

PLANNING COMMISSION RESOLUTION NO. 24-2000

EXHIBITS "A" & "B"



Montclair 2020 General Plan Update and Arrow Highway Mixed-Use District (AHMUD) Specific Plan

Findings of Fact and Statement of Overriding Considerations

prepared by

City of Montclair

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1. Introduction

A Draft Environmental Impact Report (DEIR) was prepared for the 2020 General Plan Update and Arrow Highway Mixed-Use District (AHMUD) Specific Plan (Plan¹), made available for public review on July 26, 2022, and was distributed to local and State agencies. Copies of the Notice of Availability of the Draft EIR were mailed to a list of interested parties, groups, and public agencies. The Draft EIR and an announcement of its availability were posted electronically on the Plan website at <https://www.montclairplan.org/plans/> and at the following locations:

- City of Montclair Planning Division, 5111 Benito Street, Montclair, CA 91763

The public review period for the Draft EIR ran from Tuesday July 26, 2022, to Thursday September 8, 2022. The public was encouraged to submit written comments to Michael Diaz, Director of Community Development, City of Montclair Planning Division, 5111 Benito St., Montclair, CA 91763 no later than 5:00 p.m. on September 8, 2022.

After close of the Draft EIR public review and comment period, the City prepared a Final EIR consisting of responses to comments and changes to the Draft EIR.

The Findings of Fact (Findings) and Statement of Overriding Considerations (SOC) presented herein address the environmental effects associated with the Plan that are described and analyzed within the Final EIR, reflect the Council's determinations about feasible mitigation measures, and the adequacy of the Final EIR. These Findings have been made pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code Section 21000 et seq.), specifically Public Resources Code Section 21081 and 21081.6, as well as the CEQA Guidelines (14 CCR 15000 et seq.) Sections 15091 and 15093.

Public Resources Code Section 21081 and CEQA Guidelines Section 15091 require that the City of Montclair (City), as the Lead Agency for the Plan, prepare written findings for any identified significant environmental effects along with a brief explanation of the rationale for each finding. Specific findings under CEQA Guidelines Section 15091(a) are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Furthermore, in accordance with Public Resources Code Section 21081 and CEQA Guidelines Section 15093, whenever a project's significant effects cannot be mitigated to below a level of significance, the City as the decision-making agency is required to balance, as applicable, the benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the

¹ As described in the EIR, the Plan also encompasses other elements and activities including a Corridors Code, Housing Element Update, and Climate Action Plan, all of which were analyzed in the EIR.

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adverse effects may be considered “acceptable,” in which case the lead agency must adopt a formal statement of overriding considerations.

The Final EIR identified potentially significant environmental effects that could result from the Plan but could be reduced to a less-than-significant level through implementation of mitigation measures. Those effects were related to biological resources (impacts related to special status species, particularly nesting birds and their habitat), cultural resources (impacts on archaeological resources), geology and soils (paleontological impacts), noise (impacts related to project construction vibration), and tribal cultural resources (impacts to unidentified tribal cultural resources). Significant and unavoidable (unmitigable) cumulative impacts associated with air quality (impacts related to construction and operational emissions), and cultural resources (impacts on historical resources) were identified due to lack of feasible mitigation measures, and thus a statement of overriding considerations is required.

2. Project Description

The proposed project (Plan) is an update of the City of Montclair 2020 General Plan and the Arrow Highway Mixed-Use District Specific Plan, as well as other related actions. The actions that make up the Plan are described below.

The Plan includes a comprehensive update of the City’s General Plan, which has not been comprehensively updated since 1999. The General Plan serves as the City’s primary guide for land use and development decisions and is a key tool for influencing and improving the quality of life for residents and businesses. As such, it serves as the “blueprint” for future development and conservation of the community. The Plan will help the City plan for important community issues such as new growth, housing and infrastructure needs, and environmental protection. It also sets the stage for future social, physical, and economic development of the City. It addresses issues that impact the entire community, such as how land is used, where buildings are constructed, and the location of infrastructure. The Planning Area for the Plan includes the land within Montclair’s City Limits and Sphere of Influence (SOI).

The Plan reorganizes and reformats the City’s General Plan, including updated goals and policies that reflect the community’s vision of Montclair the Plan seeks to achieve. The General Plan Land Use Map has also been updated. The City plans to process any zoning amendments required to bring zoning into conformance with the Plan’s land use recommendations concurrently with approval of the Plan.

The Plan includes eight chapters:

- | | |
|------------------------------|----------------------------------|
| ▪ Our Natural Community | ▪ Our Resilient Community |
| ▪ Our Prosperous Community | ▪ Our Healthy and Safe Community |
| ▪ Our Well Planned Community | ▪ Our Active Community |
| ▪ Our Accessible Community | ▪ Our Creative Community |

An updated Housing Element for the City of Montclair is included in the Plan and analyzed in the EIR. All proposed population and housing growth relative to the updated Housing Element and the rest of the Plan is accounted for and analyzed in the EIR. The City plans to adopt and then submit

the updated Housing Element to the California Department of Housing and Community Development (HCD) for review, comment, and certification prior to adoption of the rest of the Plan to comply with State guidance related to required and recommended deadlines for submissions of Housing Elements, as described in the Housing Element.

A Climate Action Plan (CAP) has also been prepared and relevant portions of the CAP have been integrated into Plan goals, policies, and implementation programs throughout the relevant Plan elements and sections. The Plan will act as the comprehensive policy document and the CAP will provide mechanisms to implement and monitor the GHG reduction opportunities associated with City planning policies. Additionally, in this format the Plan has been prepared to meet the criteria of a “qualified plan for the reduction of greenhouse gases” according to the criteria specified in the CEQA Guidelines, which provides a mechanism for tiering and streamlining of GHG emissions analysis for projects that are consistent with such a plan.

A Corridors Code implementing Plan recommendations along key corridors in Montclair (see Section 3, *Project Objectives* below) will also be adopted with the Plan.

2.1. Arrow Highway Mixed-Use District Specific Plan

The AHMUD Specific Plan is a component of the General Plan and focuses on the northwest and northeast corners of Montclair, along the Arrow Highway Corridor. Community engagement is a core part of this Specific Plan. The AHMUD Specific Plan is organized into two areas: AHMUD West and AHUMD east. The focus in AHMUD West is on Arrow Highway enhancements and new residential development west and south of San Antonio Channel Creek. The focus in AHMUD East is on Arrow Highway enhancements, a new public park, new development on the north and south side of Arrow Highway, and new development facing Central Avenue. The AHMUD Specific Plan incorporates public areas, such as greenways, a central park, private and public open spaces. It also increases mobility through updated streetways, transit, sidewalks, bike lanes, and more. The AHMUD Specific Plan includes phasing of public infrastructure such as improvements to streetscapes, San Antonio Channel Creek, and parks.

3. Project Objectives

The Plan includes the following key concepts/objectives:

- Create a green network for the city, mainly through the San Antonio Channel Creek connecting the western portion of the city from south to north with open parks, public space, and more to increase amenities and ecology.
- Use city streets for increased green and transit infrastructure for the public, with particular focus on the four main street corridors of Central Avenue, Holt Boulevard, Arrow Highway, and Mission Boulevard. These elements of the Plan (except along Arrow Highway, which is covered by the AHMUD Specific Plan) will be implemented through a Corridors Code that will define the zoning along these corridors, including objective design standards. The Corridors Code will be adopted with the Plan.
- For most of the city, preserve the existing pattern of uses and establishes improvements, polices, and protection for long-term maintenance of established neighborhoods.
- Create a transit-oriented downtown incorporating a new downtown north of the I-10 freeway.

- Transform the mall into a town center.
- Preserve and enhance the current industrial areas.

These key concepts/objectives will help fulfill the vision of the City of Montclair.

Based on its objectives and input from the community, the Plan includes the overarching purposes listed below to guide Plan policies and City decision-making. Each purpose is a vision statement that provides general direction for the chapter. The policies are specific statements that guide decision-making.

- **Our Natural Community.** Promote and ensure equitable access to clean air and water, parks and open space, and develop an integrated green infrastructure.
- **Our Prosperous Community.** Attract and retain jobs within growth industries; nurture small entrepreneurial businesses; redevelop underutilized properties along key corridors and districts; and build the City's fiscal capacity.
- **Our Well Planned Community.** Conserve and enhance stable areas, promote contextual infill, and direct new growth to downtown, Arrow Highway Mixed-Use District, and corridors.
- **Our Accessible Community.** Transportation networks support and encourage mobility and broader community goals of safety, health, economic development, and environmental sustainability.
- **Our Healthy Community.** Promote health and well-being for all through inclusive approaches where healthy habits are encouraged.
- **Our Safe Community.** Promote a safer community by minimizing threats to life from natural and man-caused hazards.
- **Our Active Community.** Promote and ensure inclusive and equitable access to a range of opportunities for physical activities including parks, open space, and recreation.
- **Our Creative Community.** Enhance our creative community through strengthening partnerships, integrating public art, creating and enhancing venues; and leveraging our creative economy.

4. Findings of Fact

Having received, reviewed, and considered the information in the Final EIR for this project (Plan), as well as the supporting administrative record, the City Council for the City of Montclair makes findings pursuant to, and in accordance with, Sections 21081, 21081.5, and 21081.6 of the Public Resources Code.

4.1. Environmental Effects Found Not to be Significant

The City Council hereby finds that the following potential environmental impacts of the Project are less than significant and therefore do not require the imposition of Mitigation Measures.

4.1.1. Aesthetics

4.1.1.1. Scenic Vistas

Threshold: Would the Plan have a substantial adverse effect on a scenic vista?

Finding: Less than significant. (Draft EIR p. 4.1-6)

Explanation: The Plan does not propose specific development projects that would have a substantial negative impact on public views or scenic vistas. In addition, there are no adopted scenic vistas in the Plan Area. All future development would be required to comply with regulations and development review procedures that concern the protection of public views or scenic vistas. Impacts to scenic vistas would therefore be less than significant. (Draft EIR p. 4.1-6)

4.1.1.2. Scenic Resources

Threshold: Would the Plan substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Finding: Less than significant. (Draft EIR p. 4.1-7)

Explanation: There are no officially designated scenic highways in the Plan Area. Implementation of the Plan would not affect scenic resources in a state scenic highway viewshed. In addition, all future development would be required to comply with City development review procedures that concern the preservation of scenic resources. As future projects are proposed and considered by the City they will be required to adhere to City development review procedures; therefore, the Plan's potential impact on scenic resources would be less than significant. (Draft EIR p. 4.1-7)

4.1.1.3. Visual Character

Threshold: Would the Plan, in non-urbanized areas, substantially degrade the existing visual character or quality of public view of the site and its surroundings?

Finding: Less than significant. (Draft EIR p. 4.1-8)

Explanation: Development and redevelopment that may occur under the Plan would be governed by Policy P1.1, Policy P3.2, Policy P3.3, Policy P5.4 and Policy P5.9, which would be applied and enforced through the City's standard development review procedures. These plans and procedures work together to protect Montclair's aesthetic resources and are a means to retain the community's character, while providing enhancements in certain areas of the City. Impacts to the visual character and quality of the Plan Area would therefore be less than significant with implementation of applicable policies and regulations. Impacts would be less than significant. (Draft EIR p. 4.1-8)

4.1.1.4. Light and Glare

Threshold: Would the Plan create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Finding: Less than significant. (Draft EIR p. 4.1-11)

Explanation: The Plan Area is already developed and a substantial amount of ambient light from urban uses already exists. Implementation of the Plan would primarily result in revitalization and enhancements that would include intensification and reuse of already-developed sites. Thus, the

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Plan would not in itself significantly increase light and glare beyond levels already allowed under the current General Plan. Impacts would be less than significant. (Draft EIR p. 4.1-11)

4.1.2. Agriculture And Forest Resources

4.1.2.1. Farmland Conversion

Threshold: Would the Plan convert Prime Farmland, Unique Farmland, or Farmland of Statewide significance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Finding: No impact. (Draft EIR p. 4.2-6)

Explanation: The plan area is almost entirely developed with urban uses and does not contain farmland, land zoned for agricultural use, or land under Williamson Act contract. Implementation of the Plan would not result in the conversion of farmland, a conflict with existing zoning for agricultural use or a Williamson Act contract, or the conversion of farmland to non-agricultural use, and there would be no impact. (Draft EIR p. 4.2-6)

4.1.2.2. Agricultural Zoning

Threshold: Would the Plan conflict with existing zoning for agricultural use, or a Williamson Act contract?

Finding: No impact. (Draft EIR p. 4.2-6)

Explanation: The plan area is almost entirely developed with urban uses and does not contain farmland, land zoned for agricultural use, or land under Williamson Act contract. Implementation of the Plan would not result in the conversion of farmland, a conflict with existing zoning for agricultural use or a Williamson Act contract, or the conversion of farmland to non-agricultural use, and there would be no impact. (Draft EIR p. 4.2-6)

4.1.2.3. Forestland Zoning

Threshold: Would the Plan conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

Finding: No impact. (Draft EIR p. 4.2-7)

Explanation: The Plan Area is almost entirely urbanized and does not contain forest land, timberland, or areas zoned for Timberland Production. The nearest forest land is the Angeles National Forest located approximately five miles north of the City, and this land is protected and managed by the USFS. Implementation of the Plan would not conflict with existing zoning of forest land, timberland, or timberland zoned Timberland Production, nor would it result in the loss of forest land or the conversion of forest land to non-forest use. There would be no impact. (Draft EIR p. 4.2-7)

4.1.2.4. Loss of Forest Land

Threshold: Would the Plan result in the loss of forest land or conversion of forest land to non-forest use?

Finding: No impact. (Draft EIR p. 4.2-7)

Explanation: The Plan Area is almost entirely urbanized and does not contain forest land, timberland, or areas zoned for Timberland Production. The nearest forest land is the Angeles National Forest located approximately five miles north of the City, and this land is protected and managed by the USFS. Implementation of the Plan would not conflict with existing zoning of forest land, timberland, or timberland zoned Timberland Production, nor would it result in the loss of forest land or the conversion of forest land to non-forest use. There would be no impact. (Draft EIR p. 4.2-7)

4.1.2.5. Conversion of Farmland or Forestland

Threshold: Would the Plan involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Finding: No impact. (Draft EIR p. 4.2-6 and 4.2-7)

Explanation: The plan area is almost entirely developed with urban uses and does not contain farmland, land zoned for agricultural use, or land under Williamson Act contract. Implementation of the Plan would not result in the conversion of farmland, a conflict with existing zoning for agricultural use or a Williamson Act contract, or the conversion of farmland to non-agricultural use. In addition, the plan area does not contain forest land, timberland, or timberland zoned timber production. Implementation of the plan would not result in the loss or conversion of forest land or conflicts with existing zoning for forest land, timberland, or timberland production. There would be no impact. (Draft EIR p. 4.2-6 and 4.2-7)

4.1.3. Air Quality

4.1.3.1. Other Adverse Emissions

Threshold: Would the Plan result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Finding: Less than significant. (Draft EIR p. 4.3-26)

Explanation: Individual development projects carried out under the plan would generate construction- and operation-related odors. Such emissions may result in temporary impacts to local air quality. Implementation of plan policies and compliance with existing regulations would reduce odor emissions to a less than significant level. (Draft EIR p. 4.3-26)

4.1.4. Biological Resources

4.1.4.1. Riparian Habitat

Threshold: Would the Plan have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Finding: Less than significant. (Draft EIR p. 4.4-19)

Explanation: Reasonably foreseeable development carried out under the plan would not adversely impact riparian habitat or other sensitive natural communities during project construction. Impacts would be less than significant with adherence to general plan policies along with compliance to state and federal regulations. Impacts would be less than significant. (Draft EIR pp. 4.4-19 to 4.4-20)

4.1.4.2. Wetlands

Threshold: Would the Plan have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Finding: Less than significant. (Draft EIR p. 4.4-19)

Explanation: Reasonably foreseeable development carried out under the plan would not adversely impact riparian habitat or other sensitive natural communities during project construction. Impacts would be less than significant with adherence to general plan policies along with compliance to state and federal regulations. Impacts would be less than significant. (Draft EIR pp. 4.4-19 to 4.4-20)

4.1.4.3. Wildlife Movement

Threshold: Would the Plan interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Finding: Less than significant. (Draft EIR p. 4.4-21)

Explanation: Development carried out under the plan would largely avoid impacts to wildlife movement corridors by emphasizing intensification/reuse of existing urbanized areas. Impacts would be less than significant with incorporation of general plan policies along with compliance with state and federal regulations. Impacts would be less than significant. (Draft EIR p. 4.4-21)

4.1.4.4. Local Policies and Ordinances

Threshold: Would the Plan conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Finding: Less than significant. (Draft EIR p. 4.4-21)

Explanation: The Plan Area is not located in a habitat preservation or conservation Plan Area and is not within a designated Significant Ecological Area (SEA). No Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans apply within the Plan Area. The City does not have a tree preservation or heritage tree ordinance. There would be no impact. (Draft EIR p. 4.4-21)

4.1.4.5. Habitat Conservation Plans

Threshold: Would the Plan conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Finding: Less than significant. (Draft EIR p. 4.4-21)

Explanation: The Plan Area is not located in a habitat preservation or conservation Plan Area and is not within a designated Significant Ecological Area (SEA). No Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans apply within the Plan Area. The City does not have a tree preservation or heritage tree ordinance. There would be no impact. (Draft EIR p. 4.4-21)

4.1.5. Cultural Resources

4.1.5.1. Human Remains

Threshold: Would the Plan disturb any human remains, including those interred outside of dedicated cemeteries?

Finding: Less than significant. (Draft EIR p. 4.5-16)

Explanation: Regulations exist to address the discovery of human remains. If human remains are found, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. If an unanticipated discovery of human remains occurs, the county coroner must be notified immediately. If the human remains are determined to be of Native American origin, the coroner will notify the NAHC, which will determine and notify a most likely descendant, who shall complete an inspection of the site and provide recommendations for treatment to the landowner within 48 hours of being granted access. With adherence to existing regulations impacts would be less than significant. (Draft EIR p. 4.5-16)

4.1.6. Energy

4.1.6.1. Wasteful Use of Energy

Threshold: Would the Plan result in potentially significant impact due to wasteful, inefficient, or un-necessary consumption of energy resources, during project construction or operation?

Finding: Less than significant. (Draft EIR p. 4.6-10)

Explanation: Neither construction nor operation of reasonably foreseeable development under the plan would result in a significant environmental impact due to the wasteful, inefficient, or unnecessary consumption of energy resources. Impacts would be less than significant. (Draft EIR pp. 4.6-10 to 4.6-12)

4.1.6.2. Energy Efficiency Plans

Threshold: Would the Plan conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Finding: No impact. (Draft EIR p. 4.6-12)

Explanation: The CAP would be consistent with all state plans, therefore the Plan would not conflict with any state plan. There are no other adopted energy conservation plans applicable to the City or Plan. Therefore, the Plan would result in no impact related to an inconsistency with adopted energy conservation plans. There would be no impact. (Draft EIR pp. 4.6-12 to 4.6-13)

4.1.7. Geology And Soils

4.1.7.1. Fault Rupture

Threshold: Would the Plan directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure including liquefaction; or landslides?

Finding: Less than significant. (Draft EIR p. 4.7-13)

Explanation: Future seismic events could produce ground shaking in the plan area that could damage structures and/or create adverse health and safety effects. However, with implementation of plan policies and required building codes, impacts would be less than significant. (Draft EIR pp. 4.7-13 to 4.7-14)

4.1.7.2. Soil Erosion

Threshold: Would the Plan result in substantial soil erosion or the loss of topsoil?

Finding: Less than significant. (Draft EIR p. 4.7-15)

Explanation: Plan implementation could result in soil erosion during construction of development carried out under the plan; however, impacts would be less than significant with required adherence to existing regulation. (Draft EIR p. 4.7-15)

4.1.7.3. Expansive Soils

Threshold: Would the Plan be located on expansive soil, as defined in Table 1-B of the Uniform Building Code, creating substantial risks to life or property?

Finding: Less than significant with mitigation. (Draft EIR p. 4.7-17)

Explanation: Development carried out under the plan may result in the construction of structures on expansive soils that could create a substantial risk to life or property, but all new development would be required to comply with the standards of the CBC, which would ensure that expansive soils are remediated or that foundations and structures are engineered to withstand the forces of expansive soil. Compliance with these requirements would reduce this impact to a less than significant level. (Draft EIR p. 4.7-17)

4.1.7.4. Septic Tanks

Threshold: Would the Plan have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Finding: No impact. (Draft EIR p. 4.7-17)

Explanation: Development carried out under the plan would not require the use of septic tanks or alternative wastewater disposal systems and septic tanks would not be permitted; no impact would occur. (Draft EIR pp. 4.7-17 to 4.7-18)

4.1.8. Greenhouse Gas Emissions

4.1.8.1. Emissions Generation

Threshold: Would the Plan generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Finding: Less than significant. (Draft EIR p. 4.8-17)

Explanation: With city adoption of the climate action plan (“CAP”), implementation of projects carried out under the plan would not increase per capita GHG emissions. The CAP is part of the plan and would reduce emissions over time. The Plan would therefore have a less than significant impact on GHG emissions with adoption of the CAP. (Draft EIR pp. 4.8-17 to 4.8-20)

4.1.8.2. Emission Reduction Plans

Threshold: Would the Plan conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?

Finding: Less than significant. (Draft EIR p. 4.8-20)

Explanation: City emissions with implementation of the Plan would be consistent with the City and State goals for reducing GHG emissions by 2050, and therefore the Plan would be consistent with SB 23 and EO S-3-05. By promoting infill and mixed-use development, and alternative transportation modes, the Plan would be consistent with the major initiatives identified in the 2020-2045 RTP/SCS and the City’s CAP to reduce GHG emissions. In addition, the Plan would result in per-capita GHG emissions consistent with statewide targets, including the 2030 target codified in EO-B-30-15. The Plan would not conflict with applicable plans, policies, or regulations aimed at reducing GHG emissions, making this impact less than significant. (Draft EIR pp. 4.8-20 to 4.8-22)

4.1.9. Hazards And Hazardous Materials

4.1.9.1. Hazardous Materials

Threshold: Would the Plan create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Finding: Less than significant. (Draft EIR p. 4.9-15)

Explanation: Development carried out under the Plan could result in an increase in the overall routine transport, use, storage, and disposal of hazardous materials in the plan area, but compliance with applicable regulations related to the handling and storage of hazardous materials would minimize the risk of public exposure to these substances. (Draft EIR pp. 4.9-15 to 4.9-17)

4.1.9.2. Accident or Upset

Threshold: Would the Plan create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Finding: Less than significant. (Draft EIR p. 4.9-15)

Explanation: Development carried out under the Plan could result in an increase in the overall routine transport, use, storage, and disposal of hazardous materials in the plan area, but compliance with applicable regulations related to the handling and storage of hazardous materials would minimize the risk of public exposure to these substances. (Draft EIR pp. 4.9-15 to 4.9-17)

4.1.9.3. Hazards Near Schools

Threshold: Would the Plan emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Finding: Less than significant. (Draft EIR p. 4.9-17)

Explanation: Development carried out under the Plan could potentially result in the release of hazardous materials into the environment through reasonably foreseeable upset and accident conditions. However, compliance with existing regulations would minimize the risks associated with exposure of sensitive receptors to hazardous materials. With continued implementation of these requirements on all new development in the Plan Area, this impact would be less than significant. (Draft EIR pp. 4.9-17 to 4.9-18)

4.1.9.4. Waste Sites

Threshold: Would the Plan be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Finding: Less than significant. (Draft EIR p. 4.9-18)

Explanation: Sites included on a list of hazardous materials sites compiled pursuant to government code section 65962.5 are present in the plan area and could be subject to development under the Plan. Development at these sites could create a hazard to the public or the environment, but Implementation of existing state and local regulations would reduce the potential significance of impacts related to contaminated sites to a less than significant level. (Draft EIR pp. 4.9-18 to 4.9-21)

4.1.9.5. Public Airports

Threshold: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Plan result in a safety hazard for people residing or working in the project area?

Finding: Less than significant. (Draft EIR p. 4.9-21)

Explanation: A portion of the Plan Area is in compatibility zone E of the cable airport influence area, which contains some restrictions on development in this zone to help avoid safety hazards. additionally, the Plan states that aircraft noise is not a major noise source. As such, the Plan would not have substantial noise and safety impacts related to airports, and this impact would be less than significant. (Draft EIR p. 4.9-21)

4.1.9.6. Emergency Plans

Threshold: Would the Plan impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Finding: Less than significant. (Draft EIR p. 4.9-22)

Explanation: Policies included in the Plan address implementation of adopted emergency response and evacuation plans. Therefore, the Plan would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (Draft EIR p. 4.9-22)

4.1.9.7. Wildland Fires

Threshold: Would the Plan expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Finding: Less than significant. (Draft EIR p. 4.9-23)

Explanation: The majority of the Plan Area is already developed and built out. Most development carried out under the Plan would be infill development and would not occur in areas highly susceptible to wildland fires. The Plan Area is not located in a high or very high fire hazard severity zone according to the Fire Hazard Severity Zones Map (CALFIRE 2022). Impacts relating to wildland fires would be less than significant. (Draft EIR p. 4.9-23)

4.1.10. Hydrology And Water Quality

4.1.10.1. Water Quality Standards

Threshold: Would the Plan violate any water quality standards or waste discharge requirements?

Finding: Less than significant. (Draft EIR p. 4.10-12)

Explanation: Development carried out under the Plan could increase pollutants in stormwater and wastewater, but implementation of Plan policies and existing regulations would ensure that water quality standards and waste discharge requirements would not be violated. (Draft EIR pp. 4.10-12 to 4.10-15)

4.1.10.2. Groundwater Supplies

Threshold: Would the Plan substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?

Finding: Less than significant. (Draft EIR p. 4.10-15)

Explanation: Development carried out under the Plan would increase water usage with increased development, but such increases would be less than significant because groundwater supply is not restricted. Development carried out under the Plan may also incrementally increase the amount of impervious surfaces in the plan area, resulting in increased runoff and decreased percolation to the chino sub-basin of the upper Santa Ana Valley groundwater basin. However, with implementation of plan policies and existing regulations, these impacts would be less than significant. (Draft EIR pp. 4.10-15 to 4.10-16)

4.1.10.3. Erosion or Siltation

Threshold: Would the Plan substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

Finding: Less than significant. (Draft EIR p. 4.10-17)

Explanation: Development carried out under the Plan could alter the existing drainage pattern in some parts of the plan area. However, implementation of goals and policies included in the plan, and enforcement of existing regulations, would protect the plan area's existing drainage pattern from substantial alteration. (Draft EIR pp. 4.10-17 to 4.10-18)

4.1.10.4. Flooding

Threshold: Would the Plan substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Finding: Less than significant. (Draft EIR p. 4.10-17)

Explanation: Development carried out under the Plan could alter the existing drainage pattern in some parts of the plan area. However, implementation of goals and policies included in the plan, and enforcement of existing regulations, would protect the plan area's existing drainage pattern from substantial alteration. These impacts would therefore be less than significant. (Draft EIR pp. 4.10-17 to 4.10-18)

4.1.10.5. Runoff

Threshold: Would the Plan substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantially additional sources of polluted runoff or impede or redirect flood flows?

Finding: Less than significant. (Draft EIR p. 4.10-17)

Explanation: Development carried out under the Plan could alter the existing drainage pattern in some parts of the plan area. However, implementation of goals and policies included in the plan, and enforcement of existing regulations, would protect the plan area's existing drainage pattern from substantial alteration. (Draft EIR pp. 4.10-17 to 4.10-18)

4.1.10.6. Flood Hazard

Threshold: In flood hazard, tsunami, or seiche zones, would the Plan risk release of pollutants due to project inundation?

Finding: Less than significant. (Draft EIR p. 4.10-18)

Explanation: Development carried out under the Plan would not site new major sources of pollutants within flood hazard zones or increase the risk of inundation of existing sources of pollutants. (Draft EIR p. 4.10-18)

4.1.10.7. Water Quality Control Plan

Threshold: Would the Plan conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Finding: Less than significant. (Draft EIR p. 4.10-19)

Explanation: The Plan would not conflict with or obstruct implementation of the basin plan or any existing groundwater management plan. (Draft EIR pp. 4.10-19 to 4.10-20)

4.1.11. Land Use And Planning

4.1.11.1. Established Communities

Threshold: Would the Plan physically divide an established community?

Finding: No Impact. (Draft EIR p. 4.11-6)

Explanation: The Plan retains and continues Montclair's existing street system. The Plan's vision specifically includes stable residential neighborhoods and enhanced commercial corridors, thus protecting Montclair's established communities. Therefore, the Plan would not divide an established community, and there would be no impact. (Draft EIR p. 4.11-6)

4.1.11.2. Conflicts With Plans

Threshold: Would the Plan cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Finding: Less than significant. (Draft EIR p. 4.11-7)

Explanation: The Plan and its policies are consistent with SCAG's RCP and RTP/SCS and the city's municipal code and specific plans. The Plan would therefore not conflict with applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental impact. (Draft EIR pp. 4.11-7 to 4.11-10)

4.1.12. Mineral Resources

4.1.12.1. Regional and Statewide Mineral Resources

Threshold: Would the Plan result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Finding: Less than significant. (Draft EIR p. 4.12-3)

Explanation: Although the Plan would accommodate new development in an area where significant mineral resources exist, the area is already built out and therefore impacts to mineral resources would be less than significant. (Draft EIR p. 4.12-3)

4.1.12.2. Locally-Important Mineral Resource

Threshold: Would the Plan result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Finding: Less than significant. (Draft EIR p. 4.12-3)

Explanation: Although the Plan would accommodate new development in an area where significant mineral resources exist, the area is already built out and therefore impacts to mineral resources would be less than significant. (Draft EIR p. 4.12-3)

4.1.13. Noise

4.1.13.1. Noise Standards

Threshold: Would the Plan result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Finding: Less than significant. (Draft EIR p. 4.13-13)

Explanation: Projects carried out under the plan would not generate temporary or permanent noise levels increases in the vicinity of these projects in excess of established noise standards. Impacts would be less than significant. (Draft EIR pp. 4.13-13 to 4.13-15)

4.1.13.2. Airport Noise

Threshold: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Finding: No impact. (Draft EIR p. 4.13-17)

Explanation: The plan would not expose people residing or working the plan area to excessive noise levels from airport land use. There would be no impact. (Draft EIR p. 4.13-17)

4.1.14. Population And Housing

4.1.14.1. Population Growth

Threshold: Would the Plan induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure?)

Finding: Less than significant. (Draft EIR p. 4.14-6)

Explanation: Development carried out under the Plan would result in more growth than forecast by SCAG, but policies and actions included in the Plan would adequately address potential impacts from this projected population growth, and this impact would be less than significant. (Draft EIR p. 4.14-6)

4.1.14.2. Displacement of Housing

Threshold: Would the Plan displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; and displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Finding: Less than significant. (Draft EIR p. 4.14-7)

Explanation: Plan implementation would not result in the displacement of substantial numbers of housing or people. On the contrary, the plan would facilitate the development of new housing in accordance with state and local housing requirements, while preserving existing residential neighborhoods. (Draft EIR p. 4.14-7 to 4.14-10)

4.1.15. Public Services

4.1.15.1. Fire Protection

Threshold: Would the Plan result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection?

Finding: Less than significant. (Draft EIR p. 4.15-3)

Explanation: Development carried out under the Plan would increase the City's population. This would increase demand for fire and emergency medical services and potentially create the need for new fire service facilities. However, compliance with policies in the plan and the Montclair Municipal Code, as well as other City programs, would reduce impacts related to fire protection facilities to a less than significant level. (Draft EIR p. 4.15-3 to 4.15-4)

4.1.15.2. Police Protection

Threshold: Would the Plan result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

Finding: Less than significant. (Draft EIR p. 4.15-4)

Explanation: Development carried out under the Plan would increase the City's population. This would increase demand for police services and potentially create the need for new police service facilities. However, compliance with policies in the Plan and the MCC, as well as other City programs, would reduce impacts related to police protection services to a less than significant level. (Draft EIR pp. 4.15-4 to 4.15-5)

4.1.15.3. Schools

Threshold: Would the Plan result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives?

Finding: Less than significant. (Draft EIR p. 4.15-5)

Explanation: Development carried out under the Plan would increase the city's population. This would increase enrollment in schools and potentially create the need for new school facilities. However, compliance with policies in the plan and MCC, other City programs, and state-required payment of school impact fees, would reduce impacts related to schools to a less than significant level. (Draft EIR pp. 4.15-5 to 4.15-7)

4.1.15.4. Parks

Threshold: Would the Plan result in substantial adverse physical impacts associated with the provision of new or physically altered parks, or the need for new or physically altered parks, the

construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives ?

Finding: Less than significant. (Draft EIR p. 4.15-7)

Explanation: Development carried out under the Plan would increase the city's population. This would increase use of parks and potentially create the need for new parks and recreation areas. However, compliance with policies in the plan and MCC, other City programs, would reduce impacts from new or physically altered parks to a less than significant level. (Draft EIR pp. 4.15-7 to 4.15-8)

4.1.15.5. Other Public Facilities

Threshold: Would the Plan result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other public facilities ?

Finding: Less than significant. (Draft EIR p. 4.15-7)

Explanation: Development carried out under the Plan would increase the city's population. This would increase use of governmental facilities and potentially create the need for new governmental facilities. However, compliance with policies in the plan and MCC, other City programs, would reduce impacts from new or physically altered governmental facilities to a less than significant level.

4.1.16. Recreation

4.1.16.1. Increased Use

Threshold: Would the Plan increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Finding: Less than significant. (Draft EIR p. 4.16-5)

Explanation: Development carried out under the Plan may increase the use of existing parks and open space, but policies in the Plan for providing additional recreational facilities, as well as city park dedication fees and development impact fees, would help offset these impacts, and substantial physical deterioration of recreational facilities would not occur. (Draft EIR pp. 4.16-5 to 4.16-7)

4.1.16.2. Construction and Expansion

Threshold: Does the Plan include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Finding: Less than significant. (Draft EIR p. 4.16-8)

Explanation: The Plan promotes the addition of parks and open spaces to the community. However, implementation of the Plan policies and actions, as well as existing City programs and review processes, including project level CEQA review, would avoid potentially significant environmental impacts relating to the development of new parks or require adequate mitigation for such impacts. Therefore, physical impacts from additional recreational facilities would be less than significant. (Draft EIR p. 4.16-8)

4.1.17. Transportation / Traffic

4.1.17.1. Plans, Policies, and Ordinances

Threshold: Would the Plan conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Finding: Less than significant. (Draft EIR p. 4.17-24)

Explanation: The Mobility Element of the Plan provides a comprehensive system of bicycle lanes, trails, and pathways to enhance pedestrian, transit, and bicycle and pedestrian connectivity in the Plan Area. Thus, the Plan would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. (Draft EIR pp. 4.17-24 to 4.17-25)

4.1.17.2. VMT

Threshold: Would the Plan conflict or be inconsistent with CEQA Guidelines sections 15064.3, subdivision (b)?

Finding: No Impact. (Draft EIR p. 4.17-25)

Explanation: Plan implementation would decrease the City of Montclair VMT/Service Population from 32.3 to 25.7 by 2040. The Cumulative VMT would also decrease from 13.17 to 9.08. The Plan would therefore have no impact, or even a beneficial impact, related to VMT. (Draft EIR p. 4.17-25)

4.1.17.3. Design Hazards

Threshold: Would the Plan substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Finding: Less than significant. (Draft EIR p. 4.17-26)

Explanation: Through implementation of Plan policies and actions, the Plan would help ensure safe and efficient movement for all modes of travel and would therefore not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). (Draft EIR p. 4.17-26)

4.1.17.4. Emergency Access

Threshold: Would the Plan result in inadequate emergency access?

Finding: No impact. (Draft EIR p. 4.17-26)

Explanation: The Plan would not result in inadequate emergency access because plan policies and actions would encourage ease of connectivity and ease of mobility throughout the city and emergency access would be improved. (Draft EIR pp. 4.17-26 to 4.17-27)

4.1.18. Utilities And Service Systems

4.1.18.1. Wastewater Treatment Requirements

Threshold: Would the Plan require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or

telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Finding: Less than significant. (Draft EIR p. 4.19-14)

Explanation: Development carried out under the Plan would or may require increased or expanded water supplies and wastewater treatment, stormwater treatment, telecommunications, electric power, and natural gas supplies and facilities. However, compliance with policies in the Plan, the Montclair Municipal Code, and other city programs, would reduce these impacts to a less than significant level. (Draft EIR pp. 4.19-14 to 4.19-19)

4.1.18.2. Water Supplies

Threshold: Would the Plan have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Finding: Less than significant. (Draft EIR p. 4.19-14)

Explanation: Development carried out under the Plan would or may require increased or expanded water supplies and wastewater treatment, stormwater treatment, telecommunications, electric power, and natural gas supplies and facilities. However, compliance with policies in the Plan, the Montclair Municipal Code, and other city programs, would reduce these impacts to a less than significant level. (Draft EIR pp. 4.19-14 to 4.19-17)

4.1.18.3. Wastewater Capacity

Threshold: Would the Plan result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Finding: Less than significant. (Draft EIR p. 4.19-14)

Explanation: Development carried out under the Plan would or may require increased or expanded water supplies and wastewater treatment, stormwater treatment, telecommunications, electric power, and natural gas supplies and facilities. However, compliance with policies in the Plan, the Montclair Municipal Code, and other city programs, would reduce these impacts to a less than significant level. (Draft EIR pp. 4.19-14 to 4.19-19)

4.1.18.4. Solid Waste

Threshold: Would the Plan generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Finding: Less than significant. (Draft EIR p. 4.19-20)

Explanation: Development carried out under the plan would increase the city's population. this would increase solid waste generated in the plan area, but compliance with plan policies would help provide and maintain adequate and orderly systems for efficient collection and disposal of solid waste for existing and future development. Impacts would be less than significant. (Draft EIR pp. 4.19-20 to 4.19-21)

4.1.18.5. Solid Waste Laws

Threshold: Will the Plan comply with federal, state, and local statutes and regulations related to solid waste?

Finding: Less than significant. (Draft EIR p. 4.19-20)

Explanation: Development carried out under the plan would increase the city's population. This would increase solid waste generated in the plan area, but compliance with plan policies would help provide and maintain adequate and orderly systems for efficient collection and disposal of solid waste for existing and future development. Impacts would be less than significant.

4.1.19. Wildfire

4.1.19.1. Response Plans

Threshold: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Plan substantially impair an adopted emergency response plan or emergency evacuation plan?

Finding: No Impact. (Draft EIR p. 4.20-5)

Explanation: The Plan Area is not located in a high or very high fire hazard severity zone. Furthermore, as a built-out community in an urbanized area, the Plan Area is not subject to substantial wildfire risk. Therefore, the Plan would have no impact. (Draft EIR, p. 4.20-5.)

4.1.19.2. Pollutant Concentrations

Threshold: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Plan, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?

Finding: No Impact. (Draft EIR p. 4.20-5)

Explanation: The Plan Area is not located in a high or very high fire hazard severity zone. Furthermore, as a built-out community in an urbanized area, the Plan Area is not subject to substantial wildfire risk. Therefore, the Plan would have no impact. (Draft EIR, p. 4.20-5.)

4.1.19.3. Infrastructure Risks

Threshold: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Plan require the installation or maintenance of associated infrastructure

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(such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Finding: No Impact. (Draft EIR p. 4.20-5)

Explanation: The Plan Area is not located in a high or very high fire hazard severity zone. Furthermore, as a built-out community in an urbanized area, the Plan Area is not subject to substantial wildfire risk. Therefore, the Plan would have no impact. (Draft EIR, p. 4.20-5.)

4.1.19.4. Runoff Risks

Threshold: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Plan expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Finding: No Impact. (Draft EIR p. 4.20-5)

Explanation: The Plan Area is not located in a high or very high fire hazard severity zone. Furthermore, as a built-out community in an urbanized area, the Plan Area is not subject to substantial wildfire risk. Therefore, the Plan would have no impact. (Draft EIR, p. 4.20-5.)

4.2. Findings for Significant but Mitigated Effects

The following findings are hereby made by the City of Montclair City Council for the significant but mitigable environmental effects identified in the EIR related to biological resources (impacts related to special status species, particularly nesting birds and their habitat), cultural resources (impacts on archaeological resources), geology and soils (paleontological impacts), noise (impacts related to project construction vibration), and tribal cultural resources (impacts to unidentified tribal cultural resources).

4.2.1. Biological Resources

4.2.1.1. Sensitive Species

Threshold: Would the Plan have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.4-14.)

Explanation: Two sensitive wildlife species have potential to occur within the Plan Area: pallid bat and burrowing owl. Pallid bats have been known to utilize man-made structures, and suitable habitat for burrowing owl occurs within the retention basins that border the San Antonio Creek channel in addition to vacant disturbed lots if there is some open space.

Sensitive plant species have the potential to occur in the mesic grasslands that grow in and near the water retention basins in the Plan Area. These species include prostrate vernal pool navarretia (*Navarretia prostrata*) [CRPR 1B.1], smooth tarplant (*Centromadia pungens* ssp. *laevis*) [CRPR 1B.1],

salt spring checkerbloom (*Sidalcea neomexicana*), [CRPR 2B.2], and San Bernardino aster (*Symphotrichum defoliatum*) [CRPR 1B.2]. No native communities occur within the Plan Area.

The Plan Area is largely urbanized, and the Plan would prioritize development on infill sites that have been previously developed and/or disturbed. All development within the Plan Area would be subject to the provisions of the various Federal and State natural resources regulations and their respective permitting processes. Individual future development projects would be subject to further environmental review and, as appropriate, project-specific mitigation.

Nesting and Migratory Birds

Nevertheless, reasonably foreseeable development carried out under the Plan could potentially adversely impact special-status species or their habitat. Local special-status species and nesting birds are expected to occur within the Plan Area during potential construction periods and may be affected by construction activity. The most identifiable potential direct impact to migratory species would involve the removal of vegetation, particularly trees that may serve as perching or nesting sites for migratory birds. This could occur in the existing landscape vegetation throughout the City. Potential direct impacts related to City trees located within the Plan Area would be limited by the requirement to submit tree maintenance requests to the City.

Impacts related to the removal of vegetation not covered under the maintenance requests could have adverse effects on nesting migratory species. However, individual future developments would be subject to further development review, environmental review (for discretionary projects), and, as appropriate, project-specific mitigation. Compliance with the MBTA would ensure that migratory bird species are protected during buildout of proposed projects within the Plan Area.

The City does not have an existing ordinance specifically protecting biological resources (such as nesting birds or trees), but nesting birds are protected under existing Federal regulations, such as the MBTA and CFGC 3513, which would apply to any future development facilitated by the Plan. Furthermore, environmental review would be required for future discretionary projects facilitated by the Plan to determine whether they would impact biological resources, and to require mitigation measures, if necessary, to avoid or reduce impacts to such resources. Compliance with existing laws and regulations (e.g., MBTA and CFGC), would reduce potential impacts to nesting birds to a less than significant level.

The pallid bat is known to roost in trees and structures within the Plan Area. Potential to occur in the Plan Area are primarily limited to lower density urban/suburban areas. Project construction and activities including, but not limited to, ground disturbance, vegetation removal, and any activities leading to increased noise levels may have direct and/or indirect impacts on bats and their roosts. However, with implementation of mitigation measures, direct and/or indirect impacts to special-status bat species would be reduced to a less than significant level.

Indirect Impacts to Special-Status Species and Sensitive Natural Communities

Excavation, ground clearing, equipment and materials storage, access routes, and other activities could result in impacts on runoff and/or water quality, potentially affecting aquatic habitat. Discharges or runoff from operation of individual projects that may be developed under the Plan may carry pollutants, while runoff from construction may carry excessive silt, petroleum, or other chemical contaminants. Such runoff can affect water quality which in turn can affect habitat quality and the species using the waters. However, best management practices (BMPs) would be used to avoid and minimize indirect impacts on water quality during construction and operation of projects developed under the Plan.

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Construction projects would be required to comply with various regulatory requirements related to storm water runoff during construction and operation to minimize the potential for pollutants to enter receiving waters. Projects would be required to comply with applicable State building code requirements, as well as State and federal agency regulations, as well as the provisions of the Statewide General Construction Activity Stormwater Permit.

Future development built under the Plan greater than one acre in size would be subject to the SWRCB Construction General Permit and would be required to develop a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must include erosion and sediment control BMPs that would meet or exceed measures required by the Construction General Permit. Implementation of the required SWPPP would reduce the potential for eroded soil and any contaminants attached to that soil to contaminate a waterbody following a storm event.

The City is a permittee under the Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges Within the Coastal Watersheds of San Bernardino County, which also serves as a NPDES permit under the Federal Clean Water Act (NPDES No. CAS004001), as well as Waste Discharge Requirements under California law (the "Municipal NPDES permit"). Specific project development would be required to adhere to all requirements under the San Bernardino County MS4 permit. Reasonably foreseeable development under the Plan would be required to comply with Chapter 9.24.600 *Storm Drainage and Runoff* and Chapter 9.24.460 *Sediment and Erosion Control* of the Montclair Municipal Code.

Compliance with the regulations, permit requirements, and BMPs would prevent or minimize impacts related to water quality and ensure that construction and operation of all future development under the Plan would result in a less than significant impact to the degradation of aquatic habitat and species.

Implementation of the Plans' goals and policies would ensure that projects carried out under the Plan would be completed in accordance with protecting and preserving special status species and their habitats. While these goals and policies generally aim at protecting special-status species, if vegetation and trees are to be trimmed or removed during project construction or if construction would occur near trees and vegetation, nesting birds could be impacted. Mitigation Measure BIO-1 would be required for projects where mature trees and other habitat are present and construction activities are scheduled from early spring to late summer. With implementation of Plan goals and policies and Mitigation Measure BIO-1, potential impacts to special-status species and sensitive habitat would be reduced to a less than significant level. Impacts would be less than significant with adherence to Plan goals and policies and Mitigation Measures BIO-1 through BIO-4. (Draft EIR, pp. 4.4-14 through 4.4-16.)

Mitigation Measures

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings.

BIO-1 Pre-Construction Biological Resources Reconnaissance Survey and Reporting

For projects that require vegetation removal, ground disturbance of unpaved areas, parking or staging of equipment or material on unpaved areas, access routes on unpaved areas, or rehabilitation or construction staging within 300 feet of unpaved areas (except for landscaped

developed areas) that contain or have the potential to support special-status species, sensitive natural communities, or suitable habitat to support special-status species, the following shall apply:

Prior to the issuance of a grading permit, a qualified biologist from a list of qualified wildlife biologists set forth by the City of Montclair shall be retained by the project applicant to conduct a biological resources reconnaissance survey of the site. The qualified biologist shall also meet the California Department of Fish and Wildlife's Biologist surveying qualification requirements for avian species (including burrowing owl) in place at the time of application for the grading permit. The biological resources assessment shall characterize the biological resources present on the project site and evaluate the presence or absence of sensitive species and habitats.

If the biologist determines that special-status plant species may occur, focused surveys for special-status plants shall be completed in accordance with Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW, March 20, 2018) and Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants (USFWS, September 23, 1996). If it is determined that the project site has suitable habitat for special-status wildlife such as burrowing owl, focused surveys shall be conducted to determine presence/absence including species-specific surveys in accordance with CDFW or USFWS protocols for sensitive, State or federally listed species, respectively, that may occur. If the biologist determines that sensitive habitats and/or regulated aquatic resources may be present, additional focused studies to further assess and delineate the habitat (such as a formal jurisdictional determination for wetlands and waters) will be conducted.

A report shall be prepared that identifies 1) approximate population size and distribution of any sensitive plant or animal species, 2) any sensitive habitats or sensitive natural communities (such as wetlands or riparian areas), and 3) any potential impacts of proposed project on wildlife corridors. Off-site areas that may be directly or indirectly affected by the individual project shall also be surveyed. The report shall include site location, literature sources, methodology, timing of surveys, vegetation map, site photographs, and descriptions of on-site biological resources (e.g., observed and detected species, as well as an analysis of those species with the potential to occur on-site). The biological resources assessment report and surveys shall be conducted by a qualified biologist, and any special status species surveys shall be conducted according to standard methods of surveying for the species as appropriate.

If sensitive species and/or habitat are absent from the individual project site and adjacent lands potentially affected by the individual project, a written report substantiating such shall be submitted to the City Planning Division prior to issuance of a grading permit, and the project may proceed without any further biological investigation.

If it is determined that a special-status species and/or habitats may be impacted by a project, the biological report shall identify additional mitigation measures such as avoidance, minimization, restoration, or compensation to reduce impacts to a less than significant level prior to issuance of a development permit from the City. In the case of ESA and/or CESA listed species consultation with USFWS and/or CDFW shall occur prior to issuance of a development permit from the City to determine measures to address impacts such as avoidance, minimization, restoration, or compensation. In the case of regulated aquatic resources, the USACE, CDFW, and RWQCB will be consulted regarding their respective jurisdictions and any necessary permits obtained prior to issuance of a development permit from the City.

If the biologist determines that wildlife movement corridors are present on a project site, consultation with the appropriate agency (i.e., City, USFWS, and/or CDFW) shall occur prior to

issuance of a development permit from the City to determine measures to address impacts such as avoidance, minimization, restoration, or compensation. The analyses shall also describe project impacts to wildlife movement, considering the existing and post-project opportunities present to wildlife to enter and exit the project site.

BIO-2 Pre-Construction Bird Surveys, Avoidance, and Notification

Construction activities initiated during the bird nesting season (February 1 through August 31) involving removal of trees, vegetation or other nesting bird habitat, including abandoned structures and other man-made features, a pre-construction nesting bird survey shall be conducted no more than three days prior to initiation of ground disturbance and vegetation removal activities. The nesting bird pre-construction survey shall be conducted on foot and shall include a 500-foot buffer around the construction site. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in southern California coastal communities (i.e., qualified biologist) selected from a list of qualified wildlife biologists set forth by the City of Montclair. The qualified biologist shall also meet the California Department of Fish and Wildlife's Biologist surveying qualification requirements for avian species (including burrowing owl) in place at the time of application for the grading permit. If nests are found, an avoidance buffer shall be determined by a qualified biologist dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site, which shall be demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to demarcate the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within the buffer until the biologist has confirmed that breeding/ nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist on the basis that the encroachment will not be detrimental to an active nest. A report summarizing the pre-construction survey(s) shall be prepared by a qualified biologist from a list of qualified wildlife biologists set forth by the City of Montclair. The qualified biologist shall also meet the California Department of Fish and Wildlife's Biologist surveying qualification requirements for avian species (including burrowing owl) in place at the time of application for the grading permit. This report shall be submitted to the City prior to the commencement of construction activities.

Proposed project site plans shall include a statement acknowledging compliance with the federal MBTA and CFGC that includes avoidance of active bird nests and identification of Best Management Practices to avoid impacts to active nests, including checking for nests prior to construction activities during February 1 to August 31 and what to do if an active nest is found so that the nest is not inadvertently impacted during grading or construction activities.

BIO-3 Pre-Construction Bat Surveys

To avoid the direct loss of bats that could result from removal of trees and/or structures that are confirmed to support a maternity bat roost (e.g., in cavities, under loose bark or in structures such as bridges and abandoned buildings), tree removal or structure demolition shall be scheduled between October 1 and February 28, outside of the maternity roosting season. If trees and/or structures must be removed during the maternity season (March 1 to September 30), a qualified bat specialist shall conduct a focused survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats.

Each tree and/or structure identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist prior to tree disturbance to determine the presence or absence of roosting bats. If it is determined that a bat roost may be present, a Bat Avoidance Plan shall be prepared and approved by CDFW prior to issuance of a development permit from the City. The Plan shall identify bat survey methods and materials and methods to exclude or prevent bats from using the roost without directly impacting any bats.

BIO-4 Worker Environmental Awareness Program and Construction Monitoring

A biological monitor shall also conduct a pre-project environmental education program for all personnel working at the site, which shall be focused on conditions and protocols necessary to avoid and minimize potential impacts to biological resources. Prior to initiation of all construction activities (including staging and mobilization), all personnel associated with project construction shall attend a Worker Environmental Awareness Program (WEAP) training, conducted by a qualified biologist, to aid workers in recognizing special status biological resources potentially occurring in the project area. This training will include information about the special-status species with potential to occur in the project area. The specifics of this program shall include identification of special-status species and habitats, a description of the regulatory status and general ecological characteristics of special-status resources, and review of the limits of construction and measures required to avoid and minimize impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employees, and other personnel involved with construction of the project. All employees shall sign a form provided by the trainer documenting they have attended the WEAP and understand the information presented to them. The crew foreman shall be responsible for ensuring crew members adhere to the guidelines and restrictions designed to avoid impacts to special-status species and sensitive natural communities.

4.2.2. Cultural Resources

4.2.2.1. Archaeological Resources

Threshold: Would the Plan cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

Finding: Less than significant with mitigation. (Draft EIR, p.4.5-13)

Explanation: Ground-disturbing activities associated with development carried out under the Plan have the potential to damage or destroy archaeological resources that may be present on or below the ground surface, particularly in areas not studied in a cultural resources investigation or when excavation depths exceed those attained previously for past development. The Plan does not contain goals, policies, or implementation programs related to archaeological resources. Consequently, damage to or destruction of known or previously unknown archaeological resources could occur because of the project. Therefore, mitigation measures are required. Impacts would be

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less than significant with adherence to Plan goals and policies and Mitigation Measures CUL-2 through CUL-8. (Draft EIR, pp. 4.5-13.)

Mitigation Measures

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings.

CUL-2 Phase I Archaeological Resources Study

For any project carried out under the General Plan Update, the City and/or project applicant shall investigate the potential to disturb archaeological resources. If the project will involve any ground disturbance (unless the project site is within soils that can be reliably demonstrated as being non-native or artificial fill) a Phase I cultural resources study shall be performed by a qualified professional meeting the Secretary of the Interior's (SOI's) Professional Qualification Standards (PQS) for archaeology (National Park Service 1983). If a project would solely involve the refurbishment of an existing building and no ground disturbance would occur, this measure would not be required. The Phase I cultural resources study shall include a pedestrian survey of the project site and sufficient background research and field sampling to determine whether archaeological resources may be present. Archival research shall include a records search of the South Central Coastal Information Center no more than two years old and a Sacred Lands File search with the NAHC. The Phase I technical report documenting the study shall include recommendations that must be implemented prior to and/or during construction to avoid or reduce impacts on archaeological resources. The report shall be submitted to the City of Montclair for review and approval prior to the issuance of any grading or construction permits. Recommendations in the Phase I technical report shall be made Conditions of Approval and shall be implemented throughout all ground disturbance activities.

CUL-3 Extended Phase I Testing

For any projects proposed within 100 feet of a known archaeological site and/or in areas identified as sensitive by a Phase I study [Mitigation Measure CUL-2], the project applicant shall retain a qualified archaeologist to conduct an Extended Phase I (XPI) study to determine the presence/absence and extent of archaeological resources on the project site. XPI testing should comprise a series of shovel test pits and/or hand augured units and/or mechanical trenching to establish the boundaries of archaeological site(s) on the project site. If the boundaries of the archaeological site are already well understood from previous archaeological work, an XPI will not be required. If the archaeological resource(s) of concern are Native American in origin, the qualified archaeologist shall confer with local California Native American tribe(s).

All archaeological excavation shall be conducted by a qualified archaeologist(s) under the direction of a principal investigator meeting the SOI's PQS for archaeology (National Park Service 1983). If an XPI report is prepared, it shall be submitted to the City of Montclair for review and approval prior to the issuance of any grading or construction permits. Recommendations contained therein shall be implemented for all ground disturbance activities.

CUL-4 Archaeological Site Avoidance

Any identified archaeological sites (determined after implementing mitigation measures CUL-2 and/or CUL-3) shall be avoided by project-related construction activities, where feasible. A barrier

(temporary fencing) and flagging shall be placed between the work location and any resources within 60 feet of a work location to minimize the potential for inadvertent impacts.

CUL-5 Phase II Site Evaluation

If the results of any Phase I and/or XPI (mitigation measures CUL-2 and/or CUL-3) indicate the presence of archaeological resources that cannot be avoided by the project (Mitigation Measure CUL-4) and that have not been adequately evaluated for the NRHP or CRHR listing at the project site, the qualified archaeologist shall conduct a Phase II investigation to determine if intact deposits remain and if they may be eligible for the CRHR or qualify as unique archaeological resources. If the archaeological resource(s) of concern are Native American in origin, the qualified archaeologist shall confer with local California Native American tribe(s).

A Phase II evaluation shall include any necessary archival research to identify significant historical associations and mapping of surface artifacts, collection of functionally or temporally diagnostic tools and debris, and excavation of a sample of the cultural deposit. The sample excavation will characterize the nature of the sites, define the artifact and feature contents, determine horizontal and vertical boundaries, and retrieve representative samples of artifacts and other remains.

If the archeologist and, if applicable, a Native American monitor (see Mitigation Measure TCR-2) or other interested tribal representative determine it is appropriate, cultural materials collected from the site shall be processed and analyzed in a laboratory according to standard archaeological procedures. The age of the materials shall be determined using radiocarbon dating and/or other appropriate procedures; lithic artifacts, faunal remains, and other cultural materials shall be identified and analyzed according to current professional standards. The significance of the sites shall be evaluated according to the criteria of the CRHR. The results of the investigations shall be presented in a technical report following the standards of the California Office of Historic Preservation publication "Archaeological Resource Management Reports: Recommended Content and Format (1990 or latest edition)." The report shall be submitted to the City of Montclair for review and approval prior to the issuance of any grading or construction permits. Recommendations in the Phase II report shall be implemented for all ground disturbance activities.

CUL-6 Phase III Data Recovery

Should the results of the Phase II site evaluation (Mitigation Measure CUL-5) yield resources that meet CRHR significance standards and if the resource cannot be avoided by project construction in accordance with CUL-4, the project applicant shall ensure that all feasible recommendations for mitigation of archaeological impacts are incorporated into the final design and approved by the City of Montclair prior to construction. Any necessary Phase III data recovery excavation, conducted to exhaust the data potential of significant archaeological sites, shall be carried out by a qualified archaeologist meeting the SOI PQS for archaeology according to a research design reviewed and approved by the City of Montclair prepared in advance of fieldwork and using appropriate archaeological field and laboratory methods consistent with the California Office of Historic Preservation Planning Bulletin 5 (1991), Guidelines for Archaeological Research Design, or the latest edition thereof. If the archaeological resource(s) of concern are Native American in origin, the qualified archaeologist shall confer with local California Native American tribe(s). If applicable, a Native American monitor shall be present.

As applicable, the final Phase III Data Recovery reports shall be submitted to the City of Montclair prior to issuance of any grading or construction permit. Recommendations contained therein shall be implemented throughout all ground disturbance activities.

CUL-7 Cultural Resources Monitoring

If recommended by Phase I, XPI, Phase II, or Phase III studies [mitigation measures CUL-2, CUL-3, CUL-5, and/or CUL-6], the project applicant shall retain a qualified archaeologist to monitor project-related, ground-disturbing activities. If archaeological resources are encountered during ground-disturbing activities, mitigation measures CUL-4 through CUL-6 shall be implemented, as appropriate.

CUL-8 Unanticipated Discovery of Archaeological Resources

If archaeological resources are encountered during ground-disturbing activities, work within 60 feet shall be halted and the project archaeologist meeting the SOI's Professional Qualification Standards for archaeology (National Park Service 1983) shall immediately evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work may be warranted, such as data recovery excavation, to mitigate any significant impacts to historical resources. Any reports required to document and/or evaluate unanticipated discoveries shall be submitted to the City of Montclair for review and approval. Recommendations contained therein shall be implemented throughout the remainder of ground disturbance activities.

4.2.3. Geology and Soils

4.2.3.1. Unstable Soils

Threshold: Would the Plan be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.7-16)

Explanation: Soils underlying the Plan Area are not subject to liquefaction or landslides (CGS 2019). However, as shown in Figure 4.7-6, a large portion of the Plan Area is subject to land subsidence due to groundwater pumping (USGS 2019). Subsidence and ground collapse generally occur in areas with active groundwater withdrawal or petroleum production. The extraction of groundwater or petroleum from sedimentary source rocks can cause the permanent collapse of the pore space previously occupied by the removed fluid. Ground collapse and subsidence could impact the safety and durability of new development carried out under the Plan. Implementing the following mitigation measure would mitigate potential impacts related to subsidence. Impacts would be less than significant with adherence to applicable building codes and Mitigation Measure GEO-1. (Draft EIR, pp. 4.7-16.)

Mitigation Measures

Pursuant to CEQA Guidelines Section 15091, the following mitigation measure has been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings.

GEO-1 Geotechnical Investigation

A Certified Engineering Geologist shall complete a geotechnical investigation of the soils and geologic condition of new development project sites located in areas of potential subsidence, as

identified by the USGS, to assess the potential for geologic hazards. The investigation shall provide recommendations for appropriate means of mitigating any potential geologic hazards identified, including expansive soils. Project construction shall implement the recommendations contained in the geotechnical investigation, which may include, but not limited to, site preparation, foundation, drainage control, soil corrosion, concrete slabs and flatwork, excavations, grading, and structural design. The geotechnical investigation and the construction plans incorporating its recommendations shall be reviewed and approved by the City of Montclair prior to issuance of construction related permits.

4.2.3.2. Paleontological Resources

Threshold: Would the Plan directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.7-18)

Explanation: While neither the City's currently adopted General Plan, nor the proposed Plan, identify paleontological resources in the Plan Area, sub-surface paleontological resources have been found throughout southern California, and therefore such resources may also potentially exist in Montclair. Excavations for new developments could possibly uncover a unique paleontological resource, site, or unique geologic feature. Therefore, a mitigation measure is required. Impacts would be less than significant with adherence to Plan goals and policies and Mitigation Measure GEO-2. (Draft EIR, pp. 4.7-18 and 4.7-19.)

Mitigation Measures

Pursuant to CEQA Guidelines Section 15091, the following mitigation measure has been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings.

GEO-2 Paleontological Assessment

In the event that paleontological resources (fossil materials) or unique geologic features are exposed during construction activities for future development, all construction work occurring within 50 feet of the project site find shall immediately stop until a qualified paleontologist, as defined by the Society of Vertebrate Paleontology, can assess the nature and importance of the find. Depending upon the significance of the find, the paleontologist may record the find and allow work to continue, or may recommend salvage and recovery of the resource. All recommendations shall be made in accordance with the Society of Vertebrate Paleontology's 1995 guidelines and shall be subject to review and approval by the City. Work in the area of the find may only resume upon approval of a qualified paleontologist.

4.2.4. Noise

4.2.4.1. Vibration

Threshold: Would the Plan result in generation of excessive groundborne vibration or groundborne noise levels?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.13-16)

Explanation: Construction activities known to generate excessive groundborne vibration, such as pile driving, could be conducted by projects carried out under the Plan. Pile driving could result in annoyance to nearby human receptors. Additionally, operation of a pile driver within 25 feet of existing residential or historic structures could result in damage to these structures. However, pile driving is not typical to all construction sites. Typically, the greatest anticipated source of vibration during general project construction activities is from a vibratory roller. A vibratory roller creates vibration levels lower than both the structural damage threshold and the human annoyance threshold. However, because of the potential operation of other construction equipment such as pile drivers, vibration impacts associated with construction would be potentially significant before implementation of Mitigation Measure NOI-1.

Operation of projects carried out under the Plan would not include any substantial vibration sources from typical residential and commercial/retail land uses. However, as there are industrial/flex uses allowed under the Plan, onsite equipment could result in vibrational impacts which are unknown at this time. Therefore, operational vibration impacts could be significant at these uses before implementation of Mitigation Measure NOI-2.

Mitigation Measures

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings.

NOI-1 Pile Driving

Where future development under the Plan requires the use of pile driving equipment, the developer shall provide the City with a noise and vibration study quantifying potential vibration levels from planned use of the pile driving equipment, and potential vibration impacts on nearby receptors. If vibration from pile driving cannot be reduced to below structural damage or human annoyance levels then an alternative method for construction shall be required at that location. The City shall review and approve the noise and vibration study before it approves the project.

NOI-2 Operational Activities

Where future development under the Plan would include operational activities that would result in perceptible offsite vibration, the developer shall provide the City with a noise and vibration study to quantify these vibration levels and their potential impacts on nearby receptors. Vibrational activities that exceed structural damage or human annoyance levels shall be mitigated to below regulatory levels through the implementation of vibration dampening features, increased distance between source and receptor, or other measures applicable to the nature of the operation. The City shall review and approve the noise and vibration study before it approves the project.

4.2.5. Tribal Cultural Resources

4.2.5.1. Tribal Cultural Resources

Threshold: Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place,

cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: (i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or (ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Public Resources Code section 5024.1?

Finding: Less than significant with mitigation. (Draft EIR, p. 4.18-5)

Explanation: Effects on tribal cultural resources (TCRs) can only be known once a specific project has been proposed because the effects are highly dependent on both the individual project site conditions and the characteristics of the proposed activity. New TCRs may be identified or established during implementation of the Plan, which is expected to occur over many years. Therefore, as specific projects that would be carried out under the Plan are proposed, consultation with tribes under AB 52 would occur to determine if any TCRs may be impacted by specific projects. If TCRs are identified during AB 52 consultation, impacts to any such TCRs would be potentially significant unless mitigation is incorporated. Impacts would be less than significant with adherence to Plan goals and policies and Mitigation Measures TCR-1 and TCR-2 (Draft EIR, pp. 4.18-5 and 4.18-6.)

Mitigation Measures

Pursuant to CEQA Guidelines Section 15091, the following mitigation measures have been included in a mitigation monitoring and reporting program (MMRP) that is to be adopted concurrently with these findings.

TCR-1 Native American Monitoring

Prior to the issuance of a grading permit for a proposed project, the City of Montclair (City) shall ensure that the project applicant retains the services of a tribal monitor(s) approved by the Gabrieleño Band of Mission Indians Kizh Nation to provide Native American monitoring during ground-disturbing activities. This provision shall be included on the proposed project contractor's plans and specifications. Ground-disturbing activities are defined by the Gabrieleño Band of Mission Indians Kizh Nation as activities that may include but are not limited to pavement removal, pot-holing or auguring, grubbing, tree removals, borings, grading, excavation, drilling, and/or trenching within the project area. The project site shall be made accessible to the monitor(s), provided adequate notice is given to the construction contractor and that a construction safety hazard does not occur. The monitor(s) shall possess Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. In addition, the monitor(s) shall be required to provide insurance certificates, including liability insurance.

If evidence of tribal cultural resources is found during ground-disturbing activities, the monitor(s) shall have the capacity to halt construction in the immediate vicinity of the find to recover and/or determine the appropriate plan of recovery for the resource in consultation with a qualified archaeologist. The recovery process shall not unreasonably delay the construction process and must be carried out consistent with CEQA and local regulations.

Construction activity shall not be contingent on the presence or availability of a monitor, and construction may proceed regardless of whether or not a monitor is present on site. The monitor shall complete daily monitoring logs that will provide descriptions of the day's activities and general

observations and whether the Native American monitor believes they observed a TCR and what action they took. The on-site monitoring shall end when the project site grading and excavation activities are completed or prior to the completion if the monitor has indicated that the site has a low potential for tribal cultural resources.

TCR-2 Unanticipated Discovery of Tribal Cultural Resources

Upon discovery of any tribal cultural resources, the Native American monitor has the ability to halt construction activities in the immediate vicinity (within 50 feet) of the find until the find can be assessed. All tribal cultural resources unearthed during project construction activities shall be evaluated by the Native American monitor approved by the Gabrieleño Band of Mission Indians Kizh Nation and a qualified archaeologist. Construction work shall be permitted to continue on other parts of the project site while evaluation and, if necessary, additional investigations and/or preservation measures take place (CEQA Guidelines Section 15064.5(f)). If the resources are Native American in origin, the Gabrieleño Band of Mission Indians Kizh Nation tribe shall coordinate with the landowner regarding treatment and curation of these resources. If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource,” time allotment and funding sufficient to allow for implementation of avoidance measures shall be made available through coordination between the Gabrieleño Band of Mission Indians Kizh Nation and the project applicant. The treatment plan established for the resources shall be in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15064.5(f) for historical resources and Public Resources Code (PRC) Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis.

4.3. Findings for Significant and Unavoidable Effects

Public Resources Code 21081 and 21081.5, and CEQA Guidelines Section 15093, require that the City of Montclair balance the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental effects when determining to approve a project. And if specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable.”

A project’s environmental impacts are “cumulatively considerable” if the “incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects” (CEQA Guidelines Section 15065[a][3]). Significant and unavoidable impacts associated with air quality (impacts related to construction and operational emissions) and cultural resources (impacts on historical resources) were identified for the Plan. The following findings and statement of overriding considerations outlines the specific reasons to support the City of Montclair City Council recommendation for approval.

4.3.1. Air Quality

4.3.1.1. Air Quality Plans and Air Quality Standards

Threshold: Would the Plan conflict with or obstruct implementation of the applicable air quality plan?

Finding: Significant and unavoidable impact (Draft EIR, p. 4.3-17)

Explanation: Long-term emissions associated with future development in the Plan Area in accordance with the Plan are those associated with mobile sources (vehicle trips) and stationary sources (electricity and natural gas). Emissions associated with individual projects, depending on project type and size, could exceed project-specific thresholds established by the SCAQMD. Such projects would be required to undergo independent, project-level review (including CEQA review when applicable) and include mitigation measures, if necessary, to address potentially significant impacts. Regardless, depending on the nature of the individual project, emissions may not be reduced to below regulatory levels.

Development facilitated by the Plan is projected to result in approximately 7,600 additional housing units in the Plan Area over the next 20 years. Based on Montclair's estimated average household size of 3.85 persons (California Department of Finance 2021), this would lead to an increase of approximately 29,200 residents. Adding the 29,200 new residents cited above to the City's 2021 population of 39,598, future residential growth facilitated by the proposed project is predicted to increase the City's total population to 68,798, which is above SCAG's 2040 population forecasts of 42,700 from the 2016-2040 RTP/SCS (SCAG 2016). The addition of approximately 29,200 residents would lead to an approximately 73.7 percent increase in population over the next 20 years. Therefore, the Plan would induce substantial population growth in the area, either directly or indirectly.

The Land Use and Community Design chapter of the Plan includes the following policies to promote re-use, infill, and mixed-use development such as P1.2, P1.3, P1.4, P1.5, P3.2, P3.3, P3.4, P3.5, and P3.6. The Plan calls for redevelopment and increased residential density through infill and mixed-use development. By increasing the overall population density of the community, encouraging mixed land uses, and improving the City's jobs/housing balance, implementation of the Plan would largely reduce per capita automobile trips and travel distances as compared to existing conditions or lower density development more widely distributed throughout the community. This would generally reduce per capita air pollutant emissions associated with vehicle use.

Consistency with AQMP Control Measures

Consistency with the 2016 AQMP is also a function of consistency with applicable AQMP control measures. The AQMP includes specific control measures to reduce air pollutant emissions to meet Federal and State air quality standards. One of the most important methods the AQMP relies on to achieve its goals is the use of Transportation Control Measures (TCM). TCMs are defined in the 2016 AQMP as "measures for the purpose of reducing emissions or concentrations of air pollutants from transportation sources by reducing vehicle use or changing traffic flow or congestion conditions." TCMs are described in SCAG's Final 2016 RTP/SCS. As discussed above, implementation of the Plan would reduce per capita VMT over existing and future without Plan conditions, which would be consistent with the goals of the AQMP. Regardless, because development facilitated by the Plan is anticipated to exceed the growth forecasts upon which the AQMP is based, the Plan would not be consistent with the current AQMP. Impacts would be significant and unavoidable.

Implementation of mitigation measures identified in the Final EIR would reduce operational emissions, but not necessarily below applicable levels of significance. This potential environmental effect is therefore significant and unavoidable. (Draft EIR, pp. 4.3-17 to 4.3-18)

Mitigation Measures

AQ-1 Tier 4 and Alternatively Fueled Equipment

All mobile off-road equipment (wheeled or tracked) greater than 50 horsepower used during construction activities shall meet the USEPA Tier 4 final standards. Tier 4 certification can be for the original equipment or equipment that is retrofitted to meet the Tier 4 Final standards. In the event of specialized equipment where Tier 4 Final equipment is not commercially available at the time of construction, the equipment shall meet Tier 3 standards at a minimum. Alternative Fuel (natural gas, propane, electric, etc.) construction equipment shall be incorporated where available. Where electric vehicles are feasible, electrical vehicles shall be incorporated into the construction fleet. These requirements shall be incorporated into the contract agreement with the construction contractor. A copy of the equipment's certification or model year specifications shall be available upon request for all equipment onsite. All equipment less than 50 horsepower shall be alternatively fueled. Electricity shall be supplied to the site from the existing power grid to support the electric construction equipment. If connection to the grid is determined to be infeasible for portions of the project, a non-diesel fueled generator shall be used.

AQ-2 Architectural Coating

All architectural coating phases shall be extended, or Low/zero VOC coatings shall be implemented such that emissions are reduced to below 75 lbs/day.

AQ-3 Hearth

Multi-family residential developments shall not incorporate wood or natural gas fireplaces. Electric fireplaces are allowable under this mitigation measure.

4.3.1.2. Cumulatively Considerable Pollutant Emissions

Threshold: Would the Plan result in a cumulatively considerable net increase of any criteria pollutant for which the Plan region is nonattainment under an applicable federal or state ambient air quality standard

Finding: Significant and unavoidable impact (Draft EIR, p 4.3-19)

Explanation

Construction

Construction activity facilitated by the Plan would cause temporary emissions of various air pollutants. O3 precursors NOx and CO would be emitted by the operation of construction equipment, while fugitive dust (PM10, and PM2.5) would be emitted by activities that disturb the soil, such as grading and excavation, road construction, and building construction.

Depending upon the type, size, and timeframe of development, maximum daily emissions associated with individual projects could potentially exceed SCAQMD significance thresholds. Plan policies P1.2 and P1.3 would reduce the overall level of air quality impacts related to construction

during the Plan period. In addition, the SCAQMD has established Rules 402 and 403, which strive to eliminate emissions of airborne pollutants and require project-specific control measures designed to reduce the level of fugitive dust entrainment, respectively. Rule 403 specifically requires the use of best available control measures for all construction activities. The major construction phases or elements specifically addressed by Rule 403 to reduce fugitive dust include earth moving, disturbed surface areas, unpaved roads, open storage piles, demolition, and other various construction activities. Rule 403 compliance by individual property owners, developers, or contractors would reduce temporary construction-related air pollutant emissions. Furthermore, each project carried out under the Plan would be required to implement additional mitigation if project-specific analysis identifies the potential to exceed the applicable construction-related air pollutant emission thresholds.

Emissions from construction activities for individual industrial/retail, office, and residential projects are anticipated to exceed regulatory thresholds for ROG emissions, therefore emissions would be potentially significant without the implementation of mitigation.

Operation

Depending upon the type, size, and timeframe of development, maximum daily emissions associated with individual projects could potentially exceed SCAQMD significance thresholds. Plan policies encouraging enhancements to building energy efficiencies and reduction in VMT would reduce the overall level of air quality impacts related to operational activities. In addition, the SCAQMD has established Rule 1113, which reduces ROG emissions from architectural coating activities. Furthermore, each project carried out under the Plan would be required to implement additional mitigation if project-specific analysis identifies the potential to exceed the applicable operational-related air pollutant emission thresholds. Adherence to applicable Plan policies and SCAQMD rules would reduce operational-related impacts to the greatest extent possible. However, given the unknown specifics of each project, there is the potential that even with these measures, operational impacts would remain significant and unavoidable and therefore would result in cumulatively conservative impacts. Net emissions from Plan implementation at buildout would result in a decrease in overall emissions for ROG, NO_x, and CO but would increase emissions of SO_x, PM₁₀ and PM_{2.5}. Emissions from individual projects under the Plan would result in operational emissions based on the activities of each project. Table 4.3-7 of the Draft EIR shows regional operational emissions based on sample projects identified to provide for a conservative amount of annual growth as detailed in the methodology section above. As shown, the conservative sample residential development would result in emissions above SCAQMD regulatory thresholds for NO_x. No other individual sample projects exceed regulatory thresholds for any criteria pollutants.

Implementation of mitigation measures identified in the Final EIR would reduce operational and construction emissions, but not below applicable levels of significance. This potential environmental effect is therefore significant and unavoidable.

4.3.1.3. Sensitive Receptors

Threshold: Would the Plan expose sensitive receptors to substantial pollutant concentrations?

Finding: Significant and Unavoidable impact (Draft EIR, p 4.3-22)

Explanation: Implementation of mitigation measures identified in the Final EIR would reduce operational and construction emissions, but not below applicable levels of significance. This potential environmental effect is therefore significant and unavoidable.

With implementation of Mitigation Measure AQ-1, exhaust emissions of PM₁₀ and PM_{2.5} would be reduced from the that of a standard construction fleet. The reduction of exhaust PM₁₀ and PM_{2.5} reduces DPM emissions from the operation of diesel construction equipment. The reduction of DPM reduces cancer and non-carcinogenic risk to nearby sensitive receptors to less than significant levels.

With implementation of Mitigation Measure AQ-3, PM₁₀ and PM_{2.5} emissions could be reduced to below regulatory thresholds and therefore would be less than significant. However, given the unknown specifics of each individual project, there is the potential that even with these measures, operational impacts would be significant and unavoidable.

Mitigation Measures

AQ-1 Tier 4 and Alternatively Fueled Equipment

All mobile off-road equipment (wheeled or tracked) greater than 50 horsepower used during construction activities shall meet the USEPA Tier 4 final standards. Tier 4 certification can be for the original equipment or equipment that is retrofitted to meet the Tier 4 Final standards. In the event of specialized equipment where Tier 4 Final equipment is not commercially available at the time of construction, the equipment shall meet Tier 3 standards at a minimum. Alternative Fuel (natural gas, propane, electric, etc.) construction equipment shall be incorporated where available. Where electric vehicles are feasible, electrical vehicles shall be incorporated into the construction fleet. These requirements shall be incorporated into the contract agreement with the construction contractor. A copy of the equipment's certification or model year specifications shall be available upon request for all equipment onsite. All equipment less than 50 horsepower shall be alternatively fueled. Electricity shall be supplied to the site from the existing power grid to support the electric construction equipment. If connection to the grid is determined to be infeasible for portions of the project, a non-diesel fueled generator shall be used.

AQ-3 Hearth

Multi-family residential developments shall not incorporate wood or natural gas fireplaces. Electric fireplaces are allowable under this mitigation measure.

4.3.2. Cultural Resources

4.3.2.1. Historical Resources

Threshold: Would the Plan cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?

Finding: Significant and Unavoidable impact (Draft EIR, p 4.5-11)

Explanation: Based on CEQA Guidelines Section 15064.5, future reasonably anticipated development activities carried out under the General Plan Update would have a significant impact on historical resources if they would cause a substantial adverse change in the significance of a historical resource. There is one known historical resource that is listed in NRHP and CRHR and one resource determined eligible for the NRHP, listed in the CRHR, and designated locally as a Landmark in Montclair. In addition to these known historical resources, there may be other yet

unidentified resources which are eligible for inclusion in the NRHP or CRHR or for designation as a local Landmark. The Plan would guide the general distribution, location, and extent of the various land uses in the city. New residential, commercial, and industrial uses would be implemented by new development and the conversion of existing properties to new uses. Changes to the transportation network would include the redesign of streets and streetscapes, while public spaces would be enhanced through the development of green network of creeks, trails, open spaces, parks, and green streets. Potential future development occurring under the Plan may include site preparation, demolition and construction activities. These activities could have the potential to result in the physical demolition, destruction, relocation, or alteration of potential historical resources. Therefore, mitigation is required.

Mitigation Measures identified in EIR would reduce impacts to historical resources, but even with implementation of this mitigation measure, historical resources could still be materially impaired by future development that carried out under the General Plan. This potential environmental effect is therefore significant and unavoidable.

Mitigation Measures

CUL-1 Historical Resources

A historical resources evaluation shall be prepared for any discretionary project carried out under the General Plan Update involving the demolition or physical alteration of any building, structure, object, or other built environment feature that is 45 years of age or older. The evaluation shall be prepared by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards (PQS) in architectural history or history. The qualified architectural historian or historian shall conduct an intensive-level evaluation in accordance with the guidelines and best practices promulgated by the State Office of Historic Preservation to identify any potential historical resources within the proposed development site. All properties 45 years of age or older shall be evaluated within their historic context and documented in a report meeting the State Office of Historic Preservation guidelines. All evaluated properties shall be documented on Department of Parks and Recreation Series 523 Forms. The report will be submitted to the City for review and concurrence. If the property is already listed in the NRHP, CRHR, or as a Landmark in Montclair, the historical resources evaluation described above shall not be required.

If historical resources are identified within the development site of a proposed development, efforts shall be made to the extent feasible to ensure that impacts are mitigated. Application of mitigation shall generally be overseen by a qualified architectural historian or historic architect meeting the PQS, unless unnecessary in the circumstances (e.g., preservation in place). In conjunction with any development application that may affect the historical resource, the historical resources evaluation report shall also identify and specify the treatment of character-defining features and construction activities.

Efforts shall be made to the greatest extent feasible to ensure that the relocation, rehabilitation, or alteration of the resource is consistent with the Secretary of the Interior's Standards for the Treatments of Historic Properties (Standards). In accordance with CEQA, a project that has been determined to conform with the Standards generally would not cause a significant adverse direct or indirect impact to historical resources (14 CCR § 15126.4(b)(1)). Application of the Standards shall be overseen by a qualified architectural historian or historic architect meeting the PQS. In conjunction with any development application that may affect the historical resource, a report identifying and specifying the treatment of character-defining features and construction activities

shall be provided to the City for review and concurrence. As applicable, the report shall demonstrate how the project complies with the Standards and be submitted to the City for review and approval prior to the issuance of any permits.

If significant historical resources are identified on a development site and compliance with the Standards and or avoidance is not possible, appropriate site-specific mitigation measures shall be established and undertaken. Mitigation measures may include documentation of the historical resource in the form of a Historic American Building Survey (HABS)-Like report. The report shall comply with the Secretary of the Interior's Standards for Architectural and Engineering Documentation and shall generally follow the HABS Level III requirements, including digital photographic recordation, detailed historic narrative report, and compilation of historic research. The documentation shall be completed by a qualified architectural historian or historian who meets the PQS and submitted to the City prior to issuance of any permits for demolition or alteration of the historical resource.

4.4. Findings for Cumulative Impacts

Regarding the Project's potential to result in cumulative impacts, the City hereby finds as follows:

4.4.1. Aesthetics

Future development carried out under the Plan, including a new transit-oriented downtown, in an existing developed area, could result in aesthetic impacts. Such impacts would be site-specific and would require evaluation on a case-by-case basis at the project level in accordance with each proposed project. Each discretionary project would require separate discretionary approval and evaluation under CEQA, which would address potential impacts to visual resources and identify necessary mitigation measures, where appropriate. These projects taken together as a whole would increase the impression of urbanization and development in the Plan Area but, this development would be in response to market demand and would be strategically focused in areas that have been determined by the community through the Plan development process (including public involvement) to preserve existing neighborhoods and improve the focus areas. Consequently, future development carried out under the Plan would not result in significant cumulative environmental impacts in conflict with aesthetics requirements for preserving visual character, public views, scenic vistas and resources, or requirements for minimizing and controlling potential light and glare. Therefore, the General Plan would not cause a cumulatively considerable impact on aesthetics. (Draft EIR 4.1-11)

4.4.2. Agriculture And Forestry Resources

The areas surrounding Montclair are largely urbanized, though there are several isolated plots of Farmland to the south and east in neighboring jurisdictions (and outside of the City's SOI) that are surrounded by existing urban development. Cumulative development in the region has the potential to result in the conversion nearby Farmland or forest land to urban uses. Individual projects in the surrounding areas would be assessed for potential impacts to agriculture and forestry resources and would be required to implement mitigation in accordance with any applicable state and local policies. Additionally, because the Plan would not directly or indirectly contribute to farmland or forestland conversion, it would not contribute to a cumulative impacts on these resources.

Implementation of the Plan would not result in a considerable contribution to a significant cumulative impact to agriculture and forestry resources. (Draft EIR 4.2-7).

4.4.3. Air Quality

Plan related air pollution may combine with other cumulative projects (past, present, and reasonably foreseeable future) to violate criteria pollutant standards if the existing background sources cause nonattainment conditions. Air districts manage attainment of the criteria pollutant standards by adopting rules, regulations, and attainment plans, which comprise a multifaceted programmatic approach to such attainment. The Plan itself is cumulative in nature as it represents growth through the Plan Area over approximately 20 years. The Plan is not one individual project, but a number of as yet undefined future projects that may occur under the Plan. Therefore, cumulative impacts with respect to air quality would be identical to the individual impacts addressed above for the Plan. (Draft EIR 4.3-26).

4.4.4. Biological Resources

Special-Status Species, Sensitive Habitats, and Wetlands

The Plan's contribution to cumulative impacts to special-status species and sensitive habitats would be cumulatively considerable without mitigation. As development occurs in the less undeveloped portions of the Plan Area, habitat for biological resources would continue to be converted to urban development. However, implementation of Mitigation Measures BIO-1 through BIO-4 would reduce direct and indirect impacts to wildlife and sensitive vegetation and habitat to less than significant levels.

If a future project carried out under the Plan resulted in removal of sensitive vegetation, then compensatory mitigation may be required depending on the amount of vegetation impacted, which would ensure no net loss of habitat following implementation of the project. Any proposed development in areas identified as jurisdictional waters and/or wetlands, streambed/banks, or riparian vegetation would be subject to the permit requirements of the USACE, RWQCB, and CDFW, pursuant to Section 404 of CWA and the Porter-Cologne Water Quality Control Act. Therefore, the Plan would not result in a cumulatively considerable impact to sensitive habitats and wetlands.

Individual project compliance of any project in the City would be required to comply with the MBTA and CFGC, which would ensure that the Plan would not make a significant contribution to cumulative impacts to migratory birds. (Draft EIR 4.4-22).

Wildlife Movement

Development under the Plan could affect wildlife movement corridors (San Antonio Creek) and nursery sites (such as those for bats), and the Plan could make a contribution to impacts to wildlife corridors and nursery sites. However, most of the City's landscape does not facilitate the movement of wildlife species that are not adapted to move through urban and suburban areas. Impacts to the San Antonio Creek channel would be covered under permitting requirements specified under Impact BIO-1 and Impact BIO-2. Potential impacts to bats would be mitigated to a less than significant level by Mitigation Measure BIO-3. With adherence to permitting requirements and mitigation measures in this EIR, the Plan would not make a substantial contribution to cumulative impacts to wildlife movement corridors and nursery sites (Draft EIR 4.4-22).

4.4.5. Cultural Resources

Cumulative development across the Plan Area could disturb areas that may potentially contain historical and archaeological resources. The potential for impacts from individual projects is generally site-specific and depends on the location and nature of each individual project. Individual projects implemented under the Plan would continue to be subject to applicable federal, state, and local requirements. Individual projects implemented under the Plan have the potential to result in impacts to historical and archaeological resources. While mitigation would reduce impacts to archaeological resources to less than significant, and mitigation would reduce impacts to built environment historical resources to the greatest extent feasible, there is still potential for impacts to built environment historical resources to be significant and unavoidable even after mitigation. Therefore, the potential for cumulative impacts to historical resources is significant and unavoidable, and the proposed program's contribution to such impacts would be cumulatively considerable. (Draft EIR 4.5-17).

4.4.6. Energy

The Energy Chapter of the EIR compares energy use at regional, state, and national levels. All state and federal regulations that apply to the Plan will also apply to all other development outside the Plan Area. Local regulations similar to the Plan and its policies would apply to development outside the Plan Area. For all these reasons, the impacts discussed in this section are cumulative in nature and therefore the policies contained in the Plan would reduce cumulative energy impacts to a less than significant level. (Draft EIR 4.6-13).

4.4.7. Geology and Soils

Exposure to some geologic hazards is site-specific. For example, development on one property would not increase exposure to hazards such as fault rupture and seismic shaking on another property, and therefore there would no potential for cumulative impacts. Potential impacts to paleontological resources are also site-specific. Other hazards, such as soil erosion or loss of topsoil, are more cumulative in nature. For example, development on multiple properties in a watershed may combine to create a cumulative impact related to increased runoff and erosion from impervious surfaces. Projects carried out under the Plan may increase the potential for runoff, soil erosion or unstable soils, but implementation of the policies and actions contained in the Plan, combined with compliance with existing laws and regulations, would reduce project-level impacts to a level of "no impact" or "less than significant impact." For all the reasons discussed above, the Plan would not make a substantial contribution to cumulative geology and soils impacts. (Draft EIR 4.7-19).

4.4.8. Greenhouse Gas Emissions

The vast majority of projects do not generate sufficient GHG emissions to create a project-specific impact through a direct influence on climate change; therefore, the issue of climate change for the Plan involved an analysis of whether a Plan's contribution toward an impact is cumulatively considerable. The Plan itself is cumulative in nature as it represents growth through the Plan Area over approximately the next 20 years. The Plan is not one individual project, but a number of as yet undefined future projects that may occur under the Plan. Therefore, cumulative impacts with

respect to greenhouse gas emissions would be identical to the individual impacts addressed above for the Plan. (Draft EIR 4.8-23).

4.4.9. Hazardous and Hazardous Materials

Development carried out under the Plan may increase the potential for community risk from hazards and hazardous materials. However, all individual developments carried out under the Plan would be subject to Plan policies and existing laws and regulations which would reduce impacts to a less than significant level. Since all projects carried out under the Plan would be subject to these policies and regulations, cumulative impacts would be less than significant. Furthermore, the Plan would not combine with any other projects to substantially increase hazards and hazardous materials impacts, especially since projects outside the Plan Area would be subject to local, state, and federal regulations relating to hazards and hazardous materials. Overall, with implementation of the policies and actions included in the Plan and compliance with existing laws and regulations, the Plan would not make a substantial contribution to cumulative hazards and hazardous materials impacts, and these cumulative impacts would be less than significant. (Draft EIR 4.9-23).

4.4.10. Hydrology and Water Quality

Policies contained in the Plan would reduce impacts to hydrology and water quality to a less than significant level and thus the Plan would not make a substantial contribution to any cumulative hydrology and water quality impacts. (Draft EIR 4.10-20).

4.4.11. Land Use and Planning

The Plan is consistent with SGAG's regional policies including those in the 2020 RTP/SCS and the 2008 RCP. These SCAG policies in turn apply to local jurisdictions throughout the SCAG region and address the cumulative land use and planning impacts of future development across the region. Therefore, the Plan would not make a substantial contribution to any cumulative impact related to land use and planning. (Draft EIR 4.11-10).

4.4.12. Mineral Resources

Mineral resources are finite and demand for them extends beyond the Plan Area. Impacts from the loss of mineral resources could combine with such impacts in other geographical areas to create a cumulative impact. However, for the reasons discussed in Impact MIN-1, the Plan would not make a substantial contribution to any cumulative impacts related to mineral resources, and cumulative impacts would be less than significant. (Draft EIR 4.12-4).

4.4.13. Noise

Construction noise and vibration are localized and rapidly attenuate within an urban environment. Although multiple development projects under the Plan may be under construction at the same time, these projects would not typically be in close enough proximity to each other such that noise and vibration from construction activities would significantly impact the same sensitive receivers and structures at the same time. Noise and vibration impacts to receivers that are not in the immediate vicinity of an individual project would be reduced due to existing intervening structures

that would block the line of sight, distance attenuation, and sensitivity to noise for the affected land use. Construction noise is not anticipated to exceed applicable thresholds with the implementation of Plan policies. Therefore, noise impacts would not be cumulatively considerable. Vibration impacts would be less than significant with mitigation and would not be cumulatively considerable.

Cumulative projects in the surrounding area would include similar operational noise sources as development expected under the Plan (e.g., HVAC, parking activities). Like construction noise and vibration, operational noise and vibration from these sources is localized and rapidly attenuates within an urbanized setting due to the effects of intervening structures and topography that block the line of sight and other noise sources closer to receivers that obscure project-related noise. Plan-generated traffic would generate an increase of up to approximately 1.5 dBA at adjacent roadways; however, this increase is not considered cumulatively substantial. It is not anticipated that multiple individual projects developed simultaneously under the Plan would be in close enough proximity to each other such that operational noise and vibration would significantly impact the same sensitive receivers. Therefore, there would be no cumulatively considerable noise impacts related to operational noise and vibration associated with the proposed project. (Draft EIR 4.13-17).

4.4.14. Population and Housing

Policies contained in the General Plan would be consistent with SCAG policies and plans, and that the Plan would reduce potential population and housing impacts at the Plan level to a less than significant level. This consistency with regional plans and policies would also ensure that the Plan not make a substantial contribution to any population and housing impact at the regional or any other cumulative level. (Draft EIR 4.-14-10).

4.4.15. Public Services

Policies contained in the Plan would reduce cumulative impacts to public services to a less than significant level, and the Plan would not make a substantial contribution to any cumulative public services impacts. (Draft EIR 4.15-18).

4.4.16. Recreation

Montclair residents, like all residents of the region, would have access to recreational resources outside of the Plan Area as well as the parks and open space within the Plan Area. These regional recreational resources would help meet some of the demand for recreational facilities created by population growth under the Plan and other regional growth but may also experience some increased use due to that population growth. However, the additional recreational resources envisioned under the Plan (as discussed in Impact REC-1) would help offset this demand, as would both current and planned future recreational facilities in other communities. The Plan would thus not make a substantial contribution to cumulative impacts to regional recreation facilities and resources. (Draft EIR 4.16-9).

4.4.17. Transportation

The General Plan Update would not make a substantial contribution to, or result in, a significant cumulative transportation impact. (Draft EIR 4.17-27).

4.4.18. Tribal Cultural Resources

Tribal cultural resources are regionally specific and determined by the consulting tribes. To ensure protection of tribal cultural resources, tribal cultural resource consultation in accordance with AB 52 would occur for project-specific activities that have the potential to affect tribal cultural resources when a project is identified. Cumulative impacts to tribal cultural resources would therefore be less than significant with mitigation. (Draft EIR 4.18-6).

4.4.19. Utilities And Service Systems

Water Supply

While there is enough MVWD projected supply to meet projected Plan demand, the additional growth expected under the Plan may not have been fully accounted for in MVWD's 2020 UWMP. However, as discussed in Impact U-1, various factors, including Plan policies, the infill nature of development expected under the Plan, and the fact that Plan growth would be consistent with expected market demand and other regional planning documents such as the RHNA, would reduce this impact to a less than significant level. The Plan would therefore not make a substantial contribution to a cumulatively significant impact related to water supply. (Draft EIR 4.19-21).

Wastewater

Existing wastewater treatment facilities (Regional Water Recycling Plant #1 and #5 and Carbon Canyon Water Recycling Facility) have adequate existing capacity to take the additional flows proposed under expected Plan growth, and both Regional Water Recycling Plant #1 and #5 are proposing additional capacity upgrades in anticipation of future regional demands.

The most recent sewer capacity assessment prepared for the City, the 2017 Sewer Master Plan, identified sewer infrastructure with insufficient conveyance capacity based on assumed buildout conditions. These deficiencies have been identified by the City of Montclair and they have a formal process to ensure functionality of the sewer system and that any priority upgrades, including unforeseen upgrades necessary as part of General Plan or individual Specific Plan buildout, are addressed in a time efficient manner. No other wastewater generated outside the Plan Area feeds into these facilities, so the Plan-level analysis accounts for all cumulative impacts to these facilities. Therefore, the Plan would not make a substantial contribution to a cumulatively significant impact related to wastewater treatment. (Draft EIR 4.19-21).

Electric Power and Gas

Increases in demand in electricity under General Plan buildout are anticipated to be adequately served by regional infrastructure. While new on-site infrastructure and connections may be constructed, it is not anticipated that any upgrades or changes to regional transmission infrastructure will be required. As with Plan-level impacts, reasonably foreseeable development in areas outside the Plan Area may require installation of additional electrical and natural gas connections outside the Plan Area. Such facilities would be installed during individual project construction and would be paid for by ratepayers for those services.

According to the Plan, the CA Gas Report projected potential declines in demand across the reporting period as statewide greenhouse gas emission reduction programs and public pressure to switch to emissions-free energy sources become more prevalent. There are currently no existing or projected deficiencies in supplies or infrastructure across the SoCalGas service area given the

current demand scenario, which includes the Plan Area. Therefore, cumulative impacts related to electric power and natural gas transmission facilities would be less than significant. Therefore, the Plan would not make a substantial contribution to a cumulatively significant impact regarding electricity and natural gas. (Draft EIR 4.19-22).

Telecommunication

Cumulative development would increase demand for telecommunications infrastructure in the City. However, cumulative projects would each be required to provide adequate telecommunications infrastructure on a project-by-project basis and would be subject to the same requirements as the project. Therefore, the Plan would not make a substantial contribution to a cumulatively significant impact related to telecommunications infrastructure. (Draft EIR 4.19-22).

Solid Waste

While residential and commercial waste generation patterns may change as zoning and land use plans are incorporated into new development, local and statewide recycling and sustainability initiatives are anticipated to result in reduced generation at an individual level, and improved collection and disposal methods at a service provider level (City of Montclair 2021). The total daily tonnage of all new growth expected under the Plan would account for only 0.08 percent of the maximum permitted daily throughput for landfills serving the Plan Area. Therefore, the Plan would not make a substantial contribution to cumulatively significant impact related to solid waste. (Draft EIR 4.19-22).

4.4.20. Wildfire

While Montclair is in a region where significant wildfire risks do exist in some areas, the Plan Area itself is not particularly susceptible to wildland fires because of the urbanized character of the Plan Area and its location in a fully urbanized region not directly adjacent to wildlands, leaving little to no property exposed to risk from wildland fires. The Plan would have no impact related to wildfires, and thus would make no contribution to any cumulative impact related to wildfires. (Draft EIR 4.20-5).

5. Findings Regarding Significant Irreversible Environmental Changes

Sections 15126(c) and 15126.2(c) of the CEQA Guidelines, require that an EIR address any significant irreversible environmental changes that would occur should the project be implemented.

Generally, a project would result in significant irreversible environmental changes if any of the following would occur:

- The project would involve a large commitment of non-renewable resources;
- The primary and secondary impacts of the project would generally commit future generations to similar uses ;
- The project involves uses in which irreversible damage could result from any potential environmental accidents; or
- The proposed consumption of resources is not justified.

Construction and routine operation and maintenance of infrastructure and residential and nonresidential buildings consume energy, typically in the form of fossil fuels, natural gas and electricity. The use of building materials and energy also includes non-renewable resources.

Consumption of these resources would occur with any development in the region and are not unique to Montclair or the Plan. New development in the City during the lifetime of the Plan would increase local demand for non-renewable energy resources such as petroleum and natural gas, although increasingly efficient building fixtures and automobile engines, and a State energy portfolio increasingly generated from renewable resources, as well as implementation of policies included in the Plan, are expected to offset this increased demand, either in whole or in part. For these reasons, and because of Montclair's relatively small size compared to the region, growth carried out under the Plan would not significantly affect local or regional energy supplies. Plan policies P3.2 through P3.9 and P3.11, P3.13 through P3.16 from Chapter 3: Our Well Planned Community, encourage new developments to be more sustainable as well as the implementation of the City's Climate Action Plan (CAP) and measures that will reduce greenhouse gas (GHG) emissions.

Growth carried out under the Plan would require an irreversible commitment of law enforcement, fire protection, water supply, wastewater treatment, and solid waste disposal services. Impacts to public services and utilities would be reduced to a less than significant level with adherence to Plan policies and federal, State, and regional regulations.

The additional vehicle trips associated with growth under the Plan would incrementally increase local traffic, noise levels, and regional air pollutant emissions. Implementation of policies included in the Plan promoting re-use and infill development and limiting future growth in population could reduce the air pollutant emissions associated with individual future development projects to below significance thresholds. Implementation of the CAP measures will decrease GHG emissions over time and accounts the General Plan growth.

Potentially significant impacts would result if the following occurred:

1. Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
2. Result in generation of excessive groundborne vibration or groundborne noise levels; and/or
3. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Plan expose people residing or working in the project area to excessive noise levels.

The City's Municipal Code and Plan policies would address potentially significant noise and vibration activity associated with development under the Plan and reduce these potential impacts to a less than significant level.

Traffic generated as a result of development carried out under the Plan would be potentially significant if the following occurred:

1. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;
2. Conflict or be inconsistent with CEQA Guidelines Section 15064.3(b);
3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment); and/or
4. Result in inadequate emergency access.

Vehicle Miles Traveled (VMT) is required metric to be used for identifying CEQA impacts instead of LOS. The City of Montclair and County of San Bernardino VMT per Service Population was calculated for the existing condition, future no project and future plus project using the San Bernardino County Traffic Analysis Model to establish Citywide threshold. The Plan generated VMT per service population does not exceed the threshold of 15 percent below County San Bernardino VMT per Service Population. In fact, VMT per service population is forecast to decrease under general plan buildout conditions (22.7) compared to the existing condition (32.7) and the future no project condition (32.3), indicating that the population is expected to travel in a more efficient manner. Because of these measures, potentially significant impacts would be reduced based on the VMT metrics provided. (Draft EIR, pp. 5-3 to 5-7)

6. Findings Regarding Growth-Inducing Impacts

Section 15126.2(e) of the State CEQA Guidelines requires a Draft EIR to discuss the ways the Project could foster economic or population growth or the construction of additional housing, directly or indirectly, in the surrounding environment. In accordance with State CEQA Guidelines Section 15126.2(e), a Project would be considered to have a growth-inducing effect if it would:

- Directly or indirectly foster economic or population growth, or the construction of additional housing in the surrounding environment;
- Remove obstacles to population growth (e.g., construction of an infrastructure expansion to allow for more construction in service areas);
- Tax existing community service facilities, requiring the construction of new facilities that could cause significant environmental effects; or
- Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

In addition, CEQA Guidelines that that growth inducement must not be assumed.

6.1. Population and Employment Growth

The Southern California Association of Government's (SCAG's) 2020 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) projects that the City's population will increase from 37,900 in 2020 to 42,700 in 2040. The addition of about 4,800 residents over a 20-plus-year period would lead to a 2040 population about 15 percent higher than the 2020 population. SCAG forecasts that job growth in Montclair during the lifetime of the Plan would be about 1,600 jobs from 2020 to 2040, a 9.2 percent increase over 2020 levels, bringing total employment in Montclair to 19,000 jobs.

Development carried out under the Plan would potentially add 7,600 housing units to the City's housing stock over the next 20 years. Based on Montclair's estimated average household size of 3.85 persons (Department of Finance [DOF] 2020), this would lead to an increase of approximately 29,200 residents in the City. Adding these 29,200 new residents to the City's 2021 population of 39,598 would increase the City's total population to 68,798, which is above SCAG's 2040 population forecasts of 42,700 from the 2016-2040 RTP/SCS (SCAG 2016). The addition of approximately 29,200 residents would lead to an approximately 73.7 percent increase in population over the next 20 years. Therefore, the Plan could induce substantial population growth in the area, either directly or indirectly.

The Plan would, however, redistribute some of this forecast growth through creation of the Focus Areas of New Development described and shown on the proposed General Plan Land Use Map. Generally, new development would result from re-use of properties, conversion of uses in response to market demand (e.g., select industrial to commercial), and more intense use of land in defined areas. While there is relatively strong demand for a variety of land uses within Montclair, the actual amount and scale of development that can occur is limited by the amount of available land, financial feasibility of new development, fiscal priorities, and the level of acceptable density aligned with community character and vision. The location and amount of projected growth for the next 20 years in the Plan is a result of market study; careful block-block assessment of catalytic sites; design, fiscal, and financial feasibility; and community preference.

Additionally, policies in the Plan would help manage the use of land so that growth, development, and redevelopment occur in an orderly manner. Plan policies P3.3, P3.6 and P3.15 would guide growth in the City.

It is the specific purpose of the Plan to accommodate the orderly development of Montclair. Therefore, by its nature, the Plan is intended to reduce the potential for uncontrolled growth in Montclair and the environmental impacts associated with uncontrolled growth. It should also be noted that, while the Plan would accommodate population growth beyond that forecast by SCAG's 2020 RTP/SCS, it would also help meet the City's RHNA allocation. The City's RHNA allocation is 2,593 housing units by 2029.

SCAG's 2020 RTC/SCS projects that the number of households in the City will grow by 1,400 over the next 20 years. Spread out over 20 years, this 1,400-household increase would equal 70 households per year. Over the eight-year span of the Housing Element/RHNA cycle, 70 households per year would equal 560 households. Equating households to housing units¹, 560 households over the eight year span of the Housing Element/RHNA cycle would fall well short of the City's RHNA allocation of 2,593 housing units by 2029. The Plan therefore exceeds SCAG's projections, at least in part, for the purpose of meeting the City's RHNA allocation and the housing demand it represents. (Draft EIR, pp. 5-1 to 5-3)

6.2. Removal of Obstacles to Growth

Montclair is an urbanized community served by existing infrastructure. Existing infrastructure in Montclair would be adequate to serve development carried out under the Plan. There is no potential for the City to expand outward, as it is entirely surrounded by other cities in San Bernardino County and Los Angeles County, other than through annexation of already urbanized areas already within the City's Sphere of Influence (SOI). Thus, all new development envisioned in the Plan would occur in Montclair's current City limits or SOI. The Plan encourages preserving the Plan Area's existing pattern of uses and establishing improvements, polices, and protections for long-term maintenance of established neighborhoods. Generally, most new development would result in re-use of properties, conversion of properties different uses in response to market demand (e.g., select industrial to commercial), and more intense use of land in defined focus areas. Growth in the Plan Area is anticipated to consist of infill development rather than development on greenfield sites. Furthermore, the Plan emphasizes bicycle connections and pedestrian-oriented focus areas; proposes focus areas and activity nodes help shape and distribute new development; promotes protecting the character of existing residential neighborhoods; and outlines the future role and form of Montclair's public realm. In some cases, Plan implementation could lead to creation of new streets in already developed parts Montclair, but this would be to break up large scale super-blocks. Breaking up these large superblocks could remove obstacles to growth in these

areas, but for the purpose of facilitating planned development described in the Plan, not in a way that would lead to unplanned growth. (Draft EIR, p. 5-3)

7. Project Alternatives

Section 15126.6 of the CEQA Guidelines states the following:

“An EIR shall describe a reasonable range of alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.”

Specific economic, legal, social, technological, mobility, or other considerations, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Where the City of Montclair has determined that, even after the adoption of all feasible mitigation measures the project would still cause one or more significant environmental impacts that cannot be avoided or lessened to below a level of significance, the City of Montclair must determine if there is a project alternative that is both environmentally superior and feasible. An alternative may be “infeasible” if it fails to achieve the most basic project objectives identified within the EIR.

Furthermore, “feasibility” under CEQA encompasses the desirability of the project “based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” of a project (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; see also *Sequoyah Hills, supra*, 23 Cal.Ap.4th at p. 715).

The Final EIR determined that the project would have significant and unavoidable impacts associated with air quality (impacts related to construction and operational emissions) and cultural resources (impacts to historic resources). The alternatives analyzed in the Final EIR and described below are therefore discussed below in terms of their potential ability to avoid or reduce these impacts.

7.1. Alternatives Considered But Rejected From Detailed Analysis

Section 15126.6(c) of the State CEQA Guidelines specifies that an EIR should (1) identify alternatives that were considered by the lead agency but were eliminated from detailed consideration because they were determined to be infeasible during the scoping process; and (2) briefly explain the reasons underlying the lead agency’s determination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives; (ii) infeasibility; and/or (iii) inability to avoid significant environmental impacts.

The following alternatives were considered but rejected as part of the environmental analysis for the Project:

- Relocated Focus Areas
- No Growth

These Alternatives were rejected on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternatives do not avoid any significant and unavoidable impacts, (2) the alternatives would likely not further reduce any of the proposed project's significant impacts; and (3) the alternatives are technically, financially, and legally infeasible given that they would not meet several of the main objectives of the plan. Therefore, these alternatives are eliminated from further consideration. (Draft EIR, 6.13)

7.2. Alternatives Selected For Analysis

7.2.1. Alternative 1: No Project

7.2.1.1. Description

The "No Project" Alternative involves continued implementation of the City's current General Plan, which was adopted in 1999. The No Project Alternative assumes that the City's existing General Plan policies would continue to facilitate development in accordance with existing land use designations. The overall amount of growth anticipated to occur under the City's current General Plan is less than what could be facilitated under the proposed Plan. The proposed Plan increases allowed density in areas including the Arrow Highway Mixed Use District (AHMUD) Specific Plan Area, down-town, and transportation corridors and as a result increases capacity for residential and commercial development. The proposed Plan would allow for an increase in the amount of development overall in the City because it allows increased residential and commercial development in these key focus areas. Therefore, it also increases the City's total potential population and amount of commercial development compared to the current plan. Under the current General Plan, the City's population would not be expected to reach the SCAG forecast of 42,700 by 2040, while under the proposed Plan future residential growth is predicted to increase the City's total population to 68,798. SCAG forecasts for population, households, and employment in Montclair through the year 2040 are shown in Table 4.14-4 of Chapter 4.14, Population and Housing of the EIR.

While the Plan preserves the existing pattern of uses in most of the Plan Area, and provides for protection of established neighborhoods, it also identifies focus areas, including downtown areas, corridors and industrial areas that may provide opportunities to transition over time with adjustments in land use, beautification, and place making. In contrast, the No Project Alternative would continue to facilitate development in the same pattern as currently seen in the Plan Area. This pattern of land uses is reflected in the City's current Land Use Map, shown in Figure 4.11-1 of the EIR. Under the Plan, new development would generally result from re-use of properties, infill development on vacant lots, conversion of uses in response to market demand (e.g., select industrial to commercial), and more intense use of land in defined areas. Growth would be redirected to corridors in the Downtown Transit area, various transportation corridors, and the AHMUD, all areas where viable infrastructure is already in place. While new development under the No Project Alternative would also result from re-use of properties, conversion of uses in response to market demand, and development on vacant lots, this alternative would not include as much land zoned for medium-density residential or mixed use development as the focus areas included under the Plan, and new development would therefore be spread throughout the Plan Area rather than in defined areas. Therefore, rather than potentially creating more intense use of land in the geographically well-defined focus areas, a lower amount of new, market-driven development would occur, and

development under Alternative 1 would likely be spread more widely across the Plan Area, without the adjustments in land use, beautification, and place making included in the Plan. (Draft EIR, pp. 6-1 to 6-2)

7.2.1.2. Impacts Analysis

a. Aesthetics

The Plan, when compared to the City's current General Plan, places a greater emphasis on building form and character in districts and neighborhoods to allow a mix of land uses, and emphasizes improved gateways, and improved (and in some cases redefined) corridors. The Plan defines (both physically and visually) the desired visual character and quality of these areas and sets forth urban form policies to ensure that the Plan Area retains the unique aesthetic qualities valued by Montclair residents. The Plan does not call for substantial changes to established residential neighborhoods, and includes specific policies aimed at retaining the character of the neighborhoods. The No Project Alternative would not include these features and could therefore lead to a lower level of visual character and quality for certain parts of the Plan Area, and perhaps for the Plan Area as a whole, thereby potentially creating a greater impact to visual character and quality than the Plan. There would be less change to visual character and light and glare conditions in the Plan Area compared to the Plan because this alternative would reduce overall development. Less development in the focus areas would result in fewer light sources and slightly reduced light and glare impacts. Impacts to scenic vistas under this alternative would be less than those of the Plan because reduced development would mean fewer buildings partially blocking views. Because this alternative's aesthetics impacts would be greater than the Plan's in some respects but less than the Plan's in others, its overall aesthetic impacts would be similar to those of the Plan.

b. Agricultural and Forestry Resources

The Plan Area is fully urbanized, with no areas in Montclair or the SOI under agricultural or forestry production. The Plan would therefore not result in conversion of farm or forest land, nor would it conflict with existing zoning for agricultural or forest use, and it would not have any significant impact on environmental impacts on agricultural and forestry resources. The No Project alternative would also not have any significant environmental impacts on agricultural and forestry resources because the City's current General Plan does not include any land zoned for agricultural or forest use. Overall, the agricultural and forestry resources of this alternative would be similar to those of the Plan.

c. Air Quality

As with the Plan, impacts to Air Quality under this alternative would be significant and unavoidable. Individual development projects carried out under the Plan would generate construction and operational related emissions that could conflict with or obstruct implementation of the SCAQMD's Air Quality Management Plan, result in a cumulatively considerable net increase of criteria pollutants, and result in adverse impacts to local air quality, all of which may create significant and unavoidable impacts. The same would be true with the No Project Alternative. Although the Plan does not propose individual development projects, individual projects would still be constructed and operated under both the Plan and the City's current General Plan, and individual project emissions could create significant and unavoidable air quality impacts under either scenario. Nonetheless, the reduced amount of construction would result in reduced construction emissions and slightly reduced impacts to air quality under this alternative.

d. Biological Resources

Development carried out under the Plan could potentially adversely affect biological resources and as a result mitigation measures BIO-1 through BIO-4 would be required. These mitigation measures, along with Plan policies described in Section 4.4, would reduce impacts to biological resources to a less than significant level. Development carried out under the No Project Alternative would occur under the City's current General Plan, which does not include these specific plan policies nor mitigation measures. As a result, impacts under this alternative would be greater than those of the Plan.

e. Cultural Resources

Impacts to Cultural Resources would remain significant and unavoidable. Impact CUL-1 describes how the Plan has the potential to result in a significant impact if development carried out under the Plan caused a substantial adverse change in the significance of a historical resource. Impact CUL-2 describes how the Plan has the potential to result in a significant impact if development carried out under the Plan caused a substantial adverse change in the significance of an archaeological resource. Impact CUL-3 describes how the Plan has the potential to disturb or damage human remains, and the existing regulations that address this potential impact. Under the No Project Alternative development would still occur but would be carried out under the City's current General Plan, with a lower amount of new, market-driven development likely spread more widely across the Plan Area than under the Plan. However, because it is not known where archaeological resources and human remains may exist, and both the Plan and this alternative would involve potential impacts to these resources, potential impacts to these resources would be similar to (and significant and unavoidable) under either scenario.

The No Project Alternative would potentially increase impacts to historic resources compared to the Plan. The Plan does not call for substantial changes to established residential neighborhoods and includes specific policies aimed at preserving historic resources. The No Project Alternative would not include these elements and would, therefore, be more likely than the Plan to lead to or allow the loss of, or negative effects on, historic resources in such areas. This alternative would therefore have potentially greater impacts to cultural resources than the Plan.

f. Energy

Because development under the No Project Alternative would still occur but would be carried out under the City's current General Plan, with a lower amount of new, market-driven development likely spread more widely across the Plan Area than under the Plan, the Plan and the No Project Alternative do not substantially differ in development footprints. However, the Plan's land use scenario encourages a greater degree of high-density development. While the City's current General Plan does contain some energy efficiency policies, it does not contain any transportation demand management policies that would reduce VMT or encourage the installation of electric vehicle infrastructure nor is it as consistent with energy efficiency goals contained in the City's proposed Climate Action Plan. The inefficient and unnecessary consumption of energy would be greater under this alternative. Overall the No Project Alternative would have greater energy impacts than the Plan.

g. Geology and Soils

Under the No Project Alternative development would occur within the same Plan Area as the Plan. Therefore, development under this alternative would occur on the same geologic units, soils, and slopes as under the Plan. Development under this alternative would, like development under the Plan, be required to comply with applicable regulations, such as the California Building Code, the Montclair Municipal Code, and the Clean Water Act. Although this alternative and the Plan would

not substantially differ in development footprints, this alternative would result in less high-density development; thus, the potential for loss of topsoil, placement of development atop expansive soils, or accidental discovery of paleontological resources would be reduced under this alternative. Therefore, impacts associated with topsoil loss and expansive soils would be less under the No Project Alternative than under the Plan. As described in Section 4.7, *Geology and Soils*, development carried out under the Plan could potentially adversely affect subsidence and ground collapse as well as paleontological resources. As a result, mitigation measures GEO-1 and GEO-2 would be required. These mitigation measures, along with Plan policies described in Chapter 4.7 of the Draft EIR, would reduce impacts to geology and soils to a less than significant level. Development carried out under the No Project Alternative would occur under the City's current General Plan, which does not include these specific plan policies nor mitigation measures. As a result, potential impacts to these resources under this alternative would be greater than those of the Plan. Overall, this alternative would be more impactful in some respects but less impactful than others compared to the Plan, and its potential impacts related to geology and soils would therefore be about the same as those of the Plan.

h. Greenhouse Gas Emissions

Implementation of the No Project Alternative would result in a lower amount of new, market-driven development that would likely be spread more widely across the Plan Area and would involve less overall development and associated growth than would occur under Plan. Therefore, this alternative would reduce construction related GHG emissions compared to the Plan, but because development would be more dispersed under this alternative and not concentrated in identified focus areas, VMT increase per capita would be greater and cumulative vehicular emissions would be similar to those of the Plan. The land use scenario and the associated GHG emissions envisioned under this alternative would also not be consistent with applicable state regulations that were adopted after the City's current General Plan including City's proposed Climate Action Plan and the SCAG 2020-2045 RTP/SCS. The Plan also contains policies intended to facilitate greater GHG emission reductions than is mandated under the City's current General Plan. The fact that this alternative would not include GHG emissions reduction policies and programs could contribute to increased GHG emissions under this alternative compared to the Plan. Therefore, while the No Project Alternative would result in fewer GHG emissions during construction, other factors discussed above could contribute to increased GHG emissions. Overall, this alternative's greenhouse gas emissions impacts would therefore be similar to those of the Plan.

i. Hazards and Hazardous Materials

The No Project Alternative would result in less development than the Plan, so it would result in slightly less use and transport of hazardous materials than the Plan. This development, however, would still take place in the Plan Area. The City's current General Plan contains policies regarding the handling, storage, and collection of hazardous materials, but the Plan includes additional policies related to hazardous materials transportation routes, partnerships, remediation, education, and emergency plans, which would better prevent exposure to hazardous materials. Therefore, while the No Project Alternative would have less than significant hazardous materials impacts, its overall impacts would be greater than those of the Plan.

j. Hydrology and Water Quality

The No Project Alternative would result in less development than the Plan. Therefore, development under this alternative would result in slightly reduced impervious surfaces and stormwater runoff volumes and velocity as the Plan. Both the City's current General Plan and the Plan contain policies

to reduce potential water quality impacts. Development under this alternative would be subject to the same regulatory requirements, such as NPDES permit requirements, governing runoff and protecting water quality and supply, as development carried out under the Plan. The No Project Alternative, however, would result in a smaller population in 2040, and demand for groundwater would be less than that of the Plan. Impacts to hydrology and water quality under this alternative would be less than those of the Plan.

k. Land Use and Planning

The Plan would be generally consistent with the policies of SCAG's RCP and RTP/SCS for many reasons, including the fact that it would encourage infill development within focus areas located along major transportation corridors that would be well-served by public transit, increase access to open space, and develop "Complete Communities" while protecting stable, existing single-family areas. The No Project Alternative would not be as consistent with these policies because it would not include these Plan features and policies. However, the Plan would also help the City meet its RHNA allocation. The No Project Alternative would reduce residential development compared to the Plan and as a result would not help the City meet its RHNA allocation to the same degree as the Plan. Thus, the No Project Alternative would not be consistent with state policies for the provision of adequate housing represented by the RHNA. The No Project Alternative's overall land use and planning impacts would be similar to those of the Plan.

l. Mineral Resources

The No Project Alternative would result in less development than the Plan. However, development under this alternative would still take place in the Plan Area. Therefore, development under the No Project Alternative could result in development in areas where significant mineral resources exist. However, the Plan Area is already built out and therefore impacts to mineral resources would be highly unlikely and less than significant. The same would be true under the No Project Alternative, so this alternative's overall impact to mineral resources is about the same as that of the Plan.

m. Noise

The No Project Alternative would result in less development than the Plan. Therefore, less construction and associated construction noise and vibration would occur under this alternative than under the Plan, particularly in the identified development areas and housing opportunity sites for the Plan. However, construction noise under this alternative might be spread more widely across the Plan Area. Also, while this alternative would result in less development, the City's current General Plan has fewer operational noise reduction policies and restrictions than the Plan. Furthermore, mitigation measures NOI-1 and NOI-2 would not be included in this alternative. Therefore, impacts under the No Project Alternative would be greater than the Plan.

n. Population and Housing

Under the No Project Alternative, the existing land use designations in the City's current General Plan would continue to define the type of development that occurs in the Plan Area. Implementation of this alternative would accommodate fewer residents and housing units than the Plan, which would increase allowable residential development densities in certain focus areas. Thus, compared to the Plan, the No Project Alternative would result in less population growth, which would be more consistent with SCAG projections for Montclair than projected residential growth under the Plan. The City's current General Plan provides for orderly development and growth. Any displacement of people or housing units under the No Project Alternative would be minimal

because development in the Plan Area would continue pursuant to the existing General Plan. Impacts would be less than those of the Plan.

o. Public Services

Under the No Project Alternative, the existing land use designations in the City's current General Plan would continue to define the type of development that occurs throughout the Plan Area. This alternative would result in less development than the Plan and would therefore generate less demand for fire, police, school, and library services. While the Plan includes policies that direct the City to strive to maintain adequate public service facilities, the City's' current General Plan contains some similar policies. The No Project Alternative would result in a demand for public services already anticipated by existing public service facilities. Impacts under this alternative would be similar to those of the Plan.

p. Recreation

Under the No Project Alternative, the existing land use designations in the City's current General Plan would continue to define the type of development that occurs throughout the Plan Area. This alternative would result in less development than the Plan and would therefore generate less demand for, and demand on, recreational facilities. While the Plan includes policies that direct the City to strive to maintain adequate recreational facilities, the City's current General Plan contains some similar policies. The No Project Alternative would result in a demand for, and demand on, recreational services already anticipated by existing recreational facilities. Impacts would be similar to those of the Plan.

q. Transportation

Under the No Project Alternative, the existing land use designations in the City's current General Plan would continue to define the type of development that occurs throughout the Plan Area. Implementation of the No Project Alternative would result in a lower amount of new, market-driven development that would likely be spread more widely across the Plan Area and would involve less overall development and associated growth than would occur under Plan. Because development would be more dispersed under this alternative and not concentrated in identified focus areas, it would result in greater per capita VMT and would therefore be more inconsistent with CEQA Guidelines Section 15064.3 subdivision (b) than the Plan. The No Project alternative would also not include policies described in Section 4.17, *Transportation* of the Draft EIR that reduce traffic hazards, address emergency access and the circulation system. Therefore, this alternative would result in greater transportation impacts than the Plan.

r. Tribal Cultural Resources

Tribal cultural resources impacts are highly dependent on both the individual project site conditions and the characteristics of the proposed activity. Development carried out under the Plan has the potential to impact unidentified tribal cultural resources. Impacts on tribal cultural resources would be potentially significant but mitigable. Under the No Project Alternative, the existing land use designations in the City's current General Plan would continue to define the type of development that occurs throughout the Plan Area. Because development would occur within the same Plan Area as the Plan, this alternative's potential to encounter tribal cultural resources would be similar to the Plan. This alternative, however, would not include mitigation measures that would protect tribal cultural resources and impacts to tribal cultural resources under the No Project Alternative would be greater than under the Plan.

s. Utilities and Service Systems

Development carried out under the Plan would or may require increased or expanded water supplies and wastewater, stormwater, telecommunications, electric power, and natural gas supplies and facilities; but compliance with policies in the Plan, the Montclair Municipal Code, and other City programs would reduce these impacts to a less than significant level. The No Project Alternative would result in less development and less population increase than the Plan, which would tend to decrease demand on existing utilities and service systems, but it would not include policies from the Plan that address water supply, wastewater, and solid waste. Therefore, impacts under this alternative would be greater than under the Plan.

t. Wildfire

The Plan Area is not in a very high fire hazards severity zone, and the Plan would therefore have no impact related to wildfire. The No Project Alternative would be carried out in the same Plan Area as the Plan and, like the Plan, would not expand the City's development footprint into any mapped areas prone to wildfire hazard. Overall, wildfire impacts under this alternative would be similar to those of the Plan. (Draft EIR, pp. 6-2 through 6-8.)

7.2.1.3. Attainment of Project Objectives

While the Plan preserves the existing pattern of uses in most of the Plan Area, and provides for protection of established neighborhoods, it also identifies focus areas, including downtown areas, corridors and industrial areas that may provide opportunities to transition over time with adjustments in land use, beautification, and place making. In contrast, the No Project Alternative would continue to facilitate development in the same pattern as currently seen in the Plan Area. This pattern of land uses is reflected in the City's current Land Use Map, shown in Figure 4.11-1 of the EIR. Under the Plan, new development would generally result from re-use of properties, infill development on vacant lots, conversion of uses in response to market demand (e.g., select industrial to commercial), and more intense use of land in defined areas. Growth would be redirected to corridors in the Downtown Transit area, various transportation corridors, and the AHMUD, all areas where viable infrastructure is already in place. While new development under the No Project Alternative would also result from re-use of properties, conversion of uses in response to market demand, and development on vacant lots, this alternative would not include as much land zoned for medium-density residential or mixed use development as the focus areas included under the Plan, and new development would therefore be spread throughout the Plan Area rather than in defined areas. Therefore, rather than potentially creating more intense use of land in the geographically well-defined focus areas, a lower amount of new, market-driven development would occur, and development under this alternative would likely be spread more widely across the Plan Area, without the adjustments in land use, beautification, and place making included in the Plan. The No Project Alternative would therefore not meet the project objectives related to these factors. (Draft EIR, pp. 6-2 to 6-8)

7.2.1.4. Finding

The City Council rejects Alternative 1: No Project Alternative, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative fails to meet the Project objectives; (2) the alternative fails to avoid or reduce the Project's significant and unavoidable impacts relating to air quality and cultural resources; and (3) the alternative would result in increased impacts relating to biological resources, cultural resources, energy, hazards and hazardous materials, noise, transportation, tribal cultural resources, and utilities and service systems.

7.2.2. Alternative 2: Reduced Growth

7.2.2.1. Description

The Reduced Growth Alternative (Alternative 2) addresses potential growth-related impacts associated with the Plan. The Reduced Growth Alternative is based in part on a market analysis completed by HR&A Advisors Inc. (HR&A) that analyzed the potential support for development in the City from 2018 to 2040. This alternative assumes Citywide development would be near the “low range” projections included in the market analysis and shown in Table 2-5 of the EIR.

Total development potential under this alternative compared to development potential under the Plan is shown in Table 6-1 of the EIR, reproduced below. Although this alternative would result in less overall development than the Plan, development is assumed to occur in the same general locations as under the Plan, and be subject to the same goals, policies, and development standards as under the Plan.

Table 6-1 Total Development Potential of Reduced Growth Alternative Compared to the Plan

Development Type	Plan	(Reduced Growth Alternative)
Residential	7,580 units	5,325 units
Office Space	600,000 sf	360,000 sf
Industrial/Flex Space	1,900,000 sf	750,000 sf
Hotel/Motel	300 rooms	220 rooms

Source: HR&A Market Analysis

Implementation of the Reduced Growth Alternative would result in development within the Plan Area that would generally meet the project objectives established for the Plan, although in some cases to a lesser degree than the Plan. The amount of new development in the Plan Area over the next 28 years called for under the Plan is based on a market assessment prepared as part of the Plan. This market assessment was also the basis for the goals, policies, and actions contained in Plan Chapter C2, *Our Prosperous Community*. The goal of this chapter is to address how Montclair can attract and retain high-wage and high value enterprises and diversify and increase the local tax base. The Reduced Growth Alternative would not achieve this goal, or the policies and actions designed to help achieve this goal, to as great a degree as the Plan because it would not attract or create as many jobs, create as much economic growth nor increase the local tax base to the same extent as the growth accommodated by the Plan. The Plan would help the City meet its Regional Housing Needs Assessment (RHNA) allocation. The Reduced Growth Alternative would do this to a lesser degree than the Plan. (Draft EIR, p. 6-9)

7.2.2.2. Impacts Analysis

a. Aesthetics

The Reduced Growth Alternative would implement the same policies as the Plan but would involve less residential and non-residential development than the Plan. Although no specific Plan policies related to light control, Municipal Code 11.50.090 addresses design standards that are in place for lighting in Montclair. This alternative would be subject to these same regulations. Therefore, impacts

related to the City's visual character, and light and glare conditions would be less than those of the Plan. There would also be less change to the visual character and light and glare conditions because this alternative would reduce overall development. Less development in the focus areas would result in fewer light sources and slightly reduced light and glare impacts. Impacts to scenic vistas under this alternative would be less than those of the Plan because reduced development would mean fewer buildings partially blocking views. Overall, this alternative's aesthetic impacts would be less than the Plan.

b. Agricultural and Forestry Resources

The Plan Area is fully urbanized, with no areas under agricultural or forestry production. The Plan would not result in conversion of farm or forest land, nor would it conflict with existing zoning for agricultural or forest use and there would be no environment impacts to agricultural resources. The same would be true for the Reduced Growth Alternative and therefore impacts would be the same under either alternative.

c. Air Quality

As with the Plan, impacts to Air Quality would be unavoidable and significant impacts under the Reduced Growth Alternative. Individual developments projects carried out under the Plan would generate construction and operational related emissions that would create a significant and unavoidable impact. The same would be true with the Reduced Growth Alternative. Under this alternative there would be less overall development in the Plan Area and, although individual project emissions would still create significant and unavoidable air quality impacts, this alternative would have less impact on construction and operational emissions than the Plan. However, the Reduced Growth Alternative would result in less development in the identified focus areas and more dispersed development, and VMT per capita would therefore not be reduced to the same degree as under the Plan. Overall, this alternative's air quality impacts would be similar to those of the Plan.

d. Biological Resources

Development carried out under the Plan could potentially adversely affect biological resources and as a result mitigation measures BIO-1 through-BIO-4 would be required. These mitigation measures, along with Plan policies, would reduce impacts to biological resources to a less than significant level. Under the Reduced Growth Alternative less development and construction would take place which would result in reduced impacts to biological resources. The mitigation measures identified in this EIR would also still be applicable. Overall impacts to biological resources would be less than those of the Plan.

e. Cultural Resources

Impacts to Cultural Resources would remain significant and unavoidable under the Reduced Growth Alternative. Impact CUL-1 describes how the plan has the potential to result in a significant impact if development carried out under the Plan would cause a substantial adverse change in the significance of a historical resource. Impact CUL-2 describes how the Plan has the potential to result in a significant impact if development carried out under the Plan caused a substantial adverse change in the significance of an archaeological resource. Under the Reduced Growth Alternative there would be less total development, but development would still be carried out. Although potentially significant impacts to historical and archaeological resources would remain, and these impacts would remain significant and unavoidable, this alternative would have less impact on cultural resources because of the reduced overall amount of development.

f. Energy

The Reduced Growth Alternative would reduce development in the Plan Area compared to the Plan. Less overall development would result in less construction and thus reduced energy consumption for construction vehicles. Similarly, less development would result in less consumption of energy from operational uses including heating and transportation fuel. Like the Plan, the Reduced Growth Alternative would implement new energy efficiency and renewable energy policies that would reduce energy consumption and would be consistent with energy goals and policies contained in the City's proposed Climate Action Plan. Therefore, this alternative would have reduced energy consumption. Overall, this alternative's energy impacts would be less than those of the Plan.

g. Geology and Soils

Under the Reduced Growth Alternative development would occur within the same Plan Area as the Plan. Therefore, development under this alternative would occur on the same geologic units, soils, and slopes as under the Plan. However, development would not be as intensive as the Plan; thus, the potential for loss of topsoil, placement of development atop expansive soils, or accidental discovery of paleontological resources would be reduced under this alternative. Development under this alternative would be required to comply with applicable regulations, such as the California Building Code, the Montclair Municipal Code, and the Clean Water Act. Therefore, under the Reduced Growth Alternative, risks associated with topsoil loss and expansive soils would be less than those of the Plan.

h. Greenhouse Gas Emissions

Implementation of the Reduced Growth Alternative would involve less overall development and associated growth than under the Plan. Therefore, this alternative would have less construction related GHG emissions than the Plan. Additionally, this alternative would result in less total VMT and related GHG emissions. While this alternative would result in fewer sources of GHG emissions, the land use scenario and the associated GHG emissions envisioned under this alternative would also be consistent with applicable state regulations contained in the Plan including City's proposed Climate Action Plan and the SCAG 2020-2045 RTP/SCS. The Plan also contains policies intended to facilitate greater GHG emission reductions which would also be included in the Reduced Growth Alternative. Therefore, the Reduced Growth Alternative would result in reduced GHG emissions, and its impacts in this regard would be less than significant than those of the Plan.

i. Hazards and Hazardous Materials

The Reduced Growth Alternative would result in less development than the Plan. Therefore, development under the Reduced Growth Alternative would result in slightly less use and transport of hazardous materials than the Plan. Development under this alternative would still take place in and affect the Plan Area, but Plan policies related to hazardous materials transportation routes, partnerships, remediation, education, and emergency plans, which would help prevent exposure to hazardous materials, would also be include in this alternative. Therefore, the Reduced Growth Alternative would reduce impacts compared to the Plan.

j. Hydrology and Water Quality

The Reduced Growth Alternative would result in less development than the Plan, while consisting of a similar land use pattern as the Plan. Therefore, development under this alternative could result in slightly less impervious surfaces and stormwater runoff volumes and velocity than the Plan. The Plan contain policies to reduce potential water quality impacts and development, and under this alternative future development would be subject to the same regulatory requirements, such as

NPDES permit requirements, governing runoff and protecting water quality and supply. In addition, the Reduced Growth Alternative would result in a smaller population in 2040, and demand for groundwater would be less than under the Plan. Impacts under this alternative would be less than those of the Plan.

k. Land Use and Planning

The Plan would be generally consistent with the policies of SCAG's RCP and RTP/SCS for many reasons, including the fact that it would encourage infill development within focus areas located along major transportation corridors that would be well-served by public transit, increase access to open space, and develop "Complete Communities" while protecting stable, existing single-family areas. The Plan would also help the City meet its RHNA allocation. The Reduced Growth Alternative would reduce residential development compared to the Plan and as a result would not help the City meet its RHNA allocation to the same degree as the Plan. Thus, the Reduced Growth Alternative would not be consistent with state policies for the provision of adequate housing represented by the RHNA and would therefore have greater impacts related to land use and planning.

l. Mineral Resources

The Reduced Growth Alternative would result in less development than the Plan. However, development under this alternative would still take place in the Plan Area. Therefore, development under this alternative would result in potential for development in areas where significant mineral resources exist. The Plan Area is already built out and therefore impacts to mineral resources would be less than significant. The same would be true under the Reduced Growth Alternative, but because it would involve less total development this alternative would have less potential impact on mineral resources.

m. Noise

The Reduced Growth Alternative would result in less development than the Plan. Therefore, less construction and associated construction noise and vibration would occur under this alternative than under the Plan, particularly in the identified development areas and housing opportunity sites for the Plan. Additionally, noise reduction policies and restrictions included in the Plan would also be included in the Reduced Growth Alternative. Furthermore, mitigation measures NOI-1 and NOI-2 would also be included in this alternative. Therefore, the Reduced Growth Alternative would have reduced noise impacts compared to the Plan.

n. Population and Housing

The Reduced Growth Alternative would result in less residential development than the Plan, which would result in less population growth than the Plan. This alternative would therefore be more consistent with SCAG projections for Montclair than projected residential growth under the Plan. Policies and actions included in the Plan would adequately address the projected population growth and Plan impacts related to population and housing. This alternative would include these policies and actions, and would still provide for the orderly development and growth of the Plan Area. Displacement of people or housing units under the Reduced Growth Alternative may also be reduced because development in the Plan Area would be reduced compared to the Plan. Therefore, the Reduced Growth Alternative's population and housing impacts would be less than those of the Plan.

o. Public Services

The Reduced Growth Alternative would result in less development than the Plan and would therefore generate less demand for fire, police, school, and library services. Additionally, the Plan includes policies that direct the City to strive to maintain adequate public service facilities and the same policies would apply to the Reduced Growth Alternative. Overall, this alternative's public services impacts would be less than those of the Plan.

p. Recreation

The Reduced Growth Alternative would result in less development than the Plan and would therefore generate less demand for, and demand on, recreational facilities. This alternative would also include Plan policies that direct the City to strive to maintain adequate recreational facilities. Therefore, this alternative's impacts to and from recreational facilities would be less than those of the Plan.

q. Transportation

The Reduced Growth Alternative would result in less overall development than the Plan, but development is assumed to occur in the same general locations as under the Plan, and be subject to the same goals, policies, and development standards as under the Plan. The same policies from the Plan regarding transportation and traffic would apply so impacts to traffic hazards, emergency access, and the circulation system would be similar. Per capita (i.e., per service population) VMT would be lower under the Plan than under the No Project Alternative. The improvement in travel efficiency is the result of people making fewer trips and traveling shorter distances due to increase availability of active modes of transportation and better accessibility to destinations by all modes of transportation. The Plan would increase transit-friendly development in identified focus areas which in turn would result in a reduction in per capita VMT. The Reduced Growth Alternative would result in less development in the identified focus areas and therefore VMT per capita would not be reduced to the same degree as under the Plan. Thus, overall transportation impacts under this alternative would be greater than under the Plan.

r. Tribal Cultural Resources

Tribal cultural resources impacts are highly dependent on both the individual project site conditions and the characteristics of the proposed activity. Development carried out under the Plan has the potential to impact unidentified tribal cultural resources. Impacts on tribal cultural resources would be potentially significant but mitigable. The Reduced Growth Alternative would result in less development than the Plan but because development under this alternative would occur within the same Plan Area as the Plan the potential to encounter tribal cultural resources would be similar. This alternative would also include mitigation measures TCR-1 and TCR-2 from this EIR that would protect tribal cultural resources. Therefore, impacts to tribal cultural resources under the Reduced Project Alternative would be similar to those of the Plan.

s. Utilities and Service Systems

Development carried out under the Plan would or may require increased or expanded water supplies and wastewater, stormwater, telecommunications, electric power, and natural gas supplies and facilities. However, compliance with Plan policies, the Montclair Municipal Code, and other City programs would reduce these impacts to a less than significant level. The Reduced Growth Alternative would result in reduced development potential and reduced population increase and decrease demand on existing utilities and service systems. This alternative would also include Plan goals and policies related to water, wastewater, storm water drainage, electricity, and natural gas.

Because of its reduced overall amount of development and continued applicability of Plan policies, this alternative would result in less demand on utilities and service systems than the Plan.

t. Wildfire

The Plan Area is not in a very high fire hazards severity zone, and the Plan would therefore have no impact related to wildfires. The Reduced Growth Alternative would not expand the development footprint of the Plan into any mapped areas prone to wildfire hazard. There would be no impact related to wildfires under either this alternative or the Plan, and wildfire impacts would be the same as under the Plan. (Draft EIR, pp. 6-9 to 6-13)

7.2.2.3. Attainment of Project Objectives

Implementation of the Reduced Growth Alternative would result in development within the Plan Area that would generally meet the project objectives established for the Plan, although in some cases to a lesser degree than the Plan. The amount of new development in the Plan Area over the next 28 years called for under the Plan is based on a market assessment prepared as part of the Plan. This market assessment was also the basis for the goals, policies, and actions contained in Plan Chapter C2, *Our Prosperous Community*. The goal of this chapter is to address how Montclair can attract and retain high-wage and high value enterprises and diversify and increase the local tax base. The Reduced Growth Alternative would not achieve this goal, or the policies and actions designed to help achieve this goal, to as great a degree as the Plan because it would not attract or create as many jobs, create as much economic growth nor increase the local tax base to the same extent as the growth accommodated by the Plan. The Plan would help the City meet its Regional Housing Needs Assessment (RHNA) allocation. The Reduced Growth Alternative would do this to a lesser degree than the Plan. (Draft EIR, p. 6-8)

7.2.2.4. Finding

The City Council rejects Alternative 2: Reduced Growth Alternative, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternative fails to meet the Project objectives to the same extent as the Project; (2) the alternative fails to avoid or reduce the Project's significant and unavoidable impacts relating to air quality and cultural resources; and (3) the alternative would result in increased impacts relating to land use and planning, and transportation.

7.3. Environmentally Superior Alternative

When the two alternatives (No Project and Reduced Growth) are compared to each other and the Plan, the Reduced Growth Alternative would be environmentally superior because apart from greater impacts to Land Use and Planning and Transportation, it would have reduced or similar environmental impacts to the Plan, while the No Project Alternative would result in greater impacts to Biological Resources, Cultural Resources, Energy, Hazards and Hazardous Materials, Noise, Transportation and Traffic, Tribal Cultural Resources and Utilities and Service Systems, with reduced impacts to Air Quality, Hydrology and Water Quality, and Population and Housing. (Draft EIR, p. 6-15)

8. Statement of Overriding Consideration

Where there are significant and unavoidable impacts from a project, pursuant to Section 15093 of the California Code of Regulations, the City of Montclair must "balance, as applicable, the economic,

legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks, when determining whether to approve the project.” The record of those considerations shall include a written statement of overriding considerations that is supported by substantial evidence within the administrative record. A finding consistent with Section 15091(a)(3), that specific economic, legal, social, technological, or other consideration, make infeasible any other mitigation measures or project alternatives that would avoid or lessen this impact to below a level of significance.

The City finds and determines that, as proposed, the majority of the significant impacts of the Plan will be reduced to acceptable levels by implementation of mitigation measures recommended in these findings. However, the City further finds that cumulative impacts to air quality (impacts related to construction and operational emissions) and cultural resources (impacts on historic resources) from the Plan are significant and unavoidable even with implementation of mitigation . Collectively, reasonably foreseeable future development and growth in the City of Montclair may increase criteria air pollutant emissions beyond local and state thresholds and may result in adverse impacts to local and regional air quality and sensitive receptors; and development carried out under the Plan may result in adverse impacts to historic resources. The City further finds that there are no other feasible mitigation measures or feasible project alternatives that will further mitigate, avoid, or reduce to a less-than-significant level these environmental effects.

After due consideration, and in light of the environmental, social, economic, and other considerations identified in the findings, the Plan, and the record as a whole related to the Plan, the City chooses to approve the Plan because, in its independent judgement, the benefits of the Plan as outlined below substantially outweigh the Plan’s potentially significant and unavoidable adverse environmental impacts.

8.1. Benefits of the Plan

The City finds that the Plan, as approved, will have the following economic, social, technological and environmental benefits:

- The Plan updates outdated policies in a manner that meets current legal requirements for General Plans.
- The Plan provides a more user-friendly document that will make use of the General Plan easier for decision makers, staff, and the public.
- The Plan reflects current community goals and preferences as identified during the public outreach process.
- The Plan would emphasize infill and reuse development within City limits with a focus on increasing opportunities for housing development in key areas of the City through increased density and mixed-use projects where appropriate.
- The Plan would support and encourage mobility and broader community goals of safety, health, economic development, and environmental sustainability.
- The Plan would protect the natural resources and scenic assets that define Montclair and promote and ensure equitable access to clean air and water, parks and open space, and develop an integrated green infrastructure.

- The Plan would attract and retain jobs within growth industries; nurture small entrepreneurial businesses; redevelop underutilized properties along key corridors and districts; and build the City's fiscal capacity.
- The Plan would conserve and enhance stable areas, promote contextual infill, and direct new growth to downtown, Arrow Highway Mixed-Use District, and corridors.
- The Plan would promote health and well-being for all through inclusive approaches where healthy habits are encouraged.
- The Plan would promote a safer community by minimizing threats to life from natural and man-caused hazards.
- The Plan would promote and ensure inclusive and equitable access to a range of opportunities for physical activities including parks, open space, and recreation.
- The Plan would enhance Montclair's creative community through strengthening partnerships, integrating public art, creating and enhancing venues; and leveraging our creative economy.
- The Plan meets the objectives of the State of California in promoting affordable housing.

8.2. Findings

For each and all of these reasons, the City of Montclair finds that the benefits of the Plan outweigh its significant and unavoidable environmental effect related to air quality and cultural resources. Therefore, these adverse significant and unavoidable effects are considered to be acceptable by the City of Montclair City Council, which is the decision-making body for the Plan, given the importance of the Plan to the City of Montclair.

9. Statement of Location and Custodian of Documents

Public Resources Code Section 21081.6(a)(2) and Section 15091(e) of the California Code of Regulation requires that the City of Montclair, as the Lead Agency, specify the location and custodian of the documents of other materials that constitute the record of proceedings upon which the decision has been based. The following location is where review of the record may be performed:

City of Montclair
Community Development Department, Planning Division
5111 Benito Street
Montclair, California 91763

The City of Montclair has relied on all of the documents contained within the record of proceedings in reaching its decision on the Plan.

10. Mitigation Monitoring and Reporting Program

As referenced above in the Findings, an MMRP has been prepared for the Plan and is to be adopted concurrently with these findings and statement of overriding considerations pursuant to Public Resources Code Section 21081(a)(1). The MMRP is provided as Appendix F to the Final EIR that will be used by the City of Montclair to track compliance with the project mitigation measures, and is

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also shown below. The MMRP will remain available for public review during the compliance period, which includes pre-construction coordination, construction, and post-construction documentation.

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Mitigation Monitoring and Reporting Program

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Monitoring Frequency	Responsible Agency	Compliance Verification	
					Initial	Date
Air Quality						
MM-AQ-1- Tier 4 and Alternately Fueled Equipment						
All mobile off-road equipment (wheeled or tracked) greater than 50 horsepower used during construction activities shall meet the United States Environmental Protection Agency (USEPA) Tier 4 final standards. Tier 4 certification can be for the original equipment or equipment that is retrofitted to meet the Tier 4 Final standards. In the event of specialized equipment where Tier 4 Final equipment is not commercially available at the time of construction, the equipment shall meet Tier 3 standards at a minimum. Alternative Fuel (natural gas, propane, electric, etc.) construction equipment shall be incorporated where available. Where electric vehicles are feasible, electrical vehicles shall be incorporated into the construction fleet. These requirements shall be incorporated into the contract agreement with the construction contractor. A copy of the equipment's certification or model year specifications shall be available upon request for all equipment onsite. All equipment less than 50 horsepower shall be alternatively fueled. Electricity shall be supplied to the site from the existing power grid to support the electric construction equipment. If connection to the grid is determined to be infeasible for portions of the project, a non-diesel fueled generator shall be used.	Confirm that the actions required under this mitigation measure are implemented for construction activities carried out under the Plan	At beginning of and periodically during construction	Once	City of Montclair Planning Division		

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					Initial	Date
MM-AQ-2: Architectural Coating						
All architectural coating phases shall be extended, or Low/zero VOC coatings shall be implemented such that emissions are reduced to below 75 lbs/day.	During plan check, confirm that architectural coating recommendations as described in this mitigation measure are specified on the project plans for use during construction	Prior to granting building permits	Once	City of Montclair Planning Division		
MM-AQ-3: Hearth						
Multi-family residential developments shall not incorporate wood or natural gas fireplaces. Electric fireplaces are allowable under this mitigation measure.	During plan check, confirm that all multi-family residential projects do not include wood or natural gas fireplace on the project plans	Prior to granting building permits	Once	City of Montclair Planning Division		
Biological Resources						
MM-BIO-1 Pre-Construction Biological Resources Reconnaissance Survey and Reporting						
For projects that require vegetation removal, ground disturbance of unpaved areas, parking or staging of equipment or material on unpaved areas, access routes on unpaved areas, or rehabilitation or construction staging within 300 feet of unpaved areas (except for landscaped developed areas) that contain or have the potential to support special-status species, sensitive natural communities, or suitable habitat to support special-status species, the following shall apply:	1. Confirm that a biological resources reconnaissance survey has been prepared by qualified biologist, consistent with the requirements of this mitigation measure	1. Prior to granting grading permits	1. Once	City of Montclair Planning Division		
	2. If the biologist determines that biological resources may exist onsite, confirm that focused surveys have been prepared consistent with the requirements of this mitigation measure	2. Prior to granting grading permits	2. Once			
	3. If it is determined that biological resources may be impacted by a project, confirm that any necessary mitigation measures identified in the biological resources assessment are carried out, consistent with the requirements of this mitigation measure	3. Prior to granting grading permits	3. Once			
Prior to the issuance of a grading permit, a qualified biologist from a list of qualified wildlife biologists set forth by the City of Montclair shall be retained by the project applicant to conduct a biological resources reconnaissance survey of the site. The qualified biologist shall also meet the California Department of Fish and Wildlife's Biologist surveying qualification requirements for avian species (including burrowing owl) in place at the time of	4. If ESA and/or CESA listed species or wildlife movement corridors are identified by the biological resources assessment confirm that consultation	4. Prior to issuing a development permit	4. Once			

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application for the grading permit. The biological resources assessment shall characterize the biological resources present on the project site and evaluate the presence or absence of sensitive species and habitats. If the biologist determines that special-status plant species may occur, focused surveys for special-status plants shall be completed in accordance with Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW, March 20, 2018) and Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants (USFWS, September 23, 1996). If it is determined that the project site has suitable habitat for special-status wildlife such as burrowing owl, focused surveys shall be conducted to determine presence/absence including species-specific surveys in accordance with CDFW or USFWS protocols for sensitive, State or federally listed species, respectively, that may occur. If the biologist determines that sensitive habitats and/or regulated aquatic resources may be present, additional focused studies to further assess and delineate the habitat (such as a formal jurisdictional determination for wetlands and waters) will be conducted.	with the appropriate agencies, as required under this mitigation measure, takes place				
A report shall be prepared that identifies 1) approximate population size and distribution of any sensitive plant or animal species, 2) any sensitive habitats or sensitive natural communities (such as wetlands or riparian areas), and 3) any potential impacts of proposed project on wildlife corridors. Off-site areas that may be directly or indirectly affected by the individual project shall also be surveyed. The report shall include site location, literature sources, methodology, timing of surveys, vegetation map, site					

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photographs, and descriptions of on-site biological resources (e.g., observed and detected species, as well as an analysis of those species with the potential to occur on-site). The biological resources assessment report and surveys shall be conducted by a qualified biologist, and any special status species surveys shall be conducted according to standard methods of surveying for the species as appropriate.						
If sensitive species and/or habitat are absent from the individual project site and adjacent lands potentially affected by the individual project, a written report substantiating such shall be submitted to the City Planning Division prior to issuance of a grading permit, and the project may proceed without any further biological investigation.						
If it is determined that a special-status species and/or habitats may be impacted by a project, the biological report shall identify additional mitigation measures such as avoidance, minimization, restoration, or compensation to reduce impacts to a less than significant level prior to issuance of a development permit from the City. In the case of ESA and/or CESA listed species consultation with USFWS and/or CDFW shall occur prior to issuance of a development permit from the City to determine measures to address impacts such as avoidance, minimization, restoration, or compensation. In the case of regulated aquatic resources, the USACE, CDFW, and RWQCB will be consulted regarding their respective jurisdictions and any necessary permits obtained prior to issuance of a development permit from the City.						
If the biologist determines that wildlife movement corridors are present on a project site, consultation with the appropriate agency (i.e. City, USFWS, and/or CDFW) shall						

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occur prior to issuance of a development permit from the City to determine measures to address impacts such as avoidance, minimization, restoration, or compensation. The analyses shall also describe project impacts to wildlife movement, considering the existing and post-project opportunities present to wildlife to enter and exit the project site.						
MM-BIO-2 Pre-Construction Bird Surveys, Avoidance, and Notification						
For construction activities initiated during the bird nesting season (February 1 through August 31) involving removal of trees, vegetation or other nesting bird habitat, including abandoned structures and other man-made features, a pre-construction nesting bird survey shall be conducted no more than three days prior to initiation of ground disturbance and vegetation removal activities. The nesting bird pre-construction survey shall be conducted on foot and shall include a 500-foot buffer around the construction site. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in southern California coastal communities (i.e., qualified biologist) selected from a list of qualified wildlife biologists set forth by the City of Montclair. The qualified biologist shall also meet the California Department of Fish and Wildlife's Biologist surveying qualification requirements for avian species (including burrowing owl) in place at the time of application for the grading permit. If nests are found, an avoidance buffer shall be determined by a qualified biologist dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site,	1. Confirm that a pre-construction nesting bird survey has been prepared by a qualified biologist, consistent with the requirements of this mitigation measure 2. If the nests are found, confirm that the requirements of this mitigation measure are enacted on the construction site 3. Confirm that a report summarizing the pre-construction survey(s) prepared by a qualified biologist has been submitted to the City 4. Confirm that project site plans include a statement acknowledging compliance with the federal MBTA and CFGC	1. Prior to construction activities carried out from February 1 through August 31 2. Whenever nests are found 3. Prior to commencement of construction activities 4. Prior to granting building and grading permits	1. Once 			

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					Initial	Date
MM-BIO-3 Pre-Construction Bat Surveys						
To avoid the direct loss of bats that could result from removal of trees and/or structures that are confirmed to support a maternity bat roost (e.g., in cavities, under loose bark or in structures such as bridges and abandoned buildings), tree removal or structure demolition shall be scheduled between October 1 and February 28, outside of the maternity roosting season. If trees and/or structures must be removed during the maternity season (March 1 to September 30), a qualified bat specialist shall conduct a focused survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats.	1. Confirm that tree removal or structure demolition is scheduled between October 1 and February 28	1. Prior to granting building and grading permits	1. Once	City of Montclair Planning Division		
	2. If trees and/or structures must be removed between March 1 to September 30, confirm that a qualified bat specialist has conducted a focused survey	2. Prior to granting building and grading permits	2. Once			
	3. If it is determined that a bat roost may be present, confirm that a Bat Avoidance Plan has been prepared and approved by CDFW	3. Prior to granting building and grading permits	3. Once			
Each tree and/or structure identified as potentially supporting an active maternity roost shall be closely inspected by the bat specialist prior to tree disturbance to determine the presence or absence of roosting bats. If it is determined that a bat roost may be present, a Bat Avoidance Plan shall be prepared and approved by CDFW prior to issuance of a development permit from the City. The Plan shall identify bat survey methods and materials and methods to exclude or prevent bats from using the roost without directly impacting any bats.						

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MM-BIO-4 Worker Environmental Awareness Program and Construction Monitoring						
A biological monitor shall also conduct a pre-project environmental education program for all personnel working at the site, which shall be focused on conditions and protocols necessary to avoid and minimize potential impacts to biological resources. Prior to initiation of all construction activities (including staging and mobilization), all personnel associated with project construction shall attend a Worker Environmental Awareness Program (WEAP) training, conducted by a qualified biologist, to aid workers in recognizing special status biological resources potentially occurring in the project area. This training will include information about the special-status species with potential to occur in the project area. The specifics of this program shall include identification of special-status species and habitats, a description of the regulatory status and general ecological characteristics of special-status resources, and review of the limits of construction and measures required to avoid and minimize impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employees, and other personnel involved with construction of the project. All employees shall sign a form provided by the trainer documenting they have attended the WEAP and understand the information presented to them. The crew foreman shall be responsible for ensuring crew members adhere to the guidelines and restrictions designed to avoid impacts to special-status species and sensitive natural communities.	Confirm that the WEAP training required under this mitigation measure is implemented for individual projects carried out under the Plan by confirming that the City has received a copy of the form signed by all personnel working at the site documenting they have attended the WEAP and understand the information presented to them	Prior to initiation of all construction activities (including staging and mobilization)	Once	City of Montclair Planning Division		

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Cultural Resources						
MM-CUL-1 Historical Resources						
A historical resources evaluation shall be prepared for any discretionary project carried out under the General Plan Update involving the demolition or physical alteration of any building, structure, object, or other built environment feature that is 45 years of age or older. The evaluation shall be prepared by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards (PQS) in architectural history or history. The qualified architectural historian or historian shall conduct an intensive-level evaluation in accordance with the guidelines and best practices promulgated by the State Office of Historic Preservation to identify any potential historical resources within the proposed development site. All properties 45 years of age or older shall be evaluated within their historic context and documented in a report meeting the State Office of Historic Preservation guidelines. All evaluated properties shall be documented on Department of Parks and Recreation Series 523 Forms. The report will be submitted to the City for review and concurrence. If the property is already listed in the NRHP, CRHR, or as a Landmark in Montclair, the historical resources evaluation described above shall not be required. If historical resources are identified within the development site of a proposed development, efforts shall be made to the extent feasible to ensure that impacts are mitigated. Application of mitigation shall generally be overseen by a qualified architectural historian or historic architect	1. Confirm that a historic resources evaluation has been prepared by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards (PQS) in architectural history or history, consistent with the requirements of this mitigation measure	1. Prior to construction and grading activities for any discretionary project carried out under the General Plan Update involving the demolition or physical alteration of any building, structure, object, or other built environment feature that is 45 years of age or older	1. Once	City of Montclair Planning Division		
	2. If historical resources are identified within the project area of a proposed development, confirm that efforts are made, to the extent feasible, to ensure that impacts are mitigated, consistent with the requirements of this mitigation measure	2. Prior to construction and grading activities for each project area containing a historical resource identified by the historic resources evaluation	2. Once			
	3. If historical resources are identified within the project area of a proposed development, confirm that efforts have been made to the greatest extent possible to ensure that the relocation, rehabilitation, or alteration of the resource is consistent with the Secretary of the Interior's Standards for the Treatments of Historic Properties (Standards) and the requirements of this mitigation measure	3. Prior to construction and grading activities for each project area containing a historical resource identified by the historic resources evaluation	3. Once			
	4. If significant historical resources are identified on a development site and compliance with the Standards and or	4. Once prior to, and then periodically during, construction and	4. Once prior to and			

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meeting the PQS, unless unnecessary in the circumstances (e.g., preservation in place). In conjunction with any development application that may affect the historical resource, the historical resources evaluation report shall also identify and specify the treatment of character-defining features and construction activities. Efforts shall be made to the greatest extent feasible to ensure that the relocation, rehabilitation, or alteration of the resource is consistent with the Secretary of the Interior’s Standards for the Treatments of Historic Properties (Standards). In accordance with CEQA, a project that has been determined to conform with the Standards generally would not cause a significant adverse direct or indirect impact to historical resources (14 CCR § 15126.4(b)(1)). Application of the Standards shall be overseen by a qualified architectural historian or historic architect meeting the PQS. In conjunction with any development application that may affect the historical resource, a report identifying and specifying the treatment of character-defining features and construction activities shall be provided to the City for review and concurrence. As applicable, the report shall demonstrate how the project complies with the Standards and be submitted to the City for review and approval prior to the issuance of any permits. If significant historical resources are identified on a development site and compliance with the Standards and or avoidance is not possible, appropriate site-specific mitigation measures shall be established and undertaken. Mitigation measures may include documentation of the historical resource in the form of a Historic American Building Survey (HABS)-Like report.	avoidance is not possible, confirm that appropriate site-specific mitigation measures are established and undertaken, consistent with the requirements of this mitigation measure	and grading activities whenever significant historical resources are identified on a development site and compliance with the Standards and or avoidance is not possible	periodically during construction			

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					Initial	Date
The report shall comply with the Secretary of the Interior’s Standards for Architectural and Engineering Documentation and shall generally follow the HABS Level III requirements, including digital photographic recordation, detailed historic narrative report, and compilation of historic research. The documentation shall be completed by a qualified architectural historian or historian who meets the PQS and submitted to the City prior to issuance of any permits for demolition or alteration of the historical resource.						
	MM-CUL-2 Phase 1 Archaeological Resources Study					
	For any project carried out under the General Plan Update, the City and/or project applicant shall investigate the potential to disturb archaeological resources. If the project will involve any ground disturbance (unless the project site is within soils that can be reliably demonstrated as being non-native or artificial fill) a Phase I cultural resources study shall be performed by a qualified professional meeting the Secretary of the Interior’s (SOI’s) Professional Qualification Standards (PQS) for archaeology (National Park Service 1983). If a project would solely involve the refurbishment of an existing building and no ground disturbance would occur, this measure would not be required. The Phase I cultural resources study shall include a pedestrian survey of the project site and sufficient background research and field sampling to determine whether archaeological resources may be present. Archival research shall include a records search of the South Central Coastal Information Center no more than two years old and a Sacred Lands File search with the	1. If any project carried out under the General Plan Update will involve any ground disturbance (unless the project site is within soils that can be reliably demonstrated as being non-native or artificial fill) confirm that a Phase I cultural resources study consistent with the requirements of this mitigation measure has been performed by a qualified professional meeting the Secretary of the Interior’s (SOI’s) Professional Qualification Standards (PQS) for archaeology (National Park Service 1983), and review and approve this study 2. Make all recommendations of the Phase I technical report Conditions of Approval of the project 3. Confirm that all Conditions of Approval are carried out	1. Prior to issuance of construction and grading permits 2. Once construction and grading permits	1. Once 2. Once 3. Periodically	City of Montclair Planning Division	

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NAHC. The Phase I technical report documenting the study shall include recommendations that must be implemented prior to and/or during construction to avoid or reduce impacts on archaeological resources. The report shall be submitted to the City of Montclair for review and approval prior to the issuance of any grading or construction permits. Recommendations in the Phase I technical report shall be made Conditions of Approval and shall be implemented throughout all ground disturbance activities.	throughout all ground disturbance activities					
MM-CUL-3 Extended Phase 1 Testing						
For any projects proposed within 100 feet of a known archaeological site and/or in areas identified as sensitive by a Phase I study [Mitigation Measure CUL-2], the project applicant shall retain a qualified archaeologist to conduct an Extended Phase I (XPI) study to determine the presence/absence and extent of archaeological resources on the project site. XPI testing should comprise a series of shovel test pits and/or hand augured units and/or mechanical trenching to establish the boundaries of archaeological site(s) on the project site. If the boundaries of the archaeological site are already well understood from previous archaeological work, an XPI will not be required. If the archaeological resource(s) of concern are Native American in origin, the qualified archaeologist shall confer with local California Native American tribe(s). All archaeological excavation shall be conducted by a qualified archaeologist(s) under the direction of a principal investigator meeting the SOI's PQS for archaeology (National Park Service 1983). If an XPI report	<ol style="list-style-type: none"> 1. Confirm that an XPI study has been done by a qualified archaeologist retained by the project applicant if required under this mitigation measure, and review and approve the XPI 2. Confirm that all recommendations of the XPI are carried out throughout all ground disturbance activities 	<ol style="list-style-type: none"> 1. Prior to issuance of construction and grading permits 2. During ground disturbance activities 	<ol style="list-style-type: none"> 1. Once 2. Periodically 	City of Montclair Planning Division		

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					Initial	Date
is prepared, it shall be submitted to the City of Montclair for review and approval prior to the issuance of any grading or construction permits. Recommendations contained therein shall be implemented for all ground disturbance activities.						
MM-CUL-4 Archaeological Site Avoidance						
Any identified archaeological sites (determined after implementing mitigation measures CUL-2 and/or CUL-3) shall be avoided by project-related construction activities, where feasible. A barrier (temporary fencing) and flagging shall be placed between the work location and any resources within 60 feet of a work location to minimize the potential for inadvertent impacts.	Confirm that the avoidance measures described in this mitigation measure are carried out during project-related construction activities	During construction and grading activities	Periodically	City of Montclair Planning Division		
MM-CUL-5 Phase II Site Evaluation						
If the results of any Phase I and/or XPI (mitigation measures CUL-2 and/or CUL-3) indicate the presence of archaeological resources that cannot be avoided by the project (Mitigation Measure CUL-4) and that have not been adequately evaluated for the NRHP or CRHR listing at the project site, the qualified archaeologist shall conduct a Phase II investigation to determine if intact deposits remain and if they may be eligible for the CRHR or qualify as unique archaeological resources. If the archaeological resource(s) of concern are Native American in origin, the qualified archaeologist shall confer with local California Native American tribe(s). A Phase II evaluation shall include any necessary archival research to identify significant historical associations and	1. If the results of any Phase I and/or XPI (mitigation measures CUL-2 and/or CUL-3) indicate the presence of archaeological resources that cannot be avoided by the project (Mitigation Measure CUL-4) and that have not been adequately evaluated for the NRHP or CRHR listing at the project site, confirm that a Phase II cultural resources study consistent with the requirements of this mitigation measure has been performed by a qualified professional meeting the Secretary of the Interior’s (SOI’s) Professional Qualification Standards (PQS) for archaeology (National Park Service 1983), and review and approve this study 2. Make all recommendations of the Phase II technical report Conditions of Approval of the project	1. Prior to issuance of construction and grading permits	1. Once	City of Montclair Planning Division		
		2. Prior to issuance of construction and grading permits	2. Once			

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mapping of surface artifacts, collection of functionally or temporally diagnostic tools and debris, and excavation of a sample of the cultural deposit. The sample excavation will characterize the nature of the sites, define the artifact and feature contents, determine horizontal and vertical boundaries, and retrieve representative samples of artifacts and other remains.	3. Confirm that all Conditions of Approval are carried out throughout all ground disturbance activities	3. During ground disturbance activities	3. Periodically				
If the archeologist and, if applicable, a Native American monitor (see Mitigation Measure TCR-2) or other interested tribal representative determine it is appropriate, cultural materials collected from the site shall be processed and analyzed in a laboratory according to standard archaeological procedures. The age of the materials shall be determined using radiocarbon dating and/or other appropriate procedures; lithic artifacts, faunal remains, and other cultural materials shall be identified and analyzed according to current professional standards. The significance of the sites shall be evaluated according to the criteria of the CRHR. The results of the investigations shall be presented in a technical report following the standards of the California Office of Historic Preservation publication "Archaeological Resource Management Reports: Recommended Content and Format (1990 or latest edition)." The report shall be submitted to the City of Montclair for review and approval prior to the issuance of any grading or construction permits. Recommendations in the Phase II report shall be implemented for all ground disturbance activities.							

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MM-CUL-6 Phase III Data Recovery							
Should the results of the Phase II site evaluation (Mitigation Measure CUL-5) yield resources that meet CHRR significance standards and if the resource cannot be avoided by project construction in accordance with CUL-4, the project applicant shall ensure that all feasible recommendations for mitigation of archaeological impacts are incorporated into the final design and approved by the City of Montclair prior to construction. Any necessary Phase III data recovery excavation, conducted to exhaust the data potential of significant archaeological sites, shall be carried out by a qualified archaeologist meeting the SOI PQS for archaeology according to a research design reviewed and approved by the City of Montclair prepared in advance of fieldwork and using appropriate archaeological field and laboratory methods consistent with the California Office of Historic Preservation Planning Bulletin 5 (1991), Guidelines for Archaeological Research Design, or the latest edition thereof. If the archaeological resource(s) of concern are Native American in origin, the qualified archaeologist shall confer with local California Native American tribe(s). If applicable, a Native American monitor shall be present. As applicable, the final Phase III Data Recovery reports shall be submitted to the City of Montclair prior to issuance of any grading or construction permit. Recommendations contained therein shall be implemented throughout all ground disturbance activities.	1. Confirm that any reports found to be necessary under the requirements of this mitigation measure have been submitted to, and reviewed and approved by, the City of Montclair	1. Prior to issuance of construction and grading permits	1. Once	City of Montclair Planning Division			
	2. Confirm that all feasible recommendations of the reports required under this mitigation measure have been incorporated into the final design of the project and approved by the City of Montclair	2. Prior to issuance of construction and grading permits	2. Once				
	3. Confirm that all feasible recommendations of the reports required under this mitigation measure are carried out as described in this mitigation measure	3. During construction	3. Periodically				

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MM-CUL-7 Cultural Resources Monitoring						
If recommended by Phase I, XPI, Phase II, or Phase III studies [mitigation measures CUL-2, CUL-3, CUL-5, and/or CUL-6], the project applicant shall retain a qualified archaeologist to monitor project-related, ground-disturbing activities. If archaeological resources are encountered during ground-disturbing activities, mitigation measures CUL-4 through CUL-6 shall be implemented, as appropriate.	1. Confirm that the applicant has retained a qualified archaeologist to monitor project-related ground-disturbing activities if required under this mitigation measure	1. Prior to construction and grading activities	1. Once	City of Montclair Planning Division		
	2. Confirm that mitigation measures CUL-4 through CUL-6 are implemented, as appropriate, if archaeological resources are encountered during ground-disturbing activities	2. Per each occurrence of archaeological resources being encountered during ground-disturbing activities	2. Once			
MM-CUL-8 Unanticipated Discovery of Archaeological Resource						
If archaeological resources are encountered during ground-disturbing activities, work within 60 feet shall be halted and the project archaeologist meeting the SOI's Professional Qualification Standards for archaeology (National Park Service 1983) shall immediately evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work may be warranted, such as data recovery excavation, to mitigate any significant impacts to historical resources. Any reports required to document and/or evaluate unanticipated discoveries shall be submitted to the City of Montclair for review and approval. Recommendations contained therein shall be implemented throughout the remainder of ground disturbance activities.	1. Confirm that any reports required to document and/or evaluate unanticipated discoveries have been submitted to the City of Montclair for review and approval	1. Prior to issuance of construction and grading permits	1. Once	City of Montclair Planning Division		
	2. Confirm that recommendations contained therein are implemented throughout the remainder of ground disturbance activities	2. During construction and grading activities	2. Periodically			

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Geology and Soils						
MM-GEO-1 Geotechnical Investigation						
A Certified Engineering Geologist shall complete a geotechnical investigation of the soils and geologic condition of new development project sites located in areas of potential subsidence, as identified by the USGS, to assess the potential for geologic hazards. The investigation shall provide recommendations for appropriate means of mitigating any potential geologic hazards identified, including expansive soils. Project construction shall implement the recommendations contained in the geotechnical investigation, which may include, but not limited to, site preparation, foundation, drainage control, soil corrosion, concrete slabs and flatwork, excavations, grading, and structural design. The geotechnical investigation and the construction plans incorporating its recommendations shall be reviewed and approved by the City of Montclair prior to issuance of construction related permits.	1. Confirm that any geotechnical reports required under this mitigation measure have been submitted to the City of Montclair for review and approval	1. Prior to issuance of construction and grading permits	1. Once	City of Montclair Planning Division		
	2. Confirm that recommendations contained therein are implemented throughout the remainder of ground disturbance activities	2. During construction and grading activities	2. Periodically			
MM-GEO-2 Paleontologist Assessment						
In the event that paleontological resources (fossil materials) or unique geologic features are exposed during construction activities for future development, all construction work occurring within 50 feet of the project site find shall immediately stop until a qualified paleontologist, as defined by the Society of Vertebrate Paleontology, can assess the nature and importance of the find. Depending upon the significance of the find, the paleontologist may record the find and allow work to continue or may recommend salvage and recovery of the resource. All	1. Confirm that construction is stopped until all required paleontological reports are completed	1. Per discovery of any paleontological materials during construction activities	1. Once	City of Montclair Planning Division		
	2. Confirm that all required paleontological reports have been submitted to the City of Montclair for review and approval	2. Per discovery of any paleontological materials during construction activities	2. Once			
	3. Confirm that recommendations contained in the paleontological report for the site are		3. Periodically			

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<p>recommendations shall be made in accordance with the Society of Vertebrate Paleontology's 1995 guidelines and shall be subject to review and approval by the City. Work in the area of the find may only resume upon approval of a qualified paleontologist.</p>	<p>implemented throughout the remainder of ground disturbance activities</p>	<p>3. During construction and grading activities after discovery of paleontological materials on a project site</p>				
Noise						
MM-NOI-1 Pile Driving						
<p>Where future development under the Plan requires the use of pile driving equipment, the developer shall provide the City with a noise and vibration study quantifying potential vibration levels from planned use of the pile driving equipment, and potential vibration impacts on nearby receptors. If vibration from pile driving cannot be reduced to below structural damage or human annoyance levels then an alternative method for construction shall be required at that location. The City shall review and approve the noise and vibration study before it approves the project.</p>	<ol style="list-style-type: none"> 1. Confirm that any required noise and vibration studies have been submitted to the City of Montclair for review and approval 2. Confirm that recommendations contained in any required noise and vibration studies are implemented throughout ground disturbance and construction activities 	<ol style="list-style-type: none"> 1. Prior to issuance of construction and grading permits 2. During construction and grading activities 	<ol style="list-style-type: none"> 1. Once 2. Periodically 	City of Montclair Planning Division		
MM-NOI-2 Operational Activities						
<p>Where future development under the Plan would include operational activities that would result in perceptible offsite vibration, the developer shall provide the City with a noise and vibration study to quantify these vibration levels and their potential impacts on nearby receptors. Vibrational activities that exceed structural damage or human annoyance levels shall be mitigated to below regulatory levels through the implementation of vibration dampening features, increased distance between source and receptor, or other measures applicable</p>	<ol style="list-style-type: none"> 1. Confirm that any required noise and vibration studies have been submitted to the City of Montclair for review and approval 2. Confirm that recommendations contained therein are implemented throughout operation of the project 	<ol style="list-style-type: none"> 1. Prior to issuance of construction and grading permits 2. During project operations 	<ol style="list-style-type: none"> 1. Once 2. Periodically 	City of Montclair Planning Division		

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to the nature of the operation. The City shall review and approve the noise and vibration study before it approves the project.						
Tribal Cultural Resources						
MM-TCR-1 Native American Monitoring						
Prior to the issuance of a grading permit for a proposed project, the City of Montclair (City) shall ensure that the project applicant retains the services of a tribal monitor(s) approved by the Gabrieleño Band of Mission Indians Kizh Nation to provide Native American monitoring during ground-disturbing activities. This provision shall be included on the proposed project contractor's plans and specifications. Ground-disturbing activities are defined by the Gabrieleño Band of Mission Indians Kizh Nation as activities that may include but are not limited to pavement removal, pot-holing or auguring, grubbing, tree removals, borings, grading, excavation, drilling, and/or trenching within the project area. The project site shall be made accessible to the monitor(s), provided adequate notice is given to the construction contractor and that a construction safety hazard does not occur. The monitor(s) shall possess Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. In addition, the monitor(s) shall be required to provide insurance certificates, including liability insurance.	Confirm that a tribal monitor has been approved by the relevant tribes to provide Native American monitoring during ground-disturbing activities, consistent with the requirements of this mitigation measure	Prior to issuance of a grading permit for a project under the Plan	Once	City of Montclair Planning Division		
If evidence of tribal cultural resources is found during ground-disturbing activities, the monitor(s) shall have the capacity to halt construction in the immediate vicinity of the find to recover and/or determine the appropriate plan of recovery for the resource in consultation with a qualified						

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archaeologist. The recovery process shall not unreasonably delay the construction process and must be carried out consistent with CEQA and local regulations. Construction activity shall not be contingent on the presence or availability of a monitor, and construction may proceed regardless of whether or not a monitor is present on site. The monitor shall complete daily monitoring logs that will provide descriptions of the day's activities and general observations and whether the Native American monitor believes they observed a TCR and what action they took. The on-site monitoring shall end when the project site grading and excavation activities are completed or prior to the completion if the monitor has indicated that the site has a low potential for tribal cultural resources.						
MM-TCR-2 Unanticipated Discovery of Tribal Cultural Resources						
Upon discovery of any tribal cultural resources, the Native American monitor has the ability to halt construction activities in the immediate vicinity (within 50 feet) of the find until the find can be assessed. All tribal cultural resources unearthed during project construction activities shall be evaluated by the Native American monitor approved by the Gabrieleño Band of Mission Indians Kizh Nation and a qualified archaeologist. Construction work shall be permitted to continue on other parts of the project site while evaluation and, if necessary, additional investigations and/or preservation measures take place (CEQA Guidelines Section 15064.5(f)). If the resources are Native American in origin, the Gabrieleño Band of Mission Indians Kizh Nation tribe shall coordinate with the landowner regarding treatment and curation of these	<ol style="list-style-type: none"> 1. Confirm construction has been halted per the Native American monitor's assessment 2. Confirm that the avoidance measures described in this mitigation measure have been implemented 	<ol style="list-style-type: none"> 1. Upon the discovery of any tribal cultural resources 2. Throughout construction and grading activities after the discovery of any tribal cultural resource 	<ol style="list-style-type: none"> 1. Once for each occurrence 2. Periodically 	City of Montclair Planning Division		

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resources. If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource," time allotment and funding sufficient to allow for implementation of avoidance measures shall be made available through coordination between the Gabrieleño Band of Mission Indians Kizh Nation and the project applicant. The treatment plan established for the resources shall be in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15064.5(f) for historical resources and Public Resources Code (PRC) Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis.					