owner), filed an application on January 23, 2017, for a Tentative Tract Map, and Precise Plan of Design under Case No. 2017-20 (Application) in conjunction with a proposal to construct a mixed-use development on 6.68 acres (gross), currently addressed as 5050 Arrow Highway; and

WHEREAS, the proposed mixed-use project is named *The Village at Montclair*; and

WHEREAS, the subject site is located within the "Station District" land use district of the North Montclair Downtown Specific Plan (NMDSP); and

WHEREAS, the subject site is currently vacant with an existing metal warehouse building, a paved parking area, and vacant land; and

WHEREAS, the objective of the NMDSP is to introduce urban style residential and mixed-use 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, Tentative Tract Map No. 20273 would subdivide the 6.68-acre project site into six (6) lots and one (1) lettered lot (public park) for the project, as depicted on the attached Exhibit "A," a map incorporated herein by reference; and

WHEREAS, the proposed subdivision provides public easements to facilitate pedestrian access between project and existing development to the west and the Montclair Transcenter to the north of the site; and

WHEREAS, the Precise Plan of Design is for the overall site plan, floor plans, elevations, colors, materials, conceptual landscape plan, and associated site plan improvements for the proposed mixed-use project; and

WHEREAS, the mixed-use project designed to provide approximately 25,143 square feet of ground level commercial lease space and a maximum of 360 apartment units consisting of 330 permanent apartments and 30 Flex Units for use as interim residential units within the ground level commercial lease space, as generally depicted in Exhibit B; and

WHEREAS, the proposed mixed-use development consists of four (4) multi-story buildings ranging from three to five stories in height, one of which includes a five-level parking structure, and

WHEREAS, the proposed development plan also includes a dedicated 0.22-acre site for development of a public park; and

WHEREAS, the tract map and subsequent development of the site with a mixed-use project, complies with the guidelines and development standards outlined in the NMDSP; and

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

WHEREAS, the Planning Commission finds the requested entitlements to be consistent with the adopted General Plan, the NMDSP, and good planning principles; and

WHEREAS, on March 20, 2017, the City Council certified Supplemental Environmental Impact Report (SCH# 2016101001) ("SEIR") for the updated and amended North Montclair Downtown Specific Plan (hereafter Specific Plan); and

WHEREAS, in connection with its consideration of the SEIR, the City Council adopted a Mitigation Monitoring and Reporting Program, and adoption of a Statement of Overriding Considerations for the updated and amended Specific Plan; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) Guidelines, the City certified a Supplemental Environmental Impact Report (SEIR) on March 20, 2017, in connection with the City's approval of an amended and updated North Montclair Downtown Specific Plan which included the subject site 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 project undertaken pursuant to and in conformity to that specific plan. The proposed mixed-use project is in conformity to the Amended North Montclair Downtown Specific Plan, for which an EIR was certified in 2017; and

WHEREAS, all potentially significant environmental impacts of the proposed project that could be mitigated to less than significant levels would be mitigated to less than significant levels with mitigation measures contained in the Mitigation Monitoring and Reporting Program for the North Montclair Downtown Specific Plan EIR. There are no

changes to the significant and unavoidable impacts disclosed in the EIR. In sum, the project would not have one or more significant effects not discussed in the previously certified EIR, not have more severe effects than previously analyzed, and that additional or different mitigation measures are not required to reduce the impacts of the project to a level of less than significant. As such, none of the conditions listed in Section 15162 of the CEQA Guidelines requiring the preparation of a subsequent or supplemental EIR are present and the second criterion of State CEQA Guidelines, Section 15182 can be satisfied. Therefore, the proposed project qualifies for the exemption for mixed-use residential projects described in Section 15182 of the state CEQA; and

WHEREAS, on August 1, 2020, public notice of Planning Commission of the City of Montclair ("Planning Commission") review of the project was published in the Inland Valley Daily Bulletin, and notices were mailed to property owners within a 300-foot radius from the boundaries of the subject site; and

WHEREAS, on August 10, 2020, the Planning Commission opened the project for public comment and then at City staff request continued its review of the proposed Application to its next regularly scheduled meeting date on August 24, 2020; and

WHEREAS, on August 24, 2020, the Planning Commission of the City of Montclair ("Planning Commission") conducted a duly noticed public hearing on the Application at which time all persons wishing to testify in connection with the Application were heard and the Application was comprehensively reviewed; and

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

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF MONTCLAIR RESOLVES AS FOLLOWS:

SECTION 1. Based upon the facts and information contained in the Application, together with all written and oral reports included for the environmental assessment for the Application, the Planning Commission recommends that the City Council find that the proposed project is exempt from further environmental review pursuant to State CEQA Guidelines, section 15182 based on the following findings of fact:

- A. On March 20, 2017, the City Council certified a Supplemental Environmental Impact Report (SEIR) for the amended and updated North Montclair Downtown Specific Plan project.
- B. The proposed mixed-use project consists of 25,143 square feet of ground level commercial lease space with a maximum of 360 apartment units and is undertaken pursuant to and in conformity with the NMDSP. The particular Application subject to this resolution is a land subdivision to support the residential project.

- C. None of the conditions requiring subsequent environmental review called out in State CEQA Guidelines, section 15162 are present. Specifically,
1. Substantial changes are not proposed in the project that would require major revisions of the SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
 2. Substantial changes with respect to the circumstances under which the project is undertaken that would require major revisions to the SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects have not occurred; and
 3. New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the SEIR was certified or adopted, as applicable, showing any of the following, has not come to light: (i) that the project would have one or more significant effects not discussed in the earlier environmental documentation; (ii) that significant effects previously examined would be substantially more severe than shown in the earlier environmental documentation; (iii) that 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 applicant declined to adopt such measures; or (iv) that mitigation measures or alternatives considerably different from those previously analyzed would substantially reduce one or more significant effects on the environment, but which the applicant declined to adopt.
- D. Based on these findings and all evidence in the record, the Planning Commission recommends the City Council find that the project is exempt from CEQA pursuant to State CEQA Guidelines, section 15182 and no additional environmental review is required in connection with the City's consideration of Case No. 2017–20 for *The Village at Montclair* mixed-use development.

SECTION 2. Based on the entire record before the Planning Commission, all written and oral evidence presented to the Planning Commission, and the findings set forth in this Resolution, the Planning Commission recommends the City Council approve Tentative Parcel Map No. 20273 as depicted in Exhibit "A", subject to the conditions of approval contained in Exhibit "C", the Draft City Council Resolution No. 20-3285 prepared for the project under Case No. 2017-20.

SECTION 3. Pursuant to California Government Code Section 66410 et seq., based on the entire record before the Planning Commission and all written and oral evidence presented, the Planning Commission finds as follows:

- A. The proposed subdivision is designed, to the extent feasible, to provide for passive or natural heating or cooling opportunities. Proposed buildings on the site are generally oriented, spaced, and designed to allow for access to adequate light and air. Each unit will have operable windows to allow for passive cooling provided by seasonal winds. Moreover, the project includes a public open space area at the center of the project site, and several private open space areas dispersed throughout the development in the form of courtyards at each building, and community access to a pool. Moreover, the project will provide tree-lined streets and a public park for shade, air filtering, and other environmental benefits.
- B. The proposed subdivision and the provisions for its design and improvement are consistent with the General Plan for the City of Montclair ("General Plan") and the applicable NMDSP:
 - 1. The Tentative Tract Map would provide for land uses compatible with the land use classification for the subject site by the General Plan and NMDSP. The overall goal of the General Plan is to promote good planning practices and orderly development within the City and to recognize the potential of specific areas for special treatment. The proposed development of the 6.68-acre site and project design and improvements would be consistent with the General Plan land use designation for the site.
 - 2. The Tentative Tract Map provides for land uses compatible with the "Station District" land use classification for the subject site in the NMDSP. Moreover, the design for the project includes high-quality public improvements consistent with the high expectations of improvements for projects within the NMDSP.
- C. The subject site is physically suitable for the type and density of development proposed in the Tentative Tract Map given the overall size of the property. The site is 6.68 acres in overall area and is of a configuration that has sufficient width and depth to allow for orderly site development, the provision of open space areas between the proposed structures in the project, and sufficient setbacks from the adjacent single-family residential properties located to the west at the Arrow Station residential community. The project site is also located adjacent to fully improved streets that will provide good access and allow for appropriate internal pedestrian and vehicular circulation. The proposed public streets within the project boundaries will be fully improved and serve to implement the eventual goal of a linked-street system that promotes walkability and connectivity to

adjacent properties and uses, including a direct link to the Montclair Transcenter.

- D. The subdivision design and improvements proposed in the Tentative Tract Map is not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat. As explained in the North Montclair Downtown Specific Plan Supplemental Environmental Impact Report (SCH#2016101001) ("SEIR"), the site is surrounded by urban development and streets, does not contain any bodies of water, and is not linked to any wildlife corridors. Further the SEIR explains the site does not contain any known habitats of significance including rare or endangered species of plant, animal, or insect life.
- E. The subdivision design and type of improvements proposed in the Tentative Tract Map are not likely to cause serious public health problems because all development and public improvements will be subject to the requirements of all applicable standards and codes including the zoning and building codes. As a condition of approval, the developer is also required to submit an acoustical analysis demonstrating that interior noise standards of each unit will comply with Municipal Code requirements and applicable Mitigation Measures identified in the SEIR.
- F. The subdivision design and type of improvements proposed in the Tentative Tract Map will not conflict with any easements acquired by the public at large for access through or use of the subject site because no such easements exist on the subject site. However, the map provides for new public easements specifically intended to allow for public access at key points in the new plan, and in particular to facilitate pedestrian public access from the site to the Montclair Transcenter.
- G. The discharge of waste into the existing sanitary sewer system from the development proposed in the Tentative Tract Map will not cause a violation of existing requirements prescribed by the Regional Water Quality Control Board. The entire project will be required to connect to a sanitary sewage system pursuant to California Plumbing Code and Municipal Code requirements. Sewer mains exist in the Arrow Highway right-of-way and are in close proximity to the site to facilitate ease of connection.

SECTION 4. Based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning Commission makes the following findings regarding the Precise Plan of Design for *The Village at Montclair* mixed-use development:

- A. The proposed mixed-use project is consistent with the "Planned Development" land use designation of the City's General Plan Land Use Map, and the Station District ("SD") land use designation of the NMDSP.

The intent of SD land use district is to establish a denser, urban oriented, fabric of buildings, appropriate for locations in close proximity to new and existing roadways. Moreover, the NMDSP depicts the site as the focal point of the plan given its central location and planned connection point to the Montclair Transcenter. When the aforementioned connection point is complete, the properties on south side of the existing railway will have a physical pedestrian linked with the properties to the north. Lastly, the mixed-use development on subject site will serve as a catalyst to further attractive urban development on Arrow Highway.

- B. The proposed project would result in a significant improvement to the appearance of the area by redeveloping an underutilized area within the NMDSP into a well-designed mixed-use development, which makes efficient use of the site and complies with the intent and applicable development standards of the NMDSP. The 360 dwelling units proposed with this project amounts to 61 units per acre, which meets the low end of the density range for the SD district and highest density level achieved to date within the NMDSP planning area.
- 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 mix and design of the three, four, and five-story buildings and their arrangement on the site will contribute to the ongoing transformation and improvement of the Arrow Highway streetscape.
- D. The proposed 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 encouraged by the NMDSP, and features high-quality exterior materials and finishes and incorporates appropriate lighting and landscape materials to give the project a distinctive and attractive appearance.

SECTION 5. Pursuant to section 66412.3 of the Government Code, based on the entire record before the Planning Commission and all written and oral evidence presented, the Planning Commission finds the subdivision and improvements proposed in the Tentative Tract Map will assist the City of Montclair meet its regional housing needs because the proposed map and subsequent development of housing units pursuant to the goals of NMDSP involves the redevelopment of a large underutilized parcel for mixed-use development and advances the goal creating a walkable area of high-density residential uses in direct proximity to transit and shopping opportunities for future residents.

SECTION 6. Based on the entire record before the Planning Commission and all written and oral evidence presented to the Planning Commission, the Planning

Commission finds the nature and extent of the dedications, reservations, impact fees, and other exactions are reasonably related to public needs and roughly proportional to the impacts created by the subdivision and improvements proposed in the Tentative Tract Map. The proposed conditions are typical of any subdivision of land and necessary to support the subsequent mixed-use development of the site (local serving commercial retail and residential units) as intended by the NMDSP. Street improvements, sanitary sewer connections, and associated impact fees are commensurate with the needs and impacts associated with the development of underutilized property for new uses.

SECTION 7. The location and custodian of the documents and any other material, which 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 24th day of August 2020.

Barry Rowley, Chair

ATTEST:

Michael Diaz, Secretary

Exhibit A
Case No. 2017-20

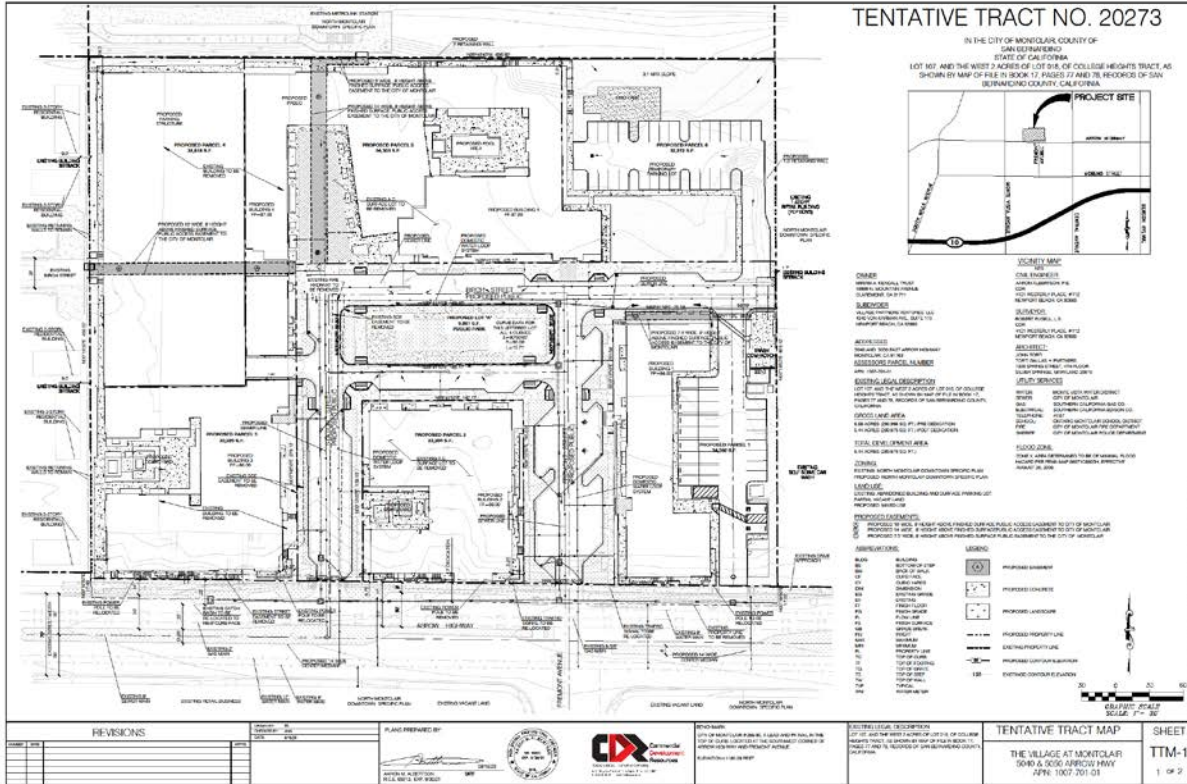


Exhibit B

Case No. 2017-20



- ① Concrete Pavement
- ② Enhanced Paving
- ③ Sawcut Joints
- ④ Tile Pavers
- ⑤ Asphalt Paving
- ⑥ Cast-in-place Concrete Steps
- ⑦ Concrete Access Ramp
- ⑧ Decomposed Granite Surface
- ⑨ Cast-In-Place Seawall
- ⑩ Planting Area
- ⑪ Central Lawn
- ⑫ Kiosk
- ⑬ Pool
- ⑭ Spa
- ⑮ Pavilion
- ⑯ Retaining Wall
- ⑰ Residential Patio
- ⑱ Water Feature
- ⑲ Outdoor Fireplace
- ⑳ Grill Area
- ㉑ Overhead Tents
- ㉒ Screen Wall
- ㉓ Monument Sign
- ㉔ Courtyard/Patio Tree
- ㉕ Fan Palm
- ㉖ Date Palm
- ㉗ Street Tree
- ㉘ Flowering Tree
- ㉙ Pine Tree
- ㉚ Bike Rack
- ㉛ Dog Run

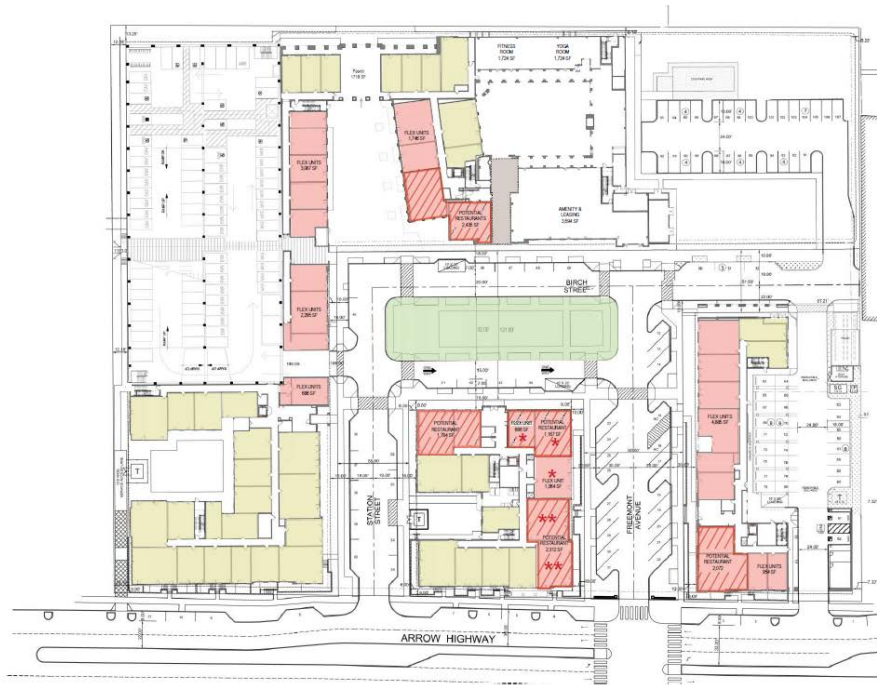
Torti Gallas + Partners
Town Planners and Architects

AHBE
Landscape Architects

THE VILLAGE AT MONTCLAIR
MONTCLAIR, CA
AUGUST 19, 2020

VILLAGE PARTNERS, INC.
Developers

First Floor Plan



- *** FLEX UNIT, LIVE/WORK, RETAIL OR OFFICE (LEASING RESTRICTION PER CoA) (TOTAL SF: 2,312 SF)
- * FLEX UNIT, APARTMENT, LIVE/WORK, RETAIL OR OFFICE (LEASING RESTRICTION PER CoA) (TOTAL SF: 2,917 SF)
- APARTMENTS
- PRIME POTENTIAL COMMERCIAL/RESTAURANT LOCATIONS
- FLEX UNIT APT. RETAIL OR OFFICE

Torti Gallas + Partners
Town Planners and Architects

THE VILLAGE AT MONTCLAIR
MONTCLAIR, CA
AUGUST 19, 2020

VILLAGE PARTNERS, INC.
Developers

EXHIBIT C

RESOLUTION NO. 20-3285

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR APPROVING TENTATIVE TRACT MAP NO. 20273 AND A PRECISE PLAN OF DESIGN UNDER CASE NO. 2017-20 FOR A MIXED-USE DEVELOPMENT ON 6.68 ACRES LOCATED AT 5050 ARROW HIGHWAY, WITHIN THE STATION DISTRICT OF THE NORTH MONTCLAIR DOWNTOWN SPECIFIC PLAN

WHEREAS, Village Partners Ventures, LLC on behalf of the Miriam A. Kendal Trust (current Property Owner), filed an application on January 23, 2017, for a Tentative Tract Map, and Precise Plan of Design under Case No. 2017-20 (Application) in conjunction with a proposal to construct a mixed-use development on 6.68 acres (gross), currently addressed as 5050 Arrow Highway; and

WHEREAS, the proposed mixed-use project is named *The Village at Montclair*; and

WHEREAS, the subject site is located within the "Station District" land use district of the North Montclair Downtown Specific Plan (NMDSP); and

WHEREAS, the subject site is currently vacant with an existing metal warehouse building, a paved parking area, and vacant land.

WHEREAS, the objective of the NMDSP is to introduce urban style residential and mixed-use 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, Tentative Tract Map No. 20273 would subdivide the 6.68-acre project site into six (6) lots and one (1) lettered lot (public park) for the project, as depicted on the attached Exhibit "A," a map incorporated herein by reference; and

WHEREAS, the proposed subdivision provides public easements to facilitate pedestrian access between project and existing development to the west and the Montclair Transcenter to the north of the site; and

WHEREAS, the Precise Plan of Design is for the overall site plan, floor plans, elevations, colors, materials, conceptual landscape plan, and associated site plan improvements for the proposed mixed-use project; and

WHEREAS, the mixed-use project provides approximately 25,143 square feet of ground level commercial lease space, 330 permanent apartment units plus 30 Flex Units as generally depicted in Exhibit "B"; and

WHEREAS, the proposed mixed-use development consists of four (4) multi-story buildings ranging from three to five-stories in height, one of which includes a five level parking structure, and

WHEREAS, the proposed development plan also includes a dedicated 0.22-acre site for development of a public park; and

WHEREAS, the tract map and subsequent development of the site with a mixed-use project, complies with the guidelines and development standards outlined in the NMDSP; and

WHEREAS, the NMDSP requires 1.5 parking spaces per dwelling unit with an additional requirement for one (1) guest parking space for every four (4) units. Further, required parking for commercial lease space is one (1) parking space per 300 square feet; and

WHEREAS, the applicants have requested City Council approval of a 15 percent parking reduction as allowed by the NMDSP; and

WHEREAS, Chapter 5.4.010.C.1 of the NMDSP allows the City Council to approve up to a 15 percent reduction in parking requirements when a development is under single ownership and/or under the control of the same professional management company, and subject to specific requirements, including the preparation of a Parking Management Plan; and

WHEREAS, on December 16, 2019, the project proposal and status report was presented to the City Council and the Planning Commission during public workshop meeting; and

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

WHEREAS, the Planning Commission finds the requested entitlements to be consistent with the adopted General Plan, the NMDSP, and good planning principles; and

WHEREAS, on March 20, 2017, the City Council certified Supplemental Environmental Impact Report (SCH# 2016101001) (“SEIR”) for the updated and amended North Montclair Downtown Specific Plan (hereafter Specific Plan); and

WHEREAS, in connection with its consideration of the SEIR, the City Council adopted a Mitigation Monitoring and Reporting Program, and adoption of a Statement of Overriding Considerations for the updated and amended Specific Plan; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) Guidelines, the City certified a Supplemental Environmental Impact Report (SEIR) on March 20, 2017, in connection with the City’s approval of an amended and updated North Montclair Downtown Specific Plan, which included the subject site 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 project undertaken pursuant to and in conformity to that specific plan. The proposed mixed-use project is in conformity to the Amended North Montclair Downtown Specific Plan, for which an EIR was certified in 2017; and

WHEREAS, all potentially significant environmental impacts of the proposed project that could be mitigated to less than significant levels would be mitigated to less than significant levels with mitigation measures contained in the Mitigation Monitoring and Reporting Program for the North Montclair Downtown Specific Plan EIR. There are no changes to the significant and unavoidable impacts disclosed in the EIR. In sum, the project would 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 conditions listed in Section 15162 of the CEQA Guidelines requiring the preparation of a subsequent or supplemental EIR are present and the second criterion of State CEQA Guidelines, Section 15182 can be satisfied. Therefore, the proposed project qualifies for the exemption for mixed-use residential projects described in Section 15182 of the state CEQA; and

WHEREAS, on August 1, 2020, the City gave public notice of the City of Montclair's Planning Commission's ("Planning Commission") public hearing on the proposed project by advertisement in a newspaper of general circulation, and posted the public notice at City Hall, and mailed to all property owners within 300 feet of the project boundaries; and

WHEREAS, on August 10, 2020, the Planning Commission opened the public hearing on the Application and then at City staff's request continued its review of the proposed Application to its next regularly scheduled meeting date on August 24, 2020; and

WHEREAS, on August 24, 2020, the Planning Commission conducted a duly noticed public hearing on the Application at which time all persons wishing to testify in connection with the Application were heard and the Application was comprehensively reviewed; and

WHEREAS, on August 24, 2020, the Planning Commission, by a vote of X-X-X, recommended that the City Council approve Tentative Tract Map No. 20273 and Precise Plan of Design subject to the conditions of approval contained in Exhibit "C", the Draft City Council Resolution No. 20-3285 prepared for the project, pursuant to Planning Commission Resolution No. 20-1942; and

WHEREAS, on XXXX, XX, 2020, the City gave public notice of the City Council's public hearing by advertisement in a newspaper of general circulation, and posted the public notice at City Hall, and mailed to all property owners within 300 feet of the project site boundaries; and

WHEREAS, the City Council conducted a duly noticed public hearing on the Village at Montclair project proposal XXXX, XX, 2020, at which time all interested parties were provided an opportunity to give testimony for or against the proposal; and

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

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

WHEREAS, the City Council finds the requested entitlements to be consistent with the adopted General Plan and the NMDSP and following good planning principles; 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 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 the proposed project is exempt from further environmental review pursuant to State CEQA Guidelines, Section 15182 based on the following findings of fact:

- A. On March 20, 2017, the City Council certified the SEIR for the Amended Specific Plan and approved the Amended Specific Plan.
- B. The proposed mixed-use project undertaken pursuant to and in conformity with the North Montclair Downtown Specific Plan. The proposed residential units were contemplated in the SEIR and were evaluated as part of that environmental analysis. The particular application subject to this resolution is a land subdivision to support the residential project.
- C. None of the conditions in State CEQA Guidelines, Section 15162 are present. Specifically,
 1. substantial changes are not proposed in the project that would require major revisions of the SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
 2. substantial changes with respect to the circumstances under which the project is undertaken that would require major revisions to the SEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects have not occurred; and
 3. new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the SEIR was certified or adopted, as applicable, showing any of the following, has not come to light: (i) that the project would have one or more significant effects not discussed in the earlier environmental documentation; (ii) that significant effects previously examined would be substantially more

severe than shown in the earlier environmental documentation; (iii) that 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 applicant declined to adopt such measures; or (iv) that mitigation measures or alternatives considerably different from those previously analyzed would substantially reduce one or more significant effects on the environment, but which the applicant declined to adopt.

- D. Based on these findings and all evidence in the record, the City Council finds that the project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15182 and no additional environmental review is required in connection with the City's consideration of Case No. 2017-20 for The Village at Montclair mixed-use development project.

SECTION 2. Based on the entire record before the City Council, all written and oral evidence presented to the City Council, and the findings and recitals set forth in this Resolution, the City Council approves Tentative Tract Map No. 20273 and a Precise Plan of Design under Case No. 2017-20 for The Village at Montclair mixed-use project consisting of 25,143 s.f of ground level lease space, 330 permanent apartment units, 30 Flex Units, and a public park, subject to the conditions of approval set forth in the attached Exhibit "C" and as depicted in the submitted site plan, elevations, and renderings attached hereto as Exhibit "B."

SECTION 3. Pursuant to California Government Code Section 66410, *et seq.*, 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 the Tentative Tract Map No. 20273:

- A. The proposed subdivision of 6.68-acre site, is designed, to the extent feasible, to provide for passive or natural heating or cooling opportunities. The lot pattern and proposed arrangement buildings on the site are generally oriented, spaced, and designed to allow for access to adequate light and air. Each dwelling unit will have operable
- B. windows to allow for passive cooling provided by seasonal winds. Moreover, the project includes a formal open space area at the center of the project site, and several private open space areas dispersed throughout the development in the form of courtyards at each building, and community access to a pool. Moreover, the project will provide tree-lined streets and a public park for shade, air filtering, and other environmental benefits.
- C. The proposed subdivision and the provisions for its design and improvement are consistent with the General Plan for the City of Montclair ("General Plan") and the applicable NMDSP:
1. The Tentative Tract Map would provide for land uses compatible with the land use classification for the subject site by the General Plan and NMDSP. The overall goal of the General Plan is to promote

good planning practices and orderly development within the City and to recognize the potential of specific areas for special treatment. The proposed development of the 6.68-acre site and project design and improvements would be consistent with the General Plan land use designation for the site.

2. The Tentative Tract Map provides for land uses compatible with the "Station District" land use classification for the subject site in the NMDSP. Moreover, the design for the project is of a high quality and consistent with the high expectations of improvements for projects within the NMDSP.
- D. The subject site is physically suitable for the type and density of development proposed in the Tentative Tract Map given the overall size of the property. The site is 6.68 acres in overall area and is of a configuration that has sufficient width and depth to allow for orderly site development, the provision of open space areas between the proposed structures in the project, and sufficient setbacks from the adjacent single-family residential properties located to the west at the Arrow Station residential community. The project site is also located adjacent to fully-improved streets that will provide good access and allow for appropriate internal pedestrian and vehicular circulation. The proposed public streets within the project boundaries will be fully improved and serve to implement the eventual goal of a linked-street system that promotes walkability and connectivity to adjacent properties and uses, including a direct link to the Montclair Transcenter.
- E. The subdivision design and improvements proposed in the Tentative Tract Map is not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat. As explained in the North Montclair Downtown Specific Plan Supplemental Environmental Impact Report (SCH#2016101001) ("SEIR"), the site is surrounded by urban development and streets, does not contain any bodies of water, and is not linked to any wildlife corridors. Further, the SEIR explains that the site does not contain any known habitats of significance including rare or endangered species of plant, animal, or insect life.
- F. The subdivision design and type of improvements proposed in the Tentative Tract Map are not likely to cause serious public health problems because all development and public improvements will be performed per the requirements of all applicable standards and codes including the zoning and building codes. As a condition of approval, the applicant is required to submit an acoustical analysis demonstrating that interior noise standards of each unit will comply with Municipal

Code requirements and applicable Mitigation Measures identified in the SEIR.

- G. The subdivision design and type of improvements proposed in the Tentative Tract Map will not conflict with any easements acquired by the public at large for access through or use of the subject site because no such easements exist on the subject site. However, the map provides for new public easements specifically intended to allow for public access at key points in the new plan, and in particular or facilitate pedestrian public access from the site to the Montclair Transcenter.
- H. The discharge of waste into the existing sanitary sewer system from the development proposed in the Tentative Tract Map will not cause a violation of existing requirements prescribed by the regional water quality control board. The entire project will be required to connect to a sanitary sewage system pursuant to California Plumbing Code and Municipal Code requirements. Sewer mains exist in the Arrow Highway right-of-way and are in close proximity to the site to facilitate ease of connection.

SECTION 4. 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. 2017-20:

- A. The proposed mixed-use project is consistent with the "Planned Development" land use designation of the City's General Plan Land Use Map, and the "Station District" (SD) land use designation of the NMDSP. The SD land use district is intended to establish a denser, urban oriented, fabric of buildings, appropriate for locations in close proximity to new and existing roadways. Moreover, the NMDSP depicts the site as the focal point of the plan given its central location and planned connection point to the Montclair Transcenter. When the aforementioned connection point is completed both sides of the NMDSP will be linked by easy access between the north and south sides of the NMDSP planning area. Lastly, the mixed-use development on subject site will serve as a catalyst to further attractive urban development on Arrow Highway.
- B. The proposed project would result in a significant improvement to the appearance of the area by redeveloping an underutilized area within the NMDSP into a well-designed mixed-use development, which makes efficient use of the site and complies with the intent and applicable development standards of the NMDSP. The 360 dwelling units proposed with this project amounts to 60 units per acre which is consistent with the low end of the SD density range of 60-80 dwelling units per acre, and the highest density rate to date within the NMDSP and City.
- 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 mix of three, four, and five-story buildings and their arrangement on the site will contribute to the ongoing transformation and improvement of the Arrow Hwy streetscape envisioned by the NMDSP.

- D. The proposed 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 distinctive and appropriate for the prominent role this site plays in the development of the NMDSP. Moreover, the project design is consistent with the architectural style guidelines depicted in the NMDSP, and features high-quality exterior materials and finishes and incorporates appropriate lighting, landscaping, and hardscape materials.

SECTION 5. The City Council finds the requested 15 percent reduction in parking requirements is appropriate and meets the criteria set forth in Chapter 5.4.010.C.1 of the NMDSP; as follows:

- A. The subject site is uniquely situated to serve as the central connection point of the NMDSP linking pedestrian access to and from the Montclair Transcenter. Moreover, The Village at Montclair mixed-use development is directly adjacent to the Montclair Transit Center providing immediate access for its residents and customers to alternative transit options lessening the need to own and/or use vehicles as the primary means of travel. As such, the project meets the overall intent and goals of transit oriented development (TOD) which the NMDSP was created to promote the utilization of public transit and less use of private automobiles. The Village at Montclair mixed-use development utilizes the type of improvements to support the desired minimum density level of the Station District with sufficient on-site parking for both residents, future businesses, and visitors to the site. The proposed 15 percent reduction in parking coupled with the proposed Parking Management Plan (PMP) provides a workable method to ensure a sufficient amount of parking spaces are available to meet the needs of on-site tenants as regulated by an approved PMP. Lastly, the proposed temporary surface parking and the eventual development of permanent structured parking on Lot 6 would supplement any future need for short-term parking in the immediate area for the project.
- B. The operating characteristics of the proposed use are such that granting the parking reduction will not cause unreasonable negative impacts to the surrounding property owners or neighborhoods. The project is designed to stand alone and not require the use of adjacent properties to satisfy parking requirements. Short term guest and customer parking for future businesses would be along the public streets within the project site and not be assigned to tenants. The PMP will be the key mechanism to ensure that non-public parking spaces for the project are maintained sufficient in number, properly allocated to tenant and users, and enforced to meet the needs of tenants, customers, and visitors at the subject site.
- C. A Parking Management Plan (PMP) has been prepared by the applicants for the project which complies with requirements of Section 5.4.010.E. A key element of the PMP is the mandatory notification to prospective tenants of the on-site parking conditions and requirements at the complex during the initial rental application process. 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. Moreover, the subject development is under single ownership and/or will be under the control of the same professional management company to ensure that the PMP is appropriately applied and enforced.

D. The PMP and an appropriate legal instrument of agreement among the affected owner(s) of the property(ies) will be recorded with the County Recorder to ensure the PMP is binding upon the owner and its successors and assigns and shall limit and control the use of land included in the development to those uses and conditions approved by the Director.

SECTION 6. Pursuant to Section 66412.3 of the Government Code, based on the entire record before the City Council and all written and oral evidence presented, the City Council finds the subdivision and improvements proposed will help the City of Montclair to meet its regional housing needs as the project proposes the construction of 360 residential units (that includes 30 Flex Units), which will help the City meet its identified housing unit RHNA allocation.

SECTION 7. 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 subdivision and improvements proposed in the Tentative Tract Map. In addition, several conditions, including conditions relating to the imposition of operational covenants for the mixed-use development are necessary to assure the development maintains compliance with City general plan and zoning standards.

SECTION 8. 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 9. Effective Date. This Resolution shall become effective upon its adoption.

APPROVED AND ADOPTED this XX day of XXXX, 2020.

Mayor

ATTEST:

City Clerk

I, Andrea Phillips, City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 20-XXXX 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 XXX day of XXXX, 2020, and that it was adopted by the following vote, to-wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Draft

EXHIBIT A

Resolution No. 20-3285

Case No. 2017-20

CONDITIONS OF APPROVAL

The Village at Montclair

Project Approvals & General Conditions

GENERAL CONDITIONS

1. The approval for The Village at Montclair project includes the following elements:
 - a. Tentative Tract Map No.20273, subdividing a 6.68-acre site into six (6) numbered lots, and one lettered lot (for a public park), for the purpose of developing a mixed-use project which includes a maximum number of 360 apartment units, and 25,143 square feet of ground floor commercial lease space on a site located on the north side of Arrow Highway at its intersection with Fremont Avenue, with associated on-and off-site public improvements, attached hereto as Exhibit A.
 - b. A Precise Plan of Design (PPD) approving the site plan, floor plans, elevations, colors and materials, conceptual landscape plan, and public park space associated with the construction of the project as described in the staff report and depicted on approved plans on file with the Planning Division.
 - c. A 0.22-acre (9,881 square foot) neighborhood public square in accordance with the North Montclair Downtown Specific Plan (NMDSP) and to be constructed consistent with the Conceptual Landscape and Park Design Plan attached hereto as Exhibit B. The final construction drawings for the improvements to the neighborhood park on the project site shall be submitted to the Planning Division during the plan check process for review and approval.
 - d. A paved surface parking area with 27 parking spaces, a fenced dog park area, and landscaping for Lot 6 as depicted on the approved site plan.
2. The above entitlements are granted based upon the maps, plans and elevations submitted by Village Partners Ventures, LLC, and dated August 19, 2020 . However, final design review shall be required pursuant to Section 5.1.050.2 of the NMDSP upon the submittal of construction drawings for the project, to

review building, park, and architectural construction design, details, and standards. Such review is intended to ensure high quality development and to prevent misunderstanding during the construction process. The Community Development Director shall conduct the review in consultation with the City's reviewing architect. Costs to conduct architectural review shall be reimbursed to the City pursuant to the Reimbursement Agreement No. 17-33 between the Owner and the City.

3. This approval shall supersede any and all previously approved entitlements for the subject project site.
4. Any modification, intensification, or expansion of the use beyond that which is specifically approved by the aforementioned entitlements and that is not reflected in the map, plans, and drawings approved with this action by the City Council shall require review and approval by the City Council.
5. In the event that exhibits and written conditions are inconsistent, the written conditions shall prevail.
6. The applicant/owner shall be required to pay any applicable fees as shown below; within five (5) days of approval by the City Council:
 - a. A check in the amount of \$50, payable to "Clerk of the Board of Supervisors," to cover the filing fee for the Notice of Exemption (NOE) as required by the California Environmental Quality Act (CEQA).
 - b. A check in the amount of \$2,057.80, payable to "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law for the Planning Commission review on August 10, 2020; and
 - c. A check in the amount of \$____, payable to "City of Montclair," to cover the actual cost of publishing a Notice of Public Hearing in a newspaper of general circulation (Inland Valley Daily Bulletin) as required by state law for City Council review on XX, XX, 2020.
7. In establishing and conducting the subject use, the applicant shall at all times comply with any and all laws, ordinances and regulations of the City of Montclair, the County of San Bernardino and the State of California. Approval of this PPD shall not waive compliance with any such requirements.
8. Applicant/Owner shall comply with all applicable Mitigation Measures as contained in the North Montclair Downtown Specific Plan Amendment Project Supplemental EIR (January 2017); including but not limited to mitigation measures regarding Tribal Cultural Resources (Mitigation Measure F and G); and Noise (construction and post construction), etc.

9. Notice to Applicant/Owner/Subdivider: 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 subdivider/applicant is hereby notified that the 90-day protest period to challenge such items has begun as of the date of the project approval. For purposes of this notice, "project approval" shall mean the date that the City Council approves the application for the Tentative Tract Map referenced in Condition No. 1, 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, or at the time building permits are issued. If the applicant fails to file a protest regarding any of the fees, dedications, reservations, or other exaction requirements as specified in Government Code §66020, the subdivider/applicant shall be legally barred from later challenges.
10. The applicant/owner/subdivider shall reimburse the City for the legal costs associated with the preparation/review of any agreements and covenants required by these conditions prior to the time of their initiation.
11. Precise Plan of Design (PPD) approval shall be valid for a period of one year and shall automatically expire on the anniversary date of City Council approval, unless the applicant is diligently pursuing building plan check toward eventual construction of the project. The applicant/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.
12. The applicant/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.
13. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at the time of escrow closing.

CONDITIONS PRIOR TO THE SUBMITTAL OF A FINAL MAP (Condition Nos. 14-19)

Planning/Administration

14. Prior to the submittal of a final map for the project, the map prepared by owner/subdivider shall complete and/or show the following items:
 - a. Obtain written approval and documentation from the San Bernardino County Transit Authority (SBCTA) and other affected agencies allowing access and authorizing developer to construct any associated improvements on their property(ies) (e.g., walkways, stairs/ramps, walls,

fences, gates, signs, lighting, etc.) necessary to facilitate pedestrian access from the subject site to the Montclair Transcenter.

- b. A dedication of the following public access easements to the City of Montclair for the purposes of allowing the general public to access Montclair Transcenter from the project site as depicted on Exhibit A, including:
 - i. A 14-foot wide access easement through the plaza area of Building 4, from the public sidewalk on the north side of Birch Street extending northward to connect with access point from the Montclair Transcenter. Said easement shall be approximately 14 feet in width, and centered within the plaza area; and
 - ii. A 10-foot wide pedestrian access easement from western property line of the site, leading from the Arrow Station residential development up to and through the proposed parking structure in Building 4 and ending at the west side public sidewalk at Station Street; and
 - iii. A 7.5-foot wide public aerial easement allowing the north end of Building 1 to overhang the public sidewalk for a length of approximately 70-75 feet.
 - c. A dedication of an 0.22-acre parcel to the City of Montclair for development of a neighborhood public park in accordance with the NMDSP and as depicted on the approved site plan for the development on file with the Planning Division and referred to as hereto as Exhibit B.
15. A Master Solid Waste Removal Plan (SWRP) for the project. City review and approval in consultation with the City's refuse collection provider shall be required. The SWRP shall identify the location and size of all facilities and provide a written operational strategy/manual to be used by the property management company for the project. The SWRP shall include and/or address the following elements:
- a. Prevent the accumulation of onsite rubbish, trash, or debris in a manner that is inconsistent with the approved SWRP and/or that degrades the appearance of the site and adjacent street frontages.
 - b. All refuse collection facilities shall be designed in accordance with the provisions of AB 341 Mandatory Commercial Recycling and AB 1826 Mandatory Commercial Organics Recycling (MOR) as established by California Department of Resources Recycling and Recovery (CalRecycle). Sufficient facilities must be provided and maintained for the mandatory recycling of all recyclable materials and food waste/organics.
 - c. No barrels (or other containers) for waste fats, oils, or grease (FOG) generated by any business shall be stored in refuse collection facilities. All food businesses (e.g., bakeries, restaurants, take-outs,

etc.) generating FOG shall be required to utilize a pressurized waste fry-oil removal system as condition of approval for each business. Notation and schematics of the system must be provided in the plans prepared for City review and approval.

d. All refuse collection facilities shall be power washed a minimum of two times per month (or more frequently if needed), by property management staff or by means of a hired company qualified to power wash or steam clean all refuse collection facilities and/or equipment. Such activity shall be performed with proper equipment containing a water recovery system or self-contained unit to recycle the wash (waste) water, as approved by the City's NPDES Coordinator or Environmental Inspector. Inspections of refuse collection facilities shall be subject to routine inspection by the City of Montclair.

e. Spills and leaks shall be cleaned up immediately using a spill kit and/or appropriate Best Management Practices (BMP) that utilize absorbents or equivalent "dry" methods.

16. The owner/applicant shall agree to the formation of a new 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, public park and easements, and other public improvements located within the Project, including a public safety component. The applicant shall consent to the formation of the CFD prior to the recordation of the final map for the Project. The applicant further expressly agrees that failure to form such CFD will result in disapproval of the Project.

The owner/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.

17. Prepare a specific layout plan and written strategy for the Plaza area between Buildings 3 and 4. Implementation and enforcement of the approved plan shall

be the responsibility of the property management company. The plan shall include the following elements:

- a. A site plan for the Plaza area to demonstrate an intact, open, and visually attractive space serving the project, rather than a series of unsightly subdivided private, semi-private, and public spaces.
 - i. The use of permanent fences/walls (open or solid) or other such methods designed to create separate private spaces in the Plaza shall be prohibited.
 - ii. When required by the Department of Alcoholic Beverage Control (ABC), any separation requirements shall be accomplished by the least obtrusive, but attractive, means possible, as approved by the City and ABC.
- b. Show the minimum 14-foot wide public easement pathway leading from the Station Street public sidewalk to the access point for the Montclair Transcenter. The public easement pathway shall remain unobstructed at all times and open to public access when the Montclair Transcenter facility is in operation.
- c. Indicate how Flex Units facing into the Plaza area will be addressed to ensure that the open appearance and use of the Plaza area is maintained.
- d. Indicate outdoor furniture requirements for seating, planters, tables and chairs, umbrellas, trash receptacles, wayfinding signs, kiosks, and other associated elements. Benches and trash receptacles shall be carefully located to enhance the pedestrian experience without cluttering the Plaza area. The property management company shall be responsible for coordinating colors and use of high quality and durable materials.
- e. Landscape Plan for the Plaza area that is visually interesting, low maintenance and drought tolerant. Appropriate plant species should be selected for any given space, preventing plants from becoming overgrown. Hardscape treatment shall be of a high-quality material and enduring style. Stained concrete and surface-colored concrete (other than integral colored concrete) shall not be used.
- f. An Exterior Lighting Plan designed to enhance the comfort, safety, and character of the Plaza area. The following standards shall apply to lighting:
 - i. The minimum hours of full illumination are from at least one hour before sunset to one hour after sunrise. Illumination during overnight hours shall be sufficient to allow for easy surveillance by private security or evening patrols by Police Department personnel.

- ii. All exterior light sources that illuminate the Plaza area must be shielded from direct view, and avoid impacts on nearby residential units.\
 - g. Plan for general maintenance of the Plaza area and adjacent building frontages. Property owner shall replace any amenities, furnishings, signs, and landscaping within the Plaza when appropriate due to wear and tear.
18. Owner must consent, in writing, to record a covenant an Operations & Management Regulatory Agreement - *The Village at Montclair* (hereafter Regulatory Agreement) against the entire property providing for the perpetual maintenance of all buildings and improvements, including roadways, public easements, retaining walls, drainage facilities, and water and sewer systems. The Regulatory Agreement shall be effective during the lifetime of the Project. Property shall thereafter be maintained in accordance with the property maintenance standards contained in the Montclair Municipal Code.

The Regulatory Agreement shall provide for the perpetual maintenance of all buildings and improvements for the subject multifamily residential and mixed-use project ("the Project") developed in the City for rental/lease 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 shall address the management, operations, and maintenance of the multifamily residential and mixed-use project and shall become a Covenant that will run with the land.

Costs for development of the Regulatory Agreement shall be reimbursed to the City pursuant to a Reimbursement Agreement between the applicant and the City.

The Regulatory Agreement shall contain, at a minimum, the following requirements:

a. On-Site Management

The Owner shall be required to retain the services of a certified professional management company ("Management Company") with demonstrated experience in leasing, operating, and maintaining a mixed-use development project that contains residential, commercial, and/or office uses. Any Manager or Management Company retained to act as an agent for the Owner shall obtain the prior written approval of the Executive Director Office Public Safety/Police Chief, which approval shall not be unreasonably withheld or delayed, provided the person assigned is a certified Property Manager or an employee of a certified property Management Company. Any changes of the certified professional management company shall be subject to the prior written approval of the Executive Director Office of Public Safety/Police Chief, which approval shall not be unreasonably withheld.

In exercising his/her approval rights hereunder, the Executive Director Office of Public Safety/Police Chief may require proof of ability and qualifications of the Manager and Management Company based upon (i) prior experience, (ii) assets, and (iii) other factors determined by the Executive Director Office of Public Safety/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 Management Company. In any agreement with a Property Manager or 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.

In no circumstances shall the property owner take on the property management responsibilities for the project.

Subsequent changes in the Management Company or Manager of the Project shall obtain the prior written approval of the Executive Director Office of Public Safety/Police Chief as so indicated above.

i. Management Obligations-Residential

The Owner shall maintain the legally required presence of an on-site Manager for the residential portion of the project 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 professional property management company, will ensure that the Project is well maintained pursuant to the standards developed in the Regulatory Agreement.

ii. Registration and Management of Rentals

The Owner, with its Management Company, shall develop all rules, documents, and procedures to assure all rental/lease occupancies of residential 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. Management Obligations–Commercial/Office

The Owner shall maintain a Manager and licensed Leasing Agent for the commercial/office portion of the Project. The Management Company shall ensure that appropriate lease and screening practices are developed and enforced and that rules and regulations pertaining to lease of commercial and/or office space and the common area are developed, enforced, and managed. The Leasing Agency shall pursue the lease of Flex Units (Flex Units shown on Exhibit B) to commercial/office users providing services or products in conformance with the NMDSP. The Owner, through the Property Management Company, will ensure that the Project is well managed and maintained pursuant to the standards developed in the Agreement.

iv. Compliance with North Montclair Downtown Specific Plan

Management shall be responsible for screening prospective tenant/lessees of commercial/office lease spaces for compliance with Table 5-2: Allowed Land Use and Permit Requirements as contained in the *North Montclair Downtown Specific Plan* (NMDSP). In addition, Management shall direct all prospective tenants/lessees to obtain approval of a Zoning Use Review Application (ZURA) and a Business License from the City of Montclair.

v. Compliance with Rules

Renters/lessees occupying flex units within the Project shall be subject to all rules and regulations developed by the Management Company. The Management Company shall establish a warning and fine system for violation of the rules and regulations. If renters/lessees of any flex unit violate the rules and regulations, the renter or lessee shall be responsible for payment of such fines for violation of the rules by their tenant(s). The rules established by the Management Company for rental of flex units shall include provisions for eviction of tenants for violations of the rules and regulations of the project.

vi. Alcoholic Beverages/Controlled Substances

Tenant rules shall prevent the consumption of alcoholic beverages in public spaces and public view in the Project unless the area of public view is part of outdoor seating at a dining establishment or an event on private property where consumption of alcoholic beverages has been approved by the City and the State Department of Alcoholic Beverage Control (ABC). All other consumption of controlled substances in public view is prohibited 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 "Security Plan" acceptable and approved by the Montclair Police Department which, at a minimum, shall include the installation, operation, and maintenance of security cameras throughout the Project (see details in Police Conditions).
- 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 Executive Director Office of Public Safety/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.
- iii. The State-licensed security patrol company shall be retained by the Owner, with the prior approval of the Executive Director Office of Public Safety/Police Chief, for a period of time to be determined by the Executive Director Office of Public Safety/Police Chief. The approval of such a State-licensed security company shall not be unreasonably withheld.

c. Balconies, Patios, and Porches

Balconies, patios, and/or porches on residential units approved for use as private usable open space must be kept free from being enclosed or covered by a tenant in any way and must 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.

All rental agreements/leases for the project must include a rule preventing the storage of boxes or materials, placement of indoor furniture, visible exercise equipment, hanging clothing, building of enclosures, the installation of makeshift screening materials, or any other similar item in or on a balcony, patio, or porch.

The exterior of ground floor level Flex Units that are occupied as housing units must keep the exterior of the unit free of stored items, mismatched planters/pots, makeshift fencing materials, and other items that detract from the appearance of buildings and obstruct any path of travel. All furniture (e.g., seating, tables, etc.) shall be specifically designed and intended for outdoor use in colors and materials coordinated and approved by the Management Company.

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 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 or external wiring of the antennas shall be permitted.
- e. **Parking Management**

The Agreement shall provide for the following:

- i. A "Parking Management Plan" shall be required for the residential and mixed-use components of the Project. The Parking Management Plan (PMP) shall identify the parking space(s) for every residential unit in the Project. With the exception of an attached garage for the exclusive use of an identified unit, all parking spaces shall be identified with a unique number that shall be stenciled on the pavement and regularly maintained. The PMP shall identify the parking spaces designated for the employees of the commercial/office lease areas. The PMP shall also identify parking designated for public parking.
- ii. Any tandem parking spaces identified in the PMP shall be assigned to the same dwelling unit or flex space. For purposes of the PMP, each tandem space shall count toward fulfillment of the total requirement of parking spaces for the residential portion of the project.
- iii. The PMP must be submitted to the City prior to submittal of a final map. The PMP must be approved by the City Council as a part of the approval process for the Project. Subsequent changes

to the PMP shall have the prior written approval of the City Council.

- iv. The PMP shall stipulate that no utility trailers, commercial or construction vehicle of any length, buses or passenger vans, 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.
- v. The PMP shall stipulate that any enclosed garage spaces or covered parking spaces provided shall, at all times, be assigned to units within the Project pursuant to the PMP. Storage within a garage shall be allowed only to the extent the garage includes a dedicated storage cabinet or storage area that does not impede or obstruct direct access to the parking space(s) within the garage.
- vi. Any tandem parking spaces identified in the PMP shall be considered a second parking space assigned to the same dwelling unit or Flex Unit. Tandem spaces shall only be assigned to and utilized for the parking of registered vehicles assigned to the residents of the same unit or occupants of the same Flex Unit. Tandem spaces shall not be assigned and/or rented out to other residents or users.
- vii. The Owner or Management Company may not stipulate payment of an additional rental fee or separate fee to secure the parking space or spaces designated for each unit in the PMP.
- viii. As part of the initial rental application process for a residential or commercial/office space, each potential renter of a unit within the project shall be given written notice by a property manager of the on-site parking and off-site parking conditions and requirements at the complex. All executed rental lease agreements will contain the entire PMP as an exhibit including signed acknowledgement form which records the resident's agreement with the terms of the PMP.

f. Maintenance, Operation, Preservation, and Repair of Property

Owner, through its Management Company, shall keep the Project well-maintained (including, without limitation, private streets and drives, all

buildings and on-site structures; signage; sidewalks; parking lots; parking structures, exterior building mounted and/or site lighting fixtures; landscaping; open space/recreation areas onsite, dog park areas, storm drain system including all storm water treatment devices associated with the Water Quality Management Plan, fencing; foundations and pools, 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 to be in sound condition; and
- ii. Replacing broken or severely etched windows and other glass surfaces promptly; and
- iii. Keeping the Project free from any accumulation of debris, graffiti, waste materials (including pet waste); and
- iv. Keeping trees, ground cover, shrubs, and other plant materials trimmed in healthy condition, and replacing missing or dead plant materials; and
- v. Maintaining all exterior light fixtures (building mounted and freestanding) in full operating condition. Non-functioning, broken or damaged light fixtures/support structures shall be promptly repaired and/or replaced with the same fixture type as originally approved; and
- vi. Keeping paved surfaces and other hardscape elements clean and in good condition, free of dirt and grime, gum, or grease, potholes, excessive staining or the unsightly accumulation of leaked motor oil/automotive fluids, significant surface cracks, dangerous uplifted walkways, or other conditions which impede paths of travel; and
- vii. No outdoor pay telephones or vending machines (including delivery lockers) shall be installed on any public street, easement, or park. Vending machines may be allowed within buildings or in private outdoor recreation areas when machines are located out of view to the street and are placed with an alcove space that is architecturally integrated into the design of the building, subject to the satisfaction of the Community Development Director.

- viii. Prohibiting auto repairs, car washing, storage of unregistered and/or inoperable vehicles, within parking areas of the Project; and
- ix. Keeping the on-site storm drain system in working order and in good repair at all times including the storm water treatment devices associated with the Water Quality Management Plan; and
- x. Keeping refuse collection facilities (e.g., trash chutes, rooms or enclosures) shall be maintained in a sanitary, orderly, and functional condition at all times. Sanitary shall mean free of scattered trash and food debris, spills or splatter on floors and/or walls, free of odors to the highest degree possible, and free of insects and rodents; and
- xi. Keeping all private streets, drive aisles, and exterior parking areas within the Project free of weeds, debris, trash, graffiti, and potholes. Owner shall be responsible for maintenance and repaving of all private street and drive aisle surfaces; and
- xii. Prohibiting the use of shopping carts for any commercial/office user within the project boundaries; and
- xiii. Maintain each dog park area in a clean and orderly condition at all times to deter odors and maintain sanitary conditions. To assure compliance, each dog park area shall comply with the following minimum standards:
 - 1. Ground-level dog park areas shall be designed and constructed with well-drained soils and substrates (i.e. engineered soil) to allow for quick percolation of water and urine, and to prevent soil erosion and run off, subject to the review and approval of the Community Development Director and Water Quality Management Plan (WQMP) Coordinator. The use of natural turf is not recommended.
 - 2. Above-ground level dog park area locations shall be constructed with a solid roof and an appropriately designed surface (e.g., synthetic turf) and drainage system that allows for routine wash-off maintenance and drainage into a properly designed waste water system. Building permits may be required for such systems.
 - 3. Dog park areas shall be maintained at all times, with any holes filled in, substrates properly maintained, and fences and amenities kept in good condition and functional.
 - 4. All dog park areas shall be located near a water supply line for drinking fountain (dog and human) and for maintenance purposes.

5. Each dog park area shall be posted with rules for the dog park area in English and Spanish, in type large enough to be easily read by those entering the park.
6. Provide adequate disposable bags, or other means of removing feces, and refuse cans for disposal. Trash cans shall be regularly emptied with contents disposed in a proper manner.

xiv. Implementing and keeping a waste and refuse collection system in good operating order at all times. The Management Company must develop a written policy regarding the method of waste and refuse collection for all tenants and lessees consistent with the approved Solid Waste Removal Plan (SWRP). Each tenant must be informed of the waste and refuse collection system prior to executing a rental agreement or lease. Each tenant must acknowledge their understanding of the waste and refuse collection system in the rental or lease agreement. The Owner may not charge an additional fee related to the type of collection method of waste and refuse. The waste and refuse collection system policy shall be approved by the City.

g. Remedial Actions

In the event the Owner fails to act or perform pursuant to the terms found in the Regulatory Agreement, the City reserves the right to enforce the restrictions imposed by the Regulatory Agreement at the expense of the Owner. The Regulatory Agreement shall make provisions to allow the City enforce the terms of the Regulatory Agreement.

i. Sale or Transfer

Prior to the issuance of any building permit or recordation of the final map (whichever occurs first), the Owner shall record a covenant and agreement against the entire property prohibiting the sale of any individual building within the Project for purposes of rental or lease. The covenant and agreement shall be a part of the Regulatory Agreement required by this Condition and shall be approved by the City Council. It may not be cancelled or amended without City approval.

ii. Compliance with Rules

Renters/Lessees occupying residential units and or Flex Units within the Project shall be subject to all rules and regulations developed by the Management Company. The Management Company shall establish a warning and fine system for violation of the rules and regulations. If residential renters of units violate rules and regulations, the renter or lessee shall be responsible for

payment of such fines for violation of the rules. The rules established by the Management Company for rental of residential units and/or commercial/office space shall include provisions for eviction of tenants for violations of the rules and regulations of the project.

19. The Owner shall consent, in writing, to enter into an agreement to be recorded against the property detailing compliance with the City of Montclair Parkland Dedication Ordinance for the park depicted on approved plans. The proposed Park Land Agreement shall include a requirement for the dedication of a 0.22-acre parcel of land for a public park, a conceptual park design exhibit for that park in compliance with the NMDSP, as well as a description of the proposed park improvements and facilities to be constructed consistent with the Conceptual Landscape and Park Design Plan, and the NMDSP. In addition, the Park Land Agreement shall include a mechanism for determining the amount of credit to be provided to the Owner against in-lieu fees to be paid for the construction of improvements and installation of equipment and/or facilities. Such credit shall be based upon the City's adopted parkland dedication/in-lieu fee schedule. No credit/reimbursement shall be provided in excess of the amount of in-lieu fees that are due to be paid to the City by the Owner. The final construction drawings for the improvements to the neighborhood park on the project site shall be submitted to the Planning Division during the plan check process for review and approval. Construction of the park shall be completed simultaneously with the construction of the first residential/mixed use building. No Certificate of Occupancy shall be issued for any building unless and until a Certificate of Completion and acceptance has been issued for the park.

20. Flex Units

To ensure that the integrity of the site's mixed-use designation by the NMDSP is maintained, and to promote an appropriate ratio of residents supporting commercial and restaurant uses, the City establishes the following conditions for Flex Units:

- a. Submit for final City review and approval a final site plan and first floor plan indicating the location of all Flex Units at each building within the project, including spaces specifically identified as prime restaurant locations permanently reserved for commercial/restaurant use (no residential).
- b. As such, the residential use of a Flex Unit shall be considered a temporary use, until such time market conditions allow for Flex Units to be converted to commercial/office users.
- c. The property owner shall utilize building occupancy for each building to determine when a Flex Unit can be utilized for a residential use (i.e., when residential tenant occupancy for each building reaches full occupancy), after which ground floor Flex Units may be used as a

temporary residential use. Each Flex Unit may continue as a residential use until market demand supports conversion of one or more Flex Units to a commercial use.

- i. Commercial market demand shall be determined by use of an independent market study conducted by the property's owner at least once every two years.
 - ii. Full occupancy means when a minimum of 90 percent of the residential units in each building is leased and consistently maintained at the 90 percent level.
- d. Provide the City with annual vacancy-occupancy reports for each building, accompanied by an independent commercial market study for the property provided at least once every two years. Information contained in the vacancy-occupancy reports and market studies will be used to determine when one or more Flex Units can be used as a residential use, or shall be maintained as, or returned to, a commercial use. The City and owner shall jointly meet at least once annually to review the subject reports to determine the future use of each Flex Unit.
- e. Limit residential tenant use of Flex Units to short-term (1 year) lease agreements to allow for conversion of Flex Units to commercial/restaurant uses, subject to "20.b. and 20.c" above and subject to commercial leasing schedule outlined in Conditions of Approval – southwest corner unit of Building 1 and easterly facing units (front on Fremont Avenue) of Building 2, not to be leased for residential occupancy for the earlier of: 12 months after Certificate of Occupancy or the entire project has achieved 90 percent occupancy.

CONDITIONS PRIOR TO THE ISSUANCE OF BUILDING OR GRADING PERMIT

(Condition Nos. 21-141)

Planning/Administration

21. The final design review process based on building plans shall be completed pursuant to Section 5.1.050.2 of the NMDSP by the Community Development Director in consultation with the City's Reviewing Architect prior to the issuance of building permits. Notwithstanding, certain design review details may require review or field inspection during construction. Costs to conduct architectural review shall be reimbursed to the City pursuant to the Reimbursement Agreement No. 17-33 between the Owner and the City.

No changes to an approved set of plans, including the exterior design and materials/finishes of any building, shall be permitted without the expressed approval of the City prior to any actual changes. At the discretion of the Community Development Director, any request for changes or revisions

deemed to be significant may be referred to the City Council for review and approval.

22. Formation of the CFD must be completed (see Condition No. 16).
23. The Regulatory Agreement (per Condition No. 17) shall be executed the by Owner, and approved by the City Council. Upon City Council approval, the Regulatory Agreement shall be recorded prior to issuance of building permits. As part of the Regulatory Agreement, the PMP shall be adopted by the City Council. The Parkland Agreement shall be executed by the Owner and adopted by the City Council (Condition No. 18).
24. Owner's building plans shall provide that all vehicular and pedestrian access to the parking structure for the project (Owner Parking Structure) shall be gated at all entry points to regulate and prevent unauthorized public access. Vehicular access to the Owner Parking Structure will be limited to tenants, employees and/or guests of tenants living or working in the Project. Owner shall establish rules regarding parking structure pedestrian use and access that will be approved by the City prior to occupancy.
25. A Solid Waste Removal Plan (SWRP) shall be approved by the City Council.
26. A Construction Phasing Plan identifying the order in which buildings will be erected on the site must be submitted. (Before a Certificate of Occupancy for each building can be issued, the required amount of parking in a sufficient amount of parking spaces to support all completed residential units, Flex Units, or new commercial uses shall be provided). Since the primary location of parking spaces for this project is contained in the parking structure within Building 4, the parking structure shall be completed pursuant to a Building Permit final and then made available for immediate use. Except for the construction of the parking structure in Building 4, the applicant may determine which building of the project will be the last to be completed.
27. A written report from a qualified acoustical consultant indicating that the project will meet City requirements for exterior and interior noise levels and demonstrate compliance with Mitigation Measures for N2, NO1-1, NOI-2, NOI-3, and NOI-4 as contained in the North Montclair Downtown Specific Plan Amendment Project Supplemental EIR (January 2017) shall be submitted.

All sound attenuation measures (i.e. dual-paned glazing, upgraded insulation, etc.) as identified by the approved acoustical report prepared for the project shall thereafter be incorporated into construction drawings submitted for plan check. Maximum interior noise level of all units shall be no higher than 45 dBA.

28. Owner's plans shall provide that all dwelling units (living room and bedroom) and/or commercial/office spaces shall be pre-wired with phone, cable, and satellite connections.

29. Owner shall obtain approval from the Executive Director of Public Safety/Police Chief (or designee) of a Plan to install video surveillance cameras for each building (including parking structure), and all public spaces within the development. See Police Department conditions of approval for further details.
30. Owner shall prepare a Photometric Plan for each building indicating the location of all exterior light fixtures (area, building, parking lot, etc.) and the overall illumination levels across the site. All proposed exterior lighting shall comply with the following standards:
 - a. Provide a minimum maintained illumination level of one (1) foot-candle across the site.
 - b. All parking lot and other freestanding light fixtures shall incorporate 90-degree cutoff style luminaires and flat lenses so as to direct illumination downward to the surface to be illuminated and away from public rights-of-way surrounding the subject site.
 - c. Maximum total height for freestanding light fixtures shall be limited to 20 feet, inclusive of the height for concrete bases.
 - d. Above-grade concrete bases for lights, menu boards, speakers, vertical clearance bars, etc., shall be finished with colored stucco matching the primary color and finish of stucco on the buildings.
 - e. All exterior wall-mounted lighting fixtures shall be vandal-resistant and of a design, that complements the architecture of the building.
31. The developer shall submit a fence/wall plan for the entire site including both boundary and internal fence/wall locations. The plan shall specifically address existing conditions at each boundary and provide a complementary design for the project as a whole and the design of adjacent buildings. The plan shall include the following elements or details:
 - a. Specify fence/wall design details, materials, and finishes for review and approval by the Community Development Director.
 - b. The north and west property walls shall be designed to produce an attractive and consistent horizontal "top of wall" finished elevation with minimal and evenly spaced steps along the length of the wall, subject to review and approval by the Community Development Director.
 - c. Eliminate or prevent the creation of double wall or fence/wall conditions. The applicant shall be responsible for coordinating with the adjacent property owners regarding the replacement of property line walls, if required.
 - d. Enclose the dog park area located on the top of the parking garage to prevent pets from entering vehicular travel areas. The sides of the park which are created by the parking structure shall maintain a

guarded height of eight feet by wall, fence, or other means to prevent accidental falls.

32. All utility services provided to the project shall be provided to each lot within the project and placed underground pursuant to Chapter 11.75 - Undergrounding of Utilities - of the Montclair Municipal Code.
33. Indicate the location of any proposed neighborhood mailboxes within the development for review by the Community Development Director. No mailboxes shall be allowed on public sidewalks, or public easements/spaces. The applicant shall also ascertain any requirements for such mailboxes from the United States Postal Service (USPS) and other delivery services. The City acknowledges that proposed locations for neighborhood mailboxes shall be to the satisfaction of the USPS.
34. Owner shall complete and submit a complete Landscape Documentation Package meeting the intent and design criteria of the Montclair Water Efficient Landscaping and Conservation Ordinance (Chapter 11.60 of the Montclair Municipal Code) as amended by State law. The Landscape Documentation Package shall include the following items for City review and approval:
 - a. Detailed Landscape Concept and Irrigation Plan for the entire site including the public park area, and parking area with dog park on Lot 6; and
 - b. A "Water Budget" meeting State Water Conservation requirements; and
 - c. Landscape Construction Drawings (including a grading plan, irrigation plan, and planting plan); and
 - d. Maintenance manual and schedule to be kept on file and used by the property manager/property owner for reference.

A copy of the approved plan will be kept on file in order to use at a later date to ensure that the plan was implemented as permitted and maintained as required.
35. Every effort shall be made to locate and/or screen all ground or wall-mounted mechanical equipment including, but not limited to, utility meters, air conditioners, vents, and repair equipment within the building or screened in a manner that is compatible with the architectural design of the building to the satisfaction of the Community Development Director and reviewing architect. Wooden lattice or fence-like screens/covers are not appropriate screening materials and shall not be allowed.
36. Owner shall screen all roof-mounted equipment, satellite dish antennas, and other similar apparatus from public view in a manner that is incorporated into

the architectural design of each building to the satisfaction of the Community Development Director and reviewing architect.

37. Exposed conduit or electrical lines shall not be allowed on any exterior surfaces of any building, including electrical lines providing power to exterior signs. Electrical switchgear, meters, etc., shall be screened or housed in an appropriately designed enclosure or other manner to the extent allowed by the utilities.
38. No outdoor pay telephones or vending machines shall be permitted within the development boundaries (including public spaces), except that vending machines may be allowed within approved outdoor recreational areas dedicated as such for each building. Vending machines within approved recreation areas shall not be directly visible to the street and be installed in an alcove architecturally integrated with a building to the satisfaction of the Community Development Director.
39. Prior to the installation of any signs on buildings, structure, or other non-public areas and structures within the project site, the applicant shall develop and submit an application for a Master Sign Program for the entire project and obtain Planning Commission for review and approval. The sign program shall address signs proposed for building addressing and identification, future commercial lease tenants, wayfinding, which are placed on non-public areas of the site. All signs shall be consistent with the sign provisions contained in the NMDSP, including the prohibition on the use of exposed raceways for all building-mounted, except as provided for in the NMDSP, if approved by the Director of Community Development.
40. Obtain approval for any directional and or regulatory signs proposed for installation within the public right-of-way, public spaces or easements from both the Public Works and Community Development Directors.
41. Freestanding electrical transformers and Fire Department double detector check assembly equipment shall be screened with masonry walls compatible with the building architecture and/or landscaping to the satisfaction of the Community Development Director and Fire Marshal. Efforts shall be made to place these elements in locations that are as unobtrusive as possible.

Building

42. Submit four (4) complete sets of plans including the following:
 - a. Site/Plot Plan;
 - b. Floor Plan;
 - c. Reflected Ceiling Plan;
 - d. Electrical Plans including the size of the main switch, number and size of service entrance conductors, panel schedules, and single line diagrams;

- e. Plumbing plans, including isometrics, underground diagrams, water and waste diagram, fixture units, gas piping, and heating and air conditioning;
 - f. Provide an existing plan of the building including all walls to be demolished;
 - g. Waste recycling plan, recycling 65% of all construction debris.
 - h. Landscaping plans including lighting structures, retaining walls, trash enclosures, and other walls and fences.
43. Submit two sets of structural calculations, and two sets energy conservation calculations.
 44. Architect's/Engineer's stamp and "wet" signature are required prior to plan check approval.
 45. The applicant shall comply with the latest adopted California Building Codes, and other applicable codes, ordinances and regulations in effect at the time of permit application. These applicable codes shall be indicated on the first page of submitted plans.
 46. Contractors must show proof of State and City licenses and Workers' Compensation coverage to the City prior to permit issuance.
 47. Separate permits are required for trash enclosures, accessory structures, site lighting, fencing, and/or enclosure walls.
 48. Construction activity shall only be permitted from the hours of 7:00 a.m. to 8:00 p.m. daily.
 49. Prior to issuance of building permits for a new commercial or industrial development project or major addition, the applicant shall pay development fees at the established rate. Such fees may include but are not limited to a Transportation Development Fee, Permit and Plan Check Fees, and School Fees. Owner shall pay all required school fees directly to the Ontario-Montclair School District and the Chaffey Joint Union High School District. Owner shall provide a copy of the school fees receipt to the Building and Safety Division prior to permits issuance.
 50. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact Noel Castillo, City Engineer, at 909/625-9441 for fees.
 51. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA). Contact Noel Castillo, City Engineer, at 909/625-9441 for fees.

52. Upon approval by the City Council of the Parcel Map for the project, the Building Official shall assign address numbers to all buildings. Tenant spaces may be assigned at this time or a later time.
53. Submit detailed plans for all walls, fencing, and gates associated with the project. Any security gates which limit access to buildings shall be equipped with Medeco locks or other acceptable devices to allow access by emergency personnel and utility providers at all times. If access is secured to upper floors within multifamily dwelling unit structures, Medeco locks or other acceptable devices are required. For information contact Robert Hargett at (909) 447-3554.
54. All construction work carried out under the review of the Building Division shall be of good quality. The Building Official shall have the authority to enforce the installation of work that is straight, level, plumb, square, etc., as the situation requires. All work shall be well fit and of a durable nature. Every construction material in all cases shall not be below standard for the use applied.
55. Provide and clearly indicate on submitted plans disabled-accessible path(s) of travel to the public right-of-way and all required disabled-accessible parking lot signs. Sidewalks, paths-of-travel, and curb cuts shall comply with the requirements of the California Building Code, Title 24. The maximum cross-slope on a sidewalk or path-of-travel shall not exceed two percent (2%). All accessible requirements of the California Building Code shall be followed.
56. Provide and maintain a minimum illumination level of one (1) foot-candle from dusk until dawn every day. At all other hours of darkness, a minimum maintained .25 foot candle of light shall be provided at ground level. A photometric plan shall be provided at time of plan review.
57. Electrical and fire suppression service shall rise within the interior of the building(s). Roof ladders shall also be located entirely inside the building. Conduits and cables shall be located entirely inside the walls
58. Equipment screening shall be provided to completely cover from view any rooftop equipment. The screening shall be completely covered from view from the Montclair Transit Center, Arrow Highway, Birch Street, and Laurel Street.
59. Temporary construction and storage trailers placed on the property shall first obtain approval from the Planning and Building Divisions. Before any trailer is set in its location, obtain all permits from the Building Division. Plans and structural calculations will be required for the tie-down devices. Trailers used for public use (and not used for construction only) are required to meet all accessible requirements for use by persons with disabilities. The trailer will require access to the facility by way of ramps which comply with the California Building Code (CBC) 2019 edition, Chapter 11B, in addition to access to each required use of the trailer.

60. All mechanical devices and their component parts, such as air conditioners, evaporative coolers, exhaust fans, vents, transformers, or similar equipment, whether located on the ground or on the roof of the structure, shall be concealed on all sides from public view in a manner that is compatible with the architectural design of the building and to the satisfaction of the Planning Division. Provide sufficient number of details (i.e. line of sight drawing, building cross-section, etc.) to demonstrate all equipment is obscured from public view.
61. All roof-mounted equipment, satellite dish antennas, and other similar apparatus shall be screened from public view in a manner incorporated into the architectural design of the building to the satisfaction of the Planning Division.
62. Prior to issuance Building Permits, an approved site plan by the Civil Engineer of Record shall be submitted showing accurate property lines and building placement. No building shall span property lines.
63. Prior to the pouring of concrete in any foundation on the project, the applicant or their designee shall provide a pad certification stating that each structure is in accordance with the approved civil plans as to location and grade height.
64. Decorative foam trim shall not be used in areas subject to damage such as entry doors, garage doors, etc. Use of decorative foam shall not be allowed to be used below the second story.
65. All Flex Units identified as potential restaurant locations, shall be provided with a location for a grease interceptor. The underground piping for potential future grease interceptors shall be required to be installed simultaneously with underground plumbing for the buildings.
66. All trash enclosures shall be constructed of a material consistent with the primary type and color of that used on the building. The construction of such trash enclosure(s) shall conform to City standards and shall have a solid roof complementary to the main building. Black-colored concrete shall be used for the trash enclosure floor and its apron.
67. All landscape planting areas shall have 100 percent irrigation coverage by an automatic irrigation system.
68. Landscape maintenance shall be subject to immediate and periodic inspections by the City. The property owner shall be required to remedy any defects in grounds maintenance and replace any trees, shrubs, vines, or groundcover with a similar species, size, and quantity that are lost due to unauthorized removal, disease, windstorm, or other natural disaster as indicated by the City inspector, within two weeks after notification. Inspections shall be based on automatic landscape irrigation schedule, plant maintenance, weed and rubbish control, landscape plan approval, and any other area that is incidental to grounds maintenance.

69. Construction drawings submitted to the Building Division for plan check review shall comply with Montclair Security Ordinance No. 357; including, but not limited to, adherence to the following standards:
 - a. The numerical address of the building shall be displayed in a maximum of two locations on elevations as determined by the Director of Community Development.
 - b. Numerals shall be in a font acceptable to the Director of Community Development, minimum 10 inches in height, minimum 1½ inches in depth, and in a color that adequately contrasts with the background to which they are attached.
 - c. The facility shall be provided with a minimum maintained illumination level of one (1) foot-candle from dusk until termination of business every business day. During all other hours of darkness, a minimum of one-quarter (.25) foot-candles of illumination shall be maintained at grade.
70. Discharge of wastewater into the sanitary sewer system shall conform to Chapter 9.20 of the Montclair Municipal Code.
71. Payment of all outstanding sewer reimbursement fees as imposed by a district, if any, or any assessments shall be required. Contact Noel Castillo, City Engineer, at 909/625-9441 for fees.
72. Regional Sewerage Supplemental Capital Outlay fees are required in accordance with Section 9.20.440 of the Montclair Municipal Code and the Inland Empire Utilities Agency (IEUA). Contact Noel Castillo, City Engineer, at 909/625-9441 for fees.
73. No soil shall be imported or exported to or from the project site from an adjacent building site or from other sources for construction purposes without first obtaining approval from the City Engineer. A plan satisfactory to the City Engineer shall be prepared showing the proposed haul route within the City. Subject plan shall include provisions for street sweeping and cleanup. Applicant/contractor shall comply with all National Pollution Discharge Elimination System (NPDES) requirements.
74. Underground Service Alert shall be notified 48 hours prior to any excavation at (800) 422-4133.
75. All off-site and on-site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
76. Prior to commencement of building framing or delivery of any combustible materials to the project site, an all-weather access roadway capable of supporting firefighting apparatus shall be constructed within 150 feet of all structures. An all-weather access is defined as base course A.C. pavement to a minimum depth of 2½ inches and having a minimum width of 20'-0". The 20-foot width shall be maintained free and clear of construction equipment,

materials, and debris for the duration of construction. Roadway is subject to Fire Department approval prior to commencement of construction.

77. The applicant/developer shall install approved emergency lighting to provide adequate illumination automatically in the event of any interruption of electrical service.

Water Quality Management Plan (WQMP)

78. Submit two (2) preliminary approved WQMP's for final approval including two CD's with the WQMP and WQMP exhibit.
79. Submit plans for erosion and sediment control. Plans shall include all phases of the construction project, including rough grading, utility and roads installation, and vertical construction. Plans must be approved by the City Public Works Director/City Engineer. Contact Steve Stanton, NPDES Coordinator, at (909) 625- 9470 for further information.
80. Prior to receipt of a City grading permit or building permit, Owner must obtain a Water Resources Control Board Construction General permit with a WDID number. A copy of the permit with the WDID number must be provided to the City.
81. Owner must pay Post-Construction Best Management Practice (BMP) inspection fees associated with the approved WQMP at the time of City grading permit issuance. Contact Steve Stanton, NPDES Coordinator, at (909) 625-9470 for further information regarding the permit and fees.
82. Owner shall comply with all requirements of the approved WQMP.

Engineering

83. Subdivider/Owner shall comply with all requirements of the Subdivision Map Act and the Montclair Municipal Code. The owner/applicant shall process any right-of-way dedications, easements or grant deeds required for the development.
84. The tentative map shall expire three years from the date of City Council approval unless extended under Government Code Section 66452.6. The final map shall be filed with the City Engineer and shall comply with the Subdivision Map Act of the State of California and all applicable Ordinances, requirements, and Resolutions of the City of Montclair.
85. Subdivider/Owner shall stub out all necessary utilities for the future parking structure to lot 6 to ensure utilities are accessible for the construction of the parking lot.

86. Parkland dedication to the City and construction of park improvement shall be made pursuant to Condition 18.
87. Payment of transportation-related development impact fees is required. Fees shall be assessed at the rate in effect at the time the fees are paid.
88. Public streets on the tentative tract map shall be dedicated to the City and designed in accordance with the NMDSP, latest amendment.
89. Private streets on the tentative map shall be designed in accordance with the North Montclair Downtown Specific Plan, latest amendment.
90. 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:
 - a. The sidewalk plan for this project shall utilize Sidewalk Joint Location (NMDSP Area) - Standard Plan No. 114; and
 - b. Coordinate square scoring pattern with curb and gutter control joints; and
 - c. 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
 - d. The proper scoring shall be achieved by creating a narrow tooled joint in the wet cement; and
 - e. Finish quality and workmanship shall be to the satisfaction of the Directors of Public Works and Community Development. Unacceptable work shall be removed and reinstalled in an appropriate and acceptable fashion.
91. Street improvement plans are required for all public and private streets. Construction drawings shall be 24" by 36" with City standard title block.
92. Street names shall be at the discretion of the developer, subject to the approval of the Public Works Director/City Engineer.
93. All streets public and private shall have sidewalks conforming to Americans with Disabilities Act. Public and private streets shall have sidewalks on each side. Widths and scoring patterns shall conform to City Standard 114.
94. Streetlights shall be provided on all public and private streets. The minimum lighting level for all streets shall be to the satisfaction of the City Engineer. Plans shall include point by point foot-candle values arranged in a grid verifying a minimum lighting level of 2 foot-candles throughout every intersection.
95. Streetlights on public streets shall be owned and maintained by Southern California Edison. The style of luminaire and pole shall be as follows:

- a. Poles–Ameron "Corsican" pole, 20CT12 for interior streets and 20CT15 for arterials.
 - b. Color–Fillmore 12 (black), exposed finish with Amershield (graffiti coating).
 - c. Luminaires–For interior streets King Luminaire K118LR "Washington" luminaire with standard (#1) finial, color "BK" (black); for arterial roadways, KA63 "Coshocton" twin arm, standard black full gloss.
 - d. Fixtures shall be fitted with reflectors or refractors as necessary to control glare and nuisance light spill onto residential units.
96. Monument signs shall not be permitted in the line of sight triangles next to driveway locations (see City STD 110).
 97. All pavement damaged by excavation will be replaced with permanent pavement per the City Standard for paving and trench repair STD No. 301. Additionally, a 2 inch pavement cap will be installed for the length of the project from Curb line to center line of Arrow Highway.
 98. Replace all existing lifted or cracked curb gutter, damaged utility pull box lids, and sidewalk adjacent to the property. Additionally remove sidewalk that show signs of ponding or is pitting, scaling or spalling. Curb Ramps not in compliance with ADA guidelines will be removed and replaced. Curb Ramp on the south west and south east corner of Arrow highway at Fremont Avenue will need to be replaced to meet ADA standards. Existing driveways need to be removed and replaced with ADA complaint driveways.
 99. The Applicant shall provide the design and construction of additional streets lights as required by the City Engineer.
 100. All Utilities in the public right of way portion of each street frontage adjacent to the site shall be placed underground. This requirement applies to electrical services (facilities operated at nominal voltages in excess of 20,000 volts not included), transformers and switches, and where technology exists, telephone and cable television facilities as well.
 101. The developer shall make payment of Regional Sewerage Capital Outlay fees as specified in the Montclair Municipal Code and by Inland Empire Utilities Agency.
 102. Discharge of wastewater into the sewer collection system shall conform to all requirements of the Montclair Municipal Code.
 103. Sewers intended to be maintained by the City of Montclair shall be designed and constructed per Public Works Department standards, and shall be located in public streets or easements dedicated to the City for sanitary sewer purposes. Sewers not constructed per Public Works Department standards shall be constructed per California Building Code and City of Montclair Building Division requirements and shall be privately maintained.

104. Sewer improvement plans are required for all sewers, public or private, and shall include both plan and profile views on 24" by 36" construction drawings.
105. 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 Steve Stanton 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.
106. A grading plan shall be prepared subject to the approval of the 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.
107. No soil may be imported or exported to or from the project site from any adjacent building site or from other sources for construction purposes without first obtaining approval from the City Engineer. A plan acceptable to the City Engineer shall be prepared showing proposed haul routes within the City. The plan shall include provisions for street sweeping and cleanup. Contractor(s) shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements.
108. All drainage facilities shall comply with requirements of the approved WQMP.
109. Developer shall annex to an existing Community Facilities District (CFD) or participate in the creation of a new CFD for the maintenance of public streets, street lighting, and parkway improvements; street sweeping; and street tree/park tree trimming all within limits or frontages of development, and including a public safety component
110. All off site and on site trenching and excavation shall conform to CAL-OSHA standards. Excavations that exceed five feet in depth require a CAL-OSHA permit.
111. Underground Service Alert shall be notified at least 48 hours prior to any excavation. Contact Underground Service Alert at 800-422-4133.

Fire

112. The Fire Prevention Bureau requires three (3) sets of plans be submitted with an application. The following plans shall be submitted for review and approval under separate permits:
 - a. Architectural
 - b. Fire Department Access
 - c. Private Underground Fire Line Service
 - d. Fire Sprinkler

- e. Fire Alarm
 - f. Emergency Radio Communication System
113. Construction shall not begin until submitted plans have been reviewed and approved by Montclair Fire Prevention Bureau and appropriate permits have been issued.
 114. All approved alternate means and methods shall have the approval letter copied onto all architectural, fire department access, fire sprinklers, underground fire service, and fire alarm plans.
 115. This project is required to comply with the current adopted California Fire Code as amended in the Montclair Municipal Code and Montclair Fire Prevention Bureau development standards.
 116. Prior to the issuance of a grading permit a fire department access plan shall be submitted to the City of Montclair, Fire Prevention Bureau for review and approval. The fire department access plan shall comply with the requirements specified by the City of Montclair Guideline for Fire Department Access & Water Requirements for Commercial & Residential Development, and the California Fire Code, Chapter 5.
 117. Prior to the issuance of a grading permit, evidence of sufficient fire flow shall be provided to the Montclair Fire Prevention Bureau.
 118. Fire safety requirements during construction shall comply with California Fire Code Chapter 33.
 119. A fire department access road complying with the CFC, Chapter 5 and the approved fire department access plans shall be installed prior to building construction and maintained for the life of the project. Once completed, the fire department access road shall be maintained unobstructed and in sound condition at all times.
 120. All required fire hydrants shall be installed and operational prior to building construction. All fire hydrants shall remain operational during construction.
 121. All required fire hydrants shall be readily visible and immediately accessible. A clear space of not less than 3-feet shall be maintained at all times.
 122. Prior to construction a temporary address sign shall be posted and clearly visible from the street.
 123. Prior to combustible material being delivered to the site, a site inspection and approval is required from Montclair's Fire Prevention Bureau.
 124. The permanent building addresses shall be provided on all street fronts and either internally or externally lighted during hours of darkness. The address shall be clearly visible from the street fronting the property and comply with California Fire Code Section 505.1 and the Planning Division for size and color.

125. City of Montclair Fire Prevention Bureau review and approval shall be required for the storage and/or use of hazardous materials as defined by the California Fire Code, for all uses located the project site.
126. Prior to building final, the building shall be provided with a Knox Lock key box located no more than seven feet above the finished surface and near the main entrance door.
127. Fire Department Connections (FDC) shall be located within 50 feet of a fire hydrant.
128. Double Check Detector Assembly shall be painted Rustoleum Hunter Green, satin acrylic finish stock #7944502.
129. An approved automatic fire sprinkler system shall be provided throughout, as defined by the most current edition of NFPA 13.
130. All outdoor detached facilities greater than 200 square feet (including trash enclosures) shall contain fire sprinkler system.
131. Prior to the issuance of a Certificate of Occupancy the building shall be provided with an emergency radio communication enhancement system. The emergency radio communication enhancement system shall meet the requirements of CFC § 510 and all applicable subsection. The system shall be installed and inspected by the Fire Prevention Bureau before the Certificate of Occupancy is issued. The requirement can be waived by Montclair Fire Marshal if the building is evaluated by an Emergency Radio Communication Specialist license by FCC, who certifies the building meets the emergency communications capability as specified by the California Fire Code § 510. The certification shall be in the form of a written report that outlines the analysis used in determining the building meets the emergency communications without an enhancement system.

Police

132. No consumption of alcoholic beverages on any publicly accessible outdoor areas of the property shall be permitted except in approved outdoor dining areas or other event with the express approval of the City and the State Department of Alcoholic Beverage Control. Private, resident-only accessible areas (IE clubhouses, patios, access restricted gated areas, etc.) are exempt.
133. Management will ensure all special events on the premises comply with all applicable City permits, codes, and ordinances, including but not limited to live entertainment permits, yard-sale permits, and noise control ordinances.
134. There shall be no special promotional events held on the property, unless a written request for such is received and approved by the Community Development Director and the Executive Director Office of Public Safety/Police Chief or their designee.

135. The premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking areas, park space, pool area, building entries and other common hallway/building access points.
136. Businesses falling within the regulations of the State Alcoholic Beverage Control Board (ABC) shall not allow any consumption of alcoholic beverages on any property adjacent to the licensed premises under the control of the license.
137. The activity level of any business shall be monitored by the Police Department to establish the level of police services used for the business. Should the level of police services demonstrate that the applicant has not controlled excessive, or unnecessary activity resulting in high use of police services then the business and/or any entitlements (i.e., Conditional Use Permit) shall be reviewed for consideration of further conditions, modifications or revocation.
138. The property owner/property manager shall prepare and submit a security plan for the entire development to be reviewed and approved by the Chief of Police of the Montclair Police Department. The Security Plan shall incorporate:
139. Adequate lighting to illuminate parking areas, public access easements, open space and park locations, pool areas, and at common hallway/building access points so that the appearance and conduct of all persons is easily discernible and monitored; and
 - a. Adequate lighting to illuminate parking areas, open space and park locations, public access easements, pool areas, and at common hallway/building access points so that the appearance and conduct of all persons is easily discernible and monitored; and
 - b. A closed circuit video surveillance (CCVS) system meeting the following requirements:
 - i. A minimum of one camera shall be placed in a position to monitor all entrances/exits to the community, public access easements, parking areas, public street, and common areas (e.g., park space and pool areas, etc.). Parking structure shall be equipped with a CCVS system. Each camera shall be positioned in a manner which allows for the widest view, without significant lens distortion. Typical acceptable camera angles range from 50-130 degrees.
 - ii. Cameras shall be capable of no less a resolution than 1920×1080 pixels, otherwise known as 1080p. All cameras shall have IR or low light capability.
 - iii. The CCVS system shall have ample storage capacity to retain camera footage for a period of no less than 90 days. To avoid unintentional lapses in coverage cameras shall not be motion activated. However, to conserve storage space, cameras may use motion sensors to lower the frames-per-second (FPS) during

periods when no motion is detected. When motion is detected, cameras shall record no less than 30 frames per second.

140. Alarm systems are encouraged to complement the C CVS system. Current responsible party information shall be on file with the Police Department for appropriate response and notifications.
141. The property owner/property manager shall ensure all special events on the premises comply with all applicable City permits, codes, and ordinances, including but not limited to live entertainment permits, yard-sale permits, and noise control ordinances.
142. The Montclair Police Department may conduct parking enforcement activity on all public right-of-ways, pursuant to the California Vehicle Code. Enforcement of all off-street areas will be the responsibility of the property owner/property manager, as part of an approved Parking Management Plan.

CONDITIONS PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY AND/OR BUILDING PERMIT FINALS (Conditions 142 – 147)

Planning/Administration

143. Required parking spaces shall be provided and made available for use (i.e., Parking Structure in Building 4) pursuant to a Building Permit final, prior to the issuance of a Certificate of Occupancy for any residential or commercial building in the project.
144. A Certificate of Occupancy for the last building as identified in the Construction Phasing Plan (Condition No. 25) shall be contingent upon the completion of all aspects of the project including, but not limited to the:
 - a. Completion of all public street improvements; and
 - b. Access improvements leading to the Montclair Transcenter; and
 - c. Public Park improvements–No Certificate of Occupancy shall be issued for any building unless, and until a Certificate of Completion and acceptance has been issued for the public park; and
 - d. Parking Structure in Building 4; and
 - e. Surface Parking and Dog Park on Lot 6; and
 - f. On-site improvements and landscaping for each building site.
145. To ensure compliance with the conditions of approval, a final inspection is required by the Planning Division upon completion of construction of each building and associated site improvements within the development. The applicant shall contact the City to schedule an appointment for such inspections.

Building

146. Prior to the issuance of a Certificate of Occupancy for each building/structure, the applicant shall:
- a. Complete all on-and off-site improvements.
 - b. Provide a grading certificate, signed and sealed by the Civil Engineer of Record certifying that all grading has been completed according to the approved plans and all buildings and structures are in the called out location as stated on the plans.
 - c. Complete Fire Department inspection and obtain final approval. Obtain final approval from all departments and the Monte Vista Water District.

Water Quality Management Plan (WQMP)

147. Prior to issuance of a Certificate of Occupancy, the applicant shall:
- a. Submit to the Engineering Division an electronic copy of the approved WQMP in PDF format.
 - b. Submit to the Engineering Division as-built drawings as it relates to the WQMP.
 - c. Record the WQMP Maintenance Agreement with the County of San Bernardino and provide evidence of said recording to the Engineering Division.
148. Prior to release of the Certificate of Occupancy for the first building of the project, the person or corporation responsible for the preparation of the WQMP shall certify in writing to the NPDES Coordinator that all conditions and requirements of the WQMP have been properly implemented. For projects, developments, or properties intended to be leased or sold, developer/applicant or owner shall also submit evidence to the NPDES Coordinator that lessee or purchaser has been advised in writing of lessee's or purchaser's on-going maintenance responsibilities with respect to the requirements of the WQMP.

ONGOING CONDITIONS (Conditions Nos. 148- 153)

General

149. Comply with all conditions stated or referenced in these "Conditions of Approval" that apply as on-going rules, requirements, or conditions.

Planning/Administration

150. Implement all requirements and conditions of, and perform, maintenance activities in conformance with the Regulatory Agreement.

151. Comply with all on-going terms and conditions contained in the Master Solid Waste Removal Plan (SWRP).
152. Pursuant to Section 11.60.240 of the Montclair Municipal Code, all landscaping and irrigation systems shall be maintained in accordance with the approved site and/or landscape plan to ensure water use efficiency.
 - a. Any plant material that does not survive or which was removed or destroyed, shall be replaced upon its demise or removal, with plant material of like type and size as that which was originally approved and installed.
 - b. Plant material shall not be severely pruned such that the natural growth pattern or characteristic form are significantly altered. Trees shall be pruned to ISA (International Society of Arboriculture) standards and only as necessary to promote healthy growth and for aesthetic purposes (i.e., to enhance the natural form of the tree). Improperly or severely pruned trees, including topping as defined by the Water Conservation Ordinance, which results in the removal of the normal canopy and/or disfigurement of the tree shall be replaced with trees of similar size and maturity as that which was removed or, as required by the Community Development Director.
 - c. 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.
 - d. Modifications to and/or removal of existing landscaping shall require prior approval by the Planning Division.

Building

153. In conformance with the Regulatory Agreement, the applicant and/or property owner shall:
 - a. Maintain the building's signs, lighting, landscaping, and all improvements in good working order at all times.
 - b. Remove any accumulation of trash, weeds, or debris on the property.
 - c. Remove graffiti on any building or associated improvements, and/or within 48 hours upon notification by the City.

Water Quality Management Plan (WQMP)

154. The owner shall contract with a qualified firm to inspect and maintain any stormwater treatment devices specified by the approved WQMP, following all WQMP recommendations. It shall be the responsibility of the owner to maintain inspection reports and provide inspection reports to the City upon

request. In the event 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 owner to correct the deficiency and restore the stormwater treatment device(s) to its original working condition.

Draft

EXHIBIT A

TENTATIVE TRACT MAP 20273

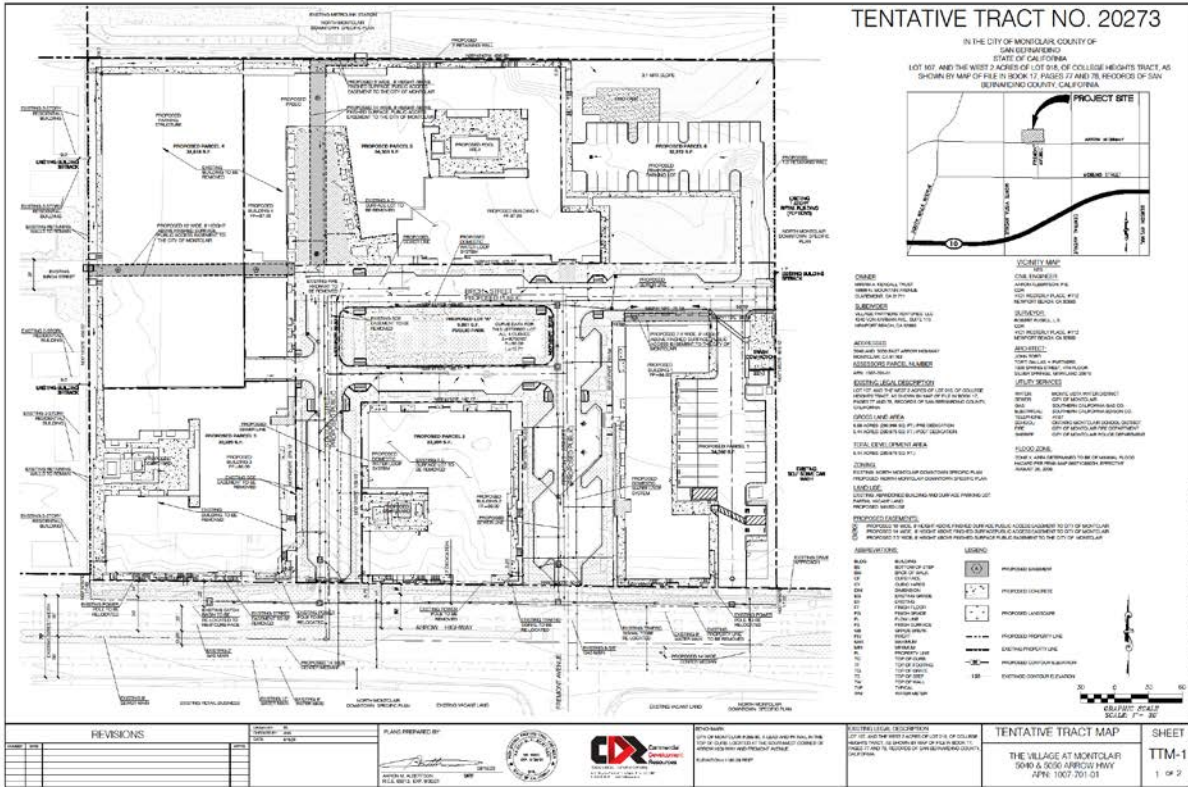


EXHIBIT B

SITE PLAN AND FLOOR PLAN FOR FLEX UNITS



Torti Gallas + Partners
Town Planners and Architects

AHBE
Landscape Architects

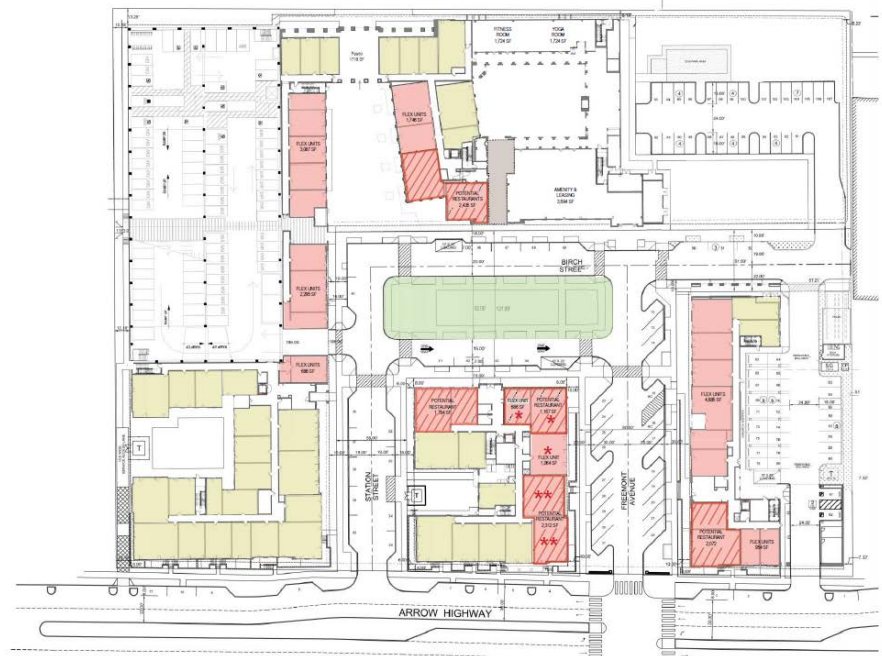
THE VILLAGE AT MONTCLAIR
MONTCLAIR, CA
AUGUST 19, 2020

- 1 Concrete Pavement
- 2 Enhanced Paving
- 3 Sawcut Joints
- 4 Tile Pavers
- 5 Asphalt Paving
- 6 Cast-in-place Concrete Steps
- 7 Concrete Access Ramp
- 8 Decomposed Granite Surface
- 9 Cast-in-Place Seatwall
- 10 Planting Area
- 11 Central Lawn
- 12 Kiosk
- 13 Pool
- 14 Spa
- 15 Pavilion
- 16 Retaining Wall
- 17 Residential Patio
- 18 Water Feature
- 19 Outdoor Fireplace
- 20 Grill Area
- 21 Overhead Tolls
- 22 Screen Wall
- 23 Monument Sign
- 24 Courtyard/Patio Tree
- 25 Fan Palm
- 26 Date Palm
- 27 Street Tree
- 28 Flowering Tree
- 29 Pine Tree
- 30 Bike Rack
- 31 Dog Run



VILLAGE PARTNERS, INC.
Developers

First Floor Plan



Torti Gallas + Partners
Town Planners and Architects

THE VILLAGE AT MONTCLAIR
MONTCLAIR, CA
AUGUST 19, 2020

- ** FLEX UNIT: LIVESTOCK, RETAIL OR OFFICE (LEASING RESTRICTION PER CoA) (TOTAL SF: 2,312 SF)
- * FLEX UNIT: APARTMENT, LIVESTOCK, RETAIL OR OFFICE (LEASING RESTRICTION PER CoA) (TOTAL SF: 2,917 SF)
- APARTMENTS
- PRIME POTENTIAL COMMERCIAL/RESTAURANT LOCATIONS
- FLEX UNIT: APT. RETAIL OR OFFICE



VILLAGE PARTNERS, INC.
Developers